



St Edmundsbury Borough Council



St Edmundsbury
BOROUGH COUNCIL

Supplementary Planning
Document for Open Space,
Sport and Recreation
Facilities

Adopted
December 2012

CONTENTS

1.0	INTRODUCTION	4
1.1	Purpose of the SPD	5
1.2	Relationship to other Studies	5
1.3	Consultation on this SPD	7
1.4	Sustainability Appraisal	8
1.5	Housing need in St Edmundsbury Borough Council	8
1.6	Defining open space, sport and recreation facilities	9
2.0	POLICY BACKGROUND	
2.1	National Planning Policy Framework	12
2.2	Local Policy	12
2.3	Sport England	19
2.4	Section 106 Obligations	19
3.0	OPEN SPACE, SPORT AND RECREATION FACILITY STANDARDS	
3.1	Open Space Standards	20
3.2	Built Facility Standards	21
3.3	Quality Standards	21
4.0	THE COST OF PROVIDING FACILITIES	
4.1	Open space costs	22
4.2	Built facilities costs	24
4.3	Maintenance Contributions	25
5.0	THRESHOLDS FOR CONTRIBUTIONS	26
6.0	APPLYING THE POLICIES	27
7.0	SPENDING OF CONTRIBUTIONS	31
8.0	LOSS OF OPEN SPACE	32
9.0	FINANCIAL CONTRIBUTIONS	35
10.0	MONITORING OF OBLIGATIONS	35

1.0 INTRODUCTION

- 1.01 New development often creates a need for additional or improved open space without which there could be a detrimental effect on local amenity and the quality of the environment. Planning obligations are the mechanism by which measures are secured to enhance the quality of both the development and the wider environment. This SPD will help to ensure that development makes a positive contribution to sustainable development, providing benefits to the community as a whole.
- 1.02 A planning obligation is a legally binding agreement entered into between a local authority and a developer. It requires the developer to carry out certain works, or to provide, or contribute towards the provision of measures to mitigate the negative impacts of their development and to ensure that it makes a positive contribution to the communities within which it is situated. Obligations will be negotiated with the aim of reducing the negative impacts of development on local communities, achieving sustainable development and enabling improvements to local open space, sport and recreation facilities. In this context, planning obligations should be seen not only as a means of mitigating the impact of a development, but also as a mechanism for achieving positive planning by ensuring that development complements and enhances the social, environmental and economic requirements of its neighbouring communities. St Edmundsbury Borough Council believes that it is important that the views of local communities and their aspirations are given a high level of priority when considering planning obligations.
- 1.03 The provision of open space and facilities for sport and recreation helps underpin people's quality of life. The Council regards such provision as important to residents' health and well-being, and to the achievement of sustainable communities. Where new development occurs it is important that sufficient sport, recreation and open space provision is made to make proposals acceptable in land use planning terms.
- 1.04 This Supplementary Planning Document (SPD) sets out the Council's approach to the provision of open space, sport and recreation facilities in conjunction with new housing development.
- 1.05 This guidance details how the Council will implement policies within the Replacement St Edmundsbury Borough Local Plan 2016, The Core Strategy Development Plan Document (DPD), St Edmundsbury Borough Council Green Infrastructure Strategy and the National Planning Policy Framework (NPPF).
- 1.06 This guidance has been prepared to give developers and the public up-to-date information on developer contributions that are reasonably related in scale and kind to development proposals. It has been prepared, and will be operated, in accordance with the NPPF. The scales of contributions, and other relevant matters, will be updated regularly.
- 1.07 Once adopted, this SPD will be taken into account as a material planning consideration in determining planning applications. The Secretary of State will

also accord substantial weight to supplementary planning documents that are consistent with development plan policy when making planning decisions.

1.1 Purpose of the SPD

1.1.1 This SPD sets out the Council's approach when considering planning applications:

- For new residential development, which is likely to generate demand for access, to and use of open space and recreation facilities.
- For development on open space in St Edmundsbury Borough, whether it is in public or private ownership.

1.1.2 This SPD is intended to help support the planning of existing and new opportunities by:

- Providing guidance to developers on the provision of open space, sport and recreation facilities or contributions in lieu of such provision as appropriate.
- Setting out a consistent and transparent process to be followed in assessing applications for development on open space in St Edmundsbury Borough.
- It is intended that this document will supplement the policies outlined in the Replacement St Edmundsbury Borough Local Plan 2016 and Core Strategy.

1.1.3 The SPD contains the following guidance:

- Relationship of the SPD to other studies.
- A definition of the typology of open space, sport and recreation facilities in St Edmundsbury Borough.
- Existing policy related to open space.
- An outline of the St Edmundsbury Borough standards for open space, sport and recreation facilities.
- Costs for providing new or upgrading open space, sport and recreation facilities.
- Thresholds for contribution.
- Procedure for calculating developer contributions for new provision.
- Worked example of contributions required from new provision.
- Procedure for assessing the potential loss of open space.

1.2 Relationship to other studies

1.2.1 The SPD has been informed by a number of key studies:

- Football participation Report St Edmundsbury Season 11/12 (Jan 2012).
- Sport England Local Sport Profile (update February 2012)
- St Edmundsbury Borough Council Play Strategy (2007).
- St Edmundsbury Borough Council Cemeteries Strategy (including closed church Yards) (2008)
- St Edmundsbury Borough Council Tree & Woodland Strategy (2009)

- Open Space Assessment for St Edmundsbury Borough Council (2005)
- St Edmundsbury Borough Council Green Infrastructure Strategy (2009).
- St Edmundsbury and Forest Heath Infrastructure and Environmental Capacity Appraisal (2009)
- Play Matters: A Strategy for Suffolk
- Suffolk Health and Wellbeing Strategy

1.2.2 **Football Associations Football Participation report St Edmundsbury Season 11/12 Report**

This report quantifies the number of football clubs and teams playing football in the Borough and compares participation levels with local authorities within the same sub-group.

1.2.3 **Sport England Local Sport Profile (update February 2012)**

The Local Sport Profile tool has been developed to help local authorities in England to generate a sporting profile for their area bringing together data on sporting participation and provision.

This data is fundamental to local authorities and other partners involved in developing and delivering sporting opportunities in their communities.

The tool provides up-to-date information including:

- Demographic data
- Health data
- Sports participation (formerly NI8)
- Market segmentation
- Facilities data with regional and national comparators
- CIPFA's nearest neighbour comparators
- Economic performance data (sport related businesses)
- Latent demand for sport (the proportion of adults who would like to do more sport).
- Local Enterprise Partnerships profiles.

The data is taken from a variety of sources including the Active People Survey, Active Places, Department of Health and the Office of National Statistics.

1.2.4 **St Edmundsbury Borough Council Play Strategy (2007)**

Details options and recommendations for the future provision of play facilities within the Borough, and should be used to inform decisions related to improving and providing new play facilities.

1.2.5 **St Edmundsbury Borough Council Cemeteries Strategy (including closed Church Yards) (2008)**

Details options and recommendations for the future provision of Cemeteries service includes burial statistics and future burial needs.

1.2.6 **St Edmundsbury Borough Council Tree & Woodland Strategy (2009)**

Quantifies the number of trees and areas of woodlands in the Borough and sets out a strategy for their managements in the future.

1.2.7 **Open Space Assessment for St Edmundsbury Borough Council (2005)**

The assessment emphasises specific needs of communities in the Borough's two main towns (where most of the new housing is planned) and a number of smaller settlements identified for more modest expansion.

The report looks at all accessible open space (excluding small amenity areas) both public and private and the many activities that can take place within it. It has two key elements - an audit of existing provision and an assessment of need for each of the communities, from which action plans for improvements have been derived together with overall standards for new provision.

1.2.8 **St Edmundsbury Borough Council Green Infrastructure Strategy (2009)**

The GI Strategy for St Edmundsbury forms part of the evidence base for the Local Plan. It provides an analysis of existing green infrastructure provision in the context of future growth and sets out a 'greenprint' (protection and enhancement of existing green infrastructure and the provision of new green infrastructure in advance of, and alongside, future development) for new and enhanced existing green infrastructure. It will be used to support the delivery of spatial options within the Local Plan.

1.3 Consultation on this SPD

In line with Government requirements, this SPD was subject to public consultation:

- A draft SPD was be available for consultation in September/October 2012.
- Comments received were be given due consideration by the Borough Council.
- A justified response to each comment received was provided by the Borough Council, and the draft SPD was amended as appropriate.
- The final SPD was adopted in December 2012.

1.4 Sustainability Appraisal

The Planning and Compulsory Purchase Act 2004 requires that SPD's are subject to a sustainability appraisal. This process is intended to improve plan making through the better integration of sustainability objectives into plan preparation. This document is intended to provide guidance in respect of existing adopted Local Plan Policies which have already been subject to a sustainability appraisal and a further appraisal is not required.

1.5 Housing need in St Edmundsbury Borough

The adopted St Edmundsbury Core Strategy at Policy CS1 identifies the need for 15631 new homes between 2001 and 2031. Balancing the supply of infrastructure and the delivery of development is addressed at Policy CS14. Such growth will result in additional pressures being placed on the local stock of open space, sport and recreation facilities.

1.6 Defining open space, sport and recreation facilities

This section defines the range of facilities that are covered by this SPD.

1.6.1 Open Spaces

Typology	Primary Purpose	Sub set
Parks and Gardens (A)	Accessible, high quality opportunities for informal recreation and community events	A1 - Formal Parks
Natural and Semi-natural Greenspaces (B)	Wildlife conservation, biodiversity and environmental education and awareness	A2 - Country Parks
Green Corridors (C)	Walking, cycling or horse riding, whether for leisure purposes or travel and opportunities for wildlife migration	B1 - Woodlands
Outdoor Sports Facilities (D)	Participation in outdoor sports such as pitch sports, tennis, bowls, athletics or countryside and water sports.	B2 - Flood meadows
Amenity Greenspaces (E)	Opportunities for informal activities close to home or work enhancement of the appearance of residential or other areas	C1 - Former railway line - linear walks
Provision for Children and Young People (F)	Areas designed primarily for play and social interaction involving children and young people, such as equipped play areas ball courts, skateboard areas and teen shelters.	C2 - Linear Woodlands/Shelter belts
Allotments, Community Gardens and Urban Farms (G)	Opportunities for those to grow their own produce as part of the long term promotion of sustainability, health and social inclusion	C3 - Recreational Paths
Churchyards and Cemeteries (H)	Quiet contemplation and burial of the dead, often linked to the promotion of wildlife conservation and biodiversity.	D1 - Pitch sports
		D2 - Bowling greens
		D3 - Golf
		D4 - Fishing lake
		E1 - Residential Amenity greens
		E2 - Highway verges
		E3 - Other Green Space
		F1 - LAP
		F2 - LEAP
		F3 - NEAP
		F4 - Other play facility
		G1 - Allotments
		H1 - Active Cemetery
		H2 - Open Church yard
		H3 - Closed Church yard

NB. There is the potential for categories B, C and E to be multi-functional and contain sustainable urban drainage system's (SUD's).

1.6.2 **Built recreational facilities**

Built facilities are described below and include all facilities that are managed by the local authority. Those facilities that are managed privately or by schools/colleges etc would be included if they are subject to a public access agreement with the local authority.

Sports halls with community access

A sports hall providing for team indoor sports (basketball, netball, volleyball, 5-a-side football) will be some 32m x 18m (hall activity area), able to accommodate four badminton courts with safe run-off areas. A hall of this size with a multi-purpose floor will frequently be divided by curtains to enable mixed activity use and sometimes cricket nets. Smaller halls are less flexible commensurate with size. A sports hall may be used for team sports and clubs, martial arts, community activities and classes, large meetings, often as a polling station, again by all sections of the community within the town or sub-area that it serves.

Larger communities may require an eight badminton court equivalent sized sports hall for greater flexibility of use which may include sports competitions, exhibitions and shows for example. It could be a specialist regional facility for a particular sport, such as martial arts or badminton, subject to the specifications of the hall.

Fitness gyms (all provision)

Fitness gyms are traditionally provided within local sports and leisure centres, provided by the local authority, sometimes within education establishments linked to a sports hall where the community is encouraged to use the facility which also provides an income for the school, or within the private sector (fitness clubs and hotels). They are usually operated on a membership basis and combine gym equipment for aerobic or resistance supervised activity, free weights and exercise classes. In the private sector, hotel gyms are usually provided to attract other money making activity such as business conferences but they also open up to the community, as do fitness club chains, on a membership basis. Local authority and school gyms will usually offer a 'pay and play' option for community use.

Where provided by the public sector, fitness gyms are more likely to operate GP referral schemes and special equipment for disabled people, while all provide programmes linked to improved health through exercise. Gyms may provide between 20 and 90 pieces of equipment, or 'stations', subject to location and demand.

Swimming pools with community access

The standard size swimming pool promoted by the Amateur Swimming Association is a 25m x 4 lane (8.8m width) or 6-lane (12.5m width) pool, the latter offering greater opportunity and flexibility for club development, training and galas, exercise swimming and lessons and includes spectating facilities. A separate shallow learner pool may be provided specifically aimed at teaching people to swim. A swimming pool is sometimes provided by a local authority for community access (eg in Bury St Edmunds) and sometimes

located within a school facility (e.g. Culford School). In addition to swimming, activities such as sub-aqua, water-polo and diving (diving pool) might take place if sufficient space, depth and time can be provided. The National Curriculum requires compulsory teaching of swimming to Key Stage 3 in primary schools.

Synthetic turf pitches all provision

These have become increasingly popular in recent years with the suggested standard being 1 for every 25,000 population. The synthetic turf is traditionally sand-filled to accommodate in the main football training and hockey training and matches – the sport of hockey and most leagues and competitions now play on synthetic turf – but technology also allows water-based pitches (for top level hockey) and 3rd generation (3G) rubber crumb filled pitches for football use only. These are extremely popular and well used by community clubs and schools. They are frequently located within school grounds or adjacent to a local sports centre where management arrangements are in place. They are usually floodlit within permitted lux levels to optimize their use throughout the year. Half size or smaller synthetic turf pitches (sometimes called Multi-Use Games Areas) are also used for other outdoor games (tennis, netball, basketball). These provide local community access within a managed environment for recreational activities.

Indoor bowls

Indoor bowls centres come into their own between September and March outside the traditional outdoor bowls season. They provide between two and seven rinks, again subject to location and demand. Very popular amongst the older age-group, they are increasingly attracting younger people to the sport. The larger centres tend to be sub-regional with a membership level which might exceed 500 coming from many outdoor bowls clubs. They may include social facilities more widely used by the community. Smaller centres are more local in nature. All attract community use and generally reserve rink time for 'pay and play' access by the local community. Indoor rinks are sometimes provided as a separate hall within the leisure centre of large town.

2.0 POLICY BACKGROUND

2.1 National Planning Policy Framework (March 2012)

2.1.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other things, plan positively for the provision and use of shared space and community facilities.

2.1.2 Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

2.1.3 Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

2.2 Local Policy

2.2.1 Replacement St Edmundsbury Borough Local Plan 2016

On 27 June 2006, St Edmundsbury Borough Council adopted the Replacement St Edmundsbury Borough Local Plan 2016. The adopted plan forms part of the development plan for the area of St Edmundsbury and forms the basis for decisions on land-use planning affecting that area.

Under the provisions of the Planning and Compulsory Purchase Act 2004, all policies in the Replacement Local Plan were initially saved for a period of three years.

In April 2009 St Edmundsbury gained a letter of approval from Go-East to save (with the exception of two) all of the Local Plans policies until its Local Development Framework documents are adopted.

The Replacement Local Plan allocates a number of development sites for various uses which, because of the size, location and neighbouring uses and

the uses proposed on the site, require a masterplan. As part of this process, the Borough Council prepares a concept statement for each of the sites. The subsequent masterplans need to be prepared by developers in consultation with stakeholders, agreed with the Borough Council and must be in line with the concept statement for the site.

Specific policies in the Replacement Local Plan relating to open space provision are contained at **Chapter 6. Leisure:**

Aims and Objectives

To maintain and develop leisure, cultural and community facilities to meet the needs of residents and visitors to the borough.

To achieve this aim, the key objectives are to:

- a) Encourage the sustainable provision of sports, leisure, and cultural facilities and public art;*
- b) Protect important open areas for their amenity and recreation value;*
- c) Encourage improvements in open space provision and provide good quality, accessible facilities;*
- d) Ensure that new housing development makes appropriate provision for new and improved facilities; and*
- e) Allow recreation and tourist facilities to be accommodated in the countryside, where they can be provided without harm to the local environment.*

POLICY L4: STANDARDS OF OPEN SPACE AND RECREATION PROVISION

Developers of new housing areas will be required to provide open space including play areas, formal recreation areas and amenity areas and where appropriate, indoor sports facilities in accordance with the local planning authority's approved standards of provision.

Where appropriate, the local planning authority will seek the provision of recreational open space and sports and recreation facilities as part of office, retail and other commercial and mixed development schemes.

In addition to policies and proposals elsewhere in this Plan, proposals for the provision of new playing fields and sports facilities should be accompanied by a demonstration of need.

In appropriate circumstances, the local planning authority will permit the provision of indoor recreation facilities as an alternative to outdoor open space provision.

Note: Standards for open space provision are incorporated within Appendix E and Planning Guidance and any subsequent replacement Supplementary Planning Document.

Chapter 10. Natural Environment

Aims and Objectives

To achieve a balanced natural environment where the use of resources and energy is minimised, materials and waste recycled and development undertaken with minimum adverse impact, giving close regard to the principles of sustainability.

To achieve this aim the key objectives of the Natural Environment Chapter are to:

- a) promote the prudent use of land, water and other natural resources;*
- b) value, conserve, enhance and restore the distinct landscapes and biodiversity within the borough; and*
- c) protect human health and amenity through a safe, clean and pleasant environment.*

POLICY NE1: IMPACT OF DEVELOPMENT ON SITES OF BIODIVERSITY AND GEOLOGICAL IMPORTANCE

When considering development proposals which may have an adverse impact on nature conservation sites or interests, the local planning authority will have regard to the expert nature conservation advice provided by English Nature, Suffolk Wildlife Trust and other specialist sources and the following criteria:

- i) The ecological value and objectives for which the site was classified or designated;*
- ii) The integrity of the site in terms of its wildlife value, its diversity and relationship with other ecological resources;*
- iii) The cumulative impact of the proposal and other developments on the wildlife value of the site;*
- iv) The presence of protected species, habitat areas and wildlife corridors and proposed measures to safeguard and enhance them;*
- v) The opportunity to create new habitat areas and to improve the conservation status of locally vulnerable species;*
- vi) Guidance set down within biodiversity action plans, St Edmundsbury Borough Biodiversity Strategy, St Edmundsbury Nature Conservation Strategy, habitat management plans and other relevant sources; and*
- vii) The extent to which the imposition of conditions or planning obligation:
 - would mitigate the effects of the development and/or protect the nature conservation value of the locality;*
 - ensure replacement habitat or features; and/or*
 - ensure that resources are made available for the future enhancement**

and management of the replacement habitat or feature to enable it to attain the quality and attributes that have been lost.

Development which would have an adverse impact on areas of international and national nature conservation importance, as indicated on the Proposals Map, will not be permitted unless there are imperative reasons of overriding national public interest and that there is no alternative solution.

Development which would have an adverse impact on regionally and locally designated sites will not be permitted unless the need for the development outweighs the importance of the nature conservation value of the site.

Note: With respect to criterion (vii) the provision of replacement habitat or features is viewed as a last resort, rather than a regular development tool. Where compensation has been established as an acceptable alternative, it will be necessary to provide replacement areas to an equivalent value to the lost habitats. The local planning authority will normally expect that new habitats to be in place to a satisfactory standard before the original habitats are lost. At the same time the local planning authority will expect such compensation areas to be larger than the original.

In considering development proposals which may give rise to serious or irreversible environmental damage to important wildlife interests, the local planning authority will apply the precautionary principle.

POLICY NE2: PROTECTED SPECIES

Development which would have an adverse impact on species protected by schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, The Conservation Regulations 1994 and listed in the Suffolk Biodiversity Action Plan, or subsequent legislation, will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to:

- a) facilitate the survival of the protected species;*
- b) reduce disturbance to a minimum;*
- c) provide adequate alternative habitats to sustain at least the current levels of population.*

Note: Developers should take into account separate legislation, Acts, regulations, planning guidance and any subsequent replacement Supplementary Planning Documents and laws preventing interference with protected species.

Where appropriate, the local planning authority will use planning conditions and/or planning obligations to achieve appropriate mitigation and/or compensatory measures and to ensure that any potential harm is kept to a minimum.

POLICY NE3: PROTECTION OF THE LANDSCAPE

Development will be permitted only where:

- a) It does not have an adverse impact on features of wildlife, semi-natural habitat, historic features, landscape and amenity value, including Special Landscape Areas (as defined on the Proposal map), and protects them during construction;*
- b) It includes the retention and new planting of trees, hedgerows and woodland through the submission of a landscape scheme giving full details of planting species, species mix and plant specifications; and*
- c) Suitable compensatory provision is made in the event of unavoidable loss.*

Developers will be required to submit, where appropriate, landscaping schemes concurrently with applications for planning permission and approval of reserved matters. A landscaping scheme should include the following details as appropriate:

- i) an accurate site survey indicating the species, condition, position and size of trees and other features of wildlife, landscape and amenity value, clearly indicating any trees and/or features to be removed;*
- ii) a planting scheme showing the species and features to be provided and details of materials and management intended to aid establishment;*
- iii) means of protecting trees and other features of wildlife, landscape and amenity value during development;*
- iv) accurately plotted existing and proposed site levels supported by cross sections indicating effects on trees where appropriate;*
- v) a soil survey indicating details of soil shrinkage potential;*
- vi) a schedule of maintenance operations for a 5 year period and details of land to be offered for adoption; and*
- vii) hard landscaping including paving, surfacing, lighting, fencing, walling (including retaining walls) and other means of enclosure.*

For the purposes of this policy, features of wildlife, landscape and amenity value are defined as: trees, hedgerows, hedgebanks, watercourses, open water, heathland, wetland, grassland, woodland, green lanes and parkland.

Chapter 12 Implementing the Plan

POLICY IM1: DEVELOPER CONTRIBUTIONS

Planning permission for development will be granted only where applicants can demonstrate to the satisfaction of the local planning authority and in accordance with the criteria in Circular 5/05 that the infrastructure required to service and support the proposed development can be provided.

The local planning authority will expect such infrastructure provided by the developer, either on or off the site, to be an integral part of the development. Alternatively, it may be secured by means of financial contributions paid by the developer to the appropriate service providers and/or by the provision of land for the infrastructure.

The requirements of this policy will be met either by the imposition of appropriate planning conditions on a planning permission or by means of obligations contained in legal agreements in accordance with planning guidance and any subsequent replacement Supplementary Planning Document on developer contributions.

Note:

In the context of this policy, infrastructure includes: Landscaping, utility services, highways and transport, education services, affordable housing, community facilities, leisure facilities and playing space, libraries, open space, recycling facilities, local health facilities, environmental infrastructure and drainage.

St Edmundsbury Core Strategy 2010

The St Edmundsbury Core Strategy was adopted in December 2010 and provides a strategic policy framework that will manage and guide development in the borough over the plan period.

Policy CS14 sets out the approach to the sequential development of sites and community infrastructure capacity and tariffs.

Policy CS14 Community Infrastructure Capacity and Tariffs

An Infrastructure Delivery Plan has been prepared to supplement the Core Strategy and ensure that development and the delivery of infrastructure is coordinated.

All new proposals for development will be required to demonstrate that the necessary on and off-site infrastructure capacity required to support the development and to mitigate the impact of it on existing infrastructure exists or will exist prior to that development being occupied.

In circumstances where the provision or improvement of infrastructure or other works or facilities is necessary, both within and beyond the borough boundary, to address community or environmental needs associated with new development or to mitigate the impact of development on the environment or existing communities, standard charges and/or standard formulae will be imposed for the payment of financial contributions towards such infrastructure, works or facilities to ensure that all such development makes an appropriate and reasonable contribution to the costs of provision.

The requirement to pay the standard charge and/or standard formulae will be reviewed and modified as appropriate in circumstances where the provision of infrastructure, works or facilities normally covered by standard charges is to be provided as part of the development proposals.

The provision of infrastructure will be linked directly to phasing of development on land throughout the borough to ensure that there is no detrimental impact on existing infrastructure, the environment or residential amenity. It will be coordinated and delivered in partnership with other authorities and agencies such as the local highways authority, local education authority, the environment agency, primary care trusts, Suffolk Constabulary, utility companies and other private and public sector partners. The Local Strategic Partnership will also have an important role to play in the co-ordination of infrastructure delivery.

Key infrastructure requirements to deliver the objectives of the Core Strategy include, but are not limited to:

1. Fundamental Infrastructure

- New relief roads in Bury St Edmunds;*
- Improved sustainable transport links between new neighbourhoods and town centres and other destinations, including cycle networks;*
- Junction improvements to A14;*
- Additional substations and upgrades to wastewater works.*

2. Essential Infrastructure

- Additional school place provision, including new school sites;*
- Additional GPs and Dentists;*
- Local convenience shops;*
- Police resources such as Police Community Support Officers.*

3. Required Infrastructure

- Community facilities across the borough;*
- Leisure, open space, recreation provision and public realm enhancements.*

The current standards set by the National Playing Fields Association² refer to the "Six Acre Standard" which recommends that a minimum of 2.4 hectares (6.0 acres) of open space per 1,000 population should be available. The NPFA guidance further recommends that this should be comprised of 1.6 – 1.8 hectares for youth and adult sport and 0.6 - 0.8 hectares of Children's Outdoor Play Space. Of this, 0.2 - 0.3 hectares should be equipped play space, and 0.4 – 0.5 for casual or informal play.

² The NPFA was replaced by 'Fields in Trust' (FIT) in 2005. FIT have developed new standards for open space, however, to date these have yet to be adopted, and the existing NPFA standards are still in place. As and when the new standards are adopted this SPD will need updating.

2.3 Sport England

- 2.3.1 Sport England have produced “Spatial Planning for Sport and Active Recreation – Sport and Recreation in Supplementary Planning Documents” (Spring 2009). This SPD follows the advice and guidance contained within this publication.

2.4 Section 106 Obligations

- 2.4.1 Planning obligations are completed under Section 106 of the Town and Country Planning Act 1990. Planning obligations are agreements that can be negotiated to provide on and off-site community facilities related to a development or, in the case of smaller developments, can provide a contribution to nearby provision. Planning obligations may also be used to provide a capital sum for future maintenance.
- 2.4.2 The Council will only seek to secure the provision or upgrading of sport, recreation and open space facilities which are necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects. It is important to note that the term ‘necessary’ extends well beyond what is physically needed to make the development economically viable, and includes a range of off-site impacts resulting from development.

3.0 OPEN SPACE, SPORT AND RECREATION FACILITY STANDARDS

The St Edmundsbury standards have been developed following the Open Space Assessment report prepared by White Young and Green, sport England’s local area profile. Local standards have three key elements:

Quantity, Access and Quality, which are summarised in the tables below.

3.1 Open Space Standards

Table 1: Summary of open space standards: Quantity and Access

Open Space Typology	Quantity Standard	Access Standard	Supporting documentation
Parks and Gardens (A)	0.25 ha/1000 2.5 sqm per person	800 metres (10 minutes straight line walk time)	Open Space Assessment for SEBC (2005)
Natural and Semi-natural Greenspaces (B)	0.25 ha/1000 2.5 sqm per person	800 metres (10 minutes straight line walk time).	Open Space Assessment for SEBC (2005)
Green Corridors (C)	0.145 ha/1000 1.45 sqm per person	800 metres (10 minutes straight line walk time).	Open Space Assessment for SEBC (2005)
Outdoor Sports Facilities (D)	1.2 ha/1000 12 sqm per person	800 metres(10 minutes straight line walk time)	Fields in Trust benchmark standard for pitch sports – other sports can be contained within Parks & Gardens
Amenity Greenspaces (E)	0.13 ha/1000 1.3 sqm per person	1,500m (20 minutes straight line walk time)	Open Space Assessment for SEBC (2005)
Provision for Children and Young People (F)	0.25 ha/1000 2.5 sqm per person	Junior Provision – 400m (just under 10 minutes straight line walk time). Youth Provision – 1000 m (15 minutes straight line walk time)	Fields in Trust benchmark standard for designated play space including equipped play space. Informal play can be contained in A, B, & C
Allotments, Community Gardens and Urban Farms (G)	0.15 ha/1000 (based on 6 x 250sqm plots) 1.5 sqm per person	1,500m (20 minutes straight line walk time)	SEBC standard based on current provision: Ref: Open Space Assessment for STEDS (2005)
Churchyards and Cemeteries (H)	0.025 ha/1000 0.25 sqm per person	3,000 metres 40 minute straight line walk time)	SEBC current provision. Ref: STEDS Cemeteries Strategy 2008
Total	24 Sqm		Fit Six Acre Standard

3.2 Built Facility Standards

Table 2 Summary of built facility standards

Sports Facility	Proposed standard per 1,000 pop	M ² per person	Access Standard
Sports halls	48.3m ² (0.07 of a 4 court hall)	0.0483	1,500 m walk or up to 5km drive
Swimming pools	9.91m ² (0.05 of a 25m x 4 lane pool)	0.0099	1,500m walk or up to 5km drive
Fitness Centres	4 stations (20m ²)	0.0200	1,000m walk or up to 5km drive
Synthetic turf pitches	225.78m ² 0.03 of a full size pitch)	0.2258	1,500m walk or up to 10km drive
Indoor bowls	0.05 rink	0.0101	1,000m walk or up to 5km drive
Community hall	61m ²	0.0610	1,000m walk or less than 3km drive

The above walking and driving times for St Edmundsbury translate approximately, subject to precise local conditions, as:
 20 minute walking time represents 1,500 metres distance
 10-15 minute walking time represents 1,000 metres distance
 15 minute drive time represents 5 km catchment distance
 10 minute drive time represents 3 km catchment distance.

3.3 Quality standards

- 3.3.1 The standards also include a 'qualitative' element which responds to the audit of open space carried out within the Open Spaces Assessment for St Edmundsbury Borough Council. Subsequent update audits of Council owned facilities are now undertaken on an annual basis to ensure that Assessments remain updated.
- 3.3.2 The Assessment makes recommendations with regards to the priorities for improving existing open space and built facilities, and outlines good practice in relation to the quality of new provision. This advice will be passed on to developers in the pre-application discussions for a proposed development.
- 3.3.3 As a result of the studies, the Council will seek on site provision, or capital contributions for off-site provision or upgrading, in accordance with the local standards.

4.0 THE COST OF PROVIDING FACILITIES

4.0.1 In order to calculate developer contributions for facilities a methodology has been adopted which calculates how much it would cost the local authority to provide them.

4.0.2 These costs have been calculated using the following sources of evidence:

- Experience of real capital projects;
- Industry unit costs provided in Spon's External Works and Landscape Price Book (31st edition);
- Benchmarking against other local authorities costs for providing facilities.

A summary of the costs are outlined in the tables below:

4.1 Open space costs

4.1.1 Contributions towards the provision or improvement of open space are calculated using the capital cost of provision. The same charges apply to both provision of new facilities and the upgrading/improvement of existing facilities. This is in line with bullet point three paragraph 204 of the National Planning Policy Framework 2012, according to which obligations should be "fairly and reasonably related in scale and kind to the development". Contribution per person is therefore taken to be a reasonable measure of that impact, irrespective of whether new provision or improvement of existing facilities is required.

Table 3: Costs for providing open space

Open Space Typology	Standard per person (m ²)	Cost of provision	
		Cost / m ²	Contribution per person
Parks and Gardens (A)	2.5	£72.00	£180.00
Natural and Semi-natural Greenspaces (B)	2.5	£15.00	37.50
Green Corridors (C)	1.45	£15.00	£21.75
Outdoor Sports Facilities (D)	12	£21.00	£252.00
Amenity Greenspaces (E)	1.3	£15.00	£19.50
Provision for Children and Young People (F)	2.5	£170.00	£425.00
Allotments, Community Gardens and Urban Farms (G)	1.5	£30.00	£45.00
Churchyards and Cemeteries (H)	0.25	£25.00	£6.25
Total	24		£987.00

This shows that it costs £987 per person to provide open space or upgrade existing open space in order to meet the St Edmundsbury standard.

4.1.2 These calculations are to be used to calculate developer contributions. There are, however a number of issues which will affect the total financial contribution actually required and these are:

- Whether open space is provided as part of the development. If this is the case a 'credit' will be applied to the value of that open space in line with the figures outlined above.
- The above figures assume that the developer will maintain any new 'on site' provision for a period of ten years. If the developer seeks earlier adoption of the space by the council, a financial contribution for maintenance will be required.

4.2 Built facilities costs

Table 4: Costs for providing built facilities

Type of provision	Standard m2/ person	Cost of provision	
		Cost/m2*	Contribution: cost/person per facility type
Sports halls	0.0483	£1,859.48	£89.81
Swimming pools	0.0099	£12,024.62	£119.16 (Inc. ancillaries)
Fitness Centres	0.0200	£1,859.48	£37.19
Synthetic turf pitches	0.2258	£98.33	£22.20 (3G)
Indoor bowls hall	0.0101	£1,745.48	£17.63
Community halls	0.0610	£2,171.58	£132.47
Total		£19,758.97	£418.46

*Approximate costs/m2 based on current estimates but dependent upon size, specification, materials and location of buildings. These approximate estimates will be kept under review as actual schemes emerge. The rationale and variables underpinning the scale of total indicative costs includes:

- 4.2.1 Sports hall - A four badminton court size sports hall suitable for team games including basketball, netball, volleyball and 5-a-side football. The sports hall should be able to be divided for multi-activity use. Ancillary accommodation including reception, changing, first aid, catering, circulation, storage areas, car park and external landscaping.
- 4.2.2 Swimming pool - A 6 lane or 4 lane swimming pool facility (which may include a learner pool). Ancillary accommodation including changing facilities, spectator viewing for galas, reception, first aid, catering, circulation, storage areas, car park and landscaping.
- 4.2.3 Synthetic turf pitch - Access, floodlighting, fencing and sub-structure. Associated car parking and changing facilities would need to be considered.
- 4.2.4 Fitness Centres - Requiring reception, fitness testing, studio, merchandise sales and changing (and steam/sauna) provision. Car parking and landscaping as provided for associated facilities.
- 4.2.5 Multi-Use games area - Access, floodlighting, division.

4.3 Maintenance Contributions

- 4.3.1 Where open space is provided on site, and the developer is looking to the council to adopt the facility, a commuted sum will be payable to maintain that facility for a period of 10 years. The commuted sum is calculated using typical metre squared costs for maintaining different types of open space. Certain types of open space cost more to provide and maintain than others – for example a play area is much more expensive to maintain than an area of amenity grassland.
- 4.3.2 The costs were drawn from existing contract prices where possible and from SPON'S (External Works and Landscape Price Book). A summary of the costs for maintaining different types of open space are shown below in table 5.

Table 5 Commuted sum costs for maintenance of open space

Open Space Typology	Cost/m2
Parks and Gardens (A)	£2.20
Natural and Semi-natural Greenspaces (B)	£0.42
Green Corridors (C)	£0.42
Outdoor Sports Facilities (D)	£0.92
Amenity Greenspaces (E)	£0.62
Provision for Children and Young People (F)	£3.67
Allotments, Community Gardens and Urban Farms (G)	£0.13
Churchyards and Cemeteries (H)	£1.85

5.0 THRESHOLDS FOR CONTRIBUTIONS

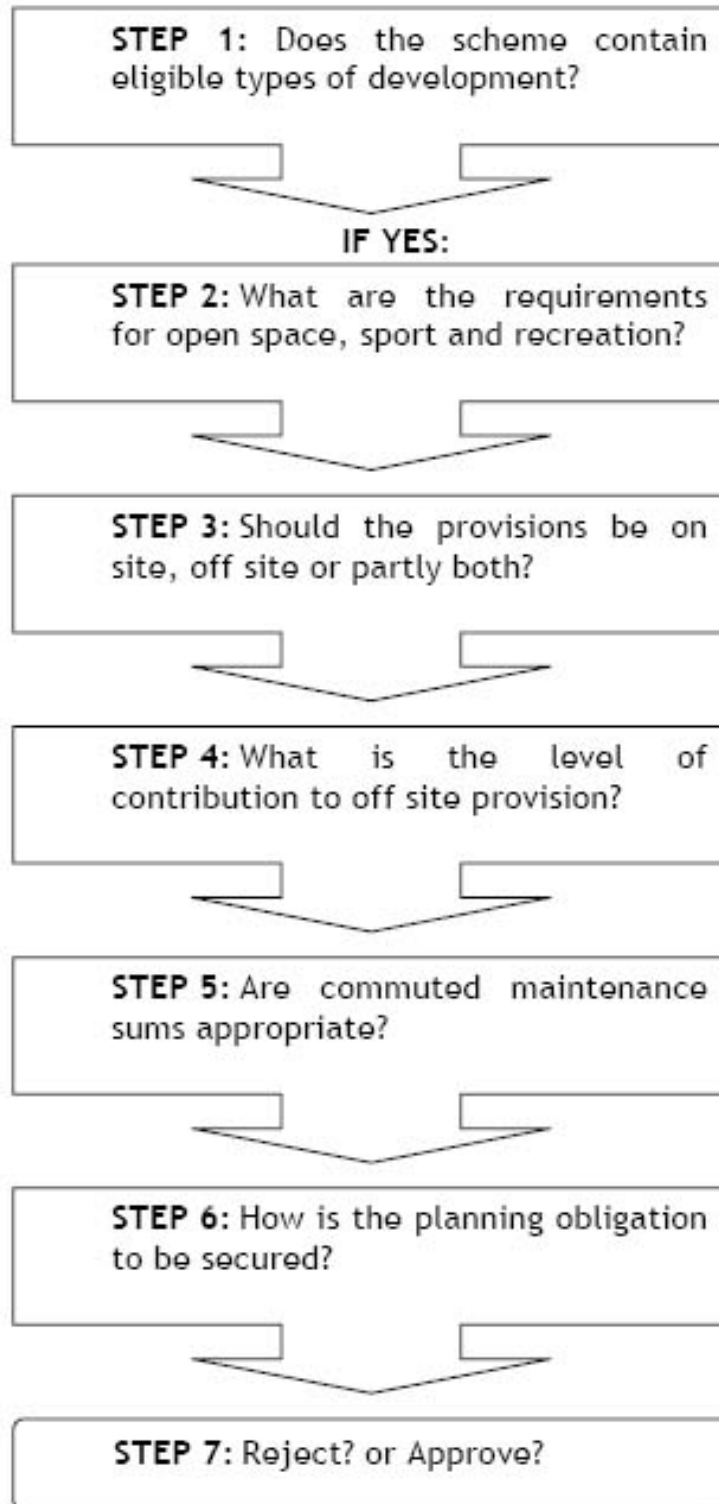
- 5.0.1 Contributions will be sought for all new development, i.e. there is no overall minimum threshold for numbers of new houses below which obligations will not be sought. In principle all new housing types (with only a few exceptions, e.g. sheltered accommodation, nursing homes and hostels) leading to a net increase in population within a locality will be required to provide new open space and recreation provision in accordance with Borough Council guidance; or else, offer developer contributions in lieu of provision.
- 5.0.2 The table below gives figures for the occupancy levels based on the average occupancy of properties in the Borough. The overall average occupancy of properties in the Borough is 2.4 people (based on 2001 Census). For each dwelling, the costs outlined above have been applied.

Table 6: Contributions based on dwelling size

Dwelling Size	Household Size	Open space contribution	Built facilities contribution	Total
1 bed	1.2	£1,184.40	£502.15	£1,686.55
2 bed	1.7	£1,677.90	£711.38	£2,389.28
3 bed	2.4	£2,368.80	£1,004.30	£3,373.10
4+ beds	3.5	£3,454.50	£1,464.61	£4,919.11

6.0 APPLYING THE POLICIES

The process for considering planning obligations relating to new housing, is outlined in the following Flow Chart. This includes seven steps by which the scale of any contributions due will be calculated.



Step 1 – Does the scheme contain eligible types of development?

The residents of most types of residential development will generate additional demands for open space, sport and recreation. Table 7 below lists what are eligible types of residential development for the purposes of this SPD.

Affordable housing is likely to create demands for sport, recreation and open space and is therefore included. It would need to be demonstrated by the agent/applicant that the level of the contribution or requirement proposed in conjunction with affordable housing would make the scheme uneconomic for this provision to be waived. This viability test will be required for all such planning applications.

Table 7: Eligible types of residential development

Category	Open Market Housing / Flats	Affordable Housing	Permanent mobile homes
Parks and Gardens (A)	✓	✓	✓
Natural and Semi-natural Greenspaces (B)	✓	✓	✓
Green Corridors (C)	✓	✓	✓
Outdoor Sports Facilities (D)	✓	✓	✓
Amenity Greenspaces (E)	✓	✓	✓
Provision for Children and Young People (F)	✓	✓	✓
Allotments, Community Gardens and Urban Farms (G)	✓	✓	✓
Churchyards and Cemeteries (H)	✓	✓	✓
Built Facilities	✓	✓	✓

Step 2 - What are the requirements for Open Space, Sport and Recreation?

Having established the relevance of the development to the categories of open space, sport and recreation provision, then step 2 should be carried out. This involves establishing:

- The number of people estimated to be occupying the development on completion (using table 6); and
- Multiplying this by the level/area of sport, recreation and open space provision required per person (tables 1 and 2).
For example, for a development of 10 no. 3 bedroom houses:
- Number of people = 10 units 2.4 people = 24
- Amount of open space required is 24m² per person = 24 x 24 = 576m²
- This provision may be provided on site or off site depending on the considerations below.

Step 3 - Should provision be on-site, off-site or both?

The required open space, sport and recreation facilities can be provided by on-site provision, and/or by a financial contribution for the provision of new, or the upgrading of existing facilities. Where facilities are to be provided on-site, the Council will expect the developer to provide the land for the facility and either:

- Design and build the provision to the satisfaction of the Council; or
- Make a financial contribution to the Council so that it may arrange for the construction and development of the required facility.

The decision on whether facility provision is to be on-site, off-site or both depends on the following considerations:

- The size of the proposed development;
- The existing provision of facilities within the Parish and/or the urban area for the main settlements (Appendix 1);
- Existing access to facilities within the Parish/urban settlement (Appendix 2).

For the most part St Edmundsbury contributions will be to off site provision, in view of the likely scale of development in the Borough.

Table 7 provides an indicative guide to assess which types of housing generate a need for facilities in the categories listed and Table 8 provides an indication as to whether a new provision would normally be provided on site or off site (based on scale of the development) – developers will have the opportunity to determine precise arrangements within these overall guidelines.

Table 8: Requirement for open space, sport and recreation facilities

Type of Provision	1-9 dwellings	10-49 dwellings	50-199 dwellings	200-599 dwellings	600+ dwellings
Outdoor Sports Space	*	*	*	*	✓
Children & Young People's Space	*	✓	✓	✓	✓
Parks, Gardens & Recreation Grounds	*	*	*	✓	✓
Informal Open Space	*	*	✓	✓	✓
Natural Greenspace	*	*	✓	✓	✓
Allotments	*	*	*	*	✓
Built facilities	*	*	*	*	✓

KEY: ✓ on site provision normally sought
* off site provision normally required

Step 4 - What is the level of contribution to off site provision?

Where financial contributions are sought for off-site facilities, these are based on the principle of securing or improving existing provision. Tables 3 and 4 provide costs for the provision of the full range of open space, sport and recreation facilities covered by the SPD. The justification for provision of the facilities is set out in the Councils Open Spaces Assessment. The studies look at current level of provision and look forward to 2031 to assess the demand for future provision. In general terms there is a requirement for increased/improved provision across the Borough for all aspects of open space, sport and recreation facilities.

For Example, for a development of 10 no. 3 bedroom houses:

- Number of people = 10 (3 bed units) x 2.4 (people per unit) = **24**;
- Contribution per person open space & built facilities = £987 + £418.46 = **£1,405.46**;
- Total contribution = **£33,731.04**.

Step 5- What Commuted Maintenance Sums are payable?

Where open space is to be provided on site, the Council would expect the developer to maintain the facility for a period of 12 months following practical completion. Following this, the Council will adopt the land, providing it meets the expected standard.

Where a commuted sum is required, it will be for a period of 10 years. Commuted sums will be calculated using the typical metre squared costs for maintaining different types of open space, (see 4.3 above).

Step 6 - How is the Planning Obligation / Unilateral Agreement to be secured?

The Council will confirm the level of contribution and any other arrangement in a unilateral or Section 106 agreement of the Town and Country Planning Act 1990. The Council will place standard terms of agreements on its web site, as well as examples of completed agreements.

Step 7 – Reject? Or Approve?

Reject: If by this time, a unilateral or section 106 agreement has not been completed, the Council will, after 21 days or when appropriate, refuse the planning application.

Approve: Provided a unilateral or section 106 agreement has been signed and all other material planning considerations are resolved, the planning application will be determined according to normal procedures.

7.0 SPENDING OF CONTRIBUTIONS

7.0.1 Contributions made under the guidelines in this SPD will be placed in ring-fenced accounts managed by the Council. These have been specifically set up for the receipt and expenditure of community facilities and open space contributions for each category in the guidance note. The spending of developer contributions will be guided by the priorities outlined in the St Edmundsbury Green Infrastructure Strategy and the Built Facilities Study, and will include the following:

- Acquisition of land, facilities or equipment for open space, sport and recreation;
- Laying out of land for open space, sport and recreation;
- Where appropriate maintenance of land and facilities for open space, sport and recreation;
- Upgrading of land, facilities and equipment for open space, sport and recreation all within the reasonable catchment of the development in question. Where contributions are made towards the upgrading of facilities, monies will be spent on the first relevant priority scheme for improvement at the point where sufficient monies have been collected to defray the cost.

7.0.2 As detailed in the guiding strategies, spending of contributions will also be subject to local community consultation as required.

7.0.3 If funds remain unspent after 10 years following payment, the monies will be repaid to the applicant, on application to the Council, with any accrued interest.

8.0 LOSS OF OPEN SPACE

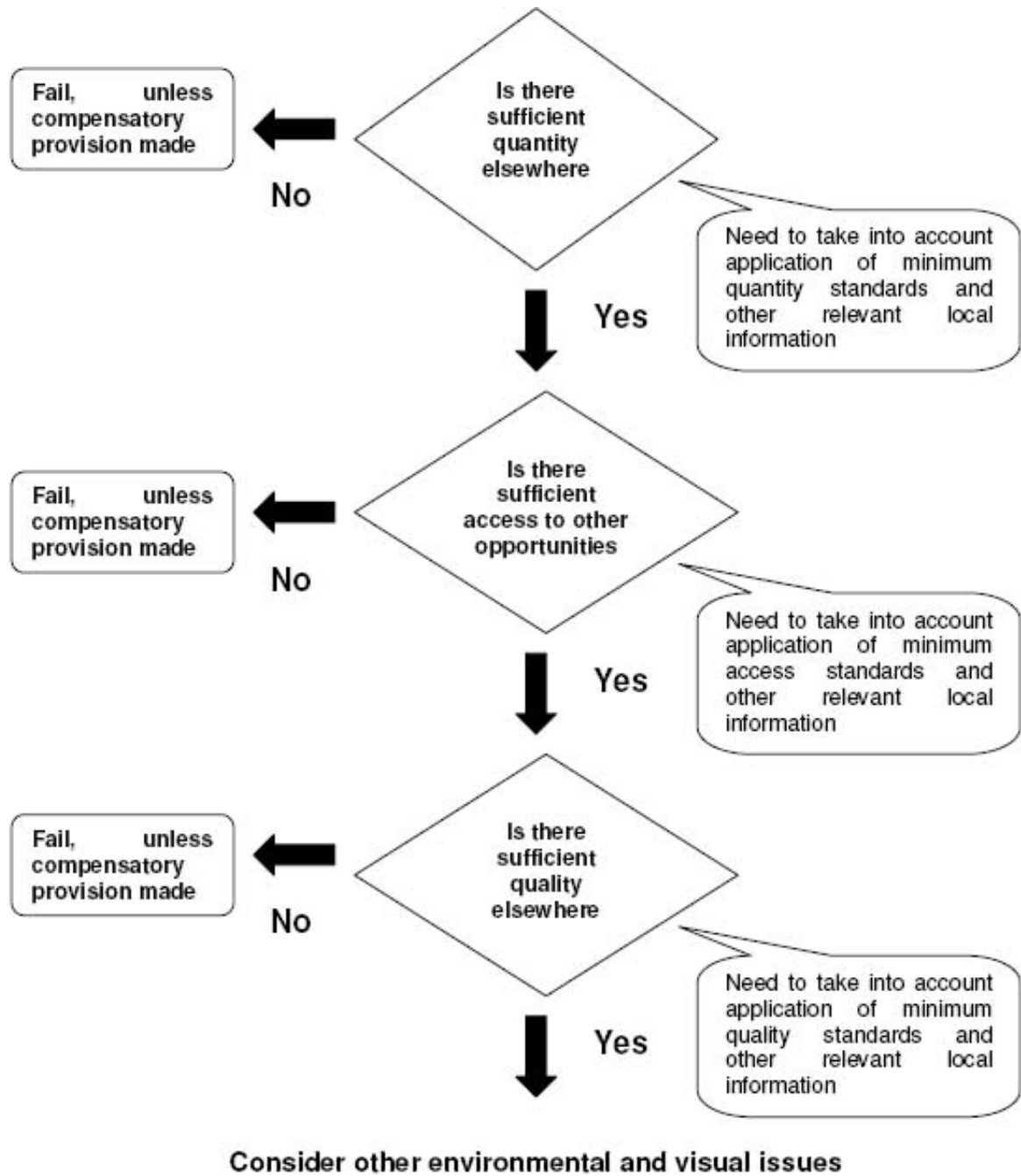
8.1 Process for determining potential loss of open space

8.1.1 The 2005 Open Space Assessment indicates that whilst there is under provision relative to the minimum standards in some parts of the Borough, there are other areas where provision compares favourably with the standards. However, it is stressed that the standards are for minimum levels of provision. Factors to be taken into account before any decision to release open space and recreation facilities to alternative uses include:

- The de facto use of a given open space - as it may be a locally popular resource;
- Whether future local development/population growth might generate additional demands for open space;
- Whether there is a demonstrable need for some other type of opportunity within the locality that an open space would be well placed to meet;
- Other non-recreational reasons that suggest a space or facility should be retained (which might include ecological and visual reasons); and
- Whether the development value can be utilised to provide a significant upgrade for public use of the remainder of that same open space area, if a partial development is permitted.

8.1.2 These considerations can be summarised in figure 1 below:

Figure 1: Outline decision making process in relation to the sanctioning the (re)development of open space/recreation facilities



A hypothetical example of how this might be applied is as follows. This is related to an area of informal/amenity space.

Q. Is there sufficient quantity?

A. If the minimum quantitative standard for Informal/amenity space is achieved in a defined geographical area, the relative provision of other forms of open space must then be considered. (Informal open space can in principle be converted into other forms of open space where the need arises). If a) provision meets the minimum quantitative standard; b) there is no significant local information suggesting a need to retain the site; and, c) there is not a perceived lack of other forms of open space. The next question can be addressed.

Q. Is there sufficient access to other opportunities?

A. Within the defined geographical area there may be good overall provision of informal space relative to the quantity standard, but is it in the right place and can it be easily reached? Applying the accessibility component of the minimum standards will help to answer this question. If other similar open space cannot be easily reached, the site's disposal for other uses may be unacceptable.

Q. Are other accessible and similar opportunities elsewhere of sufficient quality?

A. If it can be demonstrated that alternative opportunities are sufficient both in quantity and accessibility, there may still exist issues with the quality of these alternative provisions. The quality component of the proposed standards may indicate that certain improvements to alternative opportunities must be made which should be funded and secured before development is sanctioned. Even if these three tests are passed there may be other reasons for the site to remain as open space. For example, it may genuinely be nice to look through and over, and/or has a natural habitat value. Such considerations are important, but beyond the scope of this report.

9.0 Financial Contributions

- 9.0.1 All financial contributions contained in planning agreements will be index linked (using the Retail Prices Index – all items) to the date of the Committee, or delegated authority approval. Financial contributions will normally be expected to be paid upon commencement of development (as defined in Section 56 of the 1990 Town and Country Planning Act). However, in exceptional circumstances the payment can be made at various stages during the development process, for example, upon first occupation. Trigger dates for the payment of financial contributions will be included in the Planning Agreement, as will any time periods by which the contribution is to be spent.
- 9.0.2 Following receipt by the Borough Council, financial contributions will be held in interest bearing accounts and will be individually identifiable due to each contribution being allocated a unique finance code. Contributions remaining unspent at the end of a time period specified in the Planning Agreement will be returned to the payee along with any interest accrued.

10.0 Monitoring of Obligations

- 10.01 Monitoring of obligations will be undertaken by the Borough Council to ensure all obligations entered into are complied with on the part of both the developer and the Council.

DATE.....*

(1) OWNER.....*

(2) ST. EDMUNDSBURY BOROUGH COUNCIL

**UNILATERAL PLANNING OBLIGATION
UNDER THE
TOWN AND COUNTRY PLANNING ACT 1990**

relating to

Land.....*

THIS UNILATERAL PLANNING OBLIGATION is dated
and is given by:

2011

- (1) **NAME OF OWNER**.....* of
ADDRESS.....
.....* (**“the Owner”**) to
- (2) **ST. EDMUNDSBURY BOROUGH COUNCIL** of West Suffolk House, Western Way, Bury St. Edmunds, Suffolk IP33 3YU (**“the Council”**)

1. Background

The Owners are the owners of the site in fee simple in possession free from encumbrances.....
.....(**“the Land”**)
registered at HM Land Registry under title number.....

- 1.1. The Council is the local planning authority
- 1.2. The Owners have by reference number applied to the Council for planning permission to develop the Land by
.....
.....(**“the Application”**)
- 1.3. The Owners are willing to give an undertaking to perform the obligations set out in this Unilateral Planning Obligation in order to facilitate the grant of planning permission by ensuring that the Council can regulate the Development by securing the benefits contained in this undertaking

2. Interpretation

In this Unilateral Planning Obligation:

- 2.1. “the Act” means the Town and Country Planning Act 1990
- 2.2. “agreed” or “approved” means agreed or approved in writing and given for the purpose of this Unilateral Planning Obligation
- 2.3. “the Application Site” means the Land
- 2.4. “Commencement” means the carrying out on the Land of a material operation as specified in Section 56(4) of the Act

- 2.5. “the Development” means the development of the Application Site proposed in the Application or permitted by planning permission granted pursuant to the Application or carried out substantially in accordance with such planning permission
- 2.6. Interest means interest rate of 4% above Barclays Bank PLC Base Rate
- 2.7. “the Monitoring Charge” means the sum of £ [*sum to be agreed by the Council*]
- 2.8. “Specified Date” means the date upon which an obligation arising under this Unilateral Planning Obligation is due to be performed
- 2.9. Words importing the masculine include the feminine and vice versa
- 2.10. Words importing the singular include the plural and vice versa
- 2.11. Words importing persons include companies and corporations and vice versa
- 2.12. Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually
- 2.13. Any reference to a clause or schedule or plan is to one in or attached to this Unilateral Planning Obligation
- 2.14. In the absence of contrary provision any reference to a statute includes any statutory modification or re-enactment of it and every statutory instrument direction specification made or issued under the statute or deriving validity from it
- 2.15. References to any party to this Unilateral Planning Obligation shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successors to their functions as local planning authority

3. Enabling Provisions

- 3.1 This Unilateral Planning Obligation is made pursuant to Section 106 of the Act Section 111 of the Local Government Act 1972 and all other enabling powers

4. Commencement and Determination

- 4.1. This Unilateral Planning Obligation shall come into effect on the date of the grant of the planning permission granted pursuant to the Application
- 4.2. If the planning permission granted pursuant to the Application shall expire

before the Commencement of a material operation or shall at any time be revoked then this Unilateral Planning Obligation shall be determined and shall have no further effect

5. Owner's Covenants with the Council

- 5.1. The Owners covenant with the Council they will pay to the Council the sum of £.....* prior to Commencement as a contribution towards the provision of Public Open Space as required by the Council
- 5.2. The Owners covenant with the Council it will pay Interest on the sums due to the Council under this Deed but not paid on the Specified Date from the Specified Date until actual payment and the rate of interest shall be 4% above Barclays Bank Plc base rate

6. General

The Owners acknowledge and declare that:-

- 6.1. the obligations contained in this Unilateral Planning Obligation are planning obligations for the purpose of Section 106 of the Act
- 6.2. this Unilateral Undertaking constitutes a deed enforceable by the Council
- 6.3. this Unilateral Planning Obligation does not nor is intended to confer a benefit on a third party within the meaning of the Contracts (Rights of Third Parties) Act 1999
- 6.4. no person shall be liable for any breach of the covenants restrictions or obligations contained in this Unilateral Planning Obligation after that person has parted with its interest in the Application Site or the part of it in respect of which the breach occurs but without prejudice to liability for any breach subsisting prior to parting with such interest
- 6.5. this Unilateral Planning Obligation may be registered as a local land charge in the Register of Local Land Charges maintained by the Council
- 6.6. that the Owner has the sole proprietary interest in the Application Site and that there are no third party interests which would require any other party to give this Unilateral Planning Obligation
- 6.7. The Owners shall on the date hereof pay to the Council the Monitoring Charge and also £300 as a contribution towards the Councils reasonable and proper legal costs

6.8. the sums due to the Council under this Deed but not paid on the Specified Date from the Specified Date until actual payment and the rate of interest shall be 4% above Barclays Bank Plc base rate

IN WITNESS of which this deed has been executed the day and year first above written

SIGNED as a **DEED** by:

)
)
)

.....

.....
.....
.....
.....
.....
.....

