

Tynedale Local Development Framework

Supplementary Planning Document

New housing: Planning obligations for sport and play facilities

Adopted 7th March 2006



Tynedale
council

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1 Introduction

- 1.1 Access to open space, sport and recreation facilities is an important aspect of the quality of life for local communities within Tynedale. Opportunities for recreation bring benefits in terms of health and fitness, personal and social development and a sense of community. This applies to informal and passive recreation as well as more organised activity.
- 1.2 As part of the new Local Development Framework for Tynedale, the Council has prepared this Supplementary Planning Document (SPD). Its purpose is to provide guidance on what the Council will seek from housing developers in terms of on site provision of children's play, informal open space and outdoor sports facilities or financial contributions towards such facilities in the area. It will be used to advise housing developers and in making decisions on planning applications for housing. The SPD is based on policies in the adopted Local Plan which are saved until the documents that make up the Local Development Framework are adopted. It does not in itself introduce new principles or policies. The implementation of the SPD will be monitored through the Annual Monitoring Report for the Local Development Framework.
- 1.3 The SPD has been prepared in accordance with regulations, policy and advice relating to the Planning and Compulsory Purchase Act 2004. The Local Plan policies on which the document is based were not originally the subject of a sustainability appraisal. The sustainability appraisal of the SPD policies is therefore largely based on an appraisal of the saved Local Plan policies.

2 Policy Background

2.1 PPG 17 Open space, sport and recreation

This along with the associated companion guide sets out Government policy on open space, sport and recreation in conjunction with new development. It states; ‘...Local authorities should ensure that provision is made for local sports and recreation facilities (either through an increase in the number of facilities or through improvements to existing facilities) where planning permission is granted for new development (especially housing). Planning obligations should be used, where appropriate, to seek increased provision of open spaces and local sports and recreational facilities, and the enhancement of existing facilities’ (para 23). The Guidance states: ‘...Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs’ (para 33).

2.2 PPG 3 Housing

In relation to this issue PPG3 states: ‘...new housing developments should incorporate sufficient provision (of open space and playing fields) where such spaces are not already adequately provided within easy reach of the new housing’ (para 53).

2.3 Circular 05/2005 Planning obligations

The revised circular on planning obligations was issued in July 2005. It gives guidance on the concept and use of planning obligations under s106 of the Town and Country Planning Act. Planning obligations are an established part of the system of determining planning applications. They are normally entered into through a legal agreement between the developer and the Council (references to the developer also include the applicant or landowner where appropriate). They can also be done through a unilateral undertaking by the developer. Such obligations can

be used to **prescribe** the nature of development e.g. requiring a proportion of affordable housing as part of a larger housing development to secure **compensation** from the developer for loss or damage caused by the development e.g. loss of open space or to **mitigate** a development's impact e.g. through increased public transport or recreation provision. Obligations can take the form of a financial contribution in lieu of works being undertaken.

- 2.4 The aims of the circular are to increase transparency, predictability, accountability and speed. The circular emphasises the importance of clear policies in the Local Development Framework to set out circumstances where planning obligations will be sought. Amongst other things it sets out the principle that where contributions are secured towards the provision of facilities it may be appropriate to seek contributions covering maintenance in perpetuity. It also sets out the principle that contributions can be pooled from a number of developments to fund facilities. Authorities are advised to set out standard charges and requirements openly and the use of Supplementary Planning Documents covering these issues is encouraged. A good practice guide will be published in due course.
- 2.5 **The Council's approach**

In terms of play and sports facilities, the basic principle is that new housing creates additional demands on facilities. Where these additional demands cause (or exacerbate existing) deficiencies in the facilities currently available, it is legitimate to seek planning obligations from the developer in mitigation.
- 2.6 In accordance with Circular 05/2005, the Council will only seek to secure planning obligations which are:
 - relevant to planning

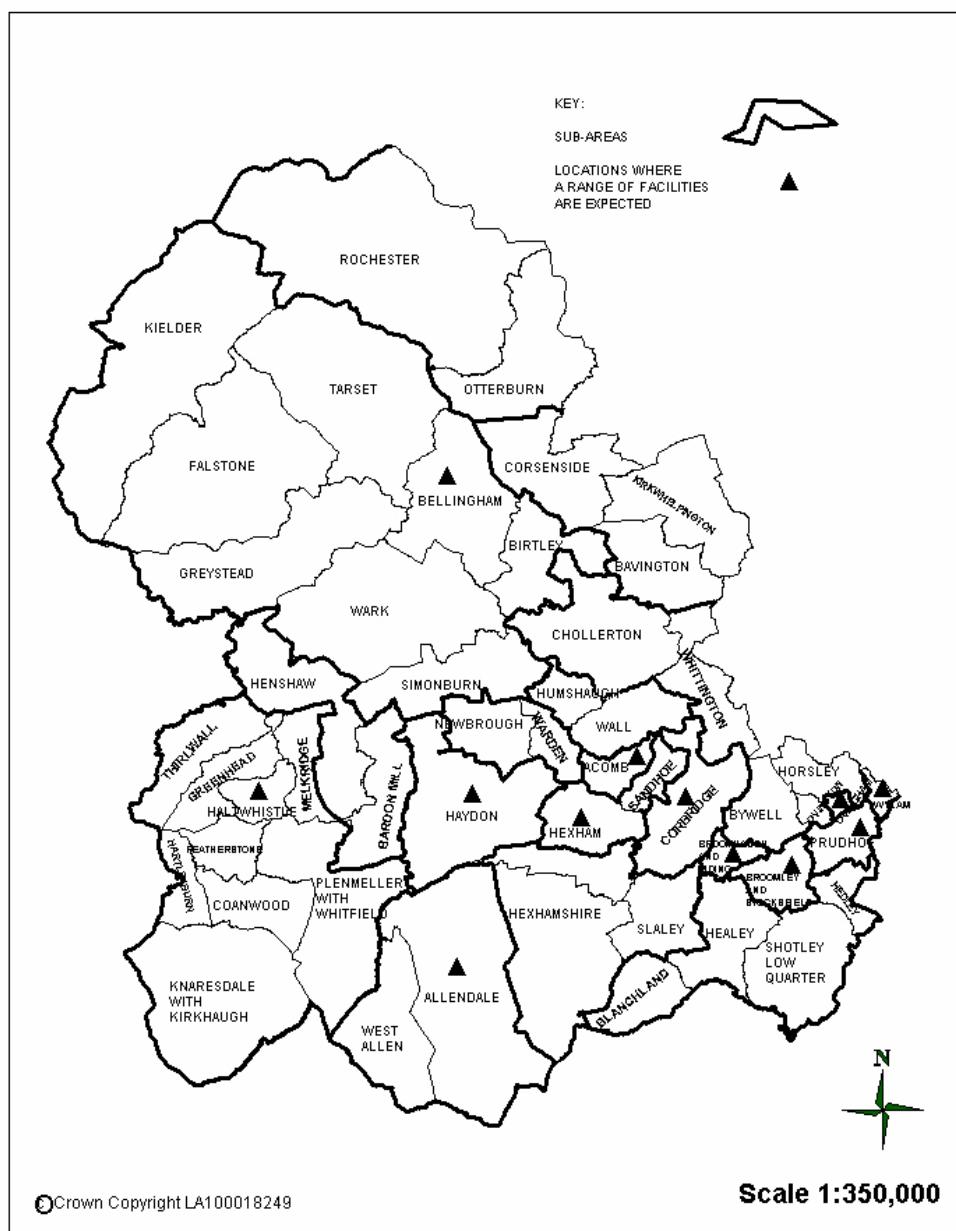
- necessary to make the proposed development acceptable in planning terms
 - directly related to the proposed development
 - fairly and reasonably related in scale and kind to the proposed development
 - reasonable in all other respects
- 2.7 It is important to note that ‘necessary’ extends well beyond what is physically needed to make the development go ahead, and clearly includes broader issues of planning policy.
- 2.8 The use of planning obligations does not mean that planning permission can be bought or sold. Unacceptable development will not be permitted because of benefits offered which are not necessary to make the development acceptable in planning terms.
- 2.9 The guidance in this document relates to the following ‘saved’ policies in the Tynedale District Local Plan, these are set out in Appendix 1:
- Policy GD13 – Compensatory Planning Obligations
- Policy H16 – Housing: Community facilities and infrastructure
- Policy LR11 – Outdoor sports facilities: Provision in new residential development
- Policy LR15 – Children’s play areas: Provision in new residential development
- 2.10 It is intended to replace these policies in documents that will form the Local Development Framework over the next few years. This SPD will be revised accordingly.
- 2.11 The Council has set out its assessment of existing facilities in its Open Space, Sport and Recreation Strategy which was adopted in March

2005 following widespread consultation. This also sets out objectives and a strategy for delivering new and improved facilities across the District. An action plan setting out priorities for new and improved facilities has been developed. This SPD will be key to the implementation of the Strategy and its action plan.

3 The Open Space, Sport and Recreation Strategy

- 3.1 The Open Space, Sport and Recreation Strategy which was adopted in March 2005 identifies where there are deficiencies in the existing provision for children's play / informal open space and for sports facilities. Deficiencies can be in terms of the amount, distribution or quality of facilities. The Strategy has now been followed up by an action plan which sets out a programme of projects for new and improved facilities to overcome these deficiencies.
- 3.2 For children's play and informal open space, deficiencies are identified in the light of the following local standards or objectives:
- There should be at least 0.8 hectares of children's play / informal open space per 1,000 people (based on National Playing Fields Association standards).
 - There should be at least one equipped play area for children in all villages of 100 or more people.
 - In main towns, local centres and other settlements of 750 or more people there should be an appropriate range of children's play and informal open space facilities meeting the needs of different age groups and areas within the settlement. This provision should include at least one Neighbourhood Equipped Area for Play (NEAP) and more in the larger settlements, as well as facilities for youths.
 - Play areas should be safe, equipped to modern standards and accessible.
- 3.3 The assessment of existing facilities against these standards is done for 21 sub areas of the District. These sub areas are based on parishes or groups of parishes as shown on Map 1. The Strategy concludes that there are deficiencies in existing children's play / informal open space facilities in all parts of the District.

Map 1: Spatial Strategy for Children's Play & Informal Open Space



3.4 For sport facilities the local standards or objectives are:

- Deficiencies in playing pitches identified through the Playing Pitch Strategy should be addressed, including a focus on improving the stock of synthetic turf pitches in the District. (The Playing Pitch Strategy was undertaken to look in detail at the provision of and demands for outdoor sports pitches)
- Main towns and local centres should provide key sports facilities including those of a District level.
- There should be an appropriate network of more localised sports facilities in villages across the District.
- Facilities at high and middle schools should be developed and enhanced for wider community use, in particular the potential replacement of school buildings over the next decade is an opportunity to provide top quality sports facilities for school and community use.
- Sports facilities should be to a standard suitable for their role and include changing / ancillary facilities as appropriate.

3.5 The Strategy identifies the three main towns of Hexham, Prudhoe and Haltwhistle as the places where major sports facilities should continue to be provided including those of District wide importance. It also recognises the valuable role that the Local Centres of Allendale, Bellingham, Corbridge and Haydon Bridge have in providing sports facilities for a wider area. There is however a network of smaller scale facilities in villages throughout the District which provide opportunities for sport on a more local level. The Strategy concludes that there are deficiencies in existing sports facilities across the District.

4 The Council's requirements

Basic principles

- 4.1 As explained above new housing places additional demands on play / informal open space, indoor and outdoor sports facilities and there are currently deficiencies in such facilities across the whole District. The Council will however only seek planning obligations for children's play / informal open space and outdoor sports facilities when new housing is proposed. The obligations will be applied to proposals involving a net increase in the number of dwellings (including changes of use of existing buildings to residential).
- 4.2 Providing facilities on site is not always appropriate particularly when the housing development is relatively small. In the case of outdoor sports facilities the scale of development needed to generate meaningful on site facilities is very unlikely in Tynedale. In the case of children's play / informal open space on site provision will not be sought on developments of less than ten dwellings. Where on site provision is not appropriate a financial contribution towards the provision or improvement of facilities in the area will be sought instead.
- 4.3 In the case of affordable housing being developed by a Registered Social Landlord, the Council will take into account the potential effect of these requirements on the financial viability of the scheme and may be prepared to waive the requirements if it is satisfied that the scheme would not go ahead otherwise.
- 4.4 Where the terms of the planning permission formally restrict the occupation of the dwellings to those over 55 years old there will be no requirements for children's play facilities.

- 4.5 It is important to note that the provision of recreational open space does not remove the need for appropriate landscaping within developments for visual amenity and design purposes.
- 4.6 When new facilities are provided or existing ones are upgraded it is important that the ongoing costs of maintenance are taken into account. Developers will therefore be expected to make a contribution equivalent to 25 years maintenance costs where a) they are providing on site facilities and asking the Council (or another appropriate body) to take on responsibility for management and maintenance or b) making a financial contribution to the capital costs of provision of facilities in the area.

Calculating the requirements

- 4.7 To enable the requirements to be applied consistently they are calculated per dwelling taking account of the number of bedrooms. This can be related back to the average number of people expected to live in the development and standards per population. It is assumed that a one bedroom dwelling would accommodate one person, a two bedroom dwelling two people etc.
- 4.8 Where a financial contribution is to be sought rather than on site provision this is based on typical costs of providing and maintaining facilities. The current costs of providing such facilities and the subsequent contributions expected per dwelling are set out in the attached “Annex A – Financial contributions towards the provision and maintenance of children’s play, informal open space and outdoor sports facilities”. This annex will be updated annually as of the 31st March taking into account inflation.

A) Children's play and informal open space

4.9 The requirements for children's play and informal open space are based on the need for at least 0.8 ha of space per 1,000 people. This equates to 8m² per person. Based on assumptions about the number of people on average per dwelling the following requirements will be applied where on site provision of children's play and informal open space is appropriate. The exact details of provision on each site will be discussed with the developer, however it will usually be the case that the Council will seek some form of play area equipped to an appropriate standard where on site provision is sought.

The amount of children's play and informal open space required for on site provision

Dwelling size	Space required per dwelling
1 bedroom	8m ²
2 bedrooms	16m ²
3 bedrooms	24m ²
4 or more bedrooms	32m ²

4.10 The National Playing Fields Association standard of 0.8 ha per 1,000 people used as a basis for local standards is broken down into 0.3 ha for equipped children's play areas and 0.5 ha for informal space. This equates to 3m² per person for equipped play areas and 5m² per person for informal space.

4.11 The cost of providing and maintaining equipped play areas depends on the type and quality of facility and the potential level of usage. Play areas fall into three basic categories:

Local Area for Play (LAP)	Small area specifically designed for young children / toddlers (approx. 100m ²)
Local Equipped Area for Play (LEAP)	Area for children of early school age with at least 5 pieces of equipment (approx. 400m ²)
Neighbourhood Equipped Area for Play (NEAP)	Area mainly for older children but with opportunities for younger children. At least 8 pieces of equipment and space for active play / wheeled sports (approx. 1,000m ²)

4.12 As a basis for determining financial contributions from developers the typical cost per m² of providing a Local Equipped Area for Play (LEAP) is used as this is the mid range facility.

B) Outdoor sports facilities

4.13 For outdoor sports facilities e.g. football pitches or bowling greens, it is very unlikely that there will be housing developments in Tynedale large enough to justify meaningful on site provision. Financial contributions towards the provision or improvement of facilities in the area will therefore be sought.

4.14 These contributions are calculated using the NPFA standards of 1.6 ha of outdoor sports space per 1,000 people i.e. 16m² per person and the costs of providing such facilities as set out in Annex A. The equivalent amount of outdoor sport space is set out below:

The amount of outdoor sports space per dwelling

Dwelling size	Space required per dwelling
1 bedroom	16m ²
2 bedrooms	32m ²
3 bedrooms	48m ²
4 or more bedrooms	64m ²

4.15 The Council accepts that outdoor sports facilities contribute to the community's needs in a wider sense and it is unreasonable to ask developers to meet the full costs of provision. The amounts sought will therefore be based on a contribution of two thirds of the total costs of facilities.

Applying the requirements

4.16 The Council will make potential developers / applicants aware of the requirements as early as possible in the development process and will produce standard legal agreements to speed up the process (S.106 agreements). Where a financial contribution has been agreed in place of on site provision the developer will also be given the option of making a payment without the need for a legal agreement. The Council will not be prepared to issue planning consent without an appropriate legal agreement or other undertaking by the developer. The rates of financial contributions applied will be those that exist at the time a valid planning application is received.

How will the contributions be spent?

4.17 The financial contributions made by developers will be paid to Tynedale Council and held specifically in a fund for use in providing new or improved facilities. Contributions towards children's play / informal open space and outdoor sport facilities will be held independently as will contributions towards long term maintenance in each category. Funds will be spent through grant aid to Parish / Town Councils, sports clubs and other local organisations or by Tynedale Council where it is undertaking a project directly. Funds will not be transferred for other purposes. The Open Space, Sport and Recreation Strategy and its associated action plan will provide the framework for using contributions collected from developers to fund projects. The Council will agree to a clause in the legal agreement to payback unspent funds after a reasonable amount of time if this is considered necessary by the developer.

A) Children's play / informal open space

4.18 In the case of children's play / informal open space, the contributions will be held in a fund for each of the 21 sub areas shown on Map1 and only spent in the sub area from which they were generated. The parishes in the sub areas are set out below:

Area	Constituent Parishes
1	Hexham, Sandhoe
2	Prudhoe (including Mickley)
3	Haydon Bridge
4	Corbridge
5	Allendale, West Allen
6	Hexhamshire / Slaley
7	Blanchland, Healey, Hedley, Shotley Low Quarter
8	Broomhaugh and Riding
9	Broomley and Stocksfield
10	Bywell, Horsley, Ovington
11	Ovingham
12	Wylam
13	Haltwhistle, Coanwood, Featherstone, Greenhead, Hartleyburn, Knaresdale with Kirkhaugh, Melkridge, Plenmeller with Whitfield, Thirlwall
14	Bardon Mill, Henshaw
15	Newbrough, Warden
16	Acomb
17	Humshaugh, Wall
18	Chollerton, Whittington
19	Bavington, Corsenside, Kirkwhelpington
20	Otterburn, Rochester
21	Bellingham, Birtley, Falstone, Kielder, Simonburn, Tasset and Greystead, Wark

B) Outdoor sports

4.19 Inevitably outdoor sports facilities serve a wider area and particularly any significant facilities tend to be concentrated in larger towns and villages. Contributions will therefore be held in a fund for each of the 7 sub areas below based on main towns and local centres Map 2 illustrates these areas. The funds will be spent on the basis of the action plan for the Open Space, Sport and Recreation Strategy to ensure a fair geographical distribution.

Area based on	Constituent Parishes
Hexham	Hexham, Sandhoe, Hexhamshire, Slaley, Acomb, Warden, Humshaugh, Wall, Chollerton, Blanchland
Prudhoe	Prudhoe (including Mickley), Hedley, Shotley Low Quarter, Broomley and Stocksfield, Horsley, Ovington, Ovingham, Wylam
Haltwhistle	Haltwhistle, Coanwood, Featherstone, Greenhead, Hartleyburn, Knaresdale with Kirkhaugh, Melkridge, Plenmeller with Whitfield, Thirlwall, Bardon Mill, Henshaw
Bellingham	Bellingham, Birtley, Falstone, Kielder, Simonburn, Tarset and Greystead, Wark, Otterburn, Rochester, Bavington, Corsenside, Kirkwhelpington
Allendale	Allendale, West Allen
Corbridge	Corbridge, Whittington, Bywell, Broomhaugh and Riding, Healey
Haydon Bridge	Haydon Bridge, Newbrough

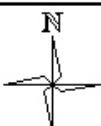
Map 2: Areas for Outdoor Sports Funds



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Scale 1:350,000

Appendix 1

Relevant policies from the Tynedale District Local Plan

Policy GD13

Planning conditions will be imposed and/or obligations sought to remedy genuine planning problems and enhance the quality of development.

Conditions will be imposed and/or planning obligations sought where necessary in connection with the proposed development to ensure that:

- (a) the particular facilities required for a proposed development, including the provision of necessary infrastructure and community facilities are met; and
- (b) any damaging impact on the environment or local amenity arising from the proposed development can be overcome.

The nature of any planning obligation will be fairly and reasonably related in scale and kind to the proposed development.

In some cases it may be necessary, when examining the consequences of a proposed development, to view its effects in combination with other related development proposals. In such cases, it may be appropriate for a number of developers to contribute jointly to an improved facility.

Policy H16

On all sites for residential development developers will be expected to provide or contribute towards the infrastructural requirements of the development and the provision of necessary community facilities e.g. small areas of open space, social, educational, recreational or sporting facilities, in the locality. Developers may be expected to provide commuted maintenance payments in respect of additional highway works; public transport funding; and/or small areas of open space, children's play space or landscaping related to the development.

(Policy continues with specific requirements to be applied to sites allocated for housing)

Policy LR11

For every 1 ha of land developed or redeveloped for residential purposes at least 1,000 sq.m. of land should be made directly available either on, or off site for sport or recreational uses as part of the development. Such land should:

- (a) be located within or close to existing built up areas; and
- (b) be equipped to a standard acceptable to the Council; and
- (c) be subject to appropriate planning conditions and/or planning obligations will be sought where necessary to ensure that the land will be maintained and remain available for sport or recreational use.

On sites under 1 ha (25 dwellings) a proportion of this standard will be expected.

Policy LR15

For every hectare of land developed or redeveloped for family housing purposes, at least 400 sq.m. should be made available for children's play space. The type of play space provided will depend on local circumstances but should consist of a range of facilities within the development intended to meet a variety of needs for different age groups, and should include the following:

"Local Areas for Play"

These should:

- (a) be located within the development so that no home is located more than 100 metres by foot from the sites; and
- (b) be located to enable supervision by surrounding dwellings.

"Local Equipped Areas for Play"

These should:

- (c) be located within the development so that no home is located more than 400 metres by foot from the site; and
- (d) be located to enable supervision by surrounding dwellings (or from well used pedestrian routes); and
- (e) be equipped to a standard acceptable to the Council to provide for safe and constructive play.

"Neighbourhood Equipped Areas for Play"

These should:

- (f) be located so that no home is located more than 1000 metres by foot from the site; and
- (g) be equipped to a standard acceptable to the Council to provide for safe and constructive play.

All types of children's play space should:

- (h) be designed to enhance the character of the area; and
- (i) be pleasantly situated and landscaped to provide an attractive and safe environment for play; and
- (j) not be located to cause nuisance to residents of properties not designed for occupation by families; and
- (k) not be located where access or traffic may cause safety problems; and
- (l) be subject to appropriate planning conditions and/or planning obligations will be sought where necessary to ensure that the land will be maintained and remain available for children's play.

On sites under 1 hectare (25 dwellings) a proportion of this requirement will be expected.

Annex A

Tynedale Council Supplementary Planning Document New housing: Planning obligations for sport and play facilities

Financial contributions towards the provision and maintenance of children's play, informal open space and outdoor sports facilities (September 2005)

A) Children's play and informal open space

Costs of provision

Typical cost of providing a 400m ² Local Equipped Area for Play (LEAP)	£35,000
Cost per m ² to provide a LEAP	£88
Cost per m ² to provide informal open space	£5

Source: Tynedale Council

Costs of maintenance

Typical cost of maintaining a 400m ² Local Equipped Area for Play (LEAP) for 25 years (medium use)	£43,800
Cost per m ² to maintain a LEAP for 25 years (medium use)	£110
Cost per m ² to maintain informal open space for 25 years	£15

Source: Tynedale Council

Using the 8m² per person standard set out in the SPD along with the assumptions about the number of people per dwelling and splitting this between equipped play areas (3m²) and informal open space (5m²) the following contributions will be applied:

Contributions per dwelling

Dwelling size	Providing equipped play area	Providing informal open space	Maintaining equipped play area	Maintaining informal open space	Total maintenance only	Total provision and maintenance
1 bedroom	£264	£25	£330	£75	£405	£694
2 bedrooms	£528	£50	£660	£150	£810	£1,388
3 bedrooms	£792	£75	£990	£225	£1,215	£2,082
4 or more bedrooms	£1,056	£100	£1,320	£300	£1,620	£2,776

B) Outdoor sports facilities

Costs of provision

Estimated cost of providing 4 x football pitches (74m x 110m each) and changing facilities ¹ (total area 32,560m ²)	£734,000
Cost per m ² to provide outdoor sports facilities	£23

¹ Based on assumption that given the range of facilities likely to be provided, on average one changing facility to Sport England standard would be provided for every four pitches

Source: Sport England / Tynedale Council

Costs of maintenance

Typical cost of maintaining a football pitch (74m x 110m) for 25 years	£111,450
Cost per m ² to maintain outdoor sport facilities for 25 years	£14

Source: Tynedale Council

Using the 16m² per person standard set out in the SPD along with the assumptions about the number of people per dwelling the following contributions will be applied taking into account the fact that only two thirds of the total costs will be sought from developers:

Contributions per dwelling

Dwelling size	Providing outdoor sports facilities	Maintaining outdoor sports facilities	Total provision and maintenance costs	Contribution sought (two thirds of total cost)
1 bedroom	£368	£224	£592	£394
2 bedrooms	£736	£448	£1,184	£788
3 bedrooms	£1,104	£672	£1,776	£1,182
4 or more bedrooms	£1,472	£896	£2,368	£1,576

Summary of contributions

The following financial contributions will therefore be sought in relation to housing developments involving a net increase in the number of dwellings including the change of use of existing buildings to residential use. The contributions relate to the costs of providing and maintaining facilities for 25 years. Where the developer is providing facilities on site (this would only apply to children's play areas / informal open space on developments of 10 or more dwellings) the maintenance costs set out above will be applied.

Number of dwellings in development	Dwelling size	Contribution to play / informal open space per dwelling	Contribution to outdoor sport per dwelling	Total contribution per dwelling
Less than ten	1 bedroom	£694	£394	£1,088
	2 bedrooms	£1,388	£788	£2,176
	3 bedrooms	£2,082	£1,182	£3,264
	4 or more bedrooms	£2,776	£1,576	£4,352
Ten or more	1 bedroom	On site provision required	£394	£394 plus on site provision
	2 bedrooms	On site provision required	£788	£788 plus on site provision
	3 bedrooms	On site provision required	£1,182	£1,182 plus on site provision
	4 or more bedrooms	On site provision required	£1,576	£1,576 plus on site provision