

<b>Report to</b>	Sustainable development panel	<b>Item</b>
	24 June 2015	
<b>Report of</b>	Head of planning service	<b>8</b>
<b>Subject</b>	Open space and play supplementary planning document – draft for consultation	

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## **Purpose**

This report is about the draft *Open space and play supplementary planning document* (SPD). Members are asked to comment on the document for public consultation before it is finalised and formally adopted. The document provides additional detailed advice and guidance to support local plan policies in relation to open space and play.

## **Recommendation**

To comment on the draft *Open space and play SPD* and approve it as a draft for consultation for six weeks commencing as soon as reasonably practicable after the date of this meeting.

## **Corporate and service priorities**

The report helps to meet the corporate priorities city of character and culture and the service plan priority to implement the local plan for the city.

## **Financial implications**

None directly

**Ward/s:** All wards

**Cabinet member:** Cllr Bremner - Environment and Sustainable Development

## **Contact officers**

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## **Background documents**

None

# Report

## Introduction

1. The *Open space and play SPD* has been prepared to enable cost effective and efficient implementation of adopted Norwich local plan policies seeking to deliver open space and playspace within, and directly serving, new housing development.
2. It will help to ensure that strategic investment to improve and extend local open space provision – most of which will now be funded through the Community Infrastructure Levy – is complemented by appropriate and necessary local provision on sites allocated for housing development and on other non-allocated sites likely to give rise to significant open space and playspace demand.
3. The SPD primarily supports policy [DM8](#) of the *Development management policies local plan*, which requires dedicated open space and younger children's playspace to be provided as part of new housing development schemes coming forward on larger sites. It also helps to implement strategic policy JCS1 in the *Joint core strategy* (Climate change and environmental assets), promoting the delivery of open space as part of a multifunctional green infrastructure network.

## Why is the new SPD necessary?

4. The SPD is needed to provide additional detail to support the council's new local plan policies on open space and play. Previous guidance, based on the old 2004 local plan, reflects a substantially different policy approach and can no longer be used.
5. Following the implementation of the Community Infrastructure Levy (CIL), the basis of funding for open space and playspace in Norwich has changed. The main source of developer funding for open space and playspace will now be CIL receipts. Projects of strategic significance are funded from the "strategic" element of CIL and funding for smaller scale projects is available from that proportion of CIL (15%) retained for community use (the "neighbourhood" element).
6. This means that the planning obligations and Section 106 contributions will no longer be the main source of funding for local open space and playspace – planning obligations to secure additional financial contributions from developers will only be needed exceptionally where local plan policy requires playspace directly to serve new development and this can only be provided off site. The SPD is concerned mainly with clarifying the circumstances in which planning obligations will still be required to achieve this.

## What the SPD covers

7. The SPD is attached at Appendix 1. It covers the following matters:
  - Explains the new policy background to funding and delivering open space and playspace;
  - Gives further detail on how minimum requirements for open space and playspace in policy DM8 should be interpreted;

- Explains the distinction between CIL-funded projects (mainly those at a strategic level) and locally funded projects required directly to serve a specific development, making clear that developers will not be expected to pay twice for the same thing (so-called 'double dipping');
  - Describes the procedure for negotiating open space and playspace within development schemes as part of the planning application process;
  - Describes how scheme viability will be taken into account;
  - Sets out a mechanism for securing on site open space and play by means of transfer of land to a private management company. In cases where open space within new development will not be adopted by the city council this will be the preferred option.
8. Consideration has been given to continuing the tariff-based approach of previous SPD. Under the council's previous policy, developer contributions toward off site open space and play were calculated using a formula, based on the average cost of providing and maintaining a range of typical areas of open space and a range of typical play areas. From this a "unit cost" was derived, expressed as a fixed charge per child bedspace.
  9. Because of the limited circumstances in which planning obligation payments can now be used to fund off site provision, officers consider that the previous tariff based approach is no longer appropriate and case by case negotiation is likely to be more effective. Deriving a one size fits all tariff for a "typical" play area is virtually impossible, since play areas are designed as individually tailored projects and analysis shows that average cost per square metre of recently installed play areas varies widely. Negotiations on individual sites would be able to respond to the individual circumstances of the site, take account of local provision of open space and play, needs likely to arise from the development and whether there are any emerging proposals for CIL funded local open space or play projects which could reasonably serve the development.
  10. The disadvantage of such flexibility is that it would offer developers less certainty, but if consultation shows that a tariff based approach is preferable, more research and analysis would be necessary to establish a reliable methodology for gauging the precise cost implications of additional playspace needs arising from new development.

## **Next Steps**

11. Subject to member approval, the *Open space and play SPD* will be issued for consultation over the summer and views will be sought from a range of local groups and other relevant stakeholders. Following consultation, a final version of the SPD will be prepared and brought back to sustainable development panel for further comment prior to formal adoption by cabinet in the autumn.





Norwich City Council Local Plan

**Open Space and Play  
Supplementary Planning Document  
Draft for Consultation**

June 2015

This document supplements *Joint Core Strategy* policy 1 and *Development Management Policies Local Plan* Policy DM8 and should be read alongside these policies.

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## Executive Summary

This supplementary planning document (SPD) supports and interprets policy DM8 of the adopted Norwich Development Management Policies local plan and aspects of policy 1 of the Greater Norwich Joint Core Strategy (JCS).

The council's expectation in most circumstances is that open space and playspace should normally be provided **on site** for schemes over the size threshold specified in policy DM8. In circumstances where there is already a play area within 400m of the site, or where there are other factors precluding on site provision, developers may instead provide for the improvement, enhancement or reprovision of any such established play area or areas, such provision being commensurate with the level of new playspace demand likely to be generated from the development. In these limited circumstances it will still be appropriate to seek a site specific contribution through a planning obligation.

This SPD provides additional guidance on:

- The circumstances where a commuted payment may still be sought in lieu of on site provision
- The approach to negotiating developer contributions for play if provision is not on site
- The mechanisms for funding open space and playspace from the Community Infrastructure Levy (CIL) and the relationship between this and site-specific s106 funding.

Given that a significant proportion of wider recreation and playspace needs will be funded directly from the Community Infrastructure Levy, the city council will no longer be using a tariff based approach to funding open space and play. Rather, this guidance is intended to encourage a flexible, case by case approach to negotiations on open space and playspace provision so that new housing development, wherever proposed, is able to address local needs for open space and playspace directly arising from it in the most beneficial and cost effective way].

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## 1. Introduction

1. This Supplementary Planning Document (SPD) is aimed at developers, planners, practitioners concerned with the design and maintenance of open spaces and play areas, play area users and user groups and other stakeholders. It has been prepared to enable cost effective and efficient implementation of adopted Norwich Local Plan policy relating to open space and playspace in new development.
2. The SPD is a material consideration in the assessment of planning applications. It will help to ensure that new development meets national and local policy requirements and makes appropriate and necessary provision for open space and playspace to serve the development directly.
3. The SPD supplements and interprets Development Management policy DM8 (Open space). It also supports strategic policy JCS1 in the Joint Core Strategy (Climate change and Environmental Assets) requiring the development of green infrastructure networks and the provision and maintenance of open spaces to secure sustainable development.
4. The JCS policies are available [here](#), the DM policies [here](#). In addition the Site allocation local plan identifies a number of specific sites where open space and playspace will be required in new development. The site allocations local plan can be viewed [here](#).
5. A summary of the legal framework and the policies is in appendix 6.

## 2. Funding open space and playspace

6. Sources of funding for open space and play in Norwich include:

- Funding from the **Community Infrastructure Levy (CIL)** for specific green infrastructure, sport and play provision that is required to meet *strategic needs*. These schemes are identified individually within the [Greater Norwich Infrastructure Plan](#) (GNIP) as CIL funded projects funded from the CIL *strategic pool* – currently 85% of receipts. A proportion of CIL revenue (currently 15% in Norwich) may be retained by the community for specific local projects. They are listed separately as “Community Projects” in the GNIP. In areas where there is a neighbourhood plan, the proportion of CIL revenue available for these projects would increase to 25%.
- **Site specific planning obligations** under Section 106 of the Town and Country Planning act 1990 to secure a specified financial contribution to fund provision and/or maintenance of open space and playspace meeting the *local needs* arising from the development. These would relate clearly to a named development site and must be necessary to make the development acceptable in planning terms. **Typically Section 106 contributions would only be used to secure provision or upgrading of off-site playspace to directly serve the development where this cannot be provided on site;**
- **Other sources of funding**, for example grants or loans from external bodies and possible funding from the city council’s capital budget

7. The Community Infrastructure Levy (CIL) will fund open space and playspace which meets a strategic need and will serve the wider Norwich area (that is *Strategic sport and play projects* and *Strategic green infrastructure projects* as defined in Appendix 7), although the city council’s expectation is that additional smaller scale local open space and playspace which is necessary to serve a specific development should continue to be funded by the developer in addition to CIL.
8. The table in the city council’s [Regulation 123 list](#) sets out those items of infrastructure, including green infrastructure, sport and play provision, which are expected to be funded through CIL and those which will be delivered through planning obligations, highways agreements and direct provision on site secured by means of a planning condition.
9. The Regulation 123 list makes clear that CIL will not be used to pay for items of infrastructure which are purely local in scale: developer contributions toward site-specific open space and playspace provided on or off site in accordance with local plan policies may therefore be sought in limited circumstances in addition to CIL. In relation

to open space and play these provisions would not prevent a specific planning obligation being entered to for local playspace or open space that

- a) was essential to serve a development directly
- b) could not be provided on site, and
- c) could not be funded from existing sources including s106 funds already earmarked for the same or a similar project.

10. A developer would thus not be expected to contribute twice toward agreed strategic open space or strategic recreational projects that are listed in the Greater Norwich Infrastructure Plan as being CIL funded or funded via the neighbourhood element of CIL. Payments secured through section 106 must relate to a specific development site, a specific item of spending (on a play area or areas directly related to the proposed development) and must meet needs arising directly from that development.
11. The amount and type of Section 106 contributions for any open space and playspace delivered through planning obligations will be clearly set out in the relevant Section 106 agreement accompanying a planning permission. This would also state how and on what the contributions must be spent, the date(s) at which contributions would become payable and a timescale for the spending of contributions. In the event that contributions are not spent within a specified period, they are refundable to the developer or their successors in title.
12. The minimum period for city council to spend S106 contributions to provide or upgrade playspace had previously been set at 10 years from the date of the initial grant of planning permission. Given that a contribution must now be earmarked for playspace to serve a *specific* development, such a long timescale is inappropriate and the expectation is that a specific play area spend should be identifiable within five years, although this period may be varied at the discretion of the city council in agreement with the developer by means of a Deed of Variation. Where there is an element of funding for maintenance, this
13. More information on the city council's requirements in relation to planning obligations and section 106 agreements accompanying planning applications can be found in the council's [Validation Requirements](#) checklist.

## **Viability**

14. The council will assume that open space and playspace is able to be provided on site unless exceptional circumstances dictate that off-site provision funded by means of a planning obligation is necessary. In accordance with DM policy DM33, in the event that a developer can demonstrate that a development would not be viable with such provision

alongside other requirements, the council will undertake an assessment of the priority of the obligations required from the development. The onus is on the applicant to produce a sufficiently detailed viability assessment to demonstrate that this would be the case.

15. Prioritisation of planning obligations will be made on a case by case basis, taking into consideration site specific circumstances and other material considerations.

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### 3. Procedural examples

16. The following examples set out the various options for delivering open space and playspace on and off site in accordance with local plan policy. In all cases, developers will only be expected to meet playspace needs arising directly from the development concerned, or to make a proportionate contribution to improving, enhancing or reproviding playspace in the vicinity.

**Example A** – Where a site is *specifically allocated for housing (or mixed use development with an element of housing)* in a local plan document

17. For sites individually identified in the Site Allocations Local Plan, Northern City Centre Area Action Plan or subsequently adopted local plans, the relevant site specific policy will specify where there is a requirement for open space and/or playspace serving new housing on larger sites, which must be integrated within the design as part of a submitted scheme either as a dedicated facility or as part of the overall enhancement of green infrastructure. In certain cases where the site adjoins an existing open space, a site specific policy will instead include a requirement to contribute to improvements to that space (for example R27 - land at Goldsmith Street).
18. The reservation of land for open space within a development site and binding arrangements for the layout of that open space and its ongoing maintenance will normally be matters included within a site-specific planning obligation secured by a Section 106 agreement, attached to a planning permission (example at appendix 4). The preferred mechanism for securing maintenance of on-site open space and playspace is for specified areas of land to be used for those purposes (as set out within an *Open Spaces Scheme*) to be transferred from the developer to an estate management company who will then be responsible for ongoing maintenance in perpetuity.

**Example B** – Where a site is *not previously identified* in a local plan document is proposed for housing development, is above the size threshold for open space and playspace to be provided under policy DM8 and where it is appropriate and practicable to make that provision on site.

19. Windfall sites – that is, sites which are not currently allocated in a local plan document – which:

- a) involve the development of 100 dwellings and above; or
- b) are on sites of over two hectares in size, and/or
- c) provide 100 *Child Bedspaces* or more

will require on site provision of open space (where they meet criteria a and b) and younger children's playspace<sup>1</sup> (where they meet criterion c) as part of a scheme in accordance with the specification set out in policy DM8. Minimum standards are for a play area of at least 150 sq.m with at least four different pieces of equipment, although a play area of 150 sq.m will not generally be large enough to cater for older age ranges. Accordingly, the assessment of what is appropriate to provide on site will necessarily need to take account of what provision already exists in the vicinity and the age range it currently caters for. The equipment provided needs to be sufficiently varied to enable a genuine choice and variety of play experience, with the minimum four pieces of equipment allowing for a range of different activities to maximise play value.

- 20. As a general rule of thumb, the city council will expect the total amount of green space (that is, usable open space and structural landscaping) to be not less than **20%** of the total site area occupied by housing.
- 21. Norwich is largely built up and the city council's expectation is that there would be relatively few instances where sites of this scale suitable for housing development are not already allocated in adopted local plans or have planning permission. However there may be unanticipated opportunities to bring forward new housing in future on sites which are not currently available or identified for housing purposes but which become available over the plan period.

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<sup>1</sup> In previous policy and SPD, the city council had defined "Younger Children's Playspace" as being playspace suitable for children of eight and under. This definition is no longer used. In practical terms, play areas are now categorised into a broader range of typologies. The Norwich Open Space Needs Assessment 2007 distinguishes between pre-school (toddlers) children's (pre-teen) and teenagers (13 and over) play provision, and identifies a quantitative shortage in the older age ranges. For the purposes of this SPD the term "younger children's play space" is therefore taken to mean any facility suitable for children under 12.

**Example C** – Where a site *not previously identified* in a local plan document is proposed for housing development, is above the size threshold which would normally require open space and playspace to be provided on site under policy DM8 but where it is not appropriate or practicable to make that provision on site.

22. On sites which are above the size threshold that normally triggers a requirement for on-site open space and playspace, integrating this within a scheme design will be the preferred option. Whilst it is usually possible to accommodate some form of open space within a scheme, there may be instances where it is not possible for reasons of practicality or safety to make playspace provision directly on site. Examples might include:
- a) Awkwardly shaped sites where the topography or configuration of the site would make it problematic in design terms to accommodate a dedicated play area as part of a scheme layout;
  - b) Sites where options for safe and accessible playspace provision are limited by the proximity of heavily trafficked roads or which are immediately adjacent to rivers or other areas of water.
  - c) Higher density flatted development provided solely or mainly through conversion of existing buildings where there is restricted available space in the curtilage or where accommodating a play area with adequate surveillance would be difficult;
  - d) City centre development where the site's location and context requires a clearly building dominated design approach.
  - e) Sites where it is demonstrated by open book assessment that scheme viability would be clearly compromised by the inclusion of on site playspace.
23. In cases where a suitable local play area exists within 400 metres walking distance of a proposed development<sup>2</sup>, the city council will investigate opportunities in negotiation with the developer to seek a financial contribution to enhancement or upgrading of that play area by means of a site specific planning obligation secured by a Section 106 agreement. This will be negotiated on a case by case basis as part of pre-application discussions. This may involve expanding or upgrading existing facilities (for example to extend the age range catered for). The map at Appendix 2 indicates the area of the City

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<sup>2</sup> See definitions in Appendix 7.

which is within 400 metres of play areas meeting at least the minimum area and specification in policy DM8.

24. Typical costs of recent play area projects are shown in Appendix 1.

25. In cases where there is **no** suitable play area within 400m and it is not practicable to accommodate dedicated provision on site, the developer will be expected to make a contribution to the provision of additional local playspace commensurate with the number of child bedspaces proposed and the playspace needs likely to be generated directly by the development, by means of a site specific planning contribution secured by a Section 106 agreement. In these circumstances the city council will take account of:

- The availability and quality of existing local play facilities within the wider neighbourhood which may be able to serve the site (the “wider neighbourhood” may either be the relevant neighbourhood area as defined by the city council or a the area of an adopted or emerging neighbourhood plan);
- Any committed projects for strategic recreation and play infrastructure serving the wider area which are identified in the GNIP as projects funded by CIL revenue; and which would contribute to an overall improvement in open space and play provision in the vicinity of the site
- Any other smaller projects nominated by a neighbourhood area or neighbourhood planning body which are identified in the GNIP community as community projects funded by CIL revenue and which would contribute to an overall improvement in open space and play provision in the vicinity of the site.

26. Any qualitative assessment of local playspace provision made for this purpose will use the Play England evaluation toolkit or any equivalent methodology that supersedes it.

<http://www.playengland.org.uk/resources/tools-for-evaluating-play-provision.aspx>

27. Intending developers are encouraged to make use of the city council’s [pre-application advice service](#) to discuss options for providing integrated open space and playspace within the scheme at an early stage. Since no two development sites will have the same opportunities or constraints, the city council’s development management service will offer advice on necessary and suitable provision case by case tailored to individual sites, drawing on of specialist advice within the city council’s planning service (design, conservation and landscape team) and citywide services staff (the parks and open spaces team). Advice will be coordinated through the development management case officer dealing with the application.



28. Consideration will be given to the preparation of master plans and site briefs for particularly large and complex sites setting out in more detail the design parameters for on-site open space and play.

#### **Categories of housing site not subject to this guidance**

29. Recent changes to the General Permitted Development Order have removed the need for planning permission for some categories of housing which would otherwise trigger a local plan policy requirement for on or off-site open space or playspace. In addition, prospective future changes in national planning rules are likely to increase the scope of permitted development and/or specifically exempt certain housing development proposals from liability for the Community Infrastructure Levy or site specific developer contributions through a planning obligation.

30. These include:

- Schemes delivering housing *solely through conversion of B1 office premises under the prior approval process*. These will not require planning permission until 31 May 2016. Developers of such housing are currently liable for CIL but do not have any liability to enter into planning obligations or make site specific developer contributions to open space and play (or for any other purpose) through s106.
- Schemes providing *discounted starter homes for first time buyers on brownfield exception sites*. The starter homes exception sites policy came into effect in March 2015. Although the detailed operation of this scheme has yet to be clarified, this category of site would be exempt from liability for CIL. Local planning authorities are encouraged not to seek section 106 and tariff-style contributions for these starter homes exception sites.

31. This guidance will be kept under review in the event of further changes in national policy and regulation.

## Appendix 1 – Example costs for the provision of playspace

The following annex sets out a number of recent examples of costs for the design, layout and construction of recently installed play areas in Norwich. This demonstrates that play area installation costs will vary significantly according to their size, specification and the balance between hardworks (safety surfaces and equipment) and softworks (landscaping and planting). For this reason, the SPD does not propose a tariff approach based on a “typical” unit cost per square metre or per child bedspace.

The requirement of Policy DM8 is for a younger children’s play area of 150 sq.m with at least four different pieces of equipment). The actual provision will depend on the age range(s) to be catered for and the quality of existing play provision in the neighbourhood, but should aim to provide opportunities for a range of different play activities to maximise play value.

Name: Eagle Walk play area ( <i>Play area type: Toddler/Junior/Young People</i> )	
Date installed:	2013-14
Total area:	12,250 sq.m
Area of safety surface:	275 sq.m
Costs	
Overall budget:	£138,000
- Landscape fees:	£24,000
- Prelims:	£13,000
- Hardworks:	£80,000
- Softworks:	£20,000
- Signage:	£1,000
Cost per square metre overall:	£11
Cost per square metre safety surface:	£501
Cost per square metre hardworks:	£291
Hardworks as a proportion of overall budget:	58%

Name: Chapel Field Gardens play area ( <i>Play area type: Toddler/Junior</i> )	
Date installed:	2010-11
Total area:	655 sq.m
Area of safety surface:	655 sq.m
Costs	
Overall budget:	£181,500
- Landscape fees:	£29,000
- Prelims:	£19,000
- Hardworks:	£117,000
- Softworks:	£16,500
Cost per square metre overall:	£277
Cost per square metre safety surface:	£277
Cost per square metre hardworks:	£178
Hardworks as a proportion of overall budget:	64%

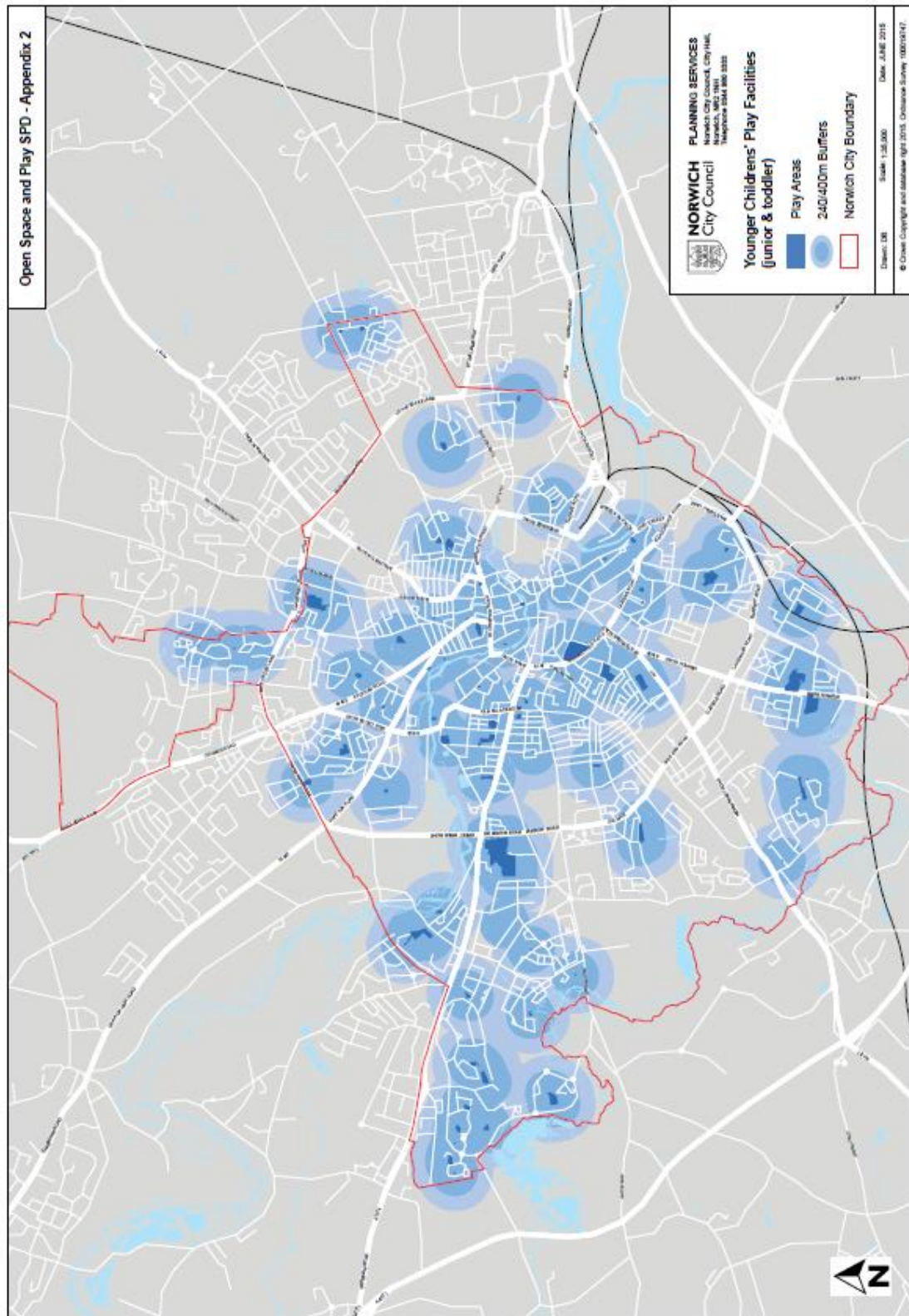
<b>Name: Borrowdale Drive play area (Play area type: Toddler)</b>	
Date installed: 2014-15	
Total area: 132 sq.m	
Area of safety surface: 132 sq.m	
<b>Costs</b>	
Overall budget: £25,000	
Cost per square metre overall:	£189
Cost per square metre safety surface:	£189

<b>Name: Leonards Street play area area (Play area type: Toddler/Junior)</b>	
Date installed: 2011-12	
Total area: 425 sq.m	
Area of safety surface: 134 sq.m	
<b>Costs</b>	
Overall budget: £89,000	
- Landscape fees:	£13,000
- Prelims:	£5,000
- Hardworks:	£20,500
- Softworks:	£50,500
Cost per square metre overall:	£209
Cost per square metre safety surface:	£664
Cost per square metre hardworks:	£153
Hardworks as a proportion of overall budget:	23%

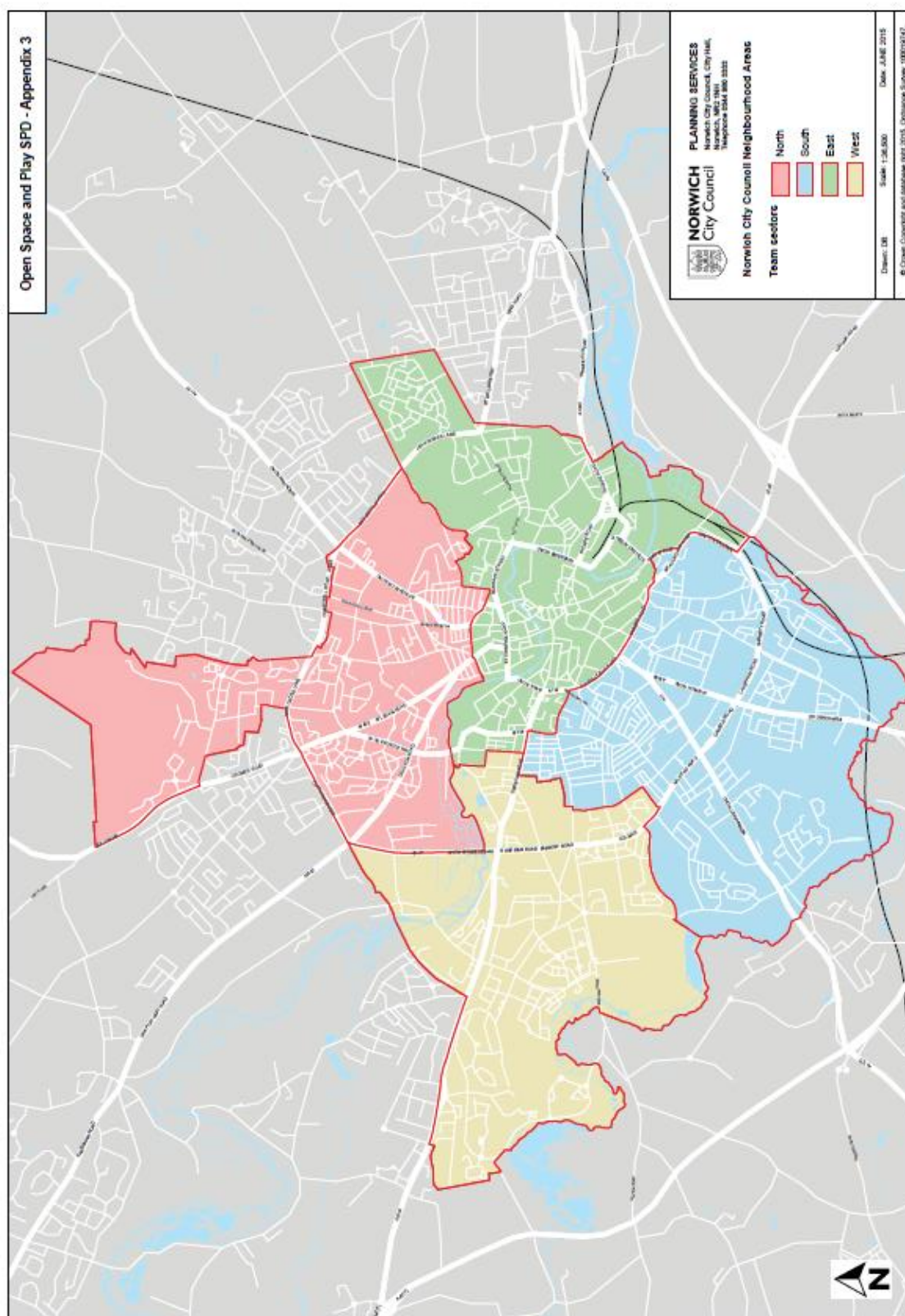
<b>Name: Clover Hill play areas (Play area types: Toddler/Junior and Young People)</b>	
Date installed: 2011-12	
Total area: 8124 sq.m	
Area of safety surface: 642 sq.m	
<b>Costs</b>	
Overall budget: £112,000	
- Landscape fees:	£16,000
- Prelims:	£-
- Hardworks:	£54,000
- Softworks:	£43,000
Cost per square metre overall:	£14
Cost per square metre safety surface:	£174
Cost per square metre hardworks:	£84
Hardworks as a proportion of overall budget:	48%

As a broad average, hardworks average £207 per sq.m of play safety surface representing 57% of the overall project costs

**Appendix 2 – Distribution of younger children’s play provision in Norwich, showing areas within 240m and 400m of play facilities for under 13s** *(note: map to be adjusted in final document to derive 400m walking distances from play area boundary)*



## Appendix 3 – Plan of City Council neighbourhood areas





## Appendix 4 – Example extract from s106 providing for provision and maintenance of open space and playspace on site

### Schedule 2

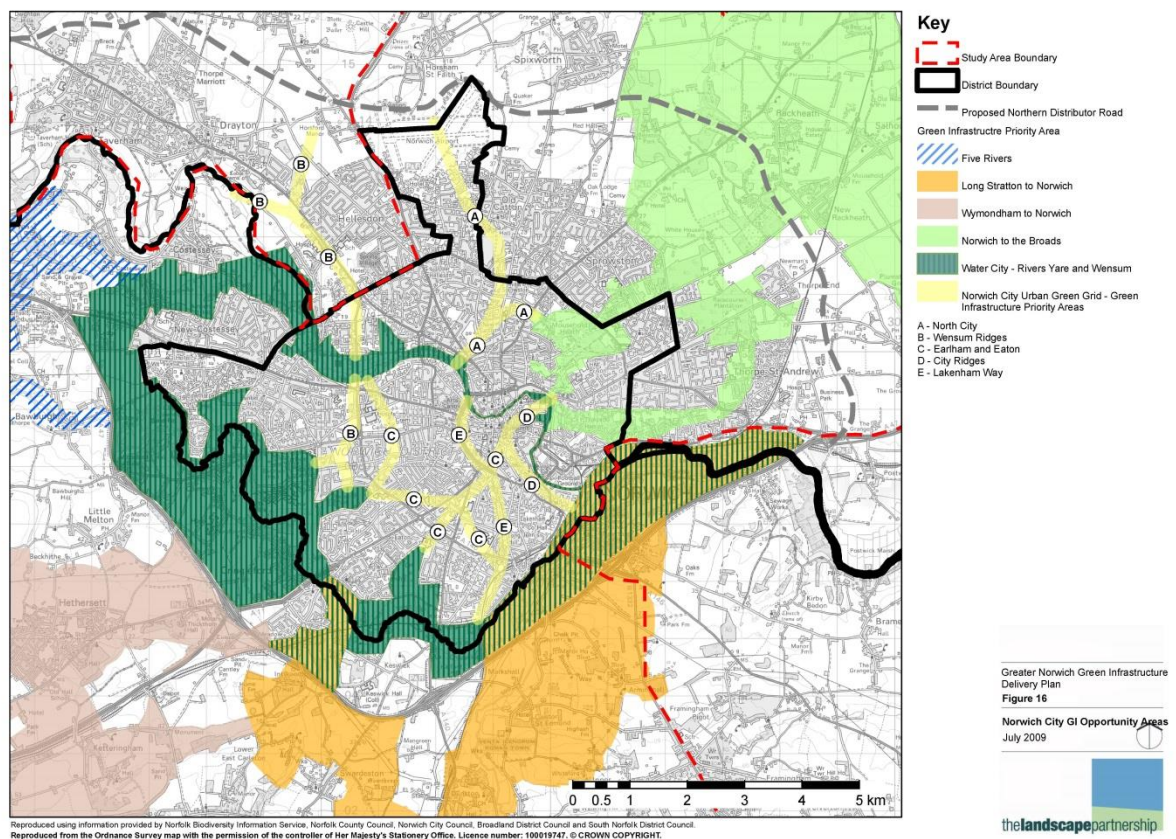
#### Open Spaces

- 1 The Owner and the Developer covenant with the Council:
  - 1.1 prior to the Commencement of Development to submit and obtain the approval of the Council to the Open Spaces Scheme;
  - 1.2 not to Commence Development unless and until they have first submitted to the Council for approval and the Council has approved the Open Spaces Scheme;
  - 1.3 to complete the laying out, planting and equipping of the Open Spaces and LAP in accordance with the approved Open Spaces Scheme and to the satisfaction of the Council prior to the Occupation of more than 50% of the Dwellings within the Development;
  - 1.4 not to Occupy or permit the Occupation of more than 50% of the Dwellings within the Development until the Open Spaces and LAP have been laid out, planted and equipped in accordance with the Open Spaces Scheme and to the satisfaction of the Council; and
  - 1.5 to notify the Council upon the completion of the construction laying out planting and equipping of the Open Spaces and LAP.
- 2 Prior to the Commencement of Development the Owner and the Developer covenant with the Council to submit to the Council for approval a scheme ("the Transfer Scheme") for the transfer to and future management of the Open Spaces and LAP by the Estate Management Company (the scheme to also include provision for the timing of the transfer of the freehold interest in the Open Spaces and LAP to the Estate Management Company).
- 3 The Owner and the Developer covenant with the Council not to Commence Development until the Council has approved the Transfer Scheme in accordance with the requirements of paragraph 2 above.
- 4 On completion to the reasonable satisfaction of the Council of any works required by the Open Spaces Scheme, the Owner and the Developer covenant with the Council to transfer their freehold interest in the Open Spaces and LAP to the Estate Management Company in accordance with the Transfer Scheme and the Open Spaces Act 1906 (or any statutory modification or re-enactment thereof) who shall thereafter maintain the same in accordance with the Management and Maintenance Proposals.
- 5 For the avoidance of doubt, the Owner and the Developer will maintain the Open Spaces and LAP in accordance with the requirements of the Open Spaces Scheme once any works required by the Open Spaces Scheme are complete until such time as the Open Spaces and LAP have been transferred to the Estate Management Company whereupon the Owner and the Developer shall have no further liability for the maintenance of those parts transferred.
- 6 Any transfer referred to in paragraph 4 above shall be upon the following terms:
  - 6.1 the sum of £1.00 (for each area to be transferred) to be paid by the Estate Management Company to the Owner;

- 6.2 a covenant by the Estate Management Company not to use or permit to be used the Open Spaces transferred otherwise than in accordance with the Open Spaces Act 1906 (in relation to the Open Spaces);
- 6.3 a covenant by the Estate Management Company to use its reasonable endeavours to ensure that LAP is used by children of not more than 6 years of age and their parents and carers for play activities and socialisation;
- 6.4 a covenant by the Estate Management Company to manage and maintain the Open Spaces and LAP in accordance with the Open Spaces Scheme and the Management and Maintenance Proposals;
- 6.5 vacant possession shall be given upon completion;
- 6.6 for an estate in fee simple in possession;
- 6.7 with full title guarantee;
- 6.8 subject to the matters specified in the Property and Charges Registers of the registered title of the land to be transferred (other than entries securing monies) and the terms of this Deed so far as the same relate to and affect the said land but otherwise (save as mentioned herein) free of encumbrances;
- 6.9 with all necessary rights of access;
- 6.10 subject to any wayleaves covenants and rights over on or under or in respect of the said land as may exist at the date of the transfer or as may reasonably be required by the Owner to be contained or referred to in the transfer of the Open Space or LAP;
- 6.11 there shall be excepted and reserved out of the transfer of the said land the right of the Owner and Developer and/or all statutory and other undertakers to lay erect and maintain in under upon and over the Open Space and LAP such Services as shall be reasonably necessary or proper to service the Development or any part or parts thereof, any person or persons exercising such rights shall make good any damage caused thereby; and
- 6.12 the transfer of the Open Space and LAP shall contain such covenants on the part of the Estate Management Company as may be reasonably and properly required by any statutory authority or service company in respect of the Services.



## Appendix 5 – Greater Norwich Green Infrastructure delivery plan





## Appendix 6 - National and local policy framework

### National policy

The *National planning policy framework* (NPPF) requires local authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. It emphasises the need for communities to have access to high quality open space and recreation as an important contributor to health and well-being.

### Local policies

The adopted Norwich local plan contains a number of relevant policies, most particularly *Joint core strategy* policies 1, 2, 11, 12 and 20 and *DM Policies local plan* policy DM8 (which this SPD directly supports).

A summary of these policies is set out below, along with other relevant policies (DM1, DM2, DM3, DM5, DM6, DM7, DM12, DM28 and DM33).

### The Joint core strategy

Policies in the [Joint core strategy \(JCS\)](#) for Broadland, Norwich and South Norfolk (adopted 2011, amendments adopted 2014) provides the strategic policy context within the Norwich Local Plan.

The vision of the JCS states “there will be excellent public open space, sport and recreational facilities and community centres”. Objective 9 states “Development must provide environmental gains through green infrastructure...”. Objective 11 states “the accessibility of open space, the countryside, sports and recreational facilities will be improved”.

**JCS policy 1** (JCS1 – climate change and environmental assets) promotes the development of a multi-functional green network which provides opportunities for formal and informal recreation, walking and cycling, as well as encouraging and promoting biodiversity and acting to mitigate flood risk and combat the effects of climate change. The green infrastructure network to be implemented through this policy identified through evidence studies supporting the JCS. The map at Appendix 5 shows the network, which identifies the Yare and Wensum valleys and sub-regional green infrastructure corridors as green infrastructure hubs. It proposes development of a new corridor from Mousehold Heath to the north east into Broadland and also identifies local corridors and County Wildlife Sites.

**JCS policy 2** (JCS2 - design) requires development to be designed to the high possible standards to create a strong sense of place and to respect local distinctiveness. The inclusion of open space and playspace within new development will play a key role in this.

**JCS policy 10** (JCS 10 – Locations for major new or expanded communities in the Norwich Policy Area). The green infrastructure map supporting this policy on page 69 of the JCS also identifies the Yare and Wensum valleys and as priority areas for green infrastructure.

**JCS Policy 11** (JCS11 – Norwich city centre) requires an integrated approach to economic, social, physical and cultural regeneration to enable greater use of the city centre and enhancement of its regional centre role. To support this, improvements will be required to open spaces, green linkages and connections between open spaces, linking the river corridor and the open countryside. The City Centre key diagram identifies opportunities for enhanced principal Green Links.

**JCS Policy 12** (JCS12 – Remainder of the Norwich urban area) promotes development to support sustainable housing and employment growth and regeneration in the rest of the urban area and fringe parishes, including the promotion of green infrastructure links and protecting the landscape setting of the city.

**JCS Policy 20 (JCS20 - implementation)** requires development to provide and maintain open space and green infrastructure to secure sustainable development, specifically identifying the need for trees, hedgerows, woodland and landscaping as well as habitat creation and parks.

## **DM Policies Local Plan**

The Norwich [Development Management Policies local plan](#) (the DM policies plan) was adopted in December 2014.

**Policy DM8** is the primary policy relating to the provision of open space and playspace and this SPD directly supplements it. It sets out criteria for assessing proposals involving the loss of designated open space, and requires open space and playspace to be provided on qualifying housing development which is not specifically identified in the *Site Allocations Plan*. Key requirements are:

- New developments which involve more than 100 dwellings or are sites of more than two hectares must provide *open space* as appropriate to the individual site as an integral part of development. The accompanying text to the policy sets out a minimum indicative proportion of 20% of the development site to be set aside for open space and the associated landscaping required by [policy DM3](#) clause i).
- new developments providing over 100 **Child Bedspaces** must include on-site equipped play space in accordance with the council's minimum standards, unless there is a play area of equivalent standard<sup>3</sup> within 400 metres<sup>4</sup> of the development, in which case a contribution may be sought to provide for the upgrading or re-provision of that play area in lieu of on site provision.
- all new developments to contribute to improvements to existing open space through the Community Infrastructure Levy.

Housing development must also incorporate open space where the scale of the development justifies it, to contribute to strategic and local green infrastructure and community needs.

The following policies are directly relevant to the provision of open space and playspace:

**Policy DM3** requires all new developments to achieve a high quality built and natural environment, building on the strength of existing design and promoting local distinctiveness. It requires all new development to make appropriate provision for the protection of existing and provision of new green infrastructure. The policy expects identified gateway sites to be marked by development of exceptionally high quality that reflect distinctiveness, and seeks to manage and control development which could affect key long views. It also requires developers to make efficient use of space, provide a permeable and legible network of routes and spaces for public access, and incorporate well-designed and well-defined private, semi-private and public open space for all developments. The design of streets, routes and spaces that enhance the environment will be required. The

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<sup>3</sup> A *play area of equivalent standard* means a play area which either meets the minimum standard of at least 150 sq.m in area and with at least four different pieces of equipment as set out Policy DM8, or is reasonably capable of being upgraded to that standard. The assessment will be made at the time of a planning application with reference to the Play England evaluation methodology (see <http://www.playengland.org.uk/resources/tools-for-evaluating-play-provision.aspx>).

<sup>4</sup> A *play area within 400 metres* means a play area within 400 metres walking distance measured by the shortest practicable route from the boundary of the nearest proposed residential property to the entrance to the play area. It should be noted that this equates to the minimum recommended distance to a local play area in Play England's 2009 technical guidance (<http://www.playengland.org.uk/media/202750/tools-for-evaluating-play-provision.pdf>). The equivalent minimum recommended "straight line" distance is 240 metres, as shown in Appendix 2.

*Trees and Landscape SPD* contains further detailed advice in relation to landscaping requirements.

**Policy DM6** implements national and JCS requirements to ensure the protection, management and enhancement of the city's valued natural environmental assets and, along with policy DM3, requires green infrastructure networks to be promoted through development.

**Policy DM7** requires trees and significant hedges and shrubs to be retained as an integral part of the design of development except where the trees are in poor condition or there are exceptional benefits in accepting their loss, and sets out the requirements for replacement planting where the loss of trees is accepted. It also requires street trees to be provided on new developments, either on site or through a section 106 or unilateral agreement as and where appropriate. The *Trees and Landscape SPD* contains further detailed advice.

In addition the SPD also relates to the following policies:

**Policy DM1** sets out sustainable development principles for Norwich and establishes the expectation that development proposals will protect and enhance the physical environmental and historic assets of the city and safeguard the special visual and environmental qualities of Norwich for all users;

**Policy DM2** requires for residential developments the provision of external private or communal amenity space, appropriate for and integral to the residential development and forming a key part of the overall design of the site;

**Policy DM4** identifies landscaping as a mitigation measure to minimise potential negative visual impacts of renewable energy generation schemes;

**Policy DM5** stipulates that development proposals will be assessed and determined having regard to the need to manage and mitigate against flood risk;

**Policy DM12** requires proposals for residential development to have no detrimental impact upon the character and amenity of the surrounding area including open space and designated and locally identified natural environmental assets;

**Policy DM28** requires proposals to incorporate measures to aid sustainable travel, including integral links within the development and the surrounding area, along with specific treatments where development proposals front on to the rivers Wensum and Yare.

**Policy DM33** is concerned with planning obligations and development viability, providing for site- specific planning obligations and policy requirements to be negotiated in circumstances where they are objectively demonstrated to render a development unviable.

These policies will ensure that development is planned to take a comprehensive view of planning issues which relate to the provision of open space and play at an early stage in the planning process.

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## Site allocations and site specific policies local plan

The Norwich *Site allocations and site specific policies local plan* (the Site allocations plan) was adopted alongside the DM Policies Plan in December 2014. It identifies 73 sites within Norwich where new development is proposed or is expected to happen by 2026. On site provision of open space and/or children's equipped playspace is required as part of a development scheme on a number of larger sites, including sites which are under the site size threshold in policy DM8 but (for example) where open space integral to the design of a scheme can contribute to the enhancement of a required route through the site. Sites with an on-site open space requirement are listed in Table 1 overleaf.

In the case of more complex sites, open space requirements may be set out in more detail in site-specific planning briefs, masterplans or other guidance. The *Site allocations plan* specifies those sites where this is a required approach.

Requirements for open space and playspace on allocated sites are summarised on the following page.

**Table 1: Sites within the *Site Allocations Local Plan* requiring on site open space and/or playspace**

Sites in the city centre
<p><a href="#"><u>CC4</u></a>: Rose Lane/Mountergate – mixed use development: requirement for <i>an enhanced public realm, including an open space and pedestrian/cycle links to the riverside walk</i></p> <p><a href="#"><u>CC6</u></a>: St Anne’s Wharf and adjoining land – mixed use development: requirement for <i>an enhanced public realm, including a public open space, play space, pedestrian/cycle links to Lady Julian Bridge, a riverside walk as an integral element of the design</i></p> <p><a href="#"><u>CC15</u></a>: Norwich Mail Centre, 13-17 Thorpe Road – housing led mixed use development: requirement for <i>on-site open space and play space</i></p> <p><a href="#"><u>CC17a</u></a>: Barrack Street – mixed use development: requirement for <i>open space and playspace</i> associated with the housing element</p> <p><a href="#"><u>CC25</u></a>: Chantry Car Park – mixed use development: requirement for <i>an enhanced public realm with public open space in the south east of the site</i></p>
Sites in the remainder of the city
<p><a href="#"><u>R3</u></a>: Hall Road district centre – new district centre: retailing, community uses, employment, optional housing. Open space requirement if housing is included (the current approved scheme for the district centre does not include it).</p> <p><a href="#"><u>R9</u></a>: The Deal Ground – comprehensive residential led mixed use development: requirement for a green infrastructure network to be provided throughout the site including areas of formal and informal open space and playspace to serve new residential areas; enhancement of existing landscaped areas</p> <p><a href="#"><u>R10</u></a>: Utilities site – major mixed use development: requirement for a green infrastructure network to be provided throughout the site including areas of formal and informal open space and playspace to serve new residential areas</p> <p><a href="#"><u>R11</u></a>: Kerrison Road/Hardy Road, Gothic Works – housing led mixed use development: requirement for on-site open space and play space</p> <p><a href="#"><u>R27</u></a>: Goldsmith Street – housing development: requirement for development to contribute to improvements to neighbouring open space</p> <p><a href="#"><u>R31</u></a>: Heigham Water Treatment Works, Waterworks Road – housing led mixed use development: requirement for land adjoining the River Wensum to include a public open space with a publicly accessible riverside walk</p> <p><a href="#"><u>R37</u></a>: Part of Norwich Community Hospital, Bowthorpe Road – housing development: requirement for on-site play and open space provision</p> <p><a href="#"><u>R38</u></a>: Three Score, Bowthorpe – urban extension (housing, community facilities, open and play space and associated infrastructure): requirement to provide significant areas of recreational and informal open space, playspace, green infrastructure (including retained woodland) and enhance ecological networks to support biodiversity and geodiversity</p> <p><a href="#"><u>R42</u></a>: Land west of Bluebell Road, Bartram Mowers Limited – master planned housing development (over 55s): requirement to improve the strategic Yare Valley green infrastructure corridor, providing 17.5 hectares of public open space on land adjoining the site.</p>

## Appendix 7 – Key Definitions

**Child Bedspace:** Any bedroom additional to the first bedroom in a dwelling (up to a maximum of 3) excluding any rooms specifically designed for Older people or people with disabilities.

**Open Space:** All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity. Open space includes:

- parks and gardens; natural and semi-natural urban green space;
- open space corridors;
- informal amenity open space (including civic space and cemeteries and churchyards);
- formal outdoor recreation;
- provision for children and young people;
- allotments;
- indoor facilities directly associated with formal outdoor recreation, such as changing rooms, pavilions, etc;
- accessible countryside in the urban fringe.

The areas of open space identified in the local plan and subject to Policy DM8 are shown on the local plan policies map by a solid green notation.

**Playspace** covers the following typologies as set out in the Open Space Needs Assessment. (Suggested minimum standards of provision are no longer included in the local plan other than in relation to children's equipped playspace):

- *Equipped children's space* (for pre-teens)
- *Provision for teenagers*, including skateboarding, BMX, MUGAs [multi-use games areas] and cycle speedway.

The former comprises equipped areas of play that cater for the needs of children up to and around 12 years. The latter comprises informal recreation opportunities for, broadly, the 13 to 16/17 age group, and which might include facilities like skateboard parks, basketball courts and "free access" MUGAs. In practice there will always be some blurring around the edges in terms of younger children using equipment aimed for older persons and vice versa.

For the purposes of policy DM8, "**younger children's equipped playspace**" means provision for children up to 12 years of age but excluding teenagers.

**Play area of equivalent standard** means a play area which either meets the minimum standard of at least 150 sq.m in area and with at least four different pieces of equipment as set out in Policy DM8, or is reasonably capable of being upgraded to that standard. The



assessment will be made at the time of a planning application with reference to the Play England evaluation methodology (see <http://www.playengland.org.uk/resources/tools-for-evaluating-play-provision.aspx>).

**Strategic green infrastructure (projects)** – Projects and proposals which involve the enhancement or provision of strategic green infrastructure in areas covered by the Green Infrastructure network illustrated in Appendix 6. This will include provision or enhancement of open space, tree planting, landscaping and informal recreational facilities falling within those areas that meet a strategic need. Investment in strategic green infrastructure may be funded from the Community Infrastructure Levy strategic pool.

**Strategic sport and play (projects)** – Projects and proposals for provision of new recreation and play facilities or investment in existing facilities which meet wider strategic needs. Dependent on scale, these may be funded from the strategic element of CIL.

**Local open space and play (projects)** – Projects and proposals to improve or enhance open space and playspace which serves a purely local or neighbourhood need. These will include:

- Local community open space and play areas which are not related to a specific housing development proposal. The expectation of this guidance is that funding toward the provision or improvement of existing local play facilities where spending is not already committed from other sources may be derived from the community element of CIL. Unless already provided for by an existing planning obligation, s106 funding would not be available for these projects.
- Local community open space and play areas provided on or off site which are required *directly* to serve a specific housing development proposal, in order that it complies with adopted planning policy and to make the development acceptable in planning terms. On sites which meet the size thresholds in policy DM8, open space and playspace will be delivered either by direct provision by a developer on site or exceptionally through a site specific planning obligation to secure a financial contribution for provision or improvement of the playspace element off site (provision of open space off site will not normally be acceptable). Facilities which are required directly to serve a specific new development scheme are not covered by CIL.