
Planning Committee

26th April 2007

Report of the Director of City Strategy

Commuted Sum Payments for Open Space in New Developments

Summary

1. This report seeks Members approval for York based commuted sum payments towards open space provision in new developments. It asks Members to approve a more structured commuted sum payments process than presently used for planning applications relating to residential, employment, retail and leisure uses where appropriate. The proposed commuted sum payments will form an interim basis for decision making in development control, until the Local Development Framework is sufficiently advanced to be used for deciding planning applications.
2. Members of the Local Development Framework Working Group considered this issue on the 4th December 2006 and agreed that the commuted sum figures be recommended to Planning Committee for approval with amendments, as set out in the Minutes to that meeting (as shown in Appendix B of this report). The commuted sums have now been updated and account taken of inflation, as at 1st April 2007.

Background

3. Policy L1c - Provision of New Open Space in Development (attached in Annex A) was approved by Members in April 2005, as part of the 4th Set of Changes to the Local Plan. This policy outlines that in certain circumstances, a commuted sum payment may be acceptable instead of on-site provision. However, the policy does not specify the amount of commuted sum payment in monetary form.
4. Officers are to date applying policy L1c, but are considering costs on a site by site basis in consultation with the Head of Parks & Open Spaces within the Learning, Culture and Children's Services Directorate of the Council. However, it was felt necessary to establish an approach which is more transparent for applicants and developers.
5. Therefore, to support this approach, officers developed a set of robust commuted sum figures for children's equipped open space, informal open space and outdoor sports facilities. These are based on a sample of actual schemes undertaken within the City of York, in 2005/6 and 2006/7 involving children's equipped playspace, amenity open space and outdoor sports

pitches. Inflation (at 3.2%), for the financial year from 1st April 2007 has been added to these average figures, based on the Royal Institute of Chartered Surveyors - Building Costs Information Service Tender Price Index. These are shown in Annex C of this report.

6. A set of Commuted sum payment figures were included in the Draft Open Space SPG, considered by Members at Planning Committee on 24th May 2006 (although they have subsequently been updated). A decision to approve the SPG was deferred pending the outcome of a PPG17 Assessment, at the LDF Working Group on 24th August 2006. The PPG17 Assessment would also provide a structure regarding where commuted sum payments would be spent - therefore, it would not be possible to include information on where such monies would be spent until the PPG17 Assessment has been completed.
7. However, in the interest of transparency, officers consider it important to approve a set of commuted sum payment figures for open space provision. It is therefore considered that the commuted sum figures could be approved without prejudicing the outcomes of the PPG17 Assessment or the draft SPG.
8. A report was taken to the LDF Working Group on 4th December 2006, which outlined this approach and the commuted sum figures for the financial year April 2006 – March 2007. Members of the LDF Working Group considered the issues and their recommendations are shown in Annex B to this report. They suggested a number of amendments to the document, as outlined in paragraphs 9 – 12 below.
9. Firstly, members recommended that the words “in most situations” at the beginning of the second paragraph on residential developments should be replaced by reference to developments of less than 10 dwellings and more than 10 dwellings where there is not enough space to meet open space requirements on site, as set out in policy L1c. In order to meet this recommendation, officers have reconsidered the wording of the second paragraph and have amended it to clarify that developments of under 10 dwellings, and those of 10 or more dwellings which cannot physically accommodate open space to the proposed standard, will need to provide a commuted sum in lieu of provision on-site.
10. Secondly, members recommended that the heading of the table should clarify that the commuted sum required per dwelling excludes the land cost element. In order to meet this recommendation, the words *‘excluding the land cost element’* have been added to the heading of the table.
11. Thirdly, members recommended that the footnote to the table should be amended to clarify that the prices will be increased annually in line with the Building Costs Information Service Tender Price Index each April. This has been addressed by adding the wording *‘Prices will be increased annually in line with the Building Costs Information Service Tender Price Index each April’*.
12. Fourthly, members recommended that wording should be added to clarify that inflation to the time of payment must be added to the figures. This has been addressed by the addition of a paragraph to clarify this issue.

13. It should be noted, that the figures quoted in this report and proposed commuted sum payment document have been updated since the LDF Working Group on 4th December 2006 to reflect updated information available.
14. In terms of employment, retail and leisure use, of 2,500m² gross floor space or greater, amenity open space will be required, based on the number of employees within the scheme. However, subsequent to the LDF Working group meeting on 4th December 2006, the issue of establishing the number of employees in a proposed scheme has arisen, since not all planning applications state the proposed number of employees. In order to address this, it is proposed that where the number of employees cannot be established, average densities for B1, B2 or B8 uses will be used, as follows:

Proposed Use Class	Number of employees per hectare
B1 (Business) uses within the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005)	667
B1 (Business) uses outside the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005)	200
B2 (General industrial) uses	133
B8 (Distribution or storage) uses	100

These figures are based on officers understanding of average densities on B1 / B2 / B8 schemes undertaken within the City of York.

15. In schemes which don't specify the breakdown of B1 / B2 / B8, the number of employees used in calculating the required commuted sum payments will be based on the highest number of employees per hectare.
16. Due to the diversity of possible uses within retail and leisure proposals over 2,500m² gross floorspace, it is difficult to establish the average number of employees. Therefore, where retail and leisure uses are proposed, officers will establish an estimate of the number of employees through discussion with the applicant.

Consultation

17. As previously indicated in paragraph 6 above, this approach was included in the draft Open Space SPG. Public consultation on the consultation draft of the SPG took place between 21st November 2005 and 13th January 2006. In total, 120 objections and supports on all aspect of the SPG were received. Seven key issues were raised specifically in terms of commuted sum payments. These issues, together with Officers responses, these are shown on Annex E.

18. Through the consultation process, some respondents claimed that the figures included at the time of the draft Open Space SPG were too high. However, the figures for children's equipped play space, informal amenity open space and outdoor sports facilities, quoted in the SPG were derived from a range of schemes for children's play space, amenity open space and sports pitches, undertaken in the City during 2005 and 2006, giving an average costing. In relation to sports pitches, the figure is taken from a range of sports pitches, not just football. To ensure that payments from developers keep pace with inflation, it is proposed that these costs are updated on 1st April of each year. This will be based on the Building Cost Information Service Tender Price Index 3rd Quarter Figures, provided by the Royal Institute for Chartered Surveyors.

Options

19. There are two options for members to consider: Firstly, approve a set of commuted sum payment figures (updated annually) to accompany policy L1c, as recommended by the Local Development Framework Working Group. Secondly, to continue applying commuted sum figures, on a site by site basis, through consultation with officers in the Lifelong Learning and Leisure Directorate of the Council.

Analysis

20. If option 1 (Approve the commuted sum payments as outlined in Annex D of this report for development control purposes) were to be agreed, this would be based on up to date figures, and would be updated annually in April. Consequently, this would give a degree of certainty and accountability towards the Council's approach towards requiring commuted sum payments towards open space, and would strengthen the Council's case at planning appeals, by quoting figures approved by Members. However, because some of the figures may be higher than those figures already used, developers may be reluctant to agree to such figures.
21. However, if option 2 (Continue using the commuted sum figures, on a site by site basis) were to be agreed by Members, it would give less certainty and accountability to the commuted sum process, but would be more flexible towards site and developer circumstances.
22. Based on the above considerations, officers, consider that Option 1 above (Approve the commuted sum figures as outlined in Annex B of this report) would be the most appropriate option to take at this stage.

Corporate Priorities

23. The option outlined above accords with the following Corporate Strategy Priorities:
 - Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces;

- Improve the health and lifestyles of people who live in York, in particular among groups whose levels of health are the poorest.

Implications

24. The following implications have been assessed.
- **Financial** – *Proposal is would give certainty, clarity and accountability to the amount of money the Council receives from commuted sum payments for open space.*
 - **Human Resources (HR)** - *None*
 - **Equalities** - *None*
 - **Legal** – *The proposal has been agreed by Legal Services*
 - **Crime and Disorder** - *None*
 - **Information Technology (IT)** - *None*
 - **Property** - *None*
 - **Other**

Risk Management

25. There are no know risks in this proposal

Recommendations

26. Members are asked to:
- 1) Approve the approach to Commuted Sum payments and the attached note, as set out in Annex D to this report to support the application of Policy L1c of the 4th Set of Changes to the City of York Local Plan.

Reason: To give certainty, clarity and accountability towards the Council's approach towards requiring commuted sum payments towards open space.

Contact Details

Author:

Author's name

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City Development
(01904) 551464

Chief Officer Responsible for the report:

Chief Officer's name

Bill Woolley
Director of City Strategy

Report Approved

Date 17/4/07

Report Approved

Date Insert Date

Specialist Implications Officer(s) *List information for all*

Legal Services

Name: Martin Blythe
Title: Senior Assistant Solicitor
Tel No. 551044

Financial

Name: Dave Meigh
Title: Head of Parks and Open Spaces
Tel No. 553386

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- a) Draft Supplementary Planning Guidance: Open Space in New Developments – A Guide for Developers (24th May 2006);
- b) Planning Committee Report – Open Space in new developments – a guide for developers (24th May 2006):
- c) LDF Working Group Report – Open Space Supplementary Planning Guidance update (24th August 2006)
- d) LDF Working Group Report - Commuted Sum Payments for Open Space in New Developments (4th December 2006)

Annexes

Annex A – Policy L1c (Provision of New Open Space in Development) from the 4th Set of Changes to the City of York Local Plan;

Annex B - Minutes to LDF Working Group Report (4th December 2006) – 'Commuted Sum Payments for Open Space in New Developments'

Annex C - Proposed Section 106 payments based on actual costed schemes in York 2005/6 and 2006/7;

Annex D - Document 'Commuted Sum Payments for Open Space in New Developments':

Annex E - Summary of comments on Commuted Sum Payments received to the Consultation Draft Open Space SPG.

Annex A: City of York Draft Local Plan Incorporating the 4th Set of Changes (April 2005)
Policy L1c (Provision of New Open Space in Development)

Developments for all housing sites or commercial proposals over 2,500m² gross floor space will be required to make provision for the open space needs of future occupiers. This should be provided in addition to any area required for landscaping.

For sites of less than 10 dwellings a commuted sum payment will be required towards off site provision.

For sites of 10 or more dwellings, an assessment of existing open space provision accessible to the proposed development site including its capacity to absorb additional usage will be undertaken. This is to ascertain the type of open space required and whether on-site or a commuted sum payment for off-site provision is more appropriate (this will include the cost of land purchase), based on individual site circumstances.

The level of provision or commuted sum equivalent will be based on the following figures (a breakdown of these figures for each dwelling will be provided in a Supplementary Planning Guidance document covering open space).

The following provision of open space (or commuted sum equivalent) will be required:

- a) 0.9ha per 1,000 population / or 1,000 employees of informal amenity open space;

In addition, for housing developments:

- b) 1.7ha per 1,000 population of sports pitches;
- c) 0.7ha per 1,000 population for children's equipped playspaces.

Applicants will be expected to enter into a Section 106 Agreement towards ensuring the provision and future maintenance (whether by means of a commuted sum payment or by some other means) of the open space facility for a period of 10 years.

Rest homes and nursing homes will only be expected to provide amenity open space. Single bedroom dwellings and student accommodation will not be expected to provide children's playspace.

11.12 The Council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential, employment, retail and leisure developments.

11.13 Policy L1c aims to secure open space of a useable and maintainable standard in new residential, employment, retail and leisure developments. The thresholds for the policy to come into force have been chosen to ensure

the deliverability of open space of a size, which will be of use to the community who will use it and would be viable for applicants to provide.

- 11.14 Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. In residential developments of 10 or more dwellings and commercial developments of 2,500m² gross floor space an assessment will be undertaken of existing open space in the vicinity of the proposed development. The results of this assessment will help to determine what form the open space should take and whether it should be provided on-site, or a commuted sum payment should be made towards off-site provision (this will include the cost of land purchase). The assessment should also consider whether existing non-public open space or sports pitches can be brought into public usage.
- 11.15 A commuted sum payment will also be expected from applicants to cover future maintenance of open space, in accordance with Circular 1/97. A period of 10 years will be applied when calculating the maintenance payment to ensure that the open space can become an established feature within the local community.
- 11.16 Policy L1c should be read in conjunction with any planning advice note produced by the Council on open space at that particular time.

Annex B: Minutes to LDF Working Group Report (4th December 2006) – ‘Commuted Sum Payments for Open Space in New Developments’

25. COMMUTED SUM PAYMENTS FOR OPEN SPACE IN NEW DEVELOPMENTS

Members received a report which sought comments on a revised approach towards implementing policy L1c (Provision of New Open Space in Development), with regard to commuted sum payments towards open space provision in new developments, and asked them to consider a more structured commuted sum payments process for use in considering planning applications for residential and employment, retail and leisure uses where appropriate.

The report presented two options for consideration:

- Option 1 – to approve a set of commuted sum payment figures, attached at Annex B of the report, for use with policy L1c;
- Option 2 – to continue calculating commuted sum payment figures on a site by site basis.

A schedule was circulated setting out the figures used to build up the costs for open space provision in the City of York. Members requested that a further breakdown be provided at Planning Committee, indicating equipment and labour costs and clarifying that land costs were not included. With regards to the cost per square metre of the play area at Holgate Park, Members suggested that the figure should be recalculated using the area of the play area, rather than that of the whole park.

Members proposed a number of amendments to the text accompanying the figures in Annex B, as detailed below.

RECOMMENDED: That Planning Committee be recommended to approve the commuted sum payment figures shown in Annex B of the report to support the application of policy L1c of the 4th Set of Changes to the City of York Local Plan, subject to the following amendments to the accompanying text:

(i) To remove the words “in most situations” at the beginning of the second paragraph on residential developments and instead refer to developments of less than 10 dwellings and more than 10 dwellings where there is not enough space to meet open space requirements on site, as set out in policy L1c;

(ii) To the heading of the table to clarify that the commuted sum required per dwelling excludes the

land cost element;

(iii) To the footnote to the table to clarify that the prices will be increased annually in line with the Building Costs Information Service Tender Price Index each April;

(iv) To clarify that inflation to the time of payment must be added to the figures.

REASON:

To give a degree of certainty and accountability regarding the Council's approach towards requiring commuted sum payments for open space.

Annex C: Proposed Section 106 payments based on actual and costed schemes in York 2005/6 and 2006/7

1. Play space - based on National Playing Fields Association recommendation of 7m² per person

Location	Scheme	Costs £'s	Payment per person £'s	2007 / 08 figures inc 3.2% inflation (from 1 st April 2007)
Arran Place	Safety fencing to play area	10,579	510	£526
Holgate Park	New Play area	75,566	152	£157
Tedder Road	New roundabout	2,744	516	£533
Lower Priory Street	Expansion of play area	14,000	810	£836
Rowntree Park	Safety surfacing	7,166	540	£557
Average price and therefore payment proposed				£522

2. Amenity space - based on National Playing Fields Association recommendation of 9m² per person

Location	Scheme	Costs £'s	Payment per person £'s	2007 / 08 figures inc 3.2% inflation (from 1 st April 2007)
Knavesmire	Timber perimeter fencing	25,059	254	£262
Queen Street	Rose beds	1,511	150	£155
War Memorial Gardens	Footpath works	2,488	133	£137
Glen Gardens	New perimeter fencing	1,285	83	£86
Glen Gardens	Footpath works	5,619	101	£104
Average price and therefore payment proposed				£149

3. Sports pitches - based on National Playing Fields Association recommendation of 17m² per person

Location	Scheme	Costs £'s	Payment per person £'s	2007 / 08 figures inc 3.2% inflation (from 1 st April 2007)
Burnholme College	Improved pitches	89,517	85	£87
Little Knavesmire	New grass football pitch	7,905	21	£22
Glen Gardens	Resurface, refence and expand tennis courts	48,623	419	£432
Rowntree Park	Resurface, refence and expand tennis courts	47,551	362	£374
Scarcroft Green	Fence to create mini-soccer pitch	15,568	135	£139
Average price and therefore payment proposed				£211

1. 2007/08 prices have been increased to take account of inflation at 3.2% based on Building Cost Information Service Tender Price Index 3rd quarter figures, provided by the Royal Institute of Chartered Surveyors.

2. All schemes include at 12% fees

3. To establish the payment per person the total cost of the scheme is first divided by the area of the project to establish a price per m² or unit this is the multiplied by the National Playing Field Association recommend amount of land required for that activity. Background papers are available on file.

**Annex D - Document 'Commuted Sum Payments for Open
Space in New Developments'**



City of York

Commuted Sum Payments for Open Space in New Developments – A Guide for Developers

Approved by Planning
Committee on 26th April
2007 for the purpose of
Development Control



Introduction

The purpose of this advice note is to advise developers of the levels of commuted sum payments for open space provision, where it is established that a commuted sum will be required for residential development, and employment, retail and leisure developments of 2,500m² gross floor space or greater.

This advice note should be read in conjunction with policy L1c (Provision of New Open Space in Development) from the City of York Development Control Local Plan (April 2005), attached as Appendix A to this advice note. Advice on the application of this policy will be provided by the Development Control case officer – see contact details at the end of this advice note.

Where it is established that a commuted sum payment is required in lieu of provision of open space on site, the following standards will apply.

For residential developments:

Policy L1c (Provision of New Open Space in Development) requires a commuted sum payment towards open space provision in residential developments :

- of less than 10 dwellings; and
- of 10 or more dwellings, where there is not enough space to meet open space requirements on-site.

The commuted sum payment will be made towards increasing capacity and accessibility of existing provision.

The table below shows the commuted sum payments required for residential developments. Commuted sum payments will be secured by a Section 106 Agreement.

Commuted sum required per dwelling for increasing capacity and access of existing provision (excluding the land cost element)

No of bedrooms in a single dwelling	Children's equipped Play Space (£)	Informal Amenity Open Space (£)	Outdoor Sports Facilities (£)
1	£N/A	£149	£211
2	£522	£298	£422
3	£1044	£477	£633
4	£1566	£596	£844
5+	£2088	£745	£1055

(Source: Based on existing schemes within the City of York, upgraded, using the 2007 inflation figure from the Building Costs Information Service Tender Price Index 3rd Quarter Figures, as provided by the Royal Institute of Chartered Surveyors. Prices will be increased annually in line with the Building Costs Information Service Tender Price Index each April)

Please note that inflation at the time of the signing of the Section 106 Agreement must be added to the above figures, where necessary – for example, if the Section 106 Agreement was signed after revised figures were published to take into account of annual inflation.

However, in situations where commuted sum payments are required for the provision of new open space, appropriate land values at the time of determining the planning application would need to be considered in addition to the figures shown in the table above, to allow for the purchase of new land. This would normally occur when adequate, accessible open space does not exist close to the development site.

For employment, retail and leisure developments:

Policy L1c also establishes the need for employment, retail and leisure uses with a gross floorspace of 2,500m² or greater, to provide for *amenity open space*.

If it is established that a commuted sum payment is appropriate, an amount of £149 per employee would be required (calculations based on 9m² of open space per employee).

Where a planning application does not establish a number of employees within a development, the following figures would be used to calculate the required payment.

Proposed Use Class	Number of employees per hectare
B1 (Business) uses within the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005)	667
B1 (Business) uses outside the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005)	200
B2 (General industrial) uses	133
B8 (Distribution or storage) uses	100

These figures are based on average densities on B1 / B2 / B8 schemes undertaken within the City of York.

In schemes which don't specify the breakdown of B1 / B2 / B8, the number of employees used in calculating the required commuted sum payments will be based on the highest number of employees per hectare.

Due to the diversity of possible uses within retail and leisure proposals over 2,500m² gross floorspace, it is difficult to establish the average number of employees. Therefore, where retail and leisure uses are proposed, officers will establish an estimate of the number of employees through discussion with the applicant.

Appendix A: City of York Draft Local Plan Incorporating the 4th Set of Changes (April 2005)
Policy L1c (Provision of New Open Space in Development)

Developments for all housing sites or commercial proposals over 2,500m² gross floor space will be required to make provision for the open space needs of future occupiers. This should be provided in addition to any area required for landscaping.

For sites of less than 10 dwellings a commuted sum payment will be required towards off site provision.

For sites of 10 or more dwellings, an assessment of existing open space provision accessible to the proposed development site including its capacity to absorb additional usage will be undertaken. This is to ascertain the type of open space required and whether on-site or a commuted sum payment for off-site provision is more appropriate (this will include the cost of land purchase), based on individual site circumstances.

The level of provision or commuted sum equivalent will be based on the following figures (a breakdown of these figures for each dwelling will be provided in a Supplementary Planning Guidance document covering open space).

The following provision of open space (or commuted sum equivalent) will be required:

- a) 0.9ha per 1,000 population / or 1,000 employees of informal amenity open space;

In addition, for housing developments:

- b) 1.7ha per 1,000 population of sports pitches;
- c) 0.7ha per 1,000 population for children's equipped playspaces.

Applicants will be expected to enter into a Section 106 Agreement towards ensuring the provision and future maintenance (whether by means of a commuted sum payment or by some other means) of the open space facility for a period of 10 years.

Rest homes and nursing homes will only be expected to provide amenity open space. Single bedroom dwellings and student accommodation will not be expected to provide children's play space.

11.12 The Council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential, employment, retail and leisure developments.

11.13 Policy L1c aims to secure open space of a useable and maintainable standard in new residential, employment, retail and leisure developments. The thresholds for the policy to come into force have been chosen to ensure

the deliverability of open space of a size, which will be of use to the community who will use it and would be viable for applicants to provide.

- 11.14 Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. In residential developments of 10 or more dwellings and commercial developments of 2,500m² gross floor space an assessment will be undertaken of existing open space in the vicinity of the proposed development. The results of this assessment will help to determine what form the open space should take and whether it should be provided on-site, or a commuted sum payment should be made towards off-site provision (this will include the cost of land purchase). The assessment should also consider whether existing non-public open space or sports pitches can be brought into public usage.
- 11.15 A commuted sum payment will also be expected from applicants to cover future maintenance of open space, in accordance with Circular 1/97. A period of 10 years will be applied when calculating the maintenance payment to ensure that the open space can become an established feature within the local community.
- 11.16 Policy L1c should be read in conjunction with any planning advice note produced by the Council on open space at that particular time.

For more information on planning applications and the planning application process, please contact:

Head of Development Control
Planning & Sustainable Development
City of York Council
9 St Leonard's Place
York
YO1 7ET
Tel: (01904) 551553

For more information on the planning issues of open space provision, please contact:

City Development Team
City of York Council
9 St Leonard's Place
York
YO1 7ET
Tel: (01904) 551464

For more information on commuted sum payments and existing open space provision, please contact:

Head of Parks & Open Spaces
Education & Leisure
Lifelong Learning & Leisure
City of York Council
Back Swinegate
York
Tel: (01904) 553386

For more information on design of open spaces and play areas, please contact:

Environment & Conservation
Environment & Development
Planning & Sustainable Development
City of York Council
9 St Leonard's Place
York
YO1 7ET
Tel: (01904) 551312



Annex E: Summary of comments on Commuted Sum Payments received to the Consultation Draft Open Space SPG.

<u>Summary of consultee's comments</u>	<u>Officer response</u>
<p>The cost of outdoor sport is considered unreasonable if this relates to the provision of grassed playing pitches. Sport England has provided information on the cost of provision in the 1st Quarter of 2005 of a range of new leisure and sports facilities – a 100m x 64m grass pitch costs £53,000, or £8.28 per m². This compares with the CYC figure of £12.64 per m² (£215 per 17m²) – approx 30% higher than Sport England's figure. CYC does not make any justification for the cost of provision of amenity open space – there is no national average to provide comparison. However, as the provision is higher than the proposed outdoor sport at £15.55per m², the level set is considered unreasonably high.</p>	<p>The figures for children's equipped play space, informal amenity open space and outdoor sports facilities, quoted in Appendix 5 have been derived from a range of improvement schemes for children's play space, amenity open space and sports pitches, undertaken in the City during 2005 and 2006, giving an average costing. In relation to sports pitches, the figure is taken from a range of sports pitches, not just football. To ensure that payments from developers keep pace with inflation, it is proposed that these costs are updated on 1st April of each year. This will be based on the Building Cost Information Service Tender Price Index 3rd Quarter Figures, provided by the Royal Institute for Chartered Surveyors. The effect for 2006 is that the costs in the Table will need to be increased by 4.7%.</p>
<p>ODPM Circular 05/2005 makes clear financial payments should only be made in the circumstances that they are necessary and are fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. The Councils proposed policy fails these important tests.</p> <p>Appendix 5: The basis for calculations of commuted sums should be given. In line with Circular 05/2005, the derivation should be set out in the document so that it can be subject to proper public consultation.</p>	<p>It is agreed that financial payments must be fair and reasonably related to the proposed development, which is considered to be the case. The commuted sums for off site provision in Table 5 are derived from a range of sports pitch, amenity open space and playground improvement schemes undertaken in the City during 2005/2006. To ensure that payments from developers keep pace with inflation, it is proposed that these costs are updated on 1st April each year. This will be based on the Building Cost Information Service Tender Price Index 3rd quarter figures provided by the RICS. Therefore, the sums proposed meet the 05/2005 Circular Tests. An audit trail can be provided if required to justify the commuted sum payments.</p>
<p>No contribution required specifically for local parks, unless they are covered by informal amenity open space requirements – is this deliberate? Are there any parks within CYC area, which</p>	<p>Informal Amenity Open Space includes parks, which tend to be multifunctional in terms of open space provision.</p>

<p>could benefit from expenditure?</p>	
<p>The SPG places much emphasis on S106 Agreements, but fails to understand the potential difference between open spaces provided for differing purposes – for example amenity; human recreation inc children’s play, sport and passive recreation, and for wildlife and biodiversity e.g. in paragraph 3.2. The document fails to define the types of open space and differentiate between them. This is necessary, as different types of development require different types of open space.</p>	<p>The SPG is intended to be used for the consideration of open space for amenity, human recreation / play and passive recreation and sport, rather than specifically for wildlife and biodiversity considerations. However, where new open space brings forward wildlife and biodiversity benefits, this will be encouraged where it does not lead to conflict between human and wildlife use (For example, intensive human recreational use destroying wildlife habitats). In order to clarify this, it is suggested that Paragraph 1.5 of the SPG should have the following sentence added:</p> <p>“The SPG covers open space where it is primarily for the purpose of recreation (passive and active), play and sport. However, where such uses do not conflict with nature conservation, biodiversity may also form an important element of such open space. The SPG does not cover landscaping schemes in developments, unless it is primarily designed for passive human recreation, play and sport.”</p>
<p>There is no hint of detail for any arrangement for CYC to liaise with the Parish to assist with open space provision or to facilitate transferring of funds etc. This may allow developers to build higher density on their land, exacerbating the problem of open space shortage – no amount of money can compensate for this! The lack of dialogue in this SPG is a concern.</p>	<p>Where a commuted sum payment is requested, either by Unilateral Agreement or Section 106 Agreement, the Council’s Leisure Department would consider how and where the money would be spent within a parish or ward. The decision would be based on a number of issues including the provision within adjacent wards and parishes, where this could have an impact on local provision in the vicinity of the application site.</p>
<p>It is difficult to understand how developers can provide open space when clearly no space exists and S106 commuted sums offer no real value in seeking to improve open space provision.</p>	<p>On site provision would be encouraged in most cases, where the site is capable of providing the open space. Where a commuted sum payment is required in lieu of on site provision, in normal circumstances, the payment would be used within the recommended walking distances outlined in Table 1 of the SPG, from the</p>

	<p>development. However, where there is clearly no existing open space capable of greater usage within the appropriate walking distance, then the commuted sum should be used at the most accessible open space to the development site, beyond the catchment. However, there may be rare situations where new open space will need to be provided. In such circumstances, land acquisition costs may also need to be taken into account.</p>
<p>Off site contributions should be increased in relation to on-site. Clearly there are financial and saleability benefits to a developer providing off site space. It seems that if a developer provides the space on site that they not only lose development land and incorporate an often-unpopular facility (to some house buyers) but will also have to pay around £1000 for maintenance (based on a 3 bed house). This seems high given that the commuted sum payments for play facilities for a 3-bedroom house is 'only' £1380 and obviously there is no land cost as well.</p>	<p>The SPG requires provision on-site, except for developments fewer than 10 dwellings and where the minimum size of open space outlined in paragraph 4.6 of the SPG cannot be achieved, or the site itself is physically too small (such as high density developments) for the required amount of open space. In instances where off site provision is necessary, the commuted sum via a planning obligation will be necessary. The commuted sums for off site provision in Table 5 are derived from a range of sports pitch, amenity open space and playground improvement schemes undertaken in the City during 2005/2006. To ensure that payments from developers keep pace with inflation, it is proposed that these costs are updated on 1st April each year. This will be based on the Building Cost Information Service Tender Price Index 3rd quarter figures provided by the RICS. Therefore, the opportunity to raise the commuted sums in terms of off-site provision would not be feasible.</p>

