

To: The Deputy Leader and Members of the Planning and Development Board

Councillors Simpson, Bell, T Clews, Dirveiks, Gosling, Hancocks, Hayfield, D Humphreys, Jarvis, Jordan, Morson, Moss, Parsons, H Phillips, Reilly and Rose.

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719237 via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

9 JANUARY 2023

The Planning and Development Board will meet on Monday, 9 January 2023 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719221 or 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

If attending in person, precautions will be in place in the Council Chamber to protect those who are present however this will limit the number of people who can be accommodated so it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 5 December 2022** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Immediate Effect Article 4 Direction** - Report of the Chief Executive

Summary

This report seeks support of the Board's approval to make an Article 4 Direction that will remove current Permitted Development Rights for demolition impacting two buildings within the settlement of Water Orton, namely: the former Primary School and Water Orton Train Station. This action is in response to public feedback made during recent consultations regarding heritage assets in the village and also ongoing risks to the structures arising from proposed development.

The Contact Officer for this report is Jennifer Leadbetter (719475).

- 6 **Provision of Waste and Bin Storage Facilities for New Developments Supplementary Planning Document (SPD)** - Report of the Chief Executive

Summary

This report informs Members of updates to the Provision of Waste and Bin Storage Facilities for New Developments SPD and seeks its approval as a Supplementary Planning Document to inform planning decisions.

The Contact Officer for this report is Sue Wilson (719499).

- 7 **Supplementary Planning Document (SPD) “Planning Obligations for Open Space, Sport and Recreation” and Associated Calculator Documents** - Report of the Chief Executive

Summary

This report informs Members of updates to the November 2017 ‘Planning Obligations for Open Space, Sport and Recreation’ and associated Calculator Documents and seeks approval for the documents to be adopted as a Supplementary Planning Document to inform planning decisions.

The Contact Officer for this report is Sue Wilson (719499).

- 8 **Submission of Dordon Neighbourhood Plan for Public Consultation** - Report of the Chief Executive

Summary

This report informs Members of the submission of the Dordon Neighbourhood Plan and seeks approval to go out for a formal consultation in accordance with regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

The Contact Officer for this report is Sue Wilson (719499).

- 9 **Planning Applications** - Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination.

- 9a **Application No: PAP/2022/0455 - The Folly, Sykes Barns, Church Lane, Corley, Coventry, CV7 8BA**

The de-construction the re-construction of covered area over court yard. Retaining front wall with new rashes roof to and the

removal of the rear wall of the structure to create an open court yard area with a covered element

9b Application No: PAP/2022/0577 - Rosne, Sandy Lane, Fillongley, Coventry, CV7 8DD

Resubmission of Planning Application PAP/2021/0412 for the erection of a single storey rear extension

9c Application No's: PAP/2021/0261 and 0265 - The Homestead, 82 Main Road, Austrey, CV9 3EG

Planning Application and Listed Building Applications for the dismantling of the existing Grade 2 listed barn to form two new dwellings both

9d Application No: PAP/2020/0638 - Homestead, Wishaw Lane, Middleton, B78 2AX

Retrospective application for storage shed and storage area including change of use of land

9e Application No: PAP/2022/0508 - 6, Boulters Lane, Wood End, Atherstone, CV9 2QE

Proposed single storey rear extension

9f Application No: PAP/2022/0373 - 23, Dordon Road, Dordon, Tamworth, B78 1QW

Two storey side extension, with single storey side extension to current rear extension

The Contact Officer for this report is Jeff Brown (719310).

10 Exclusion of the Public and Press

To consider, in accordance with Section 100A(4) of the Local Government Act 1972, whether it is in the public interest that the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

11 Confidential Extract of the Minutes of the meeting of the Planning and Development Board held on 5 December 2022 - copy herewith, to be approved and signed by the Chairman.

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

5 December 2022

Present: Councillor Reilly in the Chair

Councillors Bell, T Clews, Dirveiks, Hancocks, Hayfield, D Humphreys, M Humphreys, Jarvis, Morson, Parsons, H Phillips and Rose.

Apologies for absence were received from Councillors Gosling, Simpson (Substitute M Humphreys), Jordan and Moss.

50 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Parsons declared a Non-Pecuniary interest in Minute No 54b (Application No PAP/2021.0238 – Polesworth Working Men’s Club, High Street, Polesworth) by reason of being a Director of the CIC for the Nunnery Gatehouse.

51 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 31 October 2022, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

52 **Local List of Heritage Assets**

The Chief Executive sought the Board’s approval to amend the selection criteria and consultation process associated with preparing a local list of non-designated heritage assets in North Warwickshire.

Resolved:

- a That the amended selection criteria (Appendix A) and nomination form (Appendix B), attached to the report of the Chief Executive, be approved; and**
- b That amendments to the consultation process for the confirmation of nominations, which includes an ongoing establishment of the list rather than a time limited call for nominations, be approved.**

53 Budgetary Control Report 2022/23 Period Ended 31 October 2022

The Corporate Director – Resources reported on revenue expenditure and income for the period from 1 April 2022 to 31 October 2022. The 2022/2023 budget and the actual position for the period, compared with the estimate at that date, were given, together with an estimate of the out-turn position for services reporting to this Board.

Resolved:

That the report be noted.

54 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That Application No PAP/2022/0508 (6 Boulters Lane, Wood End, CV9 2QE) be deferred for a site visit;**
- b That Application No PAP/2021/0238 (Polesworth Working Men’s Club, High Street, Polesworth, B78 1DX) be deferred for a site visit;**
- c That Application No PAP/2022/0544 (Land South of Astley Lane, Bedworth) be deferred for a site visit;**
- d That Application No PAP/2022/0353 (Heath House, 27 Birmingham Road, Whitacre Heath, B46 2ET) be refused for the following reason:**

“It is considered that the proposal would not accord with Policy LP29(9) of the North Warwickshire Local Plan 2021. This is because of the potential for the scale of the use to cause disturbance through noise and increased human and vehicular activity within a wholly residential area. This concern is based on the evidence submitted from the local community which has previously experienced adverse impacts of this use at these premises.”
- e That Application No PAP/2022/0105 (Land South of The Croft, Hoggrills End Lane, Nether Whitacre) be granted, subject to the conditions set out in the report of the Head of Development Control;**

- f That Application No PAP/2021/0428 (4, Square Lane, Corley, CV7 8AX) be granted, subject to the conditions set out in the report of the Head of Development Control;
- g That Application No PAP/2022/0330 (Lake House, Bakehouse Lane, Nether Whitacre, Coleshill, B46 2EB) be granted, subject to the conditions set out in the report of the Head of Development Control;
- h That Application No PAP/2022/0373 (23, Dordon Road, Dordon, Tamworth, B78 1QW) be deferred for a site visit; and
- i That in respect of Application No PAP/2022/0204 (Land South of Dairy House Farm, Spon Lane, Grendon) –
 - a That the Board is not minded to support the proposed variations to the bunds at the present time and it seeks a meeting with the applicant in order to discuss the content of the existing bunds and their proposed height, as well as waiting for the advice of the Lead Local Flood Authority in respect of the drainage arising from the western bund – known as Bund A in the application;
 - b That if necessary, the meeting with the applicant, as detailed in (a) above be taken onto site; and
 - c That the matter is referred back to the Board upon completion of that meeting and receipt of that advice.

55 Tree Preservation Order – 108 Coventry Road, Coleshill

The Head of Development Control reported to the Board that a temporary Tree Preservation Order was placed on an Oak Tree at 108 Coventry Road, Coleshill. It came into force on 8 August 2022 and would last six months (until 8 February 2023) and sought confirmation of the protection of the tree.

Resolved:

That the Tree Preservation Order for the Oak Tree located at 108 Coventry Road, Coleshill be confirmed.

56 Tree Preservation Order - Land At 117-135 Grendon Road, Polesworth

The Head of Development Control sought to make the Tree Preservation Order that had been placed on six trees on land between 117 and 137 Grendon Road, Polesworth permanent. It came into force on 5 July 2022 and lasted six months (until 5 January 2023).

Resolved:

That the Tree Preservation Order for the protection of 6 oak trees on land between 117 and 137 Grendon Road, Polesworth be confirmed.

57 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of exempt information as defined by Schedule 12A to the Act.

58 Tree Preservation Order - Coleshill

The Head of Development Control sought authority for the protection of trees through the making of Orders.

Resolved:

That the making of a Tree Preservation Order in respect of the trees in Coleshill, as identified in the report of the Head of Development Control, be authorised.

59 Tree Preservation Order - Austrey

The Head of Development Control sought authority for the protection of trees through the making of Orders.

Resolved:

That the making of a Tree Preservation Order in respect of the trees in Austrey, as identified in the report of the Head of Development Control, be authorised.

60 **Confidential Extract of the Minutes of the Planning and Development Board held on 31 October 2022**

The confidential extract of the minutes of the Planning and Development Board held on 31 October 2022, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

Chairman

Agenda Item No 5

Planning and Development Board

9 January 2023

Report of the Chief Executive

Immediate Effect Article 4 Direction

1 Summary

- 1.1 This report seeks the Board's Approval to make an Article 4 Direction that will remove current Permitted Development Rights for demolition impacting two buildings within the settlement of Water Orton, namely: the former Primary School and Water Orton Train Station. This action is in response to public feedback made during recent consultations regarding heritage assets in the village and also ongoing risks to the structures arising from proposed development.

Recommendation to the Board:

- ...
- a That Members approve the making of the Article 4 Direction, set out in Appendix A, with immediate effect and authorise the Head of Legal Services to issue the Direction;**
 - b That, if made, Members agree that the Article 4 Direction undergo a consultation process as itemised in paragraph 6.2 below; and**
 - c That, if made, Members agree to review the Direction prior to its 6 months expiry date to consider the necessity to confirm the Direction.**

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Introduction

- 3.1 The necessity for the protection of the two buildings listed in the recommended Article 4 Direction was highlighted during public consultation on the proposed extension to the Water Orton Conservation Area, which itself was a result of the public requesting its extension during the development of the Water Orton Neighbourhood Plan. Reasons given included that the existing Conservation Area designated in June 1983, no longer reflected the extent of heritage assets in the village. The report can be found at: https://www.northwarks.gov.uk/downloads/download/1574/conservation_areas_downloads

- 3.2 It is recommended that the Direction, if made, should take **immediate effect** rather than be consulted upon prior to its making, which is the alternative process for their creation. However, it is considered expedient on this occasion given a threat of possible demolition or partial demolition, of both un-designated heritage assets. Therefore, it is requested that a Direction with immediate effect is made with subsequent advertisement (outlined below) in line with Schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

4 **Background**

- 4.1 Some protection from unwelcome or unjustified demolition is afforded to unlisted buildings in Conservation Areas within the GPDO and it is anticipated that in the longer-term, protection can be assured in this manner if Members approve the proposed extension of the Water Orton Conservation Area. However, the amended extension to the Water Orton Conservation Area is still being prepared for the Board to consider at its meeting next month, and therefore no immediate protection is in place unless or until Members approve that extension.
- 4.2 The need for protection of the Train Station and former Primary School arises due to current proposals for redevelopment of them and/or their immediate area, which may result in their total or partial loss.
- 4.3 This is considered unacceptable because they are key buildings in the settlement, adding significantly to the character of the proposed extended Conservation Area. Their loss would lead to a demonstrable impact on the historic fabric of the village including a detrimental loss of buildings of social significance to the local community.

5 **Permitted development and Article 4 Directions**

- 5.1 Permitted development as set out in the GPDO allows certain types of works to be undertaken without needing to apply to the Local Planning Authority (LPA) for planning permission. This is primarily because the works are of a scale or type that is generally not likely to have an unacceptable impact. This includes the right to demolish many buildings without consent.
- 5.2 An Article 4 Direction made by the LPA restricts the scope of permitted development rights and is focused on specific areas or buildings that are particularly sensitive to unrestrained changes or would have an unacceptable impact on the character of an area. This is especially relevant in areas of historic and heritage value. Article 4 Directions can increase the public protection of designated and non-designated heritage assets and their settings, but does not necessarily stop development but will ensure that applicants/owners have to follow a planning application process to justify it and present an opportunity for evaluation and assessment of the impacts of the proposals.

- 5.3 Removing the permitted development to demolish a building by use of an Article 4 Direction, ensures that these **non-designated heritage assets** can be protected under paragraph 203 of The National Planning Policy Framework (2021) (NPPF). This requires decision makers to take into account the significance of the impacted assets when determining planning applications which would otherwise not be required if Permitted Development Rights remain in place.

6 The process of making a Direction

- 6.1 The GPDO provides for two separate processes to be followed when making an Article 4 Direction. The first allows a Direction to be made which does not have immediate effect. This allows the public and any interested body to make representation during a consultation period of at least 21 days, requiring local advertisement and display of site notices, along with service on owners, occupiers and the Secretary of State. When this process has been followed the LPA must take into account any representations received when deciding whether to make the Direction.
- 6.2 Where however, the Direction relates to certain specified types of development, including demolition, an alternative procedure can be used allowing the Direction to be made without prior consultation and, once served on the owner and/or occupier, it will have immediate effect. Once served the consultation process must be followed and, within six months of making the Direction, the LPA must consider any representations and decide whether to confirm the Direction. If it does not do so, the Direction will cease to have effect after six months. If confirmed notice must be given of confirmation, including to the Secretary of State.
- 6.3 If the Direction is made on an interim basis and then confirmed the LPA can review it further at a later date and modify or cancel it, meaning that account can be taken of any change in circumstances.

7 Duties and implications following the making of a Direction

- 7.1 The making of an Article 4 Direction restricting demolition to the Train Station and former Primary School in Water Orton gives the Local Planning Authority additional powers over the future development and the use of land within it and has the following consequences:
- If the owner or occupier of either heritage asset demolishes them during the time the Direction is in force they will be in breach of planning control and the Council can consider taking enforcement action against them.
 - If the owner or occupier wishes to do so, whilst the Direction is in force they may make an application for consent to demolish them and/or carry out any other development, in which case the Council must consider the application on planning merits taking account of material considerations.

7.2 An Article 4 Direction which is made with immediate effect is in force for a period of six months. A review of the Direction should be undertaken within that time to assess if it is deemed necessary to confirm it and the consultation process is crucial to evaluating whether to make it permanent. The review of responses to the Water Orton Conservation Area review and any subsequent amendment to that Area will be a relevant factor in determining whether the Direction should be confirmed; e.g. if the assets are included in the Area they will be subject to other protection meaning that the Direction may no longer be required.

8 Report Implications

8.1 Legal and Human Rights Implications

8.1.1 The legal process which must be followed when making an Article 4 Direction is referred to above. The process suggested in the report complies with the GPDO.

8.2 Environment, Climate Change and Health Implications

8.2.2 An Article 4 Direction is likely to have environmental and climate change benefits by ensuring that existing embodied carbon is prioritised over replacement with new structures which require CO2 consumption in their creation, transportation and management. Utilising and improving existing buildings is intrinsically a sustainable policy of action.

8.3 Human Resources Implications

8.3.1 The Heritage & Conservation Officer will be assisted during the consultation process by members of the Forward Planning Team.

8.4 Risk Implications

8.4.1 Subject to following the legal process as referred to above, there is minimal risk to the Borough Council in making the Direction. The requirement upon owners of the buildings set out in paragraphs 1 and 2 of Appendix A (Water Orton Rail Station and former Water Orton Primary School) is stated in paragraph 7 above and is limited to their requirement to submit a planning application for development restricted by the Direction; namely demolition of said buildings.

8.4.2 Furthermore, efforts to speak with the owners have been made in advance of the meeting to ensure that it is clear that the Borough Council will positively work with owners to ensure redevelopment of both designated assets.

The Contact Officer for this report is Jennifer Leadbetter (719475).

Background Papers

Background Paper No	Author	Nature of Background Paper	Date
n/a			

NORTH WARWICKSHIRE BOROUGH COUNCIL

Town and Country Planning (General Permitted Development) (England)
Order 2015 (as amended) (The Order)

**IMMEDIATE DIRECTION UNDER ARTICLE 4 (1)
OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)**

WHEREAS North Warwickshire Borough Council (“the Council”) being the Council for the district of North Warwickshire and the appropriate local planning authority within the meaning of Article 4(5) of the Order, are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on the buildings listed in paragraphs 1) and 2) below and shown edged red on the attached plans unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990.

- 1) Water Orton Rail Station, Marsh Lane, Water Orton B46 1NE;
- 2) Former Water Orton Primary School, Attleboro Lane B46 1SB (specifically the pre 1950s structures facing Attleboro Lane).

AND WHEREAS the Council consider that the development of the said description would constitute a threat to the amenities of their area and that the provisions of Article 4(1) and Paragraph 2 of Schedule 3 to the Order apply.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Order, **hereby direct** that the permission granted by article 3 of the said Order shall not apply to the development on the specified lands of the description set out in the first Schedule below.

THIS DIRECTION is made this 10th day of January 2023 under article 4(1) of the said Order and shall remain in force until 10th July 2023 (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority before the end of this six month period.

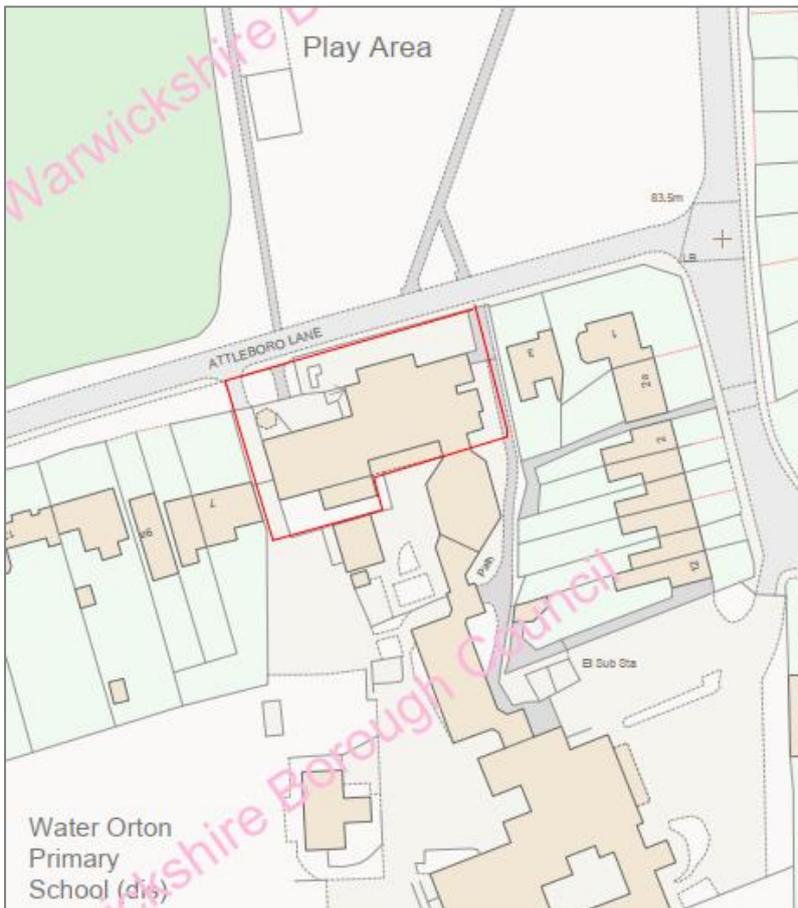
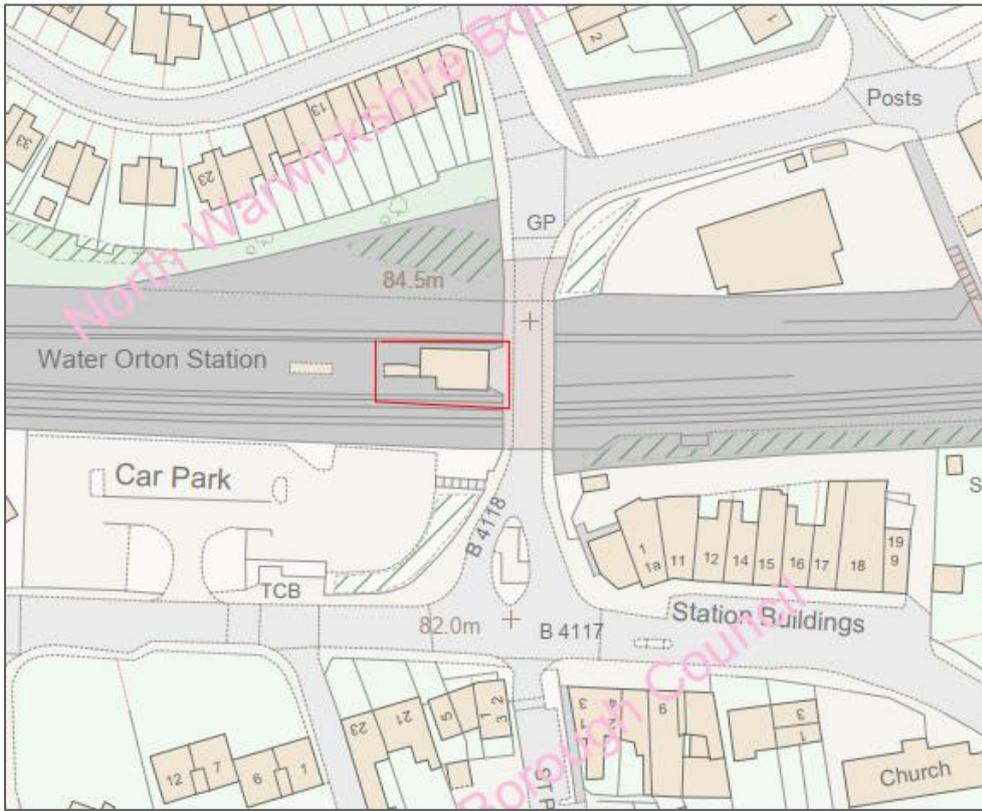
FIRST SCHEDULE

In respect of the land shown on the plan in the Second Schedule

Development by way of any building operation consisting of the demolition of a building comprised within Class B of Part 11 of Schedule 2 to the Order, and not being development comprised within any other Class.

Made under the Common Seal of the Council this 10th day of January 2023.

SECOND SCHEDULE



The Common Seal of
North Warwickshire Borough Council
Is hereunto affixed in the presence of:



Authorised Signatory

Agenda Item No 6

Planning and Development Board

9 January 2023

Report of the Chief Executive

Provision of Waste and Bin Storage Facilities for New Developments Supplementary Planning Document (SPD)

1 Summary

- 1.1 This report informs Members of updates to the Provision of Waste and Bin Storage Facilities for New Developments SPD and seeks its approval as a Supplementary Planning Document to inform planning decisions.

Recommendation to the Board

That the Provision of Waste and Bin Storage Facilities for New Developments Supplementary Planning Document (SPD) be adopted.

2 Consultation

- 2.1 Councillors Simpson and Phillips have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 SPD

- ... 3.1 Attached as Appendix 1 is a board report considered by the LDF Sub-Committee on 4 January 2023. Any comments received will be reported verbally at the meeting.

4 Conclusion

- 4.1 Members are asked to approve the SPD for adoption. Once adopted the documents will also then be available for use by the Development Management team, in making decisions on planning applications.

5 Report Implications

5.1 Finance and Value for Money Implications

- 5.1.1 The costs of the programme of work for Supplementary Planning Documents as listed in the Local Development Scheme, are funded through the Local Development Framework budget.

5.2 Legal and Human Rights Implications

5.2.1 The SPD complies and conforms with the relevant policies in the recently Adopted Local Plan, for which a Sustainability Appraisal, Equalities Assessment and Habitat Regulations Assessment have all been undertaken. The Local Plan has been Adopted and found to be legally sound and consistent with national policy. It should be noted that an SPD is not part of the Council's Development Plan however, it is intended to build on and provide more detailed advice or guidance on policies in an adopted Development Plan. SPDs are however, a material consideration in planning decision-making.

5.3 Environment, Climate Change & Health Implications

5.3.1 A Sustainability Appraisal, incorporating Strategic Environmental Assessment, has been undertaken on the Adopted North Warwickshire Local Plan, to which the provision of waste and bin storage facilities for new developments SPD must comply and conform, as well as with the National planning policies applying under the current NPPF 2021.

5.4 Equality Implications

5.4.1 An equality impact assessment has been carried out on the Local Plan which sets out the overarching spatial vision for the Borough over the next 15 years and to which the provision of waste and bin storage facilities for new developments SPD must comply and conform as well as with the National planning policies applying under the current NPPF2021.

5.5 Links to Council's Priorities

5.5.1 The delivery of the SPD's listed in the Local Development Scheme and relevant services and infrastructure needs generated by development is linked to all of the Council

The Contact Officer for this report is Sue Wilson (719499).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
	North Warwickshire BC	Provision of waste and bin storage facilities for new development	2022

Agenda Item No 5

**Local Development Framework
Sub-Committee**

4 January 2023

Report of the Chief Executive

**Provision of Waste and Bin
Storage Facilities for New
Developments**

1 Summary

- 1.1 This report informs Members of updates to the Design Guide for Bin Storage and seeks any comments prior to the document going to Planning and Development Board recommending it be adopted as a Supplementary Planning Document to inform planning decisions

Recommendation:

- a That Members note the report; and**
- b Any comments made by Members will be reported to 9 January Planning and Development Board.**

2 Consultation

- 2.1 Councillors Reilly and Osbourne have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Background

- 3.1 This SPD provides general guidance to developers on the space and access requirements for waste and recycling containers, that should be considered when building a new development or a conversion. This SPD also provides information regarding the requirement for developers to purchase the waste and recycling contains for all new developments/conversions.
- 3.2 This SPD should be read in conjunction with general planning and building regulation requirements. Planning applications which do not adequately consider and demonstrate waste storage and vehicle access may be refused

4 **Consultation**

4.1 The SPD went out for consultation from 15 September to the 4 November 2022.

4.2 A total of 5 consultation responses were received and these have been considered and amendments have been made to the SPD where relevant. A summary of the responses can be seen in Appendix A (Consultation Statement) Appendix B is a revised Final copy of the SPD.

5 **Conclusion**

5.1 Members are asked to support the SPD for adoption. The new document will then be available for use by the Development Management team, in making decisions on planning applications. This will enable the SPD to both better reflect the Adopted Local Plan and to provide increasingly greater weight to the SPD when used as justification and evidence in planning decisions as the documents progress through the consultation and adoption process.

6 **Report Implications**

6.1 **Finance and Value for Money Implications**

6.1.1 The costs of the programme of work for Supplementary Planning Documents as listed in the Local Development Scheme, are funded through the Local Development Framework budget.

6.2 **Legal and Human Rights Implications**

6.2.1 The SPD complies and conforms with the relevant policies in the recently Adopted Local Plan, for which a Sustainability Appraisal, Equalities Assessment and Habitat Regulations Assessment have all been undertaken. The Local Plan has been Adopted and found to be legally sound and consistent with national policy. It should be noted that an SPD is not part of the Council's Development Plan however, it is intended to build on and provide more detailed advice or guidance on policies in an adopted Development Plan. SPDs are however, a material consideration in planning decision-making.

6.3 **Environment, Climate Change & Health Implications**

6.3.1 A Sustainability Appraisal, incorporating Strategic Environmental Assessment, has been undertaken on the Adopted North Warwickshire Local Plan, to which the provision of waste and bin storage facilities for new developments SPD must comply and conform, as well as with the National planning policies applying under the current NPPF 2021.

6.4 Equality Implications

- 6.4.1 An equality impact assessment has been carried out on the Local Plan which sets out the overarching spatial vision for the Borough over the next 15 years and to which the provision of waste and bin storage facilities for new developments SPD must comply and conform as well as with the National planning policies applying under the current NPPF2021.

6.5 Links to Council's Priorities

- 6.5.1 The delivery of the SPD's listed in the Local Development Scheme and relevant services and infrastructure needs generated by development is linked to all of the Council

The Contact Officer for this report is Sue Wilson (719499).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

NORTH WARWICKSHIRE BOROUGH COUNCIL

**PROVISION OF WASTE AND BIN STORAGE FACILITIES FOR
NEW DEVELOPMENTS AND PROPERTY CONVERSIONS
PLANNING DOCUMENT (SPD)**

**TOWN & COUNTRY PLANNING (LOCAL PLANNING)(ENGLAND)
REGULATIONS 2012**

REGULATION 12 STATEMENT OF CONSULTATION

December 2022

- 1.1 The Town & County Planning (Local Planning)(England) Regulations 2012 require in Regulation 12 that before a planning authority adopts a Supplementary Planning Document (SPD), they must prepare a statement (Statement of Consultation) setting out:
 - i) The persons the local planning authority consulted when preparing the SPD;
 - ii) A summary of the main issues raised by those persons; and
 - iii) How those issues have been addressed in the SPD
- 1.2 This document is the Statement of Consultation for the Provision of waste and bin storage facilities for New developments SPD and sets out the persons the Council consulted in preparing the SPD and how their comments have been addressed.
- 1.3 A letter/email was sent to everyone on our mailing list which included the three statutory bodies (Environment Agency, Historic England, Natural England) in preparing the SPD. There was also a Press Notice advertised in the Local Press and the consultation was also published on the Councils website and social media (Twitter and Facebook)
- 1.4 The Council held public consultation on the draft SPD between 15th September and the 4th November 2022. 5 representations were received during the period of consultation. A summary of these and how they were taken into account can be found in Table 1. Table 1 also shows additional changes which are proposed to be made to the SPD by the Council prior to adoption.

TABLE 1

Organisation	Support	Comments	NWBC COMMENT
Historic England		No Comments	Noted
Coal Authority		No Specific Comments	Noted
Stantec		<p>The “Design Guide for Bin Storage” document is almost identical to the draft SPD. As such, initially, we would question why the Council have not simply sought to update the previous 2016 Technical Advice Note in this regard. This would be a far simpler approach given the ever changing nature of requirements in this regard and is still capable of being a material consideration if subject to consultation</p>	<p>The change to an SPD provides greater weight to the document as a material consideration to the document than remaining simply as a "Technical Guide" for advice. With revised National Guidance facilitating and shortening the time period taken to produce, consult and adopt SPD's it is not considered too "onerous" or complex to administer the process, and the time taken to produce Technical Advice (that would not carry the same potential 'planning weight' as an SPD in material considerations) is unlikely to be significantly shorter or simpler to update than an SPD apart from the public consultation requirement that provides the statutory opportunity for consultants, agents and developers to make comments on behalf of themselves or clients, which 'should' be considered a beneficial opportunity. It is agreed that the SPD is 'effectively' an update to the technical guidance but disagree on the difference and difficulty the classification up to an SPD causes, placing the document on a more 'development plan' footing and status. If, to achieve being capable of being a material consideration, a technical guidance note needed consultation, as suggested by the comment, it would then appear to bring production of such guidance up to the same level of detail, work and process as undertaking an SPD, without indicating or confirming the document has the status of an SPD, potentially not granting it the same planning weight status as an SPD.</p>

The draft SPD notes that “bins should not be visible from the street”, and whilst we agree to this in principle and in urban design terms, we consider that a pragmatic approach should be taken to each site. Parts of some sites could present layout constraints which could prevent the storage of bins in integral locations or in communal storage areas. Therefore, we consider that this matter alone should not prevent development from coming forward on the grounds of bins being visible from the street alone. Furthermore, where an individual householder chooses to store their bin is not something that the Council should or can control; the only element which can be controlled is the location of communal bin storage buildings/shelters. The draft SPD notes that multi-occupancy properties and certain types of ‘courtyard’ style terraced developments, “should provide an enclosed area to store larger shared waste containers for refuse, recycling and garden/food waste” and these should meet a set of criteria. We agree that such communal facilities can be more appropriate for some types of developments, and can contribute to a higher quality public realm, in line with the requirements of the NWLP. However, this is something which can be considered as the planning application is assessed with the use of good urban design principles and does not require a separate SPD.

The text states "should", and is considered flexible enough to address those circumstances where it may be impossible to site/store/screen bins or provide internal storage to help avoid highly visible siting of bins and bin storage from the street view. In addition the SPD notes “Special considerations may apply in designated conservation areas or where the property is a listed building”, which provides further flexibility.

Development proposals should seek to address this issue and not seek to avoid provision, or seek to develop to such high density that service provision such as bin store of amenity space is physically impossible to provide. The circumstances where this applies should be minimal and to remove the requirement that bins should not be visible from street view may result in developments of poor quality, poor and inadequate service facilities and provision, poor living environment and poor visual, amenity, quality and character, to the detriment of aims of good design. This SPD will therefore ‘encourage’ developers not to take such an approach or view to proposals for development.

In reference to the comment “where an individual householder chooses to store their bin is not something that the Council should or can control” is not wholly correct. Where the County Council or Borough Council maintain, own or manage the waste storage and associated operations and seek to maintain operational use and movement across public highways on land they control or have responsibility for (as noted in Section 3), then the Council can control where a householder seeks to store their bins in these locations and circumstances. In the case of short-term storage while awaiting pick up by waste vehicles this will not apply (beyond bins not being placed in a situation that causes issues of highway danger or compromises safety). But for long term storage purposes it is considered a reasonable approach and benefit to amenity and visual character and appearance. Provision of physical bin storage areas out of street view also encourages and facilitates active use of appropriate bin storage both for benefit of residents/householders and in the interests of good planning.

The rare circumstances that may apply where residents or householders ignore provided designated areas and actively choose inappropriate areas or locations to store bins other than that provided by the developer/development as a result of this SPD will depend very much on the situation and circumstances of the case and the degree of impact this may have on other residents, businesses, waste operators and general public. This may be controlled by other legislation such as environmental health, littering regulations, public highway and rights of

			<p>way accessibility and road traffic regulations. The provision of the storage facility/area itself (not use of) may also be controllable through planning condition applying to a planning consent (if required) and thereby enforceable through planning law, applying to conditions imposed for planning reasons relating to the use of the land, residential amenity, visual amenity and appropriate services/infrastructure provision needed to serve the development.</p>
		<p>Agree that such storage should be positioned away from windows and entrances to protect residential amenity, and provision made to prevent leaks and odour, yet be in areas that are easily accessible to residents.</p>	<p>Noted and agreed.</p>
		<p>We agree that consideration must be given to vehicular access to empty bins, and that roads should be built to a standard suitable of accommodating refuse vehicles. These requirements are underpinned by the NWLP. We consider that the use of temporary 'Bin Presentation Areas' (BPAs) could be used when roads are not up to adoptable standards, however this should not prejudice any ongoing construction works taking place. However much of this will be controlled by Warwickshire County Council highways department and is part of wider highways discussions at the time an application is assessed. Again, it does not require a separate SPD. We do not support the proposal indemnification of the Council against potential damage. This assumes that the developer / landowner would be at fault rather than the possibility of careless driving / poor management.</p>	<p>Noted and agreed except for comment relating to the documents status as an SPD and issue of indemnification. See earlier response re status of document as technical guidance compared to an SPD. In terms of indemnification, this relates solely to circumstances where access is required over private Land and to potential damage caused by the collection vehicle to the road surface. In such circumstances to enable the Council/Waste Operator to undertake their legal duty under the Environmental Protection Act 1990 to collect household waste, the Council/Waste Operator is reliant on the developer/landowner/householder ensuring the access and road surfacing to the waste is of sufficient standard (as identified in the SPD) to accommodate waste vehicles, or the waste has to be placed in a location suitably accessible by waste operators to enable pick up/transfer of bins to the vehicles (See note in Section 4 relating to "a suitable 'Bin Presentation Area' (BPA) to be used by residents for the temporary placement of bins for collection only"). No assumption of guilt is being made or expressed by the SPD, simply a responsible risk assessment based approach to providing a statutory function. If this situation does not apply, then the Council/Waste Operator is at risk legally and from a health and safety duty of care aspect for employees/drivers/operators and may be able to refuse to collect household waste from private property if this places their equipment and staff at risk. Hence the requirement for indemnification in those</p>

			circumstances involving operations over private land, along an access where it may not be clearly/obviously provided to the standards sought by the SPD.
		SPD sets out that “developers are expected to meet the whole cost in providing containers for new developments”. We acknowledge that developers will have to work with the Council to ensure containers are in place ahead of occupations, however consider that it should not be assumed that the developer should have to pay for new containers.	Noted, Section 5 relates to provision and states "These charges are a one-off cost for initial provision" therefore not relating to 'in perpetuity' provision for new containers 'ad infinitum'. Nevertheless, the addition of text clarification adding "initial" in the first sentence as follows may help clarify that an 'in perpetuity' responsibility was not expected or being applied to the original developer; “ <i>Developers are expected to meet the whole cost in providing initial containers for new developments</i> ”
Hinckley & Bosworth BC		No Comments	Noted
Stantec		The “Design Guide for Bin Storage” document is almost identical to the draft SPD. As such, initially, we would question why the Council have not simply sought to update the previous 2016 Technical Advice note this in regard. This would be a far simpler approach given the ever changing nature of requirements in this regard and is still capable of being a material consideration if subject to consultation.	Noted. Disagree. See earlier response re status of document as technical guidance compared to an SPD.
		The draft SPD notes that “bins should not be visible from the street”, and whilst we agree to this in principle and in urban design terms, we consider that a pragmatic approach should be taken to each site. Parts of some sites could present layout constraints which could prevent the storage of bins in integral locations or in communal storage areas. Therefore, we consider that this matter alone should not prevent development from coming forward on the grounds of bins being visible from the street alone. Furthermore, where an individual householder chooses to store their bin is not something that the Council should or can control; the only element which can be controlled is the location of communal bin storage buildings / shelters.	Noted. Disagree. See earlier comments in relation to on street bin visibility, SPD flexibility in approach, and response to suggestion of "control" in all circumstances.
		The draft SPD notes that multi-occupancy properties and certain types of ‘courtyard’ style terraced developments, “should provide an enclosed area to store larger shared waste containers for refuse, recycling and garden/ food waste” and these should meet a set of criteria. We agree that such communal facilities can be more	The Council acknowledge and note the comments in support of the SPD and the application of "good urban design principles" to development proposals. However, the Council disagree with the suggested lack of need for such guidance in the form of an SPD. The SPD is simply guidance to inform applicants in advance of submitting planning applications. As guidance it informs, encourages, supports,

	<p>appropriate for some types of developments, and can to a higher quality public realm, in line with the requirements of the NWLP. However this is something which can be considered as the planning application is assessed with the use of good urban design principles and does not require a separate SPD. We agree that such storage should be positioned away from windows and entrances to protect residential amenity, and provision made to prevent leaks and odour, yet be in areas that are easily accessible to residents. We are supportive of initiatives to ensure that such storage areas are adequately lit, include features to increase safety, and reduce opportunities for crime and anti-social behaviour.</p>	<p>re-inforces and reminds potential applicants of good practice and "good urban design principles" that are expected for development proposals in North Warwickshire. The use of the SPD format is considered helpful and perhaps more useful to inform potential applicants that may be less knowledgeable than the commentor. The SPD format also provides greater weight and recognition as a material consideration for potential applicants to address the issue of the 'Provision of facilities for waste and recycling for new developments'.</p>
	<p>Part 4 of the SPD relates to vehicle access and sets out that consideration must be given to vehicle access to empty wheeled bins; that roads must be built to a standard capable of accommodating refuse vehicles and turning circles; that temporary bin areas must be provided when roads are not built to required standards; and that that Council will be indemnified against damage when collecting waste on private land. We agree that consideration must be given to vehicular access to empty bins, and that roads should be built to a standard suitable of accommodating refuse vehicles. These requirements are underpinned by the NWLP. We consider that the use of temporary 'Bin Presentation Areas' (BPAs) could be used when roads are not up to adoptable standards, however this should not prejudice any ongoing construction works taking place. However, much of this will be controlled by Warwickshire County Council highways department and is part of wider highways discussions at the time an application is assessed. Again, it does not require a separate SPD. We do not support the proposed indemnification of the Council against potential damage. This assumes that the developer or landowner would be at fault rather than the possibility of careless driving or poor management</p>	<p>Noted. See earlier comments regarding the use of the SPD format and process for guidance and in respect of indemnification.No further changes necessary.</p>
	<p>Part 5 of the SPD sets out that "developers are expected to meet the whole cost in providing containers for new developments". We acknowledge that</p>	<p>Noted. See earlier comments regarding the additional text "initial" for clarification guidance and in respect costs. As the provision of an appropriate bin is considered an essential element of each of the</p>

	<p>developers will have to work with the Council to ensure containers are in place ahead of occupations, however consider that it should not be assumed that the developer should have to pay for new containers.</p>	<p>properties services and infrastructure the requirement for bins to be provided prior to sale and occupation (of the dwelling), is considered necessary and reasonable. No further changes considered necessary.</p>
	<p>We are supportive of aims and initiatives to increase the provision of recycling within the Borough. We consider that residential developments should be designed to afford occupiers a high standard of amenity, balanced with a high quality public realm. However we do not consider that this requires a separate and superfluous SPD. If it is deemed necessary, which we do not think it is, it can be captured via an update to the existing advice note</p>	<p>Noted. See earlier comments regarding the use of the SPD format and process for guidance and status of document as technical guidance compared to an SPD. No further changes necessary.</p>

**Provision of facilities for waste and recycling
for new developments and property
conversions
Supplementary Planning Document (SPD)**



DECEMBER 2022

1. Introduction

This SPD provides general guidance to developers on the space and access requirements for waste and recycling containers which should be taken into account when building a new development or a conversion. This SPD also provides information regarding the requirement for developers to purchase the waste and recycling containers for all new developments/conversions.

This SPD should be read in conjunction with general planning and building regulation requirements. Planning applications which do not adequately consider and demonstrate waste storage and vehicle access may be refused.

2. Collection service

The waste and recycling containers provided for residents is as follows:

	Refuse (collected fortnightly)	Recycling (collected fortnightly)	Garden and food (collected fortnightly)
Single households Individual properties	240 litre black wheeled bin.	240 litre black wheeled bin with a red lid	240 litre green/black wheeled bin with a green lid. Residents to 'Opt in' to service at £40.00* per annum
High occupancy single households 6 or more permanent residents	Additional black wheeled bin (by application only)	Additional black wheeled bin with a red (by application only)	As above
Households where wheeled bins are unsuitable Properties with no frontage or that can only be accessed by steps	As per Single households (A separate bin store must be provided to house all bins)	As per Single households (A separate bin store must be provided to house all bins)	As per Single households (A separate bin store must be provided to house all bins) Residents to 'Opt in' to service at £40.00* per annum

<p>Multi-occupancy properties Property containing several individual properties within one building</p>	<p>Shared 660 litre and/or 1100 litre bins (dependant on number of properties)</p> <p>(A bin store must be provided to house all bins)</p>	<p>Shared 660 litre and/or 1100 litre bins (dependant on number of properties).</p> <p>Comprising of separate bins for paper/card and DMR?</p> <p>(A bin store must be provided to house all bins)</p>	<p>240 litre green wheeled bin/black wheeled bins with a green lid. (dependant on number of properties).</p> <p>For food waste only. Residents to 'Opt in' to service only at £40.00* per annum, where appropriate (A bin store must be provided to house all bins)</p>
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* subject to annual review

3. Storage requirements

All developments including conversions are required to provide adequate off-street hard standing storage space for the appropriate number and type of refuse and recycling containers indicated above (including sacks where applicable). For example, single households will require space for two (three if opted into green bin service) 240 litre wheeled bins.

Residents are not permitted to store or place bins permanently on an adopted public highway.

Storage can be in the form of storage space integral to the design of the property or dedicated space externally or in a communal storage area. Bins should not be visible from the street.

Special considerations may apply in designated conservation areas or where the property is a listed building.

3.1 Container types and dimensions

	Height	Width	Depth
Sack (each)	n/a	n/a	n/a
140 litre wheeled bin	1070mm	480mm	550mm
240 litre wheeled bin	1070mm	570mm	730mm
660 litre wheeled bin	1330mm	1250mm	720mm
1100 litre wheeled bin	1370mm	1375mm	990mm

These dimensions are a reasonable indication of sizes but will be subject to manufacturing tolerances and vary slightly from manufacturer to manufacturer.

3.2 Requirements for single households

Residents living in single households are required to present their bins at the end of the property where it meets the footpath or public land or where designated. To avoid any health and safety risk to residents, a clear flat access without steps and other obstacles must be

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provided between the storage point and the collection point. Paths should be a minimum of 600mm wide with a solid surface to facilitate wheeling the bin. The storage point should be located no more than 30m from the main access to the house and no more than 25m from the collection point.

3.2.1 Terraced properties*

Within certain types of 'courtyard' style terraced developments, it may be more practical to provide communal refuse and recycling storage similar to the requirements of multi-occupancy properties.

3.3 Requirements for multi-occupancy properties*

Multi-occupancy properties such as flats, apartments and maisonettes should provide an enclosed area to store larger shared waste containers for refuse, recycling and garden/food waste. These enclosed communal storage areas should be:

- Positioned away from the main entrance and windows of properties.
- No more than 30m from the resident's entrance and no more than 25m from the collection point, without requiring bins to be taken through a building.
- Located at street level with a clear path and solid surface between the storage area and the collection point. Paths should be a minimum of 1200mm wide with a solid surface to facilitate wheeling the bin.
- Be of sufficient size to allow 150mm between containers and for the containers to be removed from the storage area individually.
- Be at least 2m in height to allow for bin lids to be opened.
- Have a solid floor that is inclined slightly towards a drain. This principle is important as refuse bins can sometimes leak liquids, which would otherwise pool on the floor and could cause an odour problem and/or health risk.
- The design, layout and lighting will be expected to incorporate features to increase safety and reduce opportunities for crime and anti-social behaviour. The location should also minimise the intrusion of noise and light on neighbouring properties.
- Dropped kerbs must be provided (where required) to enable containers to be taken to the refuse collection vehicle with ease.

'Keep Clear' markings should be considered to prevent cars parking and inaccessibility for containers.

A noticeboard should be provided within the storage area.

Please note that these requirements are without prejudice to the use of the Council's statutory powers under Part II of the Environmental Protection Act 1990, which contains a scheme regulating provision of bins, placing them on highways.

4. Vehicle access

Considerations must be given to vehicle access to empty wheeled bins if this be from individual properties or from a communal collection point.

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A standard refuse collection vehicle requires a minimum of 4 metres vertical clearance and access roads need to be at least 3 metres wide. Road surfaces will need to be sufficient to accommodate heavy goods vehicles which are almost 12 metres in length and have a gross weight of approximately 26 tonnes (a vehicle data sheet detailing all relevant vehicle measurements is available on request). Roads should be constructed in a way which eliminates or reduces as far as possible the need to reverse. The turning circle required for a refuse collection vehicle is 23m.

Where roads are not built to the required standards the developer must provide a suitable 'Bin Presentation Area' (BPA) to be used by residents for the temporary placement of bins for collection only. This is not a permanent storage location. The BPA must be constructed so it cannot be used as an additional car parking space and is located immediately adjacent to the nearest adopted highway with suitable screening, having a firm paved surface and level access to the public highway, including dropped kerbs where required. The BPA should be large enough to accommodate two 240 litre bins for each property, or all multiple occupancy bins.

Where access is required over private land a damage waiver will be required, indemnifying the Council against any potential damage cause by the collection vehicle to the road surface.

5. Provision of containers

Developers are expected to meet the whole cost in providing initial containers for new developments, this includes existing properties which are sub divided and require additional bin capacity.

Containers may be purchased from the Council or directly from manufacturers, although it should be noted that all items must be fully compliant with the Council's specification. Charges for containers are detailed in the Council's Fees and Charges Schedule available at www.northwarks.gov.uk. These charges are a one-off cost for initial provision; the containers remain the property of the Council. When residents move on the containers must remain for the next resident to use.

Developers are expected to have provided appropriate containers for developments before residents have moved in. This will ensure residents are able to contain their waste and to allow for the development to be included on collection rounds. It should be noted that only a limited number of containers are kept in stock. Where containers are in stock the Council will aim to deliver them within 10 working days. Where the Council needs to place an order for containers the delivery of these containers can take up to 12 weeks. Developers should give as much notice as possible.

Agenda Item 7

Planning and Development Board

9 January 2023

Report of the Chief Executive

Supplementary Planning Document (SPD) “Planning Obligations for Open Space, Sport and Recreation” and Associated Calculator Documents

1 Summary

- 1.1 This report informs Members of updates to the November 2017 ‘Planning Obligations for Open Space, Sport and Recreation’ and associated Calculator Documents and seeks approval for the documents to be adopted as a Supplementary Planning Document to inform planning decisions.

Recommendation to the Board

To adopt the SPD “Planning Obligations for Open Space, Sport and Recreation” and Associated Calculator Documents.

2 Consultation

- 2.1 Councillors Simpson and Phillips have been sent an advanced copy of this report for comment.

3 The SPD

- ... 3.1 Attached as Appendix 1 is a board report considered by the LDF Sub-Committee on 4 January 2023. Any comments received will be reported verbally at the meeting.

4 Conclusion

- 4.1 Members are asked to approve the SPD for adoption. The new documents will then be available for use by the Development Management team, in making decisions on planning applications.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 The costs of the programme of work for Supplementary Planning Documents as listed in the Local Development Scheme, are funded through the Local Development Framework budget.

5.2 Legal and Human Rights Implications

5.2.1 Whilst not part of the development plan, SPDs are a material consideration in planning decision-making building on and providing more detailed advice on the policies in an Adopted Local Plan. This SPD complies and conforms with the relevant policies in the recently Adopted Local Plan, for which a Sustainability Appraisal, Equalities Assessment and Habitat Regulations Assessment have all been undertaken. The Local Plan has been Adopted and found to be legally sound and consistent with national policy.

5.2.2 Prior to adoption of an SPD the Council must prepare a statement setting out the persons consulted in preparing it, a summary of the issues they have raised and how those issues have been addressed in the SPG. The Council must then make that statement and the SPG available for the public and allow at least weeks for representations to be made.

5.2.3 Once an SPG is adopted, the Council must make a copy of it available to the public along with an adoption statement. It must also send a copy of the adoption statement to any person who has asked to be notified of it.

5.3 Environment, Climate Change & Health Implications

5.3.1 A Sustainability Appraisal, incorporating Strategic Environmental Assessment, has been undertaken on the adopted North Warwickshire Local Plan, to which the Planning Obligations for Open Space, Sport and Recreation SPD must comply and conform, as well as with the National planning policies applying under the current NPPF 2021.

5.4 Equality Implications

5.4.1 An equality impact assessment has been carried out on the Local Plan which sets out the overarching spatial vision for the Borough over the next 15 years and to which the Planning Obligations for Open Space, Sport and Recreation SPD must comply and conform as well as with the National planning policies applying under the current NPPF2021.

5.5 Safer Communities Implications

5.5.1 The publication and adoption of the SPD contributes to community safety by establishing a framework and delivery process for contributions (via the planning and development management system) to support the provision of well-managed indoor and outdoor leisure, recreation and open space services and facilities that encourage and afford opportunities for positive activity and that helps address the Borough community safety objectives.

5.6 Links to Council's Priorities

5.6.1 The delivery of the SPD's listed in the Local Development Scheme and relevant services and infrastructure needs generated by development is linked to all of the Council priorities.

The Contact Officer for this report is Sue Wilson (719499).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
	North Warwickshire BC	"Planning Obligations for Open Space, Sport and Recreation" and Associated Calculator Documents	2022

Agenda Item No 6

**Local Development Framework
Sub-Committee**

4 January 2023

Report of the Chief Executive

**Supplementary Planning Document
(SPD) “Planning Obligations for
Open Space, Sport and
Recreation” and Associated
Calculator Documents**

1 Summary

- 1.1 This report informs Members of the consultation and proposed changes to the Draft Planning Obligations for Open Space, Sport and Recreation SPD and associated Calculator Documents. Members’ comments from the LDF Sub-Committee will be presented to the Planning and Development Board when it will be recommended to adopt the Supplementary Planning Document and it be used to inform planning decisions.

Recommendation to the Sub-Committee:

- a That Members note the report; and**
- b That any comments made by Members at the meeting will be reported to the 9 January 2023 Planning and Development Board.**

2 Consultation

- 2.1 Councillors Reilly and Osbourne have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

- 2.1 The SPD was approved to go out for consultation by Members in May 2022. This took place between 14 September to the 4 November 2022. A total of 10 consultation responses were received and these can be found in Appendix A along with a suggested response. These have been considered and amendments have been made to the SPD where relevant. A summary of the responses can be seen in Appendix A (Consultation Statement) and the amended SPD can be found at Appendix B.

...

3 Conclusion

- 3.1 Members are asked to support the SPD for adoption. When adopted the new documents will also then be available for use by the Development Management team, in making decisions on planning applications. This will enable the SPD to both better reflect the Adopted Local Plan and to provide increasingly greater weight to the SPD when used as justification and evidence in planning decisions as the documents progress through the consultation and adoption process.

4 Report Implications

4.1 Finance and Value for Money Implications

- 4.1.1 The costs of the programme of work for Supplementary Planning Documents as listed in the Local Development Scheme, are funded through the Local Development Framework budget.

4.2 Legal and Human Rights Implications

- 4.2.1 The SPD complies and conforms with the relevant policies in the recently Adopted Local Plan, for which a Sustainability Appraisal, Equalities Assessment and Habitat Regulations Assessment have all been undertaken. The Local Plan has been Adopted and found to be legally sound and consistent with national policy. It should be noted that an SPD is not part of the Council's Development Plan however, it is intended to build on and provide more detailed advice or guidance on policies in an adopted Local Plan. SPDs are however, a material consideration in planning decision-making.
- 4.2.2 Prior to adoption of an SPD the Council must prepare a statement setting out the persons consulted in preparing it, a summary of the issues they have raised and how those issues have been addressed in the SPD. The Council must then make that statement and the SPD available for the public and allow at least 4 weeks for representations to be made.
- 4.2.3 Once an SPD is adopted, the Council must make a copy of it available to the public along with an adoption statement. It must also send a copy of the adoption statement to any person who has asked to be notified of it.

4.3 Environment, Climate Change & Health Implications

- 4.3.1 A Sustainability Appraisal, incorporating Strategic Environmental Assessment, has been undertaken on the Adopted North Warwickshire Local Plan, to which the Planning Obligations for Open Space, Sport and Recreation SPD must comply and conform, as well as with the National planning policies applying under the current NPPF 2021.

4.4 Equality Implications

- 4.4.1 An equality impact assessment has been carried out on the Local Plan which sets out the overarching spatial vision for the Borough over the next 14 years and to which the Planning Obligations for Open Space, Sport and Recreation SPD must comply and conform as well as with the National planning policies applying under the current NPPF2021.

4.5 Safer Communities Implications

- 4.5.1 The publication and adoption of the SPD contributes to community safety by establishing a framework and delivery process for contributions (via the planning and development management system) to support the provision of well-managed indoor and outdoor leisure, recreation and open space services and facilities that encourage and afford opportunities for positive activity and that helps address the Borough community safety objectives.

4.6 Links to Council's Priorities

- 4.6.1 The delivery of the SPD's listed in the Local Development Scheme and relevant services and infrastructure needs generated by development is linked to all of the Council

The Contact Officer for this report is Sue Wilson (719499).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
	North Warwickshire BC	Supplementary Planning Document (SPD) "Planning Obligations for Open Space, Sport and Recreation" and Associated Calculator Documents	2022

NORTH WARWICKSHIRE BOROUGH COUNCIL

OPEN SPACE SUPPLEMENTARY PLANNING DOCUMENT (SPD)

**TOWN & COUNTRY PLANNING (LOCAL PLANNING)(ENGLAND)
REGULATIONS 2012**

REGULATION 12 STATEMENT OF CONSULTATION

December 2022

- 1.1 The Town & County Planning (Local Planning)(England) Regulations 2012 require in Regulation 12 that before a planning authority adopts a Supplementary Planning Document (SPD), they must prepare a statement (Statement of Consultation) setting out:
 - i) The persons the local planning authority consulted when preparing the SPD;
 - ii) A summary of the main issues raised by those persons; and
 - iii) How those issues have been addressed in the SPD
- 1.2 This document is the Statement of Consultation for the Open Space SPD and sets out the persons the Council consulted in preparing the SPD and how their comments have been addressed.
- 1.3 A letter/email was sent to everyone on our mailing list which included the three statutory bodies (Environment Agency, Historic England, Natural England) in preparing the SPD. There was also a Press Notice advertised in the Local Press and the consultation was also published on the Councils website and social media (Twitter and Facebook)
- 1.4 The Council held public consultation on the draft SPD between 15th September and the 4th November 2022. 10 representations were received during the period of consultation. A summary of these and how they were taken into account can be found in Table 1. Table 1 also shows additional changes which are proposed to be made to the SPD by the Council prior to adoption.

TABLE 1

Ref No	Name	Organisation	Support	Para	Comments	NWBC COMMENT
OS1	Elizabeth Boden	Historic England			<p>Welcome the reference to the historic environment as a function of Green Infrastructure in providing landscape setting and context, as encompassed within the Green Infrastructure Strategy - Appendix A clause (xii).</p> <p>We refer you to Historic England’s technical guidance on this subject, which can be accessed via the following link: https://historicengland.org.uk/advice/technical-advice/parks-gardens-andlandscapes/public-parks-cemeteries-and-urban-green-spaces/</p> <p>Historic England would encourage consideration of the suggestions relating to the historic environment in the following Natural England guidance: http://publications.naturalengland.org.uk/publication/35033.</p>	The level of detail suggested by Historic England would be inappropriate for this SPD, particularly as historic sites are already protected by other planning policies. Slight amendment to 1.10 to remind readers of the historic environment context along with other considerations.
OS2	Ian Dickinson	Canal & River Trust	Support		Support Para 6.32 that it is appropriate and justified to require development sites within 800m of inland waterways to make contributions towards canal towpath improvements	Noted
OS3	Philip Sharpe	IWA	Support		Support Para 6.32 that it is appropriate and justified to require development sites within 800m of inland waterways to make contributions towards canal towpath improvements	Noted

OS4	Ed Piggott	Stantec			The Council should set out that the amounts confirm that the amounts sought accord with those tested through viability work underpinning the local plan review	SPD went through consultant delivering viability assessment of Local Plan and all allocations. This went through enquiry and subsequent update for Inspector. No change required
					The Council should confirm that they will seek additional external funding sources alongside developer contributions	Most provision under the SPD will be wholly provided by developers. However, it is appropriate to acknowledge that developers' contributions may be used in some instances as partnership funding.
					The SPD should refer to the Council's Infrastructure Delivery Plan. The SPD should refer to the Council's ongoing requirement to produce an Infrastructure Delivery Statement	The IDP is referred to in paras 3.9, 3.10, 5.11, 5.3 and 6.32. No change required. A reference to the annual

						Infrastructure Funding Statement has been added.
					The SPD should be clear that whilst consultation with stakeholders is helpful, contribution requirements should be based on the evidence base.	The developer will need to ensure that appropriate consultation is undertaken to inform the proposals. Local consultation will help to identify local requirements which are not specifically identified in the strategies. Additional paragraph added for clarification and to ensure that sports proposals are supported by the relevant national governing body of sport.
					The SPD should be clear in the scale of scheme which are required to deliver such infrastructure. Vague wording should be removed/clarified.	Noted

				Any on-site strategic infrastructure requirements that are designed to meet a wider need should be clarified at local plan stage.	Covered by existing text. No change required.
				Table 1 should be simplified, flexibility added, and the rationale behind it explained.	The approach in Table 1 follows the approach of existing SPD 2017, which was part of the evidence base for the Local Plan. This information is added to para 4.20.
				Flexibility to be included to allow off-site facilities to be upgraded.	This flexibility is already within the SPD, and can be appropriate where the site is within the appropriate catchment distance and there is potential capacity to meet the demand. The flow charts in Section 7 demonstrate this. No change required.

				Service land should also be an option where a new facility is required onsite.	Flexibility is already enabled in Section 4. No change required as a serviced land option could be an outcome of the negotiations.
				Maintenance/life cycle costs should be capped	Appendix D gives a maintenance period of 25 years for open space typologies. The lifecycle and maintenance cost period for the sport and recreation facilities have been provided on a per annum basis as the requirement will depend on the long term management of the facilities and the revenue levels expected from their use. No change required.

					The rationale behind the 66% figure should be clarified.	The 66% figure was used in the 2017 version of the NWBC SPD, which has been through the Local Plan examination. Other Authorities are also using a similar figure
					Details of management company should not be required at application stage.	Agreed, although will be required to be condition or S106.
					Delete Paragraph 4.40.	This paragraph needs to be retained because it is needed should a scheme identified in a S106 not be deliverable. This is best addressed by adding in a general clause to the planning condition. Text amended for clarification.

Clarity on any maintenance fees is required

Appendix D gives a maintenance period of 25 years for open space typologies. These are based on Sport England and other National Governing Body Guidance and Best Practise. The lifecycle and maintenance cost period for the sport and recreation facilities have been provided on a per annum basis as the requirement will depend on the long term management of the facilities and the revenue levels expected from their use. No change required.

				Projects in the IDP should be costed.	The IDP (page 30) confirms that the leisure strategies provide the project costs. These identified costs usually cover the major strategic projects, but not the smaller local ones. No change required.
				Rationale behind parameters should be set out	The catchment areas / accessibility justification for each facility type and open space typology is provided within the relevant strategies on which the SPD is based. No change required.

				<p>Remove reference to structural and peripheral landscaping in Paragraph 6.29</p>	<p>Although structural and peripheral landscaping may sometimes also provide amenity opportunities it is important that the amenity purpose of open space is the priority. The flexibility in the SPD provide sufficient scope for developers to present a case for the inclusion of structural and peripheral landscaping as part of the open space requirement. However a slight wording amendment to the paragraph helps to confirm this flexibility.</p>
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					Delete Paragraph 6.32.	he contributions towards canal towpaths is justified by its inclusion in the IDP and has been welcomed by the Canal & River Trust and Inland Waterways Association. This paragraph is informative and contributions are not included in the open space, sport and recreation calculations. No change required.
					Amend Table 4 (makes reference to 5-9 dwellings, but the reference in Paragraph 4.5 to contributions not being sought from 'minor' applications)	Explanation and clarification note added to Table 4 and amendment made to Paras 4.6 and 6.43

OS5	Rajvir Bahey	Sport England	Support		It is noted that the 2021 Q2 Sport England Facilities Costs are referenced within the document and that the costs should be updated to the most up date figures at the time of the adoption. At present Sport England's cost figures are 2022 Q3 https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/2022-09/Facility%20cost%20guidance%20-%20Q3%202022.pdf?VersionId=.KgA69md2pkwERetTir1WOGjRL4ECOCm	Costs updated using 2022 Q3
				5.5	Paragraph highlights that neighbourhood plans and consultation including with Parish or Town Council's and other local consultees, may identify a local need(s) that is not in a strategy but still can be justified and requested as a contribution. Whilst this might be the case it is vital that any projects identified should conflict with strategic recommendations made within the respective evidence base document i.e. a new 3G pitch where demand has been met or is not supported by the relevant sporting governing body and Sport England due to concerns about overprovision or restricted access.	Issue agreed. New para 4.4 to address.

				<p>6.1 Paragraph 6.1 and table 1 highlights 'standards' in relation to the sports provision. However, there is a concern about the terminology because the NPPF does not advocate the use of local 'standards' for assessing the needs or providing for sporting provision (unlike PPG17 (2002) which it replaced). Sport England's generic concerns about the use of standards for this purpose are set out in Sport England's CIL and Planning Obligations Advice Note. Consideration should be had to use of the terminology 'provision guide' instead to avoid the quantitative provision figures being used or interpreted as standards with the associated connotations. It should be emphasised that the approach to quantifying the need for sports facilities in the SPD is supported, it is just the terminology in this section which is of concern.</p>	<p>The term 'standard' is more easily understood by developers and others, and sets a benchmark for the expected provision. The SPD however provides flexibility in how these are applied to each development. No change required.</p>
				<p>6.21 Paragraph 6.21 highlights the minimum pitch provision for on site provision. However, a development may generate a need for at least one junior and mini football pitches as well as more than one adult pitch which could collectively justify a new combined football pitch facility being created. In addition, smaller on-site playing fields may still be desirable in areas where the scope for off-site improvements to existing facilities is limited due to distance or the lack of off-site opportunities. Sport England therefore considers the SPD should be amended to provide flexibility as to when on site provision is required informed by the Council's PPS.</p>	<p>Paragraph amended to refer to the Playing Pitch Strategy (and any update thereof)</p>

				6.22	Paragraph 6.22 highlights when it might be necessary for on site provision will be required. However, Sport England would advise a step prior to on site provision would be to assess whether the demand generated from the development could be accommodated within existing sites within the catchment area of the site. Should the existing playing field site have capacity to accommodate the additional demand through pitch and ancillary improvements then an off site contribution might be appropriate.	Amendment to para 1.8 to reference the flow charts to help determine on-site or off-site provision is appropriate. Minor text amendment preceding addition to improve reading of the paragraph as a whole.
OS6	Joseph Cramphorn	Savills		2.7	The Health and Wellbeing Plan referenced runs until 2023. If this SPD is to be adopted in early 2023, the plan will only run for a limited period. Confirmation is required on whether the time period of this plan is due to be extended, or a new plan for an extended period is proposed to be produced	This Plan is due to be updated in 2023. Para 4.8 confirms that the SPD refers to the strategies and evidence base listed, and any updates thereof. No change required. Para 3.10 amended to reflect future updates in evidence base

				2.8	Reference is made to: “Where the justified provision is not proposed to be on-site, then off-site contributions will be sought”. Clarity is required on what constitutes “justified provision that can be provided off site”. Use of an example and/or greater reference to the flow charts at section 7 would be useful in this regard	With the additional references to the flow charts in para 1.8 and 6.18, a further reference to the flow charts is not required here. No change required.
				Planning Policy Context	We support the inclusion of references to NPPF Paragraph 57, and paragraph 122(2) of the Community Infrastructure Levy Regulations (2010). The SPD should be revised to make it clear that SPDs can be a material consideration in the determination of a planning application, but should not set new policy regarding the amount / type of open space that will be sought. The PPG1 states that it is not appropriate for new formulaic approaches to be set out in an SPD, as they are not subject to examination. The decision maker must ensure that each obligation sought meets the statutory tests of CIL Regulation 122	The strategies underpinning this SPD and the 2017 version of the SPD were all part of the evidence base for the Local Plan adopted in September 2021. Therefore there are no new policies being introduced. The SPD and the strategies inform the interpretation of the Local Plan policies. No change required.

				4.8	<p>This section is titled: “What can the Council ask for?” it refers to Table 2 on page 35 of the consultation document. There is a range of measurements provided in relation to the required type and size of facilities required. Some are for internal facilities, and some are for external facilities, and some may be provided off site and others not. Greater clarity on how this breaks down to internal and external provision, and on site and off site would be helpful</p>	<p>Developers should refer to the flow charts in Section 7 and take into account consultation feedback on the scheme to determine what should be provided on-site or off-site for each element of open space, sport and recreation provision. No change required.</p>
				Section 4	<p>The total requirement for external sports provision in both Table 2 and Table 3 produces a figure of 5.03 hectares per 1,000 population which is equivalent to 12.43 acres per 1,000 population which equates to double the National Playing Field Standards of 6 acres per 1,000 population. The emphasis of this section is on numerical calculations and figures. It is important that consideration with guidance is also given to the quality and types of open space being provided. No reference is made to the fact that due to certain habitat types and other biodiversity considerations, in some instances smaller well-designed spaces may be preferable to, for example large areas of mown grass that meet the numerical number but do not create a high-quality space</p>	<p>The standards of provision have been derived from local assessments, as required by NPPF para 98. The strategies and preceding vision of this SPD (2017) were part of the evidence base for the Local Plan. Reference to the old</p>

						National Playing Fields Association recommendation Six Acre Standard is not appropriate. No change required.
				5.8	Within this paragraph, emphasis is placed on Table 2 and 3 in terms of quantum of sports, recreation and open space. A combination of requirements from both tables is higher than National Playing Fields 6-acre standard per 1000 population	See above

				<p>5.22 Para 5.22 refers to the requirement for allotments to have facilities and toilets. Consideration should first be given to the proximity of other toilet facilities. In many cases, allotments holders will live locally to the facilities. Site specific consideration of the overall cost and viability of these facilities, and whether they should be a requirement for every allotment site should be undertaken. This paragraph also states that open space should not be provided under electricity pylons. It is unclear what the rationale for this is. There are many examples across the country of electricity pylons crossing properties and gardens, along with major open spaces such as parks and golf courses. Therefore it is unclear why it is deemed inappropriate for open space to be provided under pylons. If these areas cannot be developed, they will likely be provided as open space anyway. Reference is also made to not developing open space near busy roads. No definition of "busy road" is provided, and we consider that speed limit of the road is more relevant. This wording should be revised to make reference to this being in relation to Childrens playgrounds etc. specifically. It may be that large areas of open space with structural woodland planting adjacent to roads can act as an appropriate buffer.</p>	<p>The SPD sets out quality guidelines but also enables flexibility where justified on a site specific basis. No change required.</p>
				<p>5.28 Reference is made to the design of facilities taking into account aspirations for net zero by 2050. This aspiration will need to be considered in relation to a viability assessment on some sites. The costs associated with aspirations for net zero may not be viable in certain instances</p>	<p>The design principles are important. Flexibility in relation to viability is already addressed in paras 4.23 and 4.41. No change</p>

						required.
				5.3o	An average figure of 2.37 persons per dwelling is quoted as a population basis for calculating demand. However is does not consider development mix, particularly considering if a large number of 1 and 2 bedroom properties are provided that the number of persons per dwellings overall may be less. Site specific characteristics, such as the housing mix proposed should be considered, as the key determinant of the POS requirement rather than a blanket requirement regardless of household sizes, and the population basis for individual sites calculated from that.	Para 5.3 also enables an alternative population figure to be used in the assessment of the demand arising from the development, subject to the Council's agreement. No change required.
				6.2	The “North Warwickshire Facility and Open Space Contribution Calculators” are designed to automatically calculate the demand based on the number of dwellings or population from a development, applying the quantity standards set out in Table 2 and Table 3. As already highlighted the figures for the quantum of open space seem high in relation to the National Playing Field six-acre standard per 1000 population. The calculator relies on agreed quantum’s rather than the quality of spaces to calculate contribution	The standards of provision have been derived from local assessments, as required by NPPF para 98. The standards have three elements: quantity, quality and accessibility. The old 6ac NPFA standard

						is not applicable. The calculator provides the quantity of expected provision. No change required.
				6.5	Para 6.5 refers to Appendix C, which sets out capital costs based on Sports England's latest facility costs Guidance Q2 2021. This does not include all costs of all types of open space, and should be amended to take this into account	Appendix C also includes the opens space capital costs for each of the typologies. No change required other than updating of costs.
				6.17 - 6.26	These paragraphs set out contributions for playing fields being assessed and used. The enlarged sizes and number of pitches may not fit onto small sites and there may be a mismatch between the quantum requirement for more than one pitch. We request that a flexible approach is taking to the type and size of playing pitches to be provided	The pitch sizes are based on the national governing body standards. The additional area is to provide space for ancillary facilities such as car parking and a pavilion/clubhouse. The SPD provides flexibility as to

						how demand generated by the development could be met. No change required.
				6.29	A number of different types of land uses such as structural and peripheral landscaping, and footpaths /cycleways are discounted, and do not count towards public open space. Also discounted will be smaller areas of land that are largely surrounded by roads which are not suitable for reasons of amenity and safety, or where the adjacent use leaves the location unattractive to use. This space should be counted as part of the open space provision as it can provide much needed amenity planting, including avenues of trees and structural planting that adds to the quality of place, and provides areas in which residents can enjoy, where appropriately designed	Although structural and peripheral landscaping may sometimes also provide amenity opportunities it is important that the amenity purpose of open space is the priority. The flexibility in the SPD provide sufficient scope for developers to present a case for the inclusion of structural and peripheral landscaping as part of the open space requirement. However a slight wording amendment to the paragraph

						helps to confirm this flexibility.
				6.30	Reference is made in this paragraph to the potential dual use of SuDs as open space. We support the sentiment that just because a space is a SuDS feature, it should not automatically be excluded from calculations for green infrastructure and open space provision. This is because these spaces can provide natural habitats for wildlife and provide important visual amenity as part of open space provision	The usability of the SUDS area for recreation is the key consideration, not their habitat function in relation to the standards in this SPD. No change required.
				6.33	The requirement in para 6.33 for all new public open space should be of at least 0.2 ha in size is potentially onerous. This requirement would exclude the provision of informal green space provided by a large number of 4 smaller spaces, such as pocket parks. Rather than being discounted, provision of such spaces should be part of the overall mix of spaces including avenue of trees along green verges etc.	The approach towards the minimum size of area is in accordance with the Green Space Strategy, which is the evidence base. No change required.

			Appendix C & D	Both appendix C and D make reference to costs needing to be linked to the Retail Price Index (RPI) and that inflation is to be factored in. Clarity on how and when this will be done, considering the high inflation rate at the moment requires further consideration, and a robust viability assessment to accompany the SPD	Inflation is addressed in paras 4.53 and 4.54 and follows the standard approach of the Council.
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				<p>Conclusion</p> <p>In summary, the key points raised in these representations are as follows:</p> <ol style="list-style-type: none"> 1) What the Council are asking for in terms of quantum of open space (12.43 acres per 1000 population) is more than double in comparison with the National Playing Field Association 6 acres Standard per 1000 population. 2) The SPD places an over emphasis on numerical quantum of open space rather than the quality of open space. High-quality smaller spaces may be more beneficial to the overall quality of place. 3) Viability considerations will need to be considered in relation to size, and quantum of open space and commuted sums required alongside desire to see carbon neutral facilities provided. 4) The calculation of 2.37 residents per household appears reasonable in calculating space per 1000 population, but consideration will need to be given for circumstances in which a housing mix generates a different household provision. 5) Structural, peripheral landscaping, footways and cycleways and incidental smaller open space should be counted towards overall provision including spaces below 0.2 hectares in size. 6) SUD's and water features should be counted towards overall open space provision, particularly as they can provide important visual amenity open space. <p>The SPD fails to take account of clear guidance provided by the NPPF regarding the optimisation of land (see paragraph 125 (a) and 130 (e)), as set out above. A requirement to deliver a potentially onerous level of open space brings into question whether allocations in the adopted local plan will be able to deliver the amount of housing planned for if such requirements are imposed</p>	<p>See above comments for response.</p>
OS7	Peter Woodcock	Coal Authority		No specific comments to make	Noted

OS8	Marie Stacey	Pegasus Group	Broadly	Chapter 3	<p>The Consultation Document, fails to specifically make reference to community gardens or orchards even though the supporting text to Local Plan Policy LP22 refers to it as a relevant open space typology. Although the term "allotment" is defined in the Allotments Act 1925 as "an allotment garden, or any parcel of land not more than five acres in extent cultivated or intended to be cultivated as a garden farm, or partly as a garden farm and partly as a farm", it is considered "community gardens and orchards" should be specifically referenced within the SPD as well. Community gardens and orchards often provide a centre for communities to come together to not only plant and cultivate crops but to also provide a focal point for community activities. This in turn contributes to the principles of place making and the promotion of healthy lifestyles that are key local priorities within the North Warwickshire Sustainable Community Strategy. These community spaces are also more easily managed (in comparison to allotments) by communities and/or management companies (which the community can be part of depending on the structure of the management company), which will ensure the long-term maintenance and use of such areas. Orchards are also priority habitats under the UK's Biodiversity Action Plan and therefore are important in supporting wildlife such as insects, birds, bees, bats, foxes and small mammals.</p>	<p>Community gardens added to the term allotment, and included within the standard for allotments. Orchards do not offer the same facility to grow food and garden to individuals as allotments or community gardens, and are therefore not appropriate to include in the same typology. No change required.</p>
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				6.20	It needs to be acknowledged that when facilities are shared that the associated facilities may also be shared and therefore approximately 150% of the area of the new grass pitch space will not necessarily be required. Flexibility therefore needs to be provided for such circumstances to ensure the necessary associated facilities are provided. Although paragraphs 4.38 – 4.40 outline examples of the Council’s flexibility in requesting contributions, and that this list is not exhaustive, it would be helpful to specifically refer to flexibility in associated facilities as an example to provide clarity to developers.	Para 4.41 amended to demonstrate this point.
OS9	Daisy Shields	Hinckley & Bosworth BC		Page 22	HBBC would support the proposal for joint working with North Warwickshire Borough Council to fairly share the infrastructure burden between the two authorities for Sport, Recreation and Open Space, subject to further agreements.	Noted
OS10	M Sitch & K Ventham	Stantec			The Council should confirm that the amounts sought accord with those tested through viability work underpinning the local plan review	SPD went through consultant delivering viability assessment of Local Plan and all allocations. This went through enquiry and subsequent update for Inspector. No change required

			Part 1 & 2	The Council should confirm that they will seek additional external funding sources alongside developer contributions	Most provision under the SPD will be wholly provided by developers. However, it is appropriate to acknowledge that developers' contributions may be used in some instances as partnership funding.
			Part 3	The SPD should refer to the Council's Infrastructure Delivery Plan The SPD should refer to the Council's ongoing requirement to produce an Infrastructure Delivery Statement	The IDP is referred to in paras 3.9, 3.10, 5.11, 5.3 and 6.32. No change required. A reference to the annual Infrastructure Funding Statement has been added.
			Part 4	The SPD should be clear that whilst consultation with stakeholders is helpful, contribution requirements should be based on the evidence base.	The developer will need to ensure that appropriate consultation is undertaken to inform the proposals. Local consultation will help to identify

						local requirements which are not specifically identified in the strategies. Additional paragraph added for clarification and to ensure that sports proposals are supported by the relevant national governing body of sport.
					The SPD should be clear in the scale of scheme which are required to deliver such infrastructure. Vague wording should be removed/clarified.	Noted
					Any on-site strategic infrastructure requirements that are designed to meet a wider need should be clarified at local plan stage.	Covered by existing text. No change required.
					Table 1 should be simplified, flexibility added, and the rationale behind it explained	The approach in Table 1 follows the approach of existing SPD 2017, which was part of the evidence base for the Local Plan. This information is added to para 4.20.

				Flexibility to be included to allow off-site facilities to be upgraded.	This flexibility is already within the SPD, and can be appropriate where the site is within the appropriate catchment distance and there is potential capacity to meet the demand. The flow charts in Section 7 demonstrate this. No change required.
				Service land should also be an option where a new facility is required onsite.	Flexibility is already enabled in Section 4. No change required as a serviced land option could be an outcome of the negotiations.
				Maintenance/life cycle costs should be capped.	* Appendix D gives a maintenance period of 25 years for open space typologies. The lifecycle and maintenance cost period for

						the sport and recreation facilities have been provided on a per annum basis as the requirement will depend on the long term management of the facilities and the revenue levels expected from their use. No change required.
					The rationale behind the 66% figure should be clarified.	The 66% figure was used in the 2017 version of the NWBC SPD, which has been through the Local Plan examination. Other Authorities are also using a similar figure
					Details of management company should not be required at application stage. Delete Paragraph 4.40.	Agreed, although will be required to be condition or S106.
					Clarity on any maintenance fees is required.	See Above *

				Part 5	<p>Projects in the IDP should be costed Rationale behind parameters should be set out</p>	<p>The IDP (page 30) confirms that the leisure strategies provide the project costs. These identified costs usually cover the major strategic projects, but not the smaller local ones. No change required. The catchment areas / accessibility justification for each facility type and open space typology is provided within the relevant strategies on which the SPD is based. No change required.</p>
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			Part 6	Remove reference to structural and peripheral landscaping in Paragraph 6.29	Although structural and peripheral landscaping may sometimes also provide amenity opportunities it is important that the amenity purpose of open space is the priority. The flexibility in the SPD provide sufficient scope for developers to present a case for the inclusion of structural and peripheral landscaping as part of the open space requirement. However a slight wording amendment to the paragraph helps to confirm this flexibility.
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					Delete Paragraph 6.32	The contributions towards canal towpaths is justified by its inclusion in the IDP and has been welcomed by the Canal & River Trust and Inland Waterways Association. This paragraph is informative and contributions are not included in the open space, sport and recreation calculations. No change required.
					Amend Table 4	Explanation and clarification note added to Table 4 and amendment made to Paras 4.6 and 6.43



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North Warwickshire Borough Council

Supplementary Planning Document

Planning Obligations for Sport, Recreation and Open Space



North Warwickshire
Borough Council

November 2022

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1. INTRODUCTION

- 1.1. Sport, recreation, open space, leisure and other community facilities are key infrastructure that must be provided to support new housing development in North Warwickshire, with existing facilities also protected and enhanced.
- 1.2. With a minimum of 6,183 new homes being built in the Borough by 2033, the funding of this infrastructure needs to be planned and supported. This Supplementary Planning Document (SPD) sets out detailed guidance on the type and scale of open space, sport and recreation developer contributions that will be sought to support new development, based on the standards set out in the Council's various Leisure, Open Space, Playing Pitch and Recreation strategies. These strategies are summarised in Appendix A to this SPD.
- 1.3. The SPD supplements the policies in the adopted North Warwickshire Local Plan 2021 and updates the 2017 Open Space, Sport and Recreation SPD, taking into account the implications of changed national policy guidance, including the updated National Planning Policy Framework. Importantly, it also responds to the ending of the national policy on the pooling of restrictions for S106 funds, which was a key factor in the approach towards contributions as set down in the 2017 SPD.
- 1.4. This SPD, once adopted, will be a material consideration in the determination of planning applications. It has been prepared in accordance with the necessary regulations and will be used when securing developers' contributions, otherwise known as S106 agreements, and in unilateral undertakings.
- 1.5. North Warwickshire Borough Council has not introduced a Community Infrastructure Levy, so funding of infrastructure is via planning obligations.

The purposes of the SPD

- 1.6. The purposes of this SPD are to:
 - Retain and improve access for all to open space, sport and recreation facilities, including through the enhancement of links between urban open spaces and the countryside, and the sustainable management of these facilities;
 - Deliver a wide range of high quality open space, sport and recreation across the Borough that is fit for purpose, with an appropriate balance between the provision of new facilities and the enhancement of existing provision, in order to maintain and improve the health and wellbeing of the Borough's population;
 - Support increased participation in sport and leisure, particularly amongst groups and individuals with greatest social disadvantage;
 - Consider the cumulative impact of housing development in the Borough and explain how this will be dealt with in relation to sport and leisure, through the use of planning obligations;

- Integrate land-use and transport policies by locating new open space, sport and recreation facilities where they are accessible to residents via a range of transport modes;
- Help reduce crime, anti-social behaviour and the fear of crime, through increased use of open space areas and increased participation in sport and active recreation.

1.7. In addition, this SPD will help:

- Explain how the Council uses planning obligations to: residents, applicants, developers and the wider community;
- Explain when the Council will seek planning obligations to balance the impact of development on local open space, sport and recreation;
- Show how the calculations for the provision and cost of new and improved open space, sport and recreation provision are worked out, improving transparency and consistency in the planning obligation process;
- Developers to understand the relevant types of infrastructure and the amount of contributions which will be needed. This information can support land negotiations, master planning and early viability assessments.

Scope of the SPD

- 1.8. The SPD sets out the justification for developers' contributions and summarises the standards for the provision for the different open space typologies, sport and recreation facilities and community halls. It provides information on the level of contributions that will be sought in relation to new residential developments and clarifies when land may need to be provided. The SPD also incorporates flow charts to help identify when provision may be required on-site or off-site.
- 1.9. It should be noted, however, that the planning obligations outlined in this SPD are not exhaustive. There may be some limited occasions when unanticipated demands arise which are sport/recreation/open space related and which need to be taken into account on a specific site to make the proposed development acceptable.
- 1.10. The exact type and range of planning obligations sought for an individual site will depend on the development proposed and its impacts on the local environment including the historic environment, local services and facilities, in accordance with the National Planning Policy Framework (NPPF 2021), the CIL Regulations (2010 as amended) and other relevant national and Borough planning policies.
- 1.11. As new policy requirements emerge and change, the SPD will be updated and revised to reflect these changes.
- 1.12. It should be noted that this SPD does not include sport and recreation facilities or open spaces which are private and not proposed to be used by the community. This includes for example schools, unless there is or there is or proposed to be, legally secure community use on a joint use basis.

2. PLANNING OBLIGATIONS

What are planning obligations?

- 2.1. Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. They may be used to ensure that the impacts arising as a result of a new development can be addressed so that the development can be acceptable in planning terms. They are also a valuable way of ensuring that a development complies with planning policies contained in the Local Plan and any Neighbourhood Plans.
- 2.2. Planning obligations may be set out in an agreement between the Council and the developer (and any other relevant parties) or in a unilateral undertaking offered by the developer under section 106 of the Town and Country Planning Act 1990. In either case, this is with an individual, scheme-specific legal document. Such agreements or undertakings can contain a number of planning covenants or obligations and can relate to both financial and non-financial contributions.
- 2.3. Planning obligations run with the land, are legally binding and enforceable. A unilateral undertaking cannot bind the local planning authority because they are not party to it.

Why are obligations important?

- 2.4. Planning obligations for open space, sport and recreation are important because they help ensure that new development provides adequate infrastructure to meet the anticipated future demand. The planning obligations identified in the SPD reflect the Borough's Local Plan's vision and will help to support the improved health and wellbeing of the residents of North Warwickshire.
- 2.5. The need for improvements in the residents' health and wellbeing is confirmed by Public Health England's Local Health profile¹ for North Warwickshire. This shows that the borough has some significant health challenges, in particular:
 - Lower life expectancy at birth for both males and females.
 - Levels of limiting long-term illness or disability.
 - Children's prevalence of being overweight or obese, particularly at reception age.
 - Emergency hospital admissions for under 5s.
 - Emergency hospital admissions for hip fracture for those aged 65+ years.
 - Deaths from all causes.
 - Deaths from respiratory diseases.

¹Public Health England: <https://www.localhealth.org.uk>

- 2.6. Research by organisations, such as Sport England via its Active Lives² survey, have demonstrated that physical activity levels fall with age, with higher levels of socio-economic deprivation, as well as amongst people having long term health conditions or a disability. Sport England together with Public Health England have developed a number of principles of Active Design³ which will help to shape places to encourage activity in everyday lives including:
- Activity for all neighbourhoods.
 - Walkable communities.
 - Connected walking and cycling routes.
 - Co-location of community facilities.
 - Network of multifunctional open space.
 - High quality streets and spaces.
 - Appropriate infrastructure.
 - Active buildings.
 - Management and maintenance of all spaces.
- 2.7. The provision of high quality, accessible community sports and leisure facilities, open space and opportunities to be physically active therefore have a significant role to play in addressing local health and wellbeing inequalities. The Health and Wellbeing Action Plan (2020-2023) relies on the availability of these opportunities, and this SPD can significantly assist in its delivery. Developers' contributions will therefore be sought towards the strategic off-site facilities for sport and recreation such as swimming pools and sports halls, as well as for contributions on site. Where relevant and appropriate it is expected that developers' contributions can be used as partnership funding towards projects where external funding is also being sought, for example, lottery grants.
- 2.8. The Borough's adopted Local Plan recognises that provision of new open space and recreation facilities within new development contributes towards the creation of sustainable communities and high quality design. Full details of the layout, landscaping and phasing of all on-site open space and facility provision will be secured by conditions attached to the planning permission. Where the justified provision is not proposed to be on-site, then off-site contributions will be sought. Requirements for the type of contribution will therefore vary by the type of provision, and on a site specific basis.
- 2.9. The adopted Borough Local Plan and the topic strategies which form the evidence base of the Local Plan underpin the justification for developer contribution requests for open space, sport and recreation. The strategies consider in detail what should be provided to meet the needs of the communities across North Warwickshire, now and in the future. The recommendations from these strategies inform the Borough's

² <https://www.sportengland.org/know-your-audience/data/active-lives>

³ <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

standards of provision and the main investment priorities for which developers' contributions are sought.

3. PLANNING POLICY CONTEXT

- 3.1. National and local planning policies that are relevant to and support the developer contribution guidance in this SPD are more fully set out in Appendix B.

National Policy

- 3.2. The National Planning Policy Framework (NPPF) sets the overall approach towards planning obligations. The NPPF says that Local Plans should set out the contributions expected from development. These policies should not however undermine the deliverability of the Plan.
- 3.3. This SPD addresses planning obligations for open space, sport and recreation and is consistent with the planning policies set down in the NPPF.
- 3.4. Local planning authorities should consider whether otherwise unacceptable development can be made acceptable through the use of conditions or planning obligations. However, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 3.5. The NPPF paragraph 57 sets the tests for planning obligations, which reflects those of paragraph 122(2) of the Community Infrastructure Levy Regulations 2010. It states:
- Planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
- 3.6. NPPF paragraph 98 requires that the planning policies for sport, recreation and open space should be based on robust and up-to-date assessments which identify the need (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. These assessments are contained in the North Warwickshire evidence base strategies. The strategies therefore provide the primary justification for the planning obligations envisaged by this SPD.
- 3.7. The NPPF also provides policy guidance for the approach towards the assessment of viability, with more detail provided in the associated national planning practice guidance. This approach ensures that local plans clearly set out the contributions that developers are expected to make towards infrastructure; introduces a standard approach to establishing land value; and increases transparency and accountability

through the publication of viability assessments and through improvements to the monitoring and reporting of Section 106 planning obligations⁴.

Local Policy

- 3.8. The Borough Plan, adopted in September 2021, provides the local planning context for this SPD. The vision sets out that by 2033, Rural North Warwickshire will be:

...a community of communities. A place where people want to live, work and visit, now and in the future, which meets the diverse needs of existing and future residents is sensitive to the local environment and contributes to a high quality of life. A place which is safe and inclusive, well planned, built and run and offers equality of opportunity and good services for all. (para 4.2)

- 3.9. Chapter 6, Sustainable Development sets out the policy justification in LP1 Sustainable Development, for the seeking of developer contributions, in that all development proposals must be supported by the required infrastructure as well as meeting a number of other policy tests.

LP1 Sustainable Development

Planning applications that accord with the policies in this Plan (and where relevant, with other development plan policies including those in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, applications will be determined in accordance with the presumption in favour of sustainable development.

Quality of Development / Place

All development proposals must;

- *be supported by the required infrastructure*
- *be consistent with the approach to place making set out through development management policies, including, where relevant*
- *integrate appropriately with the natural and historic environment, protecting and enhancing rights of way network where appropriate*
- *demonstrate a high quality of sustainable design that positively improve the individual settlement's character; appearance and environmental quality of an area;*
- *deter crime;*
- *sustain, conserve and enhance the historic environment;*
- *provide, conserve and enhance biodiversity; and,*
- *create linkages between green spaces, wildlife sites and corridors.*

⁴ Planning practice Guidance- viability www.gov.uk/guidance/viability

Development should protect the existing rights of way network and where possible contribute to its expansion and management.

Implementation and Infrastructure

Infrastructure will be sought where it is necessary, directly related to the development and is fairly and reasonably related in scale and kind to the development. It may be related to social, economic and/or environmental issues. Supplementary Planning Guidance and documents will be used to guide provision, Infrastructure requirements are outlined in the Infrastructure Delivery Plan (For clarity, infrastructure projects drawn from the IDP are itemised and indicated to be either critical to the Plan's strategy as a whole, or necessary in association with particular allocations or projects, along with indicative timings are itemised in NWBC26, Appendix A(updated December 2020)) and the supporting documents contained in Appendix C of the Local Plan. The list is not exhaustive as each will be taken on a site by site basis and will depend on the viability of the scheme. Other site specific measures will be considered at the time of the planning permission. These will be secured through conditions, S106's or other agreements considered appropriate to ensure its delivery. It will be necessary to ensure the ongoing maintenance, where appropriate, of any infrastructure provision.

- 3.10. The Local Plan evidence base included the relevant strategies and the 2017 version of this SPD, which now inform this SPD and include the following documents (and any subsequent updates):
- Green Space Strategy 2019 – 2033 (January 2020)
 - Leisure Facilities Strategy 2016-2031 (October 2017)
 - Playing Pitch Strategy (December 2018)
 - Health and Wellbeing Action Plan 2020 to 2023
 - Infrastructure Delivery Plan (IDP) (March 2018 (with update to Appendix A December 2020))
 - Warwickshire, Coventry and Solihull Sub-regional Green Infrastructure Strategy (2013).
 - Supplementary Planning Document: Planning Obligations for Open Space, Sport and Recreation (November 2017)
- 3.11. The supporting text in policy LP1 makes it clear that updates of the evidence base, including the relevant strategies and SPDs will be undertaken and used to help ensure that the justification for seeking planning obligations remains sound.
- 3.12. The Local Plan *Chapter 11, Services and Facilities*, includes Policy LP22. Its supporting text addresses the provision and protection of open space, sport and recreation facilities, both on-site and off-site. This policy also requires contributions towards maintenance, for example in relation to open space provision. The supporting text to this policy lists the typologies of spaces, including amongst others: parks and gardens, outdoor sports facilities, amenity green space and allotments/community gardens.

- 3.13. Chapter 13 of the Borough Plan, Development Considerations, includes the principles of high quality design and place making and the promotion of healthy and active lifestyles which is a key local priority as set out in the North Warwickshire Sustainable Community Strategy⁵. It also refers to the various strategy evidence base documents.
- 3.14. Some of the Local Plan housing site allocation policies make specific reference to the need to provide playing field space on or off site, such as H4, Land to the east of Polesworth and Dordon, and most refer to the provision of open space.
- 3.15. A more detailed extract of the key policies of the adopted Local Plan is contained in Appendix B.
- 3.16. The annual summary of all financial contributions arising from Section 106 Planning Agreements is provided in the Infrastructure Funding Statement of North Warwickshire Borough Council.

Neighbourhood Plans

- 3.17. Developer contributions or new provision on site for sport, recreation and open space may also be justified by policies set out in Neighbourhood Plans. Applicants should have regard to such policies when formulating development proposals.

4. APPLYING THE SPD

What type of sport, recreation and open space facilities can be required?

- 4.1. The Council will normally require the provision of on-site and/or off-site contributions towards all the sport and recreation facilities, and for open space typologies.
- 4.2. To help ensure compliance with the CIL regulations, the evidence base strategies will be reviewed and updated on a regular basis, approximately every 5 years. These reviews may result in amended requests for developers' contributions generally, including potentially different standards and different types of sports facilities. Where significant changes result, the SPD will be updated and be subject to further consultation.
- 4.3. For a specific development, it is expected that a developer's local consultation, including with the relevant parish or town council, local sports clubs and other local organisations and consultees, may identify additional local needs that are not within an evidence base strategy, but still can be justified and requested as a contribution. This will include the need for contributions towards community or village halls.

⁵ North Warwickshire Community Partnership, 2010; North Warwickshire Sustainable Community Strategy

- 4.4. Where local consultation has identified the need for additional sports facilities not identified in the relevant sports strategy, then support for the proposals should be sought from the relevant national governing body of sport, in addition to the Council. This should help to ensure that the proposals are complementary to the identified strategic priorities and may also help ensure long term viability of the new facility.

When will we require open space, sport and recreation contributions?

- 4.5. The SPD will generally be applied to all planning applications for new residential development that results in a net gain of 10 or more residential units or an application which is 0.5ha or more in area. This will be applied in a way that is appropriate to the end users.
- 4.6. In villages, where a specific local need has been identified, the threshold for contributions may be lowered. Specific need may be identified through Neighbourhood Plans or through local consultation, including with parish councils. In these circumstances, small developments of 5-9 dwellings that generate need for a LAP on-site (and would not normally involve contribution to off-site facilities, see Table 4) and where potential exists at nearby service facilities (such as village or meeting halls) to allow/enable provision, then the needs generated can be met by an off-site contribution, subject to agreement with the developer and nearby service provider/facility. This approach recognises that new development is likely to be less frequent and of a smaller scale in villages but could contribute towards local facilities and the vitality of the village in which the development is proposed to take place. For example, this could include contributions towards the enhancement of play provision and the community/village hall. Such contributions will be considered on a site specific basis and will need to comply with the CIL regulations.

What can the Council ask for?

- 4.7. The Council will be seeking developer contributions in accordance with this SPD for the different open space typologies and sport and recreation facilities where they meet the three Community Infrastructure Levy (CIL) tests as set out in the CIL Regulation 122 and NPPF paragraph 57: The Government has announced its intention to replace Section 106 planning obligations and the tariff-based Community Infrastructure Levy (CIL) with a new, uniform infrastructure levy. However, the Borough Council will continue to apply the 'Three Tests' approach used in assessing Section 106 planning obligations.
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development;
 - Fairly and reasonably related in scale and kind to the development.

- 4.8. Any obligations sought will therefore be based on a tailored approach to each development, using up-to-date strategies (and subsequent updates) as a part of the evidence base (and/or other robust up-to-date planning policy) and local consultation feedback. The flow charts in Section 7 of this SPD aid the decision-making process in relation to what may or may not be required for developments, and whether this is on-site, or off-site.
- 4.9. This tailoring includes consideration of the nature of a facility or space, and its catchment. For example, swimming pools, sports halls and artificial grass pitches used for football have effective catchments of around 20 minutes' drive time. Many grass football pitches are used by people travelling about 15 minutes, often by car, whilst amenity green space areas used for informal recreation are almost always accessed on foot by people living close by. The expected accessibility thresholds for sport and recreation facilities are provided in Table 2 and for open space typologies in Table 3. However, drive time accessibility will not be the sole method/means of determining accessibility to services and facilities. Where limited (or non-existent) public transport services apply, or there are limited or no, safe cycle and walking access routes available or other alternatives to access by private cars are not available, then services and facilities should be fairly and reasonably related in location, as well as in scale and kind to the development, particularly in rural locations. For major development in rural locations on-site provision or improvement of nearest walking and cycling accessible services and facilities within the settlement affected will be expected before consideration or application of significant drive times above for local services not strategic services and centres.
- 4.10. In addition to the capital cost (or provision) of a new/extended facility, there will be additional costs. These may include both maintenance and a contribution towards the replacement costs, both for on-site and off-site provision. See paragraphs 4.34 to 4.36.

Does this SPD affect masterplans and phasing for larger housing developments?

Borough Local Plan strategic sites policies

- 4.11. A large or strategic sports facility such as leisure centre or playing fields may be required on a specific development site or allocation, for example as set out in the Borough's Local Plan (2021). This can ensure that suitable land is planned from the outset and provided at no cost to the community.
- 4.12. For new large strategic facilities, the Borough's future planning policies will identify where that facility is to be located; how sufficient land is to be secured, and (where known) the individual developments that need to contribute to it.

Co-ordinating phased developments

- 4.13. Where housing sites are developed in phases or through multiple applications, and where the sport, recreation or open space provision is required on-site within the allocation, this provision is required to be masterplanned, co-ordinated and delivered, on an allocation-wide basis, by the promoters, landowners and/or developers working together. In these circumstances, a single site for sport and recreation facilities such as playing pitches, or a strategic open space, the provision of which is to serve all of the allocation, may be required.
- 4.14. The proposals for open space provision on-site or off-site should similarly be co-ordinated and delivered on an allocation-wide basis by the landowners/developers working together to ensure that the provision fits within the overall policies of the Warwickshire, Coventry and Solihull Green Infrastructure Strategy and the Borough Local Plan.
- 4.15. If the required on-site provision is not delivered in the first/early phases of a housing site allocation, then these first/early phases planning permission will only be granted if the land required for sport, recreation or open space has been legally secured to ensure delivery of the required future provision. However, the Council will take a pragmatic approach towards the phasing and delivery of facilities, services and contributions to take account of site constraints, and encourage early engagement and collaboration between parties.
- 4.16. Ideally if this were known ahead of land purchase agreements, the planning obligation likely land requirements for sport, recreation and open space, can be factored into land calculations. However, this may not always be the case, so in all such circumstances it is strongly recommended that early pre-application discussions are sought by the applicant, landowner and developers.

Developments within a close geographical area

- 4.17. Where there are separate housing allocations or developments in a close geographical area, e.g. around a town, that taken together generate a need for a whole facility, contributions need to be made from all of them to that new facility provision or towards improving and/or extending an existing facility provision which can meet the anticipated demand.
- 4.18. Such a facility may need to be located on land on one of these housing development sites. Through early engagement with North Warwickshire Borough Council and the masterplanning of such sites, opportunities should be sought to secure delivery into the most appropriate site, or on new unallocated sites, or on sites with an existing leisure provision and available space. Developers should cooperate locally to identify a solution which is acceptable to the Council. The Local Plan update should also take such need into account.
- 4.19. Separate housing allocations or developments which are within a close geographical area will only be granted planning permission if the land required for sport, recreation or open space has been legally secured to ensure delivery of the required future provision, or there is agreement with the Council on how this provision will be made.

Proportional approach towards land and costs

- 4.20. Taking into account the need to assess the whole of a housing allocation or allocations in a close geographical area, the following approach will be adopted to assessing the justified need for developers' contribution for sport, recreation and each open space typology. This follows the same approach as the Supplementary Planning Document; Planning Obligations for Sport, Recreation and Open Space which formed part of the Local Plan evidence base, adopted in 2021.
- 4.21. The land costs will be assessed at leisure use value, not at housing or other development value. In addition, there may be a need to recognise any site-specific costs which cannot be reasonably avoided e.g. abnormal ground conditions, site access needs, structural landscaping, acoustic fencing, legal fees etc.
- 4.22. The definition of appropriate land is given in the following section.

Table 1: Proportionate approach towards land and costs

Level of Demand/Need generated by the proposal/development	Provision of land and/or proportion of management and servicing contributions to be sought on-site
The development generates the need for a whole facility / open space	Delivery of the facility/ open space including: sufficient appropriate serviced land costs; capital construction costs; justified maintenance and life cycle costs.
The development generates 66% or more of the need/demand for a facility / open space .	Appropriate serviced land will be provided by the developer at no cost, plus the population-related proportion of: capital construction costs and justified maintenance and life cycle costs.
The development generates less than 66% of the need/demand for a facility / open space and the facility/open space is to be provided on-site.*	<p>The developer will be required to meet the population-related proportion of the: serviced land costs; the capital construction costs; and justified maintenance and life cycle costs.</p> <p>The remainder of the costs will need to be funded from other sources.*</p>
The development will result in the loss of all or some of an existing sports and recreation facility or public open space.	<p>The proposal will need to fully meet NPPF, Borough Local Plan policies and for sport and recreation facilities, Sport England’s policies, particularly for the protection of playing fields.</p> <p>It is likely that replacement will be required, including appropriate serviced land. For sports facilities, replacement will include a facility constructed to at least current NGB/Sport England standards. A business plan showing financial viability and sustainability will be required.</p>

Note: the definition of appropriate land is given in paragraphs 4.27 to 4.29.

*Where a development proposal generates less than two thirds, or 66%, of the needs and demands, but an on-site facility/open space is to be provided which will also be serving other approved/allocated development proposals, and **towards which** their contributions can be directed.

(The calculator associated with this SPD will help assess whether the full facility or a proportional contribution will be provided by the developer.)

- 4.23. If the land cannot be provided for on-site because of proven and reasonable masterplanning constraints, financial viability or other relevant reasons, then if the Council agrees, it may negotiate an appropriate alternative contribution. Again, this should take into account what would otherwise be required on site in relation to the land area plus the population-related proportion of the capital, maintenance and life cycle costs of the facility. In this circumstance, the Council can require the

applicant/developer to find, secure and fund appropriate alternative off-site land, or to provide a sufficient contribution to enable the Borough to secure such land.

- 4.24. Alternatively, the land will need to be secured for permanent and viable community use by the developer by another means.
- 4.25. As an example of off-site provision, if a housing development generates an on-site need for a whole youth sport provision (say a skatepark), but it is agreed with the Council that there is no suitable space on-site, then the developer will be required to secure the delivery off-site on appropriate, accessible land. This might be achieved by, for example, using land that a parish council already owns and upon which it wishes to see such a facility developed. In this case there may be no cost of land purchase but the other costs would be justified.
- 4.26. Where there is an existing facility(ies) or open spaces which may be able to meet some of the demand generated by the development, see paragraphs 4.30 to 4.33.

What is meant by 'appropriate land'?

- 4.27. 'Appropriate land' means, for example, sufficient land for the sport and its ancillary facilities (such as a pavilion/clubhouse and parking), in an appropriate and accessible location, suitably serviced and with good drainage, outside of the floodplain, and away from tree canopies. For playing fields the land must enable the proposed pitches to be constructed and maintained to meet the technical specifications of the relevant national governing body of sport and the Sport England Performance Quality Standard for natural turf pitches.
- 4.28. It is also important to ensure that the proposed function of the land is not compromised by current or planned adjacent development. For example, a sports or recreation use should not significantly impact on residential amenity (noise, light, traffic, parking, cricket ball strike, etc).
- 4.29. It is equally important that new housing (and other) development must not cause the use, function or enjoyment of an existing sports or recreation facility to be compromised. For example, a development may be required to leave a sufficient area around a cricket pitch to prevent ball strike issues, or avoid building close to an existing clubhouse to prevent noise impacting on residential amenity.

Can contributions be made to existing facilities?

- 4.30. Where there is an assessed deficit in the provision of a facility, and there is an existing facility with appropriate community access that could potentially meet the demands generated by the development, but it needs to be upgraded or extended, then contributions may be sought towards such improvements. The Leisure Facilities Strategy and Playing Pitch have action plans which identify the larger facility investment needs. These strategies will be regularly updated by the Council. There

may also be more local facilities or open spaces such as a village hall or children's playground where this situation potentially exists. The flow charts in Section 7 will aid the decision making.

- 4.31. Contributions need to meet the CIL tests but in principle the value of the development generated demand (for a new facility/space) can be used towards the improvement or extension of an existing facility or open space to enable it to meet the new demands of the development.
- 4.32. If the proposal is to invest in an existing facility the operator (including any school or club) will need to be supportive of this, including in relation to the timescales for payment of contributions and on delivering the outputs required. Evidence of this support will need to be provided as part of the supporting documents to the application.
- 4.33. If the existing facility does not already have secure community use then the recipients will usually be expected to enter into a binding agreement with the Council securing appropriate community use, which also may if relevant, be included as a planning condition relating to the facility. For schools, the terms of the agreement and if appropriate, the planning condition, should be based on the Sport England recommended models.⁶ The full proposed community use agreement should be submitted as one of the supporting documents to the application.

What costs are justified in relation to maintenance and life cycle?

- 4.34. In addition to the development of a new facility or open space, it is important that provision is made for the future maintenance and life cycle needs. If not, the quality of the new provision will deteriorate, and it may not be possible to replace a facility when required.
- 4.35. In accordance with Borough's Local Plan policy LP1, in addition to the capital cost (or provision) of a new/extended facility, there will therefore usually be costs including maintenance and, in some cases, life cycle costs for long term replacement, e.g. for play equipment. This applies both to contributions on-site and off-site. These contributions recognise, for example, that local authorities may be unable to cover any additional costs associated with maintaining a new space or facility, or one which is much more intensively used after the new population is in place. The contributions will need to be reasonable and fair and will not be used to subsidise a commercial i.e. profit-distributing body, but may be permissible to Arm's Length Management Organisations (ALMOs), set up by the Council or other Public Bodies or Charitable/Non-profit organisations and agencies, re-investing funds generated into the service provided, set-up with appropriate future financial and legal safeguards.

⁶ <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

Similarly, maintenance and life cycle costs would not be appropriate where it can be argued that normal facility operational income should cover these costs.

- 4.36. In recognition of the wide range of different factors and the need to consider each development site separately to accord with the CIL tests, the SPD provides the Council with flexibility in the seeking of developers' contributions.

How are maintenance and life cycle costs calculated?

- 4.37. Maintenance and life cycle costs, where justified, will be calculated and included in the request for contributions. These may be based on Sport England's or the relevant national governing body's advice for sports facilities, or on the costs in Appendix D of this SPD for open space and play, as relevant.
- 4.38. However, alternative local costs may be used. These will need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which will properly consider them.
- 4.39. Developers will need to demonstrate they have secured an acceptable means of ensuring future maintenance, particularly of open space. If the developer is proposing to use a management company, a condition or S106 agreement will need to be negotiated to ensure that the Council is satisfied that appropriate arrangements will be in place to effectively maintain the provision to a suitable standard in perpetuity.

Is there flexibility in requesting contributions?

- 4.40. The contributions outlined in this document provide consistency and transparency in the planning obligation process. However, as each application is considered on its own merits, there may be variations in requirements for similar developments, taking into account the specifics at the time the planning application is considered. The provision and cost calculations are the starting point for negotiations but need to be used in conjunction with the local evidence base.
- 4.41. In all cases, there may be reasons for the Council to choose to be flexible in how it applies this guidance. As examples:
- Where the required need is for part of a facility, the Council may request all of the land but not ask for a contribution to the facility's provision or maintenance.
 - The Council may request all of the provision of a facility but none of the maintenance or life cycle costs.
 - Where the nature of the recipient of the funds means that a request for life cycle and maintenance costs would not be appropriate.
 - Where a community sports hub facility is proposed and the ancillary facilities such as a clubhouse and car parking will be shared.
 - Where a new village hall or community centre is built to support a new community, life cycle and maintenance costs may be appropriate up until the time that the new community is fully established, but thereafter the facility may be expected to be financially self-sustaining.
 - Where new provision is proposed but there is very significant local concern about the times that a new facility may be used, then reasonable time restrictions may be considered.
 - Housing scheme viability may reduce the amount being requested.

- 4.42. The Council may typically include a general clause within a planning condition or obligation agreement to provide for an alternative CIL-compliant facility, in order to cater for unforeseen circumstances. This might include occasions when there is some uncertainty in securing the delivery of the preferred facility. For example, at the time of signing a s106 there may be a need for new sports facility at a club site, but either the facility is subsequently funded by other sources ahead of the time that the contribution is due to be paid, or the club ceases to operate. In these situations, an appropriate alternative facility that can deliver the same or similar sports, recreation and/open space outcomes should be substituted.

Phasing contributions

- 4.43. The required timing and delivery of the sports, recreation and community facilities and open spaces should be considered in relation to the housing development phasing. This can help to achieve a balance between ensuring the facility is in place in time to meet the needs of the new residents and/or avoid excessive pressure being placed on existing facilities, and/or be fair and reasonable in relation to a development's cash flow.
- 4.44. Where necessary, a one-off early commuted sum from the developer will be requested to support the early years operation of a facility, where otherwise this would not be viable. The type of facility envisaged here is a community centre or sports facility which should become increasingly self-sustaining as the community it serves grows. It is not appropriate to delay delivery of these types of facility until the development has grown to its full extent unless there is, in the short term, sufficient capacity within existing off-site facilities for a period, which are also within the relevant accessibility standard, e.g. 800m for community centres.

Cross local authority boundary opportunities

- 4.45. It is expected that all relevant developments within North Warwickshire Borough will provide developers' contributions to North Warwickshire Borough Council.
- 4.46. However, in some cases, the nearest current or potential new facility may be across the local authority boundary, outside of the Borough. In this case the Borough Council may consider cross-boundary co-operation, perhaps offering s106 funding towards the relevant facility, or by finding another way to fairly share the infrastructure burden between the two authorities. However, this would be dependent upon the adjacent authority providing the justification for the investment and a formal policy agreement between the authorities.
- 4.47. It is also recognised that facilities within North Warwickshire may meet the potential needs of developments outside of the Borough's boundary. In this case, the Council may consider receiving s106 funding towards a facility or alternatively find other ways

to fairly share the infrastructure burden. However, this would also be dependent upon a formal policy agreement between the authorities.

- 4.48. These possible approaches reflect the 'duty to co-operate' with neighbouring authorities.

Is there early advice available to developers?

- 4.49. It is recommended that discussions on planning obligations should take place as early as possible in the planning process, for example through pre-application discussions. This can be used as the first opportunity for discussion on the layout, design and overall acceptability of a scheme and to establish the likely mitigation that will be required through a planning agreement.
- 4.50. Early guidance about the provision, design and delivery of open space, sport and recreation should also be sought from the relevant agencies, such as Council's Environment team, Sport England and the national governing bodies of sport.

How are the legal agreements made?

- 4.51. Following any decision to grant planning permission, that is subject to the finalisation of a section 106 deed, whether a s106 agreement or a unilateral undertaking, and/or discharge of conditions, the legal representatives of the Council and the applicant will confirm any necessary obligations in the form of a binding legal agreement and agree and pay relevant fees. The agreement will contain the necessary planning obligations, including any trigger points for the provision of facilities or payment of the contributions, and any other commitments to be undertaken by the developer and the Council.
- 4.52. It is to be noted that the legal agreements run with the land and the originator of the planning obligation will be required to advise the Council if a site is sold on with the benefit of the planning permission and obligation. The Council will charge for the cost of any subsequent Deed of Variation, or discharge of an obligation when this is agreed by all parties. However, such changes to the planning obligation agreement will not be acceptable unless the needs of the development can still be met.

How is inflation dealt with?

- 4.53. The base costs in this SPD are current costs based on Q3 2022, unless otherwise stated. Developers will need to pay costs that reflect construction and delivery inflation and/or other justified costs at the time of the application. Applicants should note that the Council will review the capital and maintenance costs annually to take inflation into account.
- 4.54. As the commencement of development may not take place immediately following the completion of the legal agreement, all contributions listed within the document will

be index linked from the date of the Resolution to the date of payment using the latest indexing factor available at the date of payment. The Council will use the (RPI – All Items) or BCIS index unless otherwise agreed by all parties and an alternative index is listed within the legal agreement for the development.

Monitoring and enforcement

- 4.55. Planning obligations will be monitored to ensure that they are being undertaken and/or paid at the agreed times. The provision of infrastructure and the timing of payment of contributions will be negotiated on an individual basis to provide a phased programme of payments relating to development progress, commencement and completion / occupancy trigger points. Notification should be given to the Council when the development commences and / or when the trigger for payment/delivery has been reached as per the individual agreement. On receipt of the notification the Council will issue an invoice for the amount payable including any indexation.
- 4.56. The Council will monitor Building Control and other sources and will issue an invoice if the Applicant fails to advise the Council that the payment has been triggered. Indexation applies until the date of the invoice, so in these circumstances the amount may be higher than if the applicant had advised the Council when the payment was triggered. Penalty interest is payable to all contributions not paid in accordance with the legal agreement and accrues from the date payment is triggered to the date of actual payment.
- 4.57. Late payment fees will be calculated at the annual rate of 4% above the Bank of England base rate from the date the sum (including any indexation) fell due until the date of the actual payment. If there is a failure to comply, the Council will take appropriate enforcement action and full cost recovery will be sought.
- 4.58. To cover the cost of monitoring, the Council may charge a monitoring fee which will be index linked and is payable on or prior to the commencement of the development.
- 4.59. The Council will monitor and report annually on the section 106 contributions received in the Authority Monitoring Report and Infrastructure funding statements.

5. UNDERSTANDING THE EVIDENCE BASE

What is the evidence base?

- 5.1. Developers' contributions requirements set out in this SPD are based on the relevant strategies, and any subsequent updates of them. The current strategies which are available to view on the Council's website are:
- Green Space Strategy 2020-2033
 - Leisure Facilities Strategy 2016-2031, October 2017
 - Playing Pitch Strategy, October 2018 (and Update Adoption 2021)
 - Health and Wellbeing Action Plan 2017 (2020 to 2023 and updated 2023-2027)
 - Infrastructure Delivery Plan, March 2018 (with update to Appendix A December 2020)
 - Warwickshire, Coventry and Solihull Sub-regional Green Infrastructure Strategy (2013)
- 5.2. Each of these strategies (and their updates) have action plans which help to identify the project investment priorities. The strategies may have a broad estimate of expected costs for the larger projects, but these will require confirmation as the projects move forwards. The investment costs for the smaller projects which are not specifically listed within the strategies will need to be identified by the developer, often in consultation with the relevant key partner(s).
- 5.3. The current Infrastructure Delivery Plan is dated March 2018,(with update to Appendix A in December 2020). The IDP brings together the main themes of the strategies under the following headings:
- Green Infrastructure
 - Canal towpath improvements
 - Improved pedestrian and cycle routes
 - Parks, Open Spaces and Play Areas
 - Social Infrastructure
 - Community, Arts, Culture and Leisure
 - Sports Centres and Pitches
 - Village Halls, Community Facilities/Services
- 5.4. Appendices B, C and D of the IDP provide the infrastructure lists, but the projects are not specifically costed. The Borough wide infrastructure requirements include: canal towpaths, play areas, allotments/community gardens, playing pitches, community venues and walking and cycling routes. Settlement specific projects include: refurbishment of leisure facilities at Atherstone/Mancetter, Dordon/Polesworth, Old and New Arley, and Kingsbury.

- 5.5. In addition, neighbourhood plans and consultation including with Parish or Town Councils and other local consultees, may identify a local need(s) that it is not in a strategy but still can be justified and requested as a contribution.

What assessment is made to ensure the contributions are needed by a development?

- 5.6. The following tests will be used to assess whether the existing provision within an area can provide for the demand generated by a development, or whether a new facility may be needed. The evidence base strategies on which this SPD is founded, have used these tests for the formulation of the recommendations, and a summary of the standards set down in the strategies are provided in Table 2 for sport and recreation facilities, and Table 3 for open space typologies.

Quantity

- 5.7. The quantity requirements are based on the demand generated by the development. This is derived from the relevant strategies. This is expressed as the facility or space requirement per 1,000 people. The exception is in relation to the contribution which may be requested towards community or village halls, where the requirements will be informed by local consultation.
- 5.8. The quantity standards for the sport and recreation are provided in Table 2 and for open space typologies in Table 3.

Accessibility

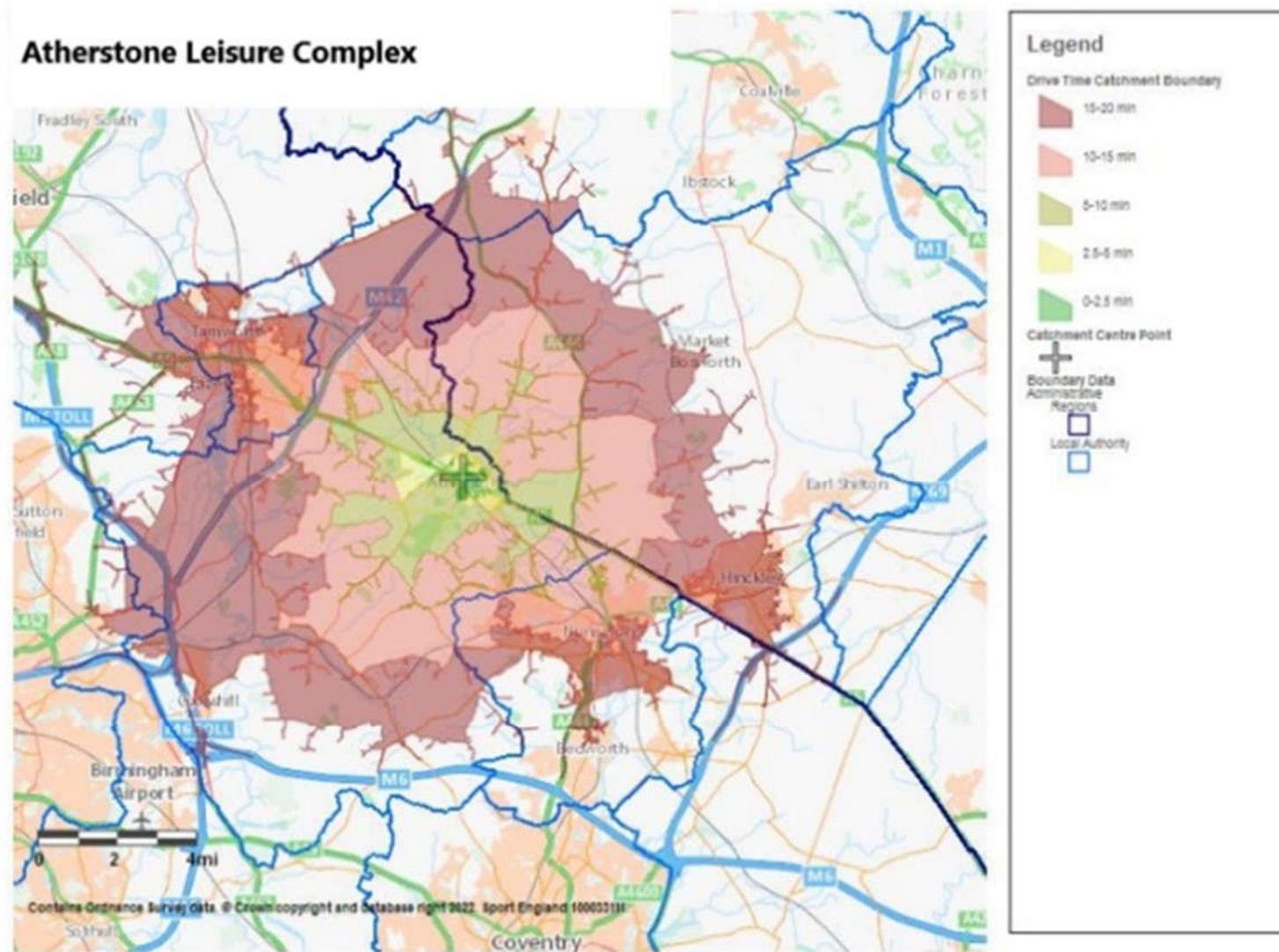
Distance

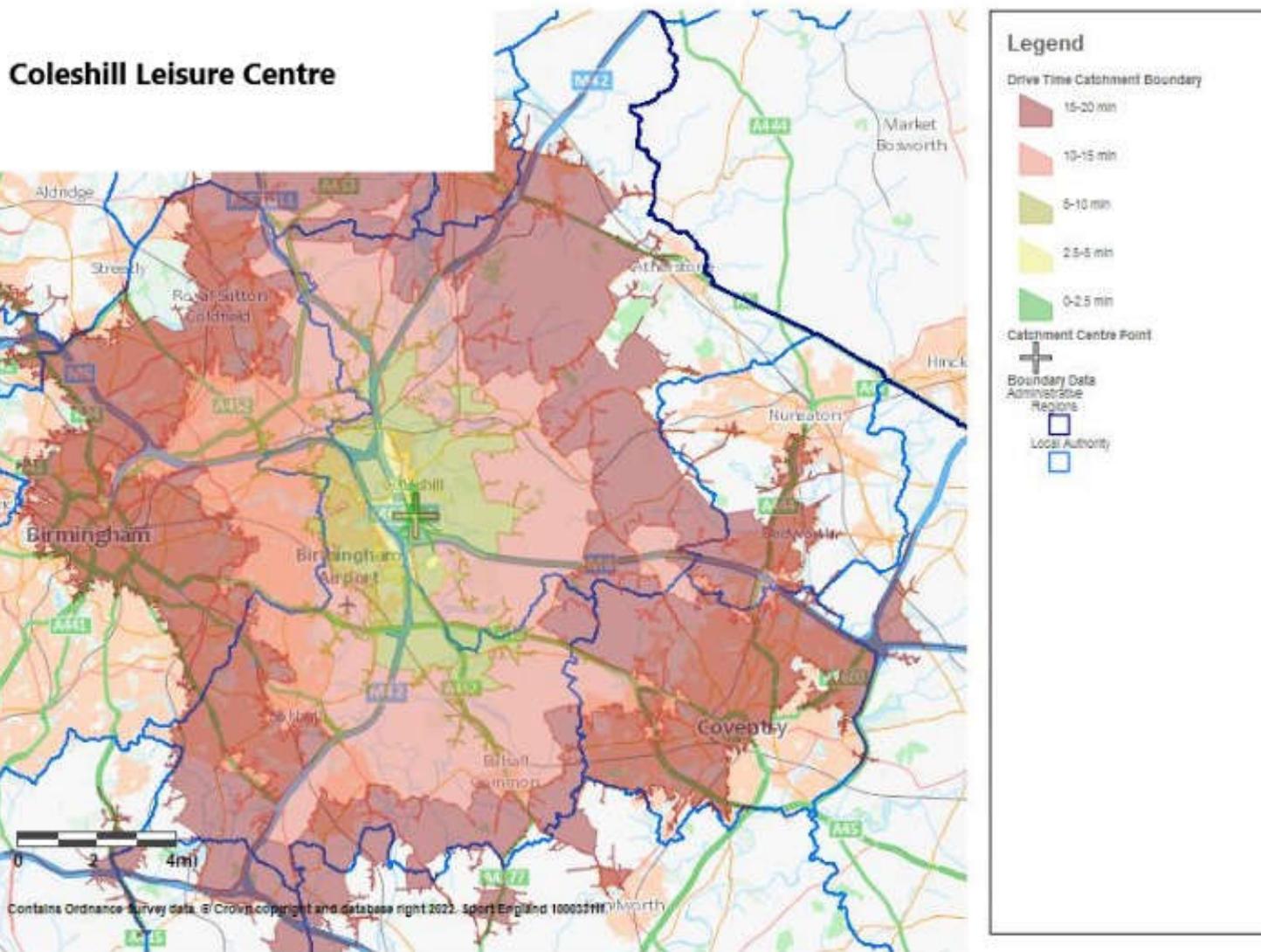
- 5.9. The accessibility requirement includes the acceptable travel distance (catchments) to a facility or open space. This reflects the way in which people usually travel to reach a type of relevant facility or space. For example, most people will travel up to 20 minutes to reach a swimming pool or sports hall, and most users travel by car. This compares to the local walking catchments of play areas, amenity green space and community / village halls.
- 5.10. This accessibility information can be used to guide whether provision should be on-site or off-site, and to guide the maximum distance to existing facilities which potentially have capacity to meet the new demand generated from the development. For example, there may be an overall surplus of one facility or open space typology in the Borough, but none located within the appropriate catchment area of a development, so a new facility or open space may need to be provided.
- 5.11. The accessibility standards for the sport and recreation are provided in Table 2 and for open space typologies in Table 3. It should be noted that the accessibility distances

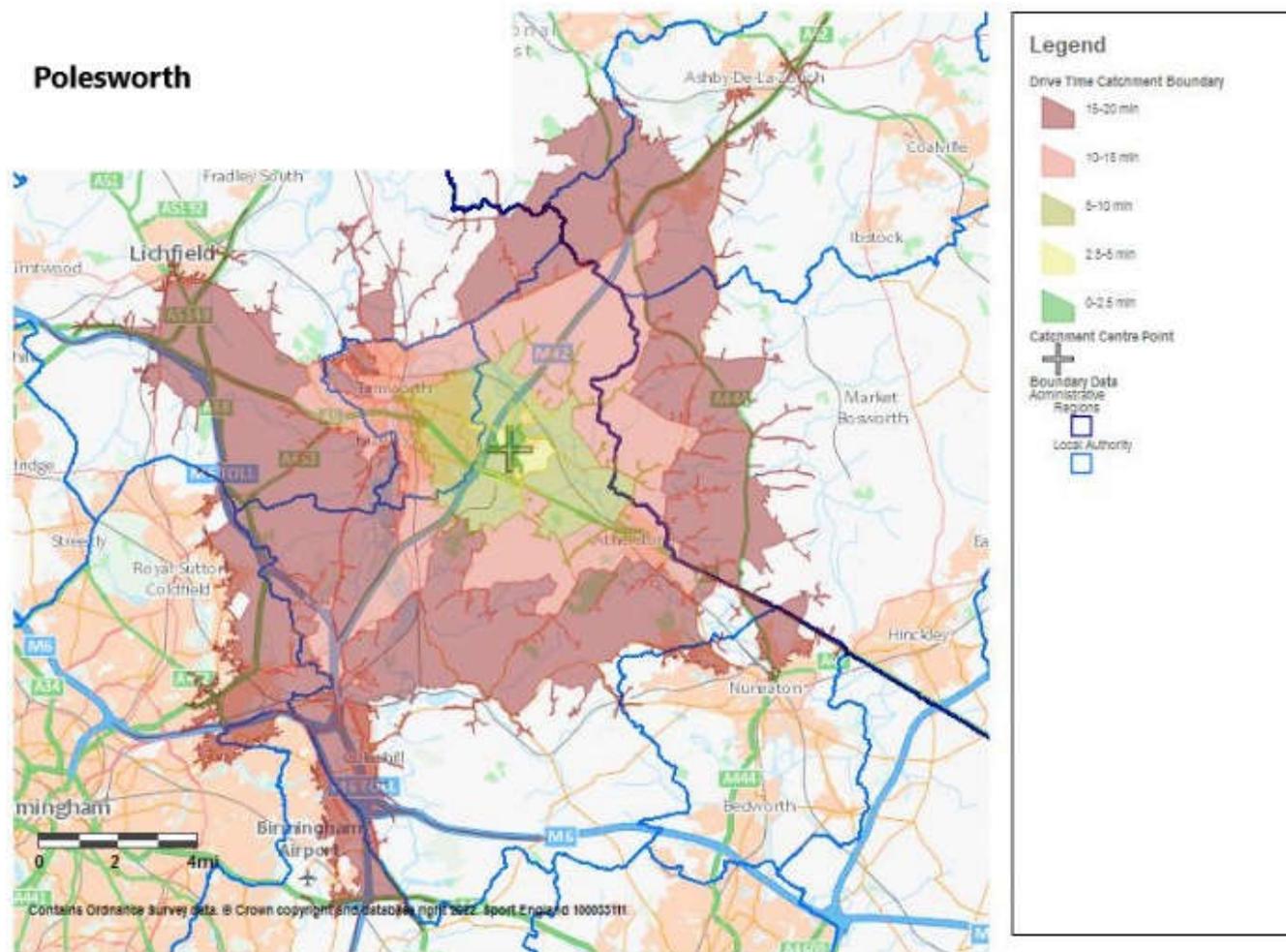
/time are related to the real accessibility, not to a direct line distance. Where there are barriers to access, such as a major road or railway line, then the accessibility assessments will need to take this into account.

- 5.12. Figure 1 shows the 20 minutes' drive time catchments using the Sport England Active Places Power tool from the main leisure centres/sports facilities. These catchment maps show that most of the borough falls within the catchment of all of three strategic centres, but that some areas are only covered by a one facility, e.g. the southern edge of the borough by Coleshill. Atherstone Leisure Complex and Queen Elizabeth Community Sports Centre are approximately 4 minutes' drive apart, so effectively have the same catchment.

Figure 1: 20 minutes' drive time catchments from strategic sports centres







Sport England assumes no responsibility for the completeness, accuracy and currency of the information contained on this map/report. This information is taken from the Active Places Power website and its terms and conditions apply. 29/3/2022 12:39

Figure 1: 20 minutes' drive time catchments from strategic sports centres

Other accessibility considerations

- 5.13. The accessibility requirement also needs to consider the facility ownership, management and availability for community use. The 'availability' must be sufficient for the expected community's needs and include hours of use, pricing policy and any exclusions. There should be legally secure community use for at least 25 years, or preferably longer.
- 5.14. Typically, the hours for community sport facilities should not be less than 5pm to 10pm for Monday to Friday, 8am to 10pm on Saturday, and 8am to 8pm on Sunday.
- 5.15. For example, there may be a sports hall at a local private school that is proposed to be used to meet the demand arising from the development. This could only be acceptable if the school enters into a formal community use agreement based on the Sport England model with peak opening hours similar to the above, no restriction on who can use the sports hall, affordable charging policies, and suitable management mechanisms in place.
- 5.16. As another example, a commercial gym may offer enough peak time hours for community use, with either no or limited user restrictions and at an affordable price. This facility would be counted as a community accessible facility, whilst an hotel type gym with restricted use, or one with high membership charges, would not be.
- 5.17. A community hall/village hall would usually be expected to have community access during weekday daytime, but it may also have an anchor tenant, such as a nursery. A reasonable balance between day and evening use will be required.

Open spaces

- 5.18. Public open spaces and play facilities should be available at all times unless exceptional circumstances are agreed with the Council.

Quality

- 5.19. The quality requirement relates to the quality, attractiveness, design, layout and specification of facilities and open spaces.
- 5.20. The age and overall condition of a facility or open space will impact upon its quality. Generally, the older the facility is, the less attractive it is to users. As a result, such a facility or open space may have less 'capacity' to meet the demand generated from a development.
- 5.21. All sport, recreation and play facilities, whether a new build, extension or refurbishment, should be designed to current best practice standards including layout and specification. The relevant guidance may include that from Sport England, the National Governing Bodies of Sport, Fields in Trust, professional or trade organisations

such as the Grounds Management Association, the Sports and Play Construction Association, and the Borough Council.

5.22. Quality guidelines will include:

- Quality appropriate to the intended level of performance, designed to appropriate technical standards.
- Located where they are of most value to the community to be served.
- Located where they are attractive and safe to use, for example, not adjacent to busy roads, under electricity pylons or overshadowed for much of the day by tall buildings.
- Appropriately designed and managed to enable recreational use by the whole community, including for those people with disabilities or cultural restrictions.
- Appropriately laid out e.g. useable areas that are not thin strips of land alongside roads, or small isolated areas.
- Appropriately landscaped.
- Maintained safely and to a high level of quality, with finance made available.
- Positively managed taking account of the need for repair and replacement over time as necessary.
- Provision of appropriate ancillary facilities and equipment, such as toilets at allotments/community gardens, where suitable and necessary.
- Provision of footpaths and cycleways/cycle access, especially links to and between existing routes, PROW's and bridlepaths to improve connectivity.
- Designed so as to be free of the fear of harm or crime.
- Provision of opportunities for informal leisure and access to areas for informal activities such as dog walking areas and improved access to PROW's and Bridlepaths to support opportunities and facilitate improvements to Health and Wellbeing.

What are the standards of provision?

5.23. Standards for provision are set out in Table 2 and Table 3. They are referred to in the flow charts in Section 7. The quantity standards underpin the calculators on the North Warwickshire Borough Council's website. Examples of their application are given in the 'Worked Examples' in section 7.

5.24. The 'standards per 1,000 population' for sports halls and swimming pools is derived from the Sport England Sports Facilities Calculator. The provision standards per 1000 for studios and fitness gyms with stations are calculated from the recommendations for new provision totals of the Leisure Facilities Strategy, with the population forecast used in the Strategy for 2031 at 83,561.

5.25. The provision requirements for playing pitches, both grass and artificial, are those generated for each sport per 1,000 population by the Sport England Playing Pitch

Calculator for North Warwickshire. This approach is consistent with the Playing Pitch Strategy recommendations.

- 5.26. The provision per 1,000 population for open spaces is as set out in the Green Space Strategy.
- 5.27. It should be noted that standards of provision should not be used in isolation but must be used in tandem with actual assessed need and other robust evidence. For example, there may be an assessed potential surplus of a facility or specific open space typology which has secure community use and is accessible (see Table 2 or Table 3 as relevant) but its quality is poor. In this situation, a contribution(s) may be agreed to be used towards investment in the quality of the existing facility or open space in order to increase the quality and capacity, so that it(they) can meet the development's assessed demand.
- 5.28. In all circumstances, provision and design of facilities should address climate change and the goal of sports and leisure structures and facilities using advancements in building techniques and technology to achieve low or carbon neutral status, to help the UK reach net-zero by the deadline of 2050.

What population figure should be used in assessment of demand?

- 5.29. The contributions must meet the three CIL regulations tests; that they are necessary, directly related, and fairly and reasonably related in scale and in kind, to the scheme in question.
- 5.30. The average number of people per household in the Borough is 2.37, derived from the Housing Market Area data for the Borough's Local Plan which in turn was based on the February 2015 updated population projections for the Borough. This figure will need to be updated from time to time as national and local population statistics change.
- 5.31. The estimated population of a development, for both outline and full applications will be based on the 2.37 persons per dwelling. Thus, a development of 100 dwellings will be assessed as generating a population of 237 people. However, if it can be demonstrated to the Council's satisfaction that an alternative population figure should be used for a proposed development because of site specific circumstances, then this will be acceptable.
- 5.32. In the case of a change in the proposed population of a development, for example by increased density, then the developers' contributions will need to be recalculated and the implications for provision be masterplanned appropriately.

Table 2: Sport and recreation facility standards

Facility	Measurement		Accessibility (fully available at peak time)	Quality
Sports halls	0.28	Badminton courts per 1,000 people	About 20 mins drive time	Design and quality to meet Sport England and relevant national governing body of sport guidance.
Swimming pools	10.63	sqm of water space per 1,000 people	About 20 mins drive time	
Fitness facilities	4.56	Fitness stations per 1,000 people	About 20 mins drive time	Design and quality to meet Sport England guidance.
Studios	0.07	Studios per 1,000 people	About 20 mins drive time	Design and quality to meet Sport England guidance.
Village or community halls	Additional and improved facilities including storage to enable more sports and activities to be offered.		800m walk	Design to be agreed with the Council.
Football grass pitches	0.43	Hectares per 1,000 people	About 15 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.
Rugby Union grass pitches	0.18	Hectares per 1,000 people	About 20 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.
Cricket with natural grass turf wickets	0.42	Hectares per 1,000 people	About 15 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.
Football 3G artificial grass pitch (3G-AGP)	0.04	Full size floodlit 3G pitch	About 20 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.
Hockey sand based artificial pitch	0.01	Full size floodlit pitch	About 20 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.

Table 3: Open space standards

Typology	Measurement Hectares per 1,000 people	Accessibility (walk)	Quality
Parks and gardens	0.8	710 m	<ul style="list-style-type: none"> • Welcoming clean, well maintained area with hard/soft landscaping • A one stop community facility, accessible to all with a range of leisure, recreational and play opportunities • Safe to visit, pleasant to walk and sit in • Cut back trees and bushes for safety and clear sightlines • Include paved and planted areas, paths, grassed areas, seating, clear pathways, appropriate lighting and signage to, and within, the site • Include ramps instead of steps and wide paths for wheelchair and pushchair users • May provide opportunities for public realm art • Should link to surrounding green space. • Clean and well maintained green space, with appropriate ancillary furniture pathways, and natural landscaping • Safe site with spacious outlook • Enhance the environment/ could become a community focus
Amenity green space e.g. village greens	0.6	480 m	<ul style="list-style-type: none"> • Large spaces may afford opportunities for informal play. • Smaller landscaped areas in and around housing areas • Informal recreation • Provide connections for wildlife and people movement • Include, and often connect to, green lungs • Contribute to biodiversity • Planted using native species • Areas to be maintained clear of dog fouling and litter • Provision of seating and bins • May provide opportunities for public realm art • May include woodland.
Natural and semi-natural green space	1.8	720m	<ul style="list-style-type: none"> • Appropriately landscaped • Positive management • Provision of footpaths • Designed to be free of the fear of harm or crime

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Allotments/ Community gardens	0.2	400 m	<ul style="list-style-type: none"> • Secure area of land commonly within, or on the edge of, a developed area which can be rented by local people for the growing of vegetables, flowers or fruit, not-for profit. • Provide opportunities for those who wish to do so to grow their own produce, and support health, sustainability and social inclusion • Sites should be well drained and accessible with wide paved paths, car access and parking, toilets, recycling facilities and inorganic waste disposal facilities • Areas should be well lit and provide safe paths.
Play areas for children	0.25	LEAPs:400m NEAPs: 1,000m	<ul style="list-style-type: none"> • A range of provision of both equipped and natural play areas • Spaces should be well sited, accessible, convenient, visible, safe and secure, with seating for adults, litter bins and cycle racks – also consider pushchair/wheelchair access • Well-lit with informal surveillance when possible • Equipment should suit the needs of all ages and abilities and be well maintained • Zones to prevent conflict and spaces and seating for supervision • Should be clearly bounded, well maintained, free of dog fouling, have clear pathways, appropriate lighting and signage • The Council will only accept Local Areas for Play in exceptional circumstances.
Youth provision	0.3	700m	<ul style="list-style-type: none"> • Robust yet imaginative play environments ranging from youth shelters to skate parks and multi-use games areas • Kick about/games areas, skate parks, basketball courts • If located within other areas of open space they should include buffer zones to prevent conflict • Should promote a sense of ownership and be accessible to all and have clear pathways, appropriate lighting and signage • They should be visible and safe, well maintained and free of dog fouling
Canal towpaths	Contribution	200m	<ul style="list-style-type: none"> • Canal towpath improvements

6. ASSESSING THE CONTRIBUTIONS REQUIRED

What is the process for assessing demand?

- 6.1. The CIL test of ensuring any contributions are ‘fairly and reasonably related in scale and kind to the development’ requires that any contributions sought are directly proportional to the anticipated population of the development.
- 6.2. The North Warwickshire facility and open space Contribution Calculators are designed to automatically calculate the demand based on the number of dwellings or population from a development, applying the quantity standards set out in Table 2 and Table 3. These in turn are based on the relevant Borough strategies.
- 6.3. The outputs help to inform the decision process, summarised by decision flow charts in Section 7.
- 6.4. In addition, there may be justified local needs which the developer identifies through local consultation, including with the Borough and town/parish councils.

How are the demand and potential contributions calculated?

- 6.5. The facility, playing pitch and open space capital costs, as set out in Appendix C and incorporated into the Calculator (available on the Council's website) are based on: Sport England’s latest facility costs guidance⁷; costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including SPON’S Architect’s and Builders’ Price Book and SPON’s External Works and Landscape Price Books. The costs generated by the calculator will be indexed to take account of inflation.
- 6.6. The justified contribution for a development based on the standard costs calculates automatically on inputting of the number of dwellings or anticipated population, and a worked example is provided in Appendix E of this SPD for 500 dwellings and using standardised costs.
- 6.7. Alternatively, locally assessed capital costs can be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which will properly consider them. These can be input into the SPD Calculator using the orange boxes for leisure facilities and open spaces. There are no local costs for playing fields.

⁷ Sport England Facility Costs Q3 2022; and Sport England facility Lifecycle costs.
<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/facility-cost-guidance>

How are contributions costed for upgrades and extensions?

- 6.8. In addition to new facilities, where a whole new facility is not required but an assessed need for an extension or major refurbishment of an existing sport or recreation facility, playing pitch site or open space has been identified, robust costs can be used from relevant sources including Sport England’s Facilities Cost Guidance, Sport England Playing Pitch Calculator, National Governing Bodies of Sport, SPON’s Price Books, or robust local market estimates or quotes.
- 6.9. The North Warwickshire Leisure Facilities and Playing Pitch Calculator both use the cost of new provision to estimate the costs of meeting demand from a development. The costs of meeting and maintaining different open space typologies are based on SPON’S External Works and Landscape Price Book (2019) or market prices with inflation to 3Q 2022 using the BISCs index.
- 6.10. Local costs can be used instead, for example on a £ per sqm basis, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which will properly consider them.

How should decisions be made about what is required?

- 6.11. The CIL tests require that any contributions should be necessary to make the development acceptable in planning terms. It is therefore essential to assess each application separately to determine the demand and whether existing sport and recreation facilities, playing pitches and open spaces can meet the needs of the application both specifically and within any application’s wider housing allocation or geographical context.
- 6.12. The developer will therefore need to provide an assessment as part of the supporting documents for the application, for each sports facility, playing pitch and open space typology, in relation to the quantity, accessibility and quality of the existing facilities and spaces. The North Warwickshire Sport, Recreation and Open Space Calculator⁸ can be used, together with the recommendations of the evidence base strategies which will help to guide the built sports facility and playing pitch investment priorities, plus findings from local consultation. The latter will be particularly important in relation to the open space typologies and community/village hall provision.
- 6.13. The developer’s proposals should then seek to deliver on-site or support off-site the most appropriate provision for each sport and recreation facility type and open space

⁸ see the relevant webpage at www.northwarks.gov.uk “What is the Local Plan”

typology. The proposals will need to meet both the expected demand generated by the development and the requirements of the Local Plan policy.

- 6.14. Flow diagrams in Section 7 are provided to aid the decision process. There is one each for leisure facilities, playing pitches and open space.

How will contributions for leisure facilities be assessed and used?

- 6.15. The development contributions based on the anticipated population are calculated in the North Warwickshire Sport Recreation and Open Spaces Calculator on the Leisure Facilities tab.

- 6.16. The flow chart in Section 7 supports the decision making as to where the investment priorities may be and has two parts:

- Sports hall, swimming pools, fitness facilities

The contributions will be towards strategic facilities. North Warwickshire Borough Council will decide which facility will be funded, guided by the Leisure Facilities Strategy action plan latest version, which is available on the Council's website.

- Community/village halls

The need for and how this can be met should be confirmed by local consultation in addition to relevant strategies.

How will contributions for playing fields be assessed and used?

- 6.17. The development contributions based on the anticipated population are calculated in the North Warwickshire Sport Recreation and Open Spaces Calculator on the Playing Pitches tab.

- 6.18. The flow chart in Section 7 supports the decision making as to where the investment priorities may be (on-site or off-site) and has two parts:

- artificial pitches and grass rugby pitches
- grass football and cricket pitches

- 6.19. The justification for contributions for playing pitches is contained in the Playing Pitch Strategy. This includes the list of projects requiring investment which will enable the demand from the new development to be met, but there may be others identified through local consultation.

- 6.20. Playing pitches lie within playing fields. The playing fields area that needs to be provided must accommodate, in addition to the pitch space, space for the ancillary

facilities which support the pitch use such as access, parking, pavilion, landscaping, spectator space and safety margins. The land area to be provided will therefore normally need to be approximately 150% of the area of the new grass pitch space required for football or rugby, or 2 ha per cricket pitch.

- 6.21. It is important that new playing pitch sites are viable. The Council's view on the minimum size of a playing field site will be primarily informed by the Playing Pitch Strategy (and any update thereof). However, where new grass pitch provision is proposed which is standalone and will not provide an extension to an existing playing field site, then the expected usual minimum size of provision on one site is:
- football: a pitch area of 1.48 ha, the equivalent of 2 senior pitches
 - rugby: a pitch area of 2.08 ha, the equivalent of 2 senior pitches
 - cricket: one pitch of 8-natural turf wickets
- 6.22. If the demand generated by the development is for the large majority (66% or more) of this minimum provision then the playing field space for the pitches and accompanying ancillary facilities are likely to be required to be provided on-site, in accordance with Section 4, and Table 1.
- 6.23. If the calculated pitch amount is less than 66% of the minimum provision, then usually an off-site contribution will be required. However, this is dependent upon demonstration to the Council's satisfaction, that there is actually sufficient accessible capacity elsewhere to meet the new demand arising from the development.
- 6.24. The contribution towards, or provision of, a proposed artificial grass pitch (AGP) is more complex than grass pitch provision as these facilities, particularly full size pitches, are usually linked to secondary schools, leisure centres or to club sites. AGPs are not generally considered as a simple replacement for grass pitch provision, and provision on-site or contribution off-site to a proposal not included within the Playing Pitch Strategy would need to be supported by a comprehensive business case demonstrating the community need, viability and sustainability of the facility, including its long term management.
- 6.25. Sport England advises that developers should contact them for early advice about playing pitch provision proposals, whether this is on-site or off-site.
- 6.26. Appendix E provides a worked example of the costs for playing pitches and pavilions based on 500 dwellings.

What is considered to be open space?

- 6.27. Public open spaces include: the combined typologies of parks and gardens, amenity green space; natural and semi-natural green space; allotments/community gardens; play areas for children; and youth provision (e.g. MUGA/skatepark). They are

designed to have a clear recreational function and will almost always be larger than 0.2 ha in size.

- 6.28. All open spaces are required to be publicly accessible at all times. Allotments/community gardens may however have some restriction on public access due to security needs. Open spaces should also be safe and attractive.
- 6.29. The following land uses will not usually count towards public open space: structural and peripheral landscaping, footpaths and cycleways except where integral to a large area of public open space, and small areas of incidental land. Also discounted will be smaller areas of land that are largely surrounded by roads which are not suitable for reasons of amenity and safety, or where the adjacent use leaves the location unattractive to use.
- 6.30. In relation to sustainable urban drainage (SUDS) areas, some of these areas may also be possible to use as natural and semi-natural green space or even amenity green space. However, the Council will need to be persuaded that the design of such SUDS is safe, attractive to use for informal recreation, and easily accessible. Furthermore, the area of the SUDS to be counted as public open space should be dry and usable for a significant majority of the time.
- 6.31. Public open space will also need to be laid out with appropriate infrastructure, which typically will include good walking access and/or parking, paths, fences, benches, signage, dog and waste bins, cycle parking, watering points and car parking. Parks and gardens and amenity green space may have all of these, whilst natural and semi-natural green space may have less. Allotments/community gardens can be expected to have all the facilities suggested by the National Allotments Society, including parking, sufficient water, fencing/security, toilets, and communal shed. It will be the Council's decision as to what is reasonable and relevant to be required for open space facilities provision.
- 6.32. Whilst not included in calculations for open space provision, canals have important recreational value, and are recognised in the Infrastructure Delivery Plan. As such, development sites within 800 metres (10 minutes' walk) of inland waterways will be expected to make contributions towards canal towpath improvements. Developers are advised to seek early pre-application discussions with the Canal and River Trust. Contributions will be assessed on a site by-site basis in consultation with relevant agencies.

What is the minimum size of a public open space?

- 6.33. All new public open space should be of at least 0.2 ha in size, with the occasional exception of standalone Local Equipped Areas for Play (LEAP), or where agreed to be provided, a Local Area for Play (LAP). This is based on the minimum size of area included within the Green Space Strategy.

- 6.34. On development sites generating less than 0.2ha of any one of: parks and gardens, amenity green space, natural and semi-natural green space or allotments/community gardens, the Council will accept a commuted sum towards provision of new off-site open space of the relevant typology, or towards the enhancement of an existing open space of the relevant typology which is within the accessibility thresholds specified in Table 3.

What are the long term requirements for public open space?

- 6.35. Where there is a need for new or upgraded open space, the contribution is calculated using the standards of provision in Table 3.
- 6.36. As well as the provision of open space and play facilities, their maintenance and life cycle costs will be required to be met.
- 6.37. If the new provision is proposed to be adopted by North Warwickshire Borough Council or by a town or parish council, then a commuted management sum would be payable for a period of not less than 25 years with the contributions being given to the relevant body. Appendix D identifies the average cost of maintaining different open space typologies based on locally derived maintenance costs. As set out in paragraphs 4.53 and 4.54, these costs will be indexed to take account of inflation.
- 6.38. Alternatively, local costs can be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which will be properly considered.
- 6.39. The Council will be willing to consider alternative management approaches put forward by developers on a case by case basis. The Council will however always need to ensure each arrangement is effective and viable. For example, an alternative approach could be a management company. In this case there would need to be a planning condition that sets out specifications and quality standards for provision and maintenance in perpetuity, along with the guaranteed funding mechanisms for this.
- 6.40. Reasonable contributions can be requested to cover the Council's costs of setting the specifications for open space and play provision and the long term monitoring of the management arrangements.

What play provision is required?

- 6.41. Play provision is a trigger based on the number of houses, so as to provide an appropriate level of facility(ies) for the development, see Table 3. The 66% approach set out in Table 1 also applies to play provision. For example, this means that a development of 47 dwellings (expected population of 111 people) which does not

have access to a LEAP within the accessibility catchment, needs to provide sufficient land on site plus the population related proportion of the capital, maintenance and life cycle costs. The 66% threshold for NEAP and teenage provision is 400 dwellings (development population of 948).

- 6.42. Any variations to this approach will need to be adequately justified by the applicant and agreed by the Council.
- 6.43. The Council will only consider the provision of a Local Area for Play (LAP) in exceptional circumstances, such as for a development of 10-46 houses where there is no appropriate accessible play provision. For smaller developments of 5-9 dwellings LAPs will only be sought where a specific local need has been identified, there are no available local accessible facilities and provision can be accommodated on-site. In addition, where opportunities exist to provide the play facilities at nearby services/facilities such as village halls/meeting rooms then the threshold for contributions to off-site provision may be lowered, in agreement with the developer and nearby service provider/facility.

Table 4: Play provision for number of dwellings

Scale of Housing Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Youth Sport (MUGA; Skatepark; adventure play)
5-9 dwellings*	✓			
10-199 dwellings	✓	✓		Contribution
200-399 dwellings	✓	✓	Contribution	✓
400+ dwellings	✓	✓	✓	✓
Accessibility	100m	400m	1,000m	700m

*** NOTE:** The need for a LAP serving 5-9 dwellings will only be sought where there is evidence of local needs identified and where there are no local play facilities. In these circumstances LAP provision can be achieved either on-site or through off-site contribution where potential exists for provision at nearby services/facilities such as village or meeting halls subject to agreement with the developer and the nearby service facility location and provider.

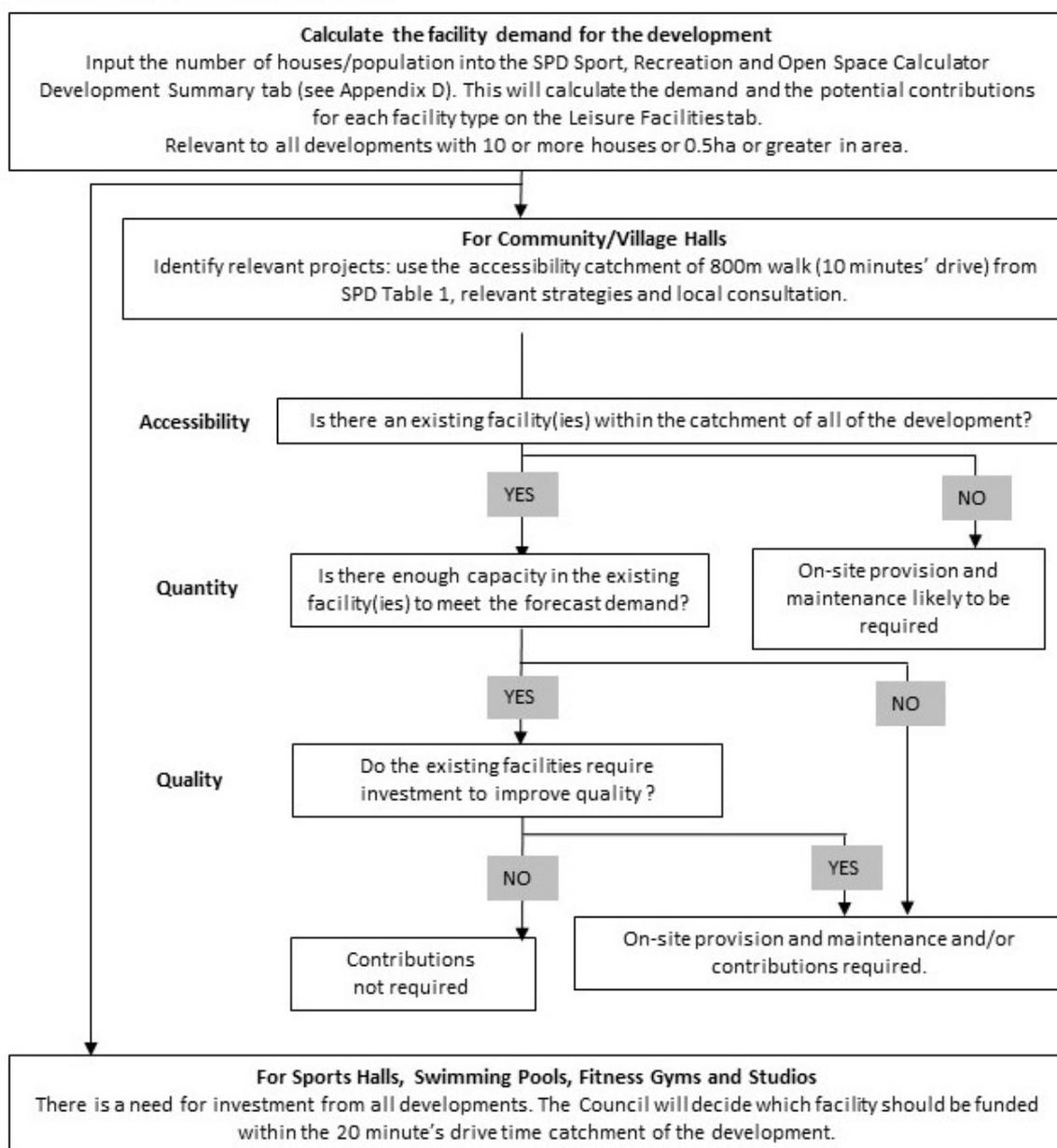
7. FLOW CHARTS

- 7.1. The following flow charts are designed to support decision making in relation to planning obligations for sport, recreation and open space. There are three flow charts:
- Leisure Facilities – for built facilities including community/village halls
 - Playing Pitch – for grass and artificial playing pitches
 - Open space – for the different types of open space, including play.
- 7.2. The flow charts help to determine whether provision is justified for a particular development, and whether this is likely to be on-site or off-site.

Leisure Facilities Contributions Flowchart

Leisure facilities include sports halls, swimming pools, fitness gyms, studios and community/village halls¹. This flowchart needs to be considered alongside relevant paragraphs in this SPD (e.g. Table 2 on standards of provision), and the latest Leisure Facilities Strategy's action plan and recommendations.

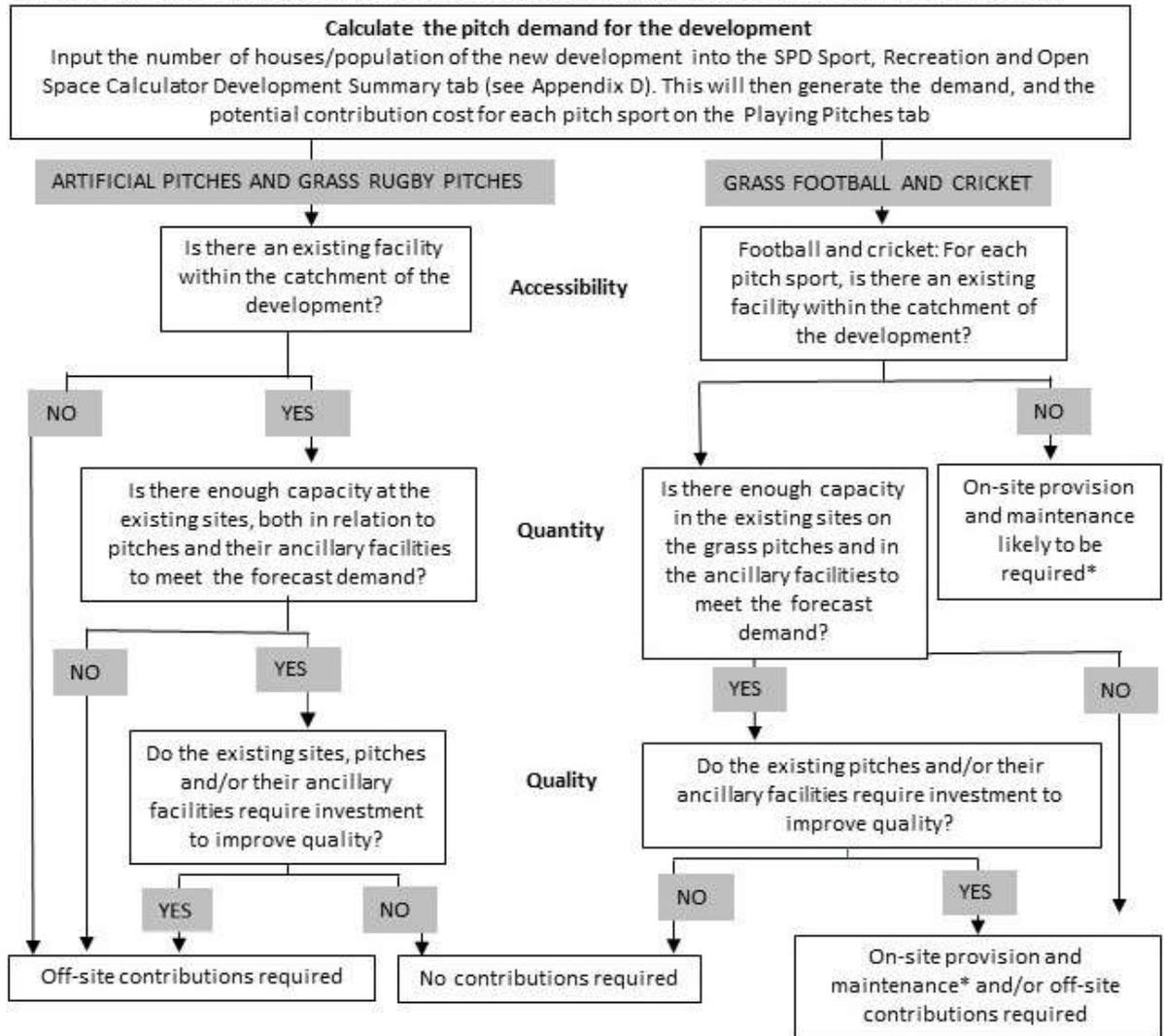
There are two parts to this flowchart. One part is for sports halls, swimming pools, fitness facilities and studios. The other is for community/village halls.



Note 1: there are other leisure facilities e.g. squash courts, but the current Leisure Facility Strategy does not make recommendations for these as the priorities for developers' contributions investment.

Playing Pitch Contributions Flowchart

Playing Pitches includes pitches for football, cricket, rugby and hockey. They may be grass or artificial grass, as appropriate for the sport. This flowchart needs to be considered alongside relevant paragraphs in this SPD e.g. Table 2 on standards of provision, the latest Playing Pitch Strategy and local consultation.

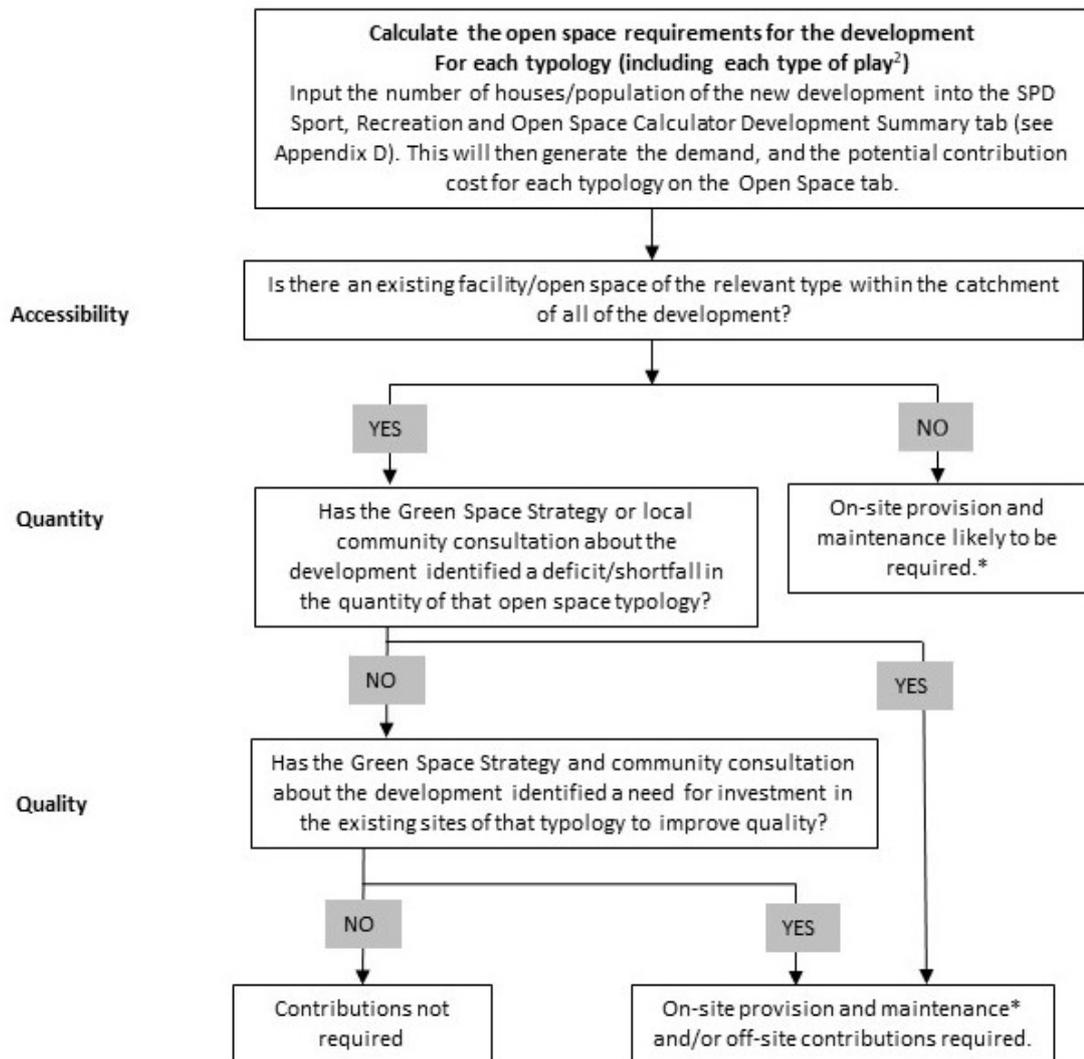


*if above minimum threshold

Open Spaces Contributions Flowchart

Open Space includes: parks and gardens; amenity green space; natural and semi-natural green space; allotments; play areas for children and youth provision. In addition, contributions towards canal towpaths but this element is not included within this flowchart. The flowchart needs to be considered alongside relevant paragraphs in this SPD e.g. Table 3 on standards of provision, the latest Green Spaces Strategy and outcomes of local consultation.

Local consultation (e.g. with the parish/town council as well as with NWBC) is required.



Note:

*if above minimum threshold

On development sites generating less than 0.2ha of parks and gardens, amenity green space, natural and semi-natural green space or allotments the Council may accept a commuted sum towards provision of new off-site open space of the relevant typology, or towards the enhancement of an existing open space of the relevant typology which is within the accessibility thresholds specified in Table 3.

APPENDIX A: LEISURE, GREEN SPACE, PLAYING PITCH AND INFRASTRUCTURE STRATEGIES SUMMARY STATEMENT

Summary Statement of the Strategies supporting the Planning Obligations for Sport, Recreation and Open Space Supplementary Planning Document

1. This Supplementary Planning Document (SPD) deals with 'Planning Obligations for Sport, Recreation and Open Space', required as a result of major planning applications to address the needs generated by submitted development proposals/applications and planning allocations within the adopted Local Plan for North Warwickshire. Its primary function will be as a technical tool by Officers of the Council, Agents and Consultants to inform negotiations and expectations for on-site provision and off-site financial contributions for Sport, Recreation and Open Space services and facilities.
2. In 2016, North Warwickshire Borough Council (NWBC) commenced a comprehensive Strategic Leisure Review, which was produced in parallel with the emerging Local Plan. This work comprised a number of separate, but linked elements as follows:
 - Health, Wellbeing and Leisure Strategy
 - Green Space Strategy (GSS)
 - Playing Pitch Strategy (PPS)
 - Leisure Facilities Strategy
 - Leisure Facilities Operational Review and Future Delivery Options
 - Light Touch Review of Community Development
3. The SPD is evidenced by these strategies and documents, the principal ones of which are summarised below.

The Green Space Strategy

4. **The Green Space Strategy** seeks to improve the quality of, and people's engagement with, the natural environment. It will contribute to the delivery of the North Warwickshire **Health and Wellbeing Action Plan (2023-2027)**, the aim of which is "to encourage and support the local community to adopt a proactive approach in the positive self-management of their health".
5. In particular, it will directly impact upon the themes to increase the number of adults and children who are physically active and to reduce the percentage of adults and children with excess weight to help positively influence individual and collective physical and mental wellbeing.
6. Further, the Green Space Strategy will contribute to the delivery of specific activities and actions drawn from the Joint Strategic Needs Assessment Action Plan (JSNA) for North Warwickshire, including supporting the implementation of the JSNA Funding

Plans that support delivery of the adopted Green Space Strategy and Playing Pitch Strategy. This SPD will directly help to deliver that support.

7. The Vision for the Green Space Strategy is “North Warwickshire will have a well-planned and managed network of sustainable, biodiverse green spaces that meets the needs of its communities and has maximized HS2 and climate change mitigation opportunities”.
8. The Green Space Strategy framework objectives are to:
 - Improve the management and maximise the benefits of green spaces.
 - Community engagement.
 - Co-ordinate action and develop partnership working.
 - Access more funding opportunities.
 - Promote green space investment as a policy priority.
 - Help create sustainable communities.
9. This SPD will actively help address these objectives in addressing some of the resource issues and opportunities, helping communities both existing and growing.

The Playing Pitch Strategy

10. **The Playing Pitch Strategy** provided an evidence base for the emerging Local Plan, which was subsequently adopted in 2021. It focuses on outdoor sports facilities, provides a strategic assessment of national policy and local sports development needs, as well as an up-to-date analysis of supply and demand for playing pitches (grass and artificial) in North Warwickshire.
11. The assessment methodology adopted for the PPS follows the published guidance from Sport England, the ‘Playing Pitch Strategy Guidance’ (2103), and focused on the following sports: football, rugby union, cricket and hockey. Within these sports, the PPS seeks, as far as is practicable, to include consideration of all forms of play to:
 - Ensure that service delivery is focused to meet the current and future needs of residents of, and visitors to, the Borough, and takes account of potential future growth in North Warwickshire.
 - Provide a framework for the delivery of targeted services that contribute directly to the development of sustainable, cohesive communities, improved health and wellbeing and increased opportunities for participation in both sport and informal recreation.
 - Ensure the appropriate provision of accessible, high quality green space, sport and recreation facilities.

The Green Infrastructure Strategy

12. **The Green Infrastructure Strategy's** purpose is to provide evidence for the preparation of plans, policies and strategies relating to Green Infrastructure (GI) at a sub-regional and local level. It details how GI can be delivered with help from landholders and partners and addresses these issues through three disciplines: Landscape, Biodiversity and Accessibility.
13. The GI Strategy Vision is for "A diverse and well-managed Warwickshire, Coventry and Solihull Green Infrastructure network that underpins the quality of life for communities. This will be the result of a well-connected, accessible and biodiversity resilient landscape, supporting economic growth, social health and climate change adaptation." It includes a separate vision for each of the three disciplines noted above.
14. Green Infrastructure functions to provide habitats and access to nature, access for recreation and movement, and to provide a landscape setting and context, including the historic environment, while acting as a sustainable resource that will help areas manage climate change adaptation.
15. This SPD will help to support the delivery of Green Infrastructure and enhancements, through on-site or financial contributions, the provision of informal green space and improved links between, and accessibility to, green infrastructure networks.

The Leisure Facilities Strategy

16. **The Leisure Facilities Strategy (LFS)** has been prepared in accordance with the guidance from Sport England contained in their document 'Assessing Needs and Opportunities Guide for Indoor and Outdoor Sports Facilities' of 2014. In line with the Government's National Planning Policy Framework, the LFS assesses existing leisure facilities, the future need for sport and active recreation as the Borough develops, opportunities for new provision, rationalisation/refurbishment and the expansion of existing facilities. The LFS:
 - Provides evidence to justify the provision of new sport and recreation provision or the enhancement of existing provision.
 - Will help to assess the merits of planning applications and guide planning obligations.
 - Will help direct expenditure of any future Community Infrastructure levy monies and Section 106 planning contributions for sport.
 - Supports the development of sport and physical activity in the Borough by ensuring a high-quality facility infrastructure exists.
 - Supports the strategic case for applications to funding organisations.
17. The LFS includes a number of key factors and issues to take into account in planning for future facility provision in the Borough. These are:

- The need to provide for increased demand as a result of population growth in the Borough.
 - The need for sport and leisure facilities to continue to contribute to healthy and active lifestyles in the Borough.
 - The need to maintain existing levels of participation, and to increase where needed.
 - The need to address the existing and future under-supply of swimming pool provision.
 - The need to ensure the provision of accessible and affordable fitness facilities are retained into the future, given the anticipated increase in demand by 2031.
 - The need to consider how best to address the future need for indoor bowls facilities.
 - The need to consider how best to address a growing demand for facilities for cycling, gymnastics and trampolining.
 - The need to consider how best to replace ageing facilities, which are of poorer quality and less effective operationally.
18. As noted above, the LFS has a direct relationship with the SPD, both in providing the evidence for the level of need and demand for leisure facilities, and the information to enable Officers to assess the merits of planning applications, guiding Section 106 planning contributions for sport, as laid out within this SPD.
19. These four principal strategies, with support from their various Action Plans and active Community Development work, provide the aims, objectives and vision that instruct, direct and establish the need for this SPD.

APPENDIX B: PLANNING POLICIES

1. This appendix provides more details on the relevant national and local planning policies which underpin the approach towards requests for developers' contributions in the SPD Planning Obligations for Sport, Recreation and Open Space.

National planning policies

National Planning Policy Framework (NPPF)

2. Under the NPPF, local planning authorities are required to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (NPPF paragraphs 55-58). The framework reiterates the three tests that govern the use of planning obligations in the CIL Regulations (see CIL Regulations below) and endorses the principle that planning conditions are preferable to planning obligations. Local authorities such as North Warwickshire Borough Council are also required to ensure that planning obligations take account of changes in market conditions over time and, wherever appropriate, are sufficiently flexible to prevent development from being stalled.

3. Para 8(b): One of three overarching objectives for sustainable development is a social objective:

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

4. In NPPF section 3 relating to "Plan-making", para 20 confirms that the strategic policies should address leisure, community and the green infrastructure:

Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

a) leisure

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure....

5. Para 34 of the NPPF requires that the Local Plan should be clear about the contributions which will be expected, but that plan must still be deliverable.

Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport,

flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

6. NPPF para 55 requires that planning obligations are only appropriate where the impact of a development is not possible to address through conditions:

Local Planning authorities should consider whether other unacceptable development can be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

7. Para 56 of the NPPF addresses the broad approach to planning conditions:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

8. Para 57 sets out tests for planning obligations:

Planning obligations must only be sought where they meet all of the following tests:
a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.

9. Section 8 of the NPPF is “Promoting healthy and safe communities”. Para 92 sets out the aims which are:

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other
b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

10. Para 93 requires positive planning and makes direct reference to the supporting the delivery of the relevant strategies:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as sports venues, open space,) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

11. Paragraph 98 confirms the importance of a network of high quality of open spaces and facilities for sport and recreation. It also emphasises the importance of robust and up-to-date assessments which are a key part of the evidence base justifying the planning policies and planning obligation requests.

Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

12. Paragraph 99 of the NPPF protects existing provision of open space and sport and recreation facilities.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

13. Para 91(c): "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ... c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the

provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”.

14. Para 92: “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as ... meeting places, sports venues, open space ...) and other local services to enhance the sustainability of communities and residential environments;
b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;
d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

15. Para 96: “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate”.

16. Para 97. “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.

National Planning Guidance

17. National Planning Practice Guidance¹ for planning obligations provides further detail on the planning obligations:

- Planning obligations run with the land, are legally binding and enforceable. A unilateral undertaking cannot bind the local planning authority because they are not party to it.
- Planning obligations are also commonly referred to as ‘section 106’, ‘s106’, as well as ‘developer contributions’ when considered alongside highways contributions and the Community Infrastructure Levy.

¹ <https://www.gov.uk/guidance/planning-obligations>

Paragraph: 001 Reference ID: 23b-001-20190315

- Developers may be asked to provide contributions for infrastructure in several ways.
- Local authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Developers will have to comply with any conditions attached to their planning permission. Conditions should be kept to a minimum and only imposed where they are necessary, relevant, enforceable, precise and reasonable.
- Planning obligations, in the form of section 106 agreements and section 278 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition.
- Developers may also contribute towards infrastructure by way of the Community Infrastructure Levy which is a fixed charge levied on new development to fund infrastructure.

Paragraph: 003 Reference ID: 23b-003-20190901

- *Local planning authorities are expected to use all of the funding received by way of planning obligations, as set out in individual agreements, in order to make development acceptable in planning terms. Agreements should normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time, where they are not.*

Paragraph: 021 Reference ID: 23b-021-20190315

- *In accordance with the Community Infrastructure Levy Regulations any authority that receives a contribution from development through the levy or section 106 planning obligations must prepare an infrastructure funding statement....*

Paragraph: 030 Reference ID: 23b-030-20190901

The Community Infrastructure Levy Regulations 2010 (amended)

18. The CIL Levy Regulations² are relevant to this SPD. The tests set down in para 122 need to be met in any request for developer contributions:

122

(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

(3)

² <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

Local Planning Policy

19. The Borough Plan, adopted September 2021, provides the context for this SPD and the main policy hooks. The vision sets out that by 2033, Rural North Warwickshire will be:

...a community of communities. A place where people want to live, work and visit, now and in the future, which meets the diverse needs of existing and future residents is sensitive to the local environment and contributes to a high quality of life. A place which is safe and inclusive, well planned, built and run and offers equality of opportunity and good services for all. (para 4.2)

20. Chapter 6, Sustainable Development sets out the policy justification in LP1 Sustainable Development, for the seeking of developer contributions.

LP1 Sustainable Development

Planning applications that accord with the policies in this Plan (and where relevant, with other development plan policies including those in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, applications will be determined in accordance with the presumption in favour of sustainable development.

Quality of Development / Place

All development proposals must;

- *be supported by the required infrastructure*
- *be consistent with the approach to place making set out through development management policies, including, where relevant*
- *integrate appropriately with the natural and historic environment, protecting and enhancing rights of way network where appropriate*
- *demonstrate a high quality of sustainable design that positively improve the individual*
- *settlement's character; appearance and environmental quality of an area;*
- *.....*
- *provide, conserve and enhance biodiversity; and,*
- *create linkages between green spaces, wildlife sites and corridors.*

Development should protect the existing rights of way network and where possible contribute to its expansion and management.

Implementation and Infrastructure

Infrastructure will be sought where it is necessary, directly related to the development and is fairly and reasonably related in scale and kind to the development. It may be related to social, economic and/or environmental issues.

Supplementary Planning Guidance and documents will be used to guide provision, Infrastructure requirements are outlined in the Infrastructure Delivery Plan and the supporting documents contained in Appendix C of the Local Plan. The list is not exhaustive as each will be taken on a site by site basis and will depend on the viability of the scheme. Other site specific measures will be considered at the time of the planning permission. These will be secured through conditions, S106's or other agreements considered appropriate to ensure its delivery. It will be necessary to ensure the ongoing maintenance, where appropriate, of any infrastructure provision.

Where development is proposed in excess of plan requirements and would assist in the provision of or enabling infrastructure, particularly that related to facilitating development in the long term, or of affordable housing relative to needs, that will carry weight in favour of granting permission.

21. The supporting text in para 6.16 makes specific reference to green infrastructure, leisure facilities and community facilities:

6.16 In the context of planning for the growth of an area, infrastructure can be defined as physical development needed to support communities and which directly relates to economic development and regeneration. This includes:

.....

Green Infrastructure - Enhancing and creating networks of open spaces;

Leisure Facilities - Open space and built recreation facilities;

.....

Community Facilities - Includes libraries, community halls etc.

22. The supporting text in para 6.17 - 6.20 sets down that the Infrastructure Delivery Plan and Supplementary Planning Documents together with the evidence base to the Local Plan, underpin the policies relating to developers' contributions. It is clear that this provides for updating the evidence base, including the relevant strategies and SPDs as may be required and that they will guide the planning obligations sought in relation to development:

6.17 More details are provided in the Infrastructure Delivery Plan, Supplementary Planning Documents, and the evidence which underpins this Local Plan as indicated in Appendix C of this Local Plan. This information will be updated through the Plan period by the Council and the numerous partners, agencies and organisations.

6.18 Contributions towards infrastructure provision will be sought through appropriate use of planning conditions and obligations in accordance with national policy and associated Planning Practice Guidance, and statute.

6.19 Alongside this Local Plan is an Infrastructure Delivery Plan. This sets out the known infrastructure requirements to accommodate the growth within the Borough. This will be updated on a regular basis.....

6.20 The policies give a framework within which assessments of S106, CIL or other legal agreements will be made. These will be supplemented, where necessary, over time by further advice in the form of guidance notes and Supplementary Planning Documents.

23. Chapter 11 of the Borough Plan addresses Services and Facilities, with Policy LP22 and its supporting text addresses the provision and protection of open space, sport and recreation facilities:

LP22 Open Spaces and Recreational Provision

Wherever possible, Open spaces and recreational areas will be retained, protected and enhanced (unless their loss is off-set by an equivalent or improved replacement). Development proposals will be expected to provide a range of new on-site and open space recreational provision such as parks and amenity space, sport or recreation facilities and semi-natural areas such as woodland wherever appropriate to the area and to the development.

The design and location of these spaces and facilities should be accessible to all users; have regard to the relationship with surrounding uses, enhance the natural environment, protect and improve green infrastructure and link to surrounding areas where appropriate.

The Council will require the proper maintenance of these areas and facilities to be agreed. Where on-site provision is not feasible, off-site contributions may be required where the developments use leads to a need for new or enhanced provision.

Supporting text

11.6 As part of any development it is important that provision is made for open spaces and recreation whether this is indoor or outdoor, publicly or privately owned. The health and wellbeing benefits of such provision can improve the quality of life for residents. Spaces can include the following typologies:

1. parks and gardens – including urban parks, country parks, forest parks and formal gardens;
2. outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) – including tennis courts, bowling greens, sport pitches, golf courses, athletic tracks, school and other institutional playing fields, and other outdoor sports areas;
3. amenity green space (most commonly, but not exclusively in housing areas) – including informal recreation spaces, communal green spaces in and around housing, and village greens;
4. provision for children and teenagers – including play areas, kickabout areas, skateboard parks and outdoor basketball hoops;
5. green corridors – including river and canal banks, amenity footpaths and cycleways;
6. natural and semi-natural urban green spaces – including woodlands, urban

forestry, grasslands (e.g. meadows), wetlands, open and running water, and rock areas (e.g. cliffs);

7. allotments and community gardens;

8. cemeteries and churchyards; and

9. civic spaces, including civic and market squares and other hard surface areas designed for pedestrians.

11.7 Work was undertaken to update the Council's Open Space, Sport & Recreation Audit and Green Space Strategy and the North Warwickshire Playing Pitch Strategy and a review of Leisure Services built facilities. This was completed in 2018 and will feed into the future plans of the Borough Council and also will influence advice and guidance given on development proposals. All proposals will take account of this updated evidence when published.

11.8 Long term maintenance is a key issue. Therefore, improvements may be more appropriate to improve off-site facilities / sites rather than creating new on-site provision. This will be particularly relevant to smaller scale sites.

24. Chapter 13 of the Borough Plan, Development Considerations, includes the principles of high quality design and place making and the promotion of healthy and active lifestyles which is a key local priority as set out in the North Warwickshire Sustainable Community Strategy³.
25. Para 13.6 of this chapter underlines the importance of open space and refers to the evidence base, the Council's Open Space, Sport & Recreation Audit and Green Space Strategy (2008) and the North Warwickshire Playing Pitch Strategy which identify existing shortfalls in provision as well as classifying the importance of existing open spaces and working to improve and protect sports facilities across the Borough.
26. The policy LP29 Development Considerations summarises the relevant policy and references the Green Space Strategy and the Playing Pitch Strategy (LP29, 7).
27. Some of the housing site allocation policies make specific reference to the need to provide playing field space on or off site such as H4, Land to the east of Polesworth and Dordon, and most refer to the provision of open space.

³ North Warwickshire Community Partnership, 2010; North Warwickshire Sustainable Community Strategy

APPENDIX C: CAPTIAL COSTS

LEISURE FACILITIES

	Affordable sports hall	Affordable community swimming pool	Studio space	Fitness gym
Size/details	4 court (34.5 x 20m)	6-lane 25 m pool (25x12.5m)	200 sq m studio	540 sqm gym with 100 fitness stations
Area sq m	690	312.5	200	504
Capital cost per item (£)	£ 2,755,000	£ 5,635,000	£ 410,200	£ 1,283,704
Unit used in NWBC calculator	1 court	sq m	sq m	fitness station
Cost per unit of sports facility	£ 688,750	£ 18,032	£ 2,051	£ 12,837
Changing / clubhouse provision	Included within the facility calculation	Included within the facility calculation	N/a	N/a
Cost source	Sport England Facility Costs 3Q2022	Sport England Facility Costs 3Q2022	SPON's 2Q2021 with BCIS Building Cost Index to Q32022	SPON's 2Q2021 plus market costs with BCIS Building Cost Index to Q32022

PLAYING PITCHES

	Football grass		
	U8/U7 mini (43x33m)	U16/U15 youth	Senior
Size/details	43x33m	97 x 61m	106x70m
Area sq m	1,419	5,917	7,420
Capital cost per item (£)	£ 30,000	£ 85,000	£ 105,000
Unit used in NWBC calculator	mini pitch	youth pitch	senior pitch
Cost per unit of pitch	£ 21.14	£ 14.37	£ 14.15
Changing / clubhouse provision	N/a	2 x changing rooms per pitch	2 x changing rooms per pitch
Changing / clubhouse provision cost basis		4-team changing with clubroom	4-team changing with clubroom
Changing / clubhouse provision		£ 755,000	£ 755,000
Cost of changing per pitch		£ 377,500	£ 377,500
Cost source	Sport England Facility Costs 3Q2022	Sport England Facility Costs 3Q2022	Sport England Facility Costs 3Q2022

	Rugby grass	Cricket grass
	Senior	Senior
Size/details	130x88m	9 pitch square
Area sq m	10,400	12,923
Capital cost per item (£)	£ 160,000	£ 231,730
Unit used in NWBC calculator	senior pitch	9 pitch square
Cost per unit of pitch	£ 15.38	£ 17.93
Changing / clubhouse provision	2 x changing rooms per pitch	2 x changing rooms per pitch

APPENDIX C: CAPTIAL COSTS

Changing / clubhouse provision cost basis	4-team changing with clubroom	4-team changing with clubroom
Changing / clubhouse provision	£ 755,000	£ 755,000
Cost of changing per pitch	£ 377,500	£ 377,500
Cost source	Sport England Facility Costs 3Q2022	Sport England Facility Costs 3Q2022

	3G AGP	Sand dressed (hockey)
	Senior	Senior
Size/details	106 x 70m	101.4x63m
Area sq m	7,420	6,388
Capital cost per item (£)	£ 1,100,000	£ 915,000
Unit used in NWBC calculator	60mm fenced, floodlit, football turf	18mm sand-dressed, fenced, floodlit
Cost per unit of pitch	£ 148.25	£ 143.24
Changing / clubhouse provision	2 x changing rooms per pitch	2 x changing rooms per pitch
Changing / clubhouse provision cost basis	4-team changing with clubroom	4-team changing with clubroom
Changing / clubhouse provision	£ 755,000	£ 755,000
Cost of changing per pitch	£ 377,500	£ 377,500
Cost source	Sport England Facility Costs 3Q2022	Sport England Facility Costs 3Q2022

OPEN SPACE

	Parks & Gardens	Amenity Green Space	Natural & Semi-Natural Green Space	Children's Play and Youth Provision	Allotments/ Community Gardens
Capital cost per sqm (£)	19.97	10.28	4.14	122.97	10.28
Unit used in NWBC calculator	sq m	sq m	sq m	sq m	sq m
Cost source	Rates based upon SPON's "External Works and Landscape Price Book" (2019/Q1) then BCIS indexed to Q2/22 . Actual specifications and costs will vary from site to site. Youth provision assumed same rate as children's play.				

Appendix D: Maintenance Costs Calculations Base

The maintenance costs for Open Space are based on market rates for Q12020 indexed using BICS to 3Q2022.

In the table below some of the maintenance components are listed as the same, but generally Parks and Gardens and Play have the highest level of maintenance (e.g. more times a year), Natural/Semi-Natural the least, and Amenity Grassland and Allotments in between.

Typology	Components	Annual £s per sqm	£s per sqm over 25rs
Parks and Gardens	Benches, annual bedding (spring and summer), grass mowing high amenity, grass mowing park, hedge cutting, shrubs, trees, fencing, litter sweep, litter pick, path sweeping, weed-kill paths etc, dog bins collect and cleanse, gate maintenance, and general inspection.	£1.952	£48.799
Amenity Grassland	Benches, grass mowing amenity, hedge cutting, trees, fencing, litter sweep, litter pick, weed-kill paths etc, dog bins collect and cleanse, gate maintenance, and general inspection.	£0.492	£12.307
Natural/ Semi-natural Grassland	Grass mowing by parking area, grass mowing conservation cut (some areas); trees, litter, parking area weed kill, general inspection	£0.087	£2.172
Children's play and youth provision	Grass mowing high amenity and standard annual, fences, dog bins collect and cleanse, benches, litter pick, weed control, regular general inspection. Costs for children's play is average per sqm for 1,500 sqm LEAP and 1,000 sqm NEAP. Costs of youth provision maintenance will depend in part on what facilities are provided. Assumed to be the same as for children's play.	£6.845	£171.117
Allotments/ Community Gardens	Grass mowing amenity, hedge cutting, fences, trees, dog bins collect and cleanse, benches, litter pick, weed control, gates lock/unlock/maintain, regular general inspection	£0.524	£13.111



Supplementary Planning Document: Planning Obligations for Sport, Recreation and Open Space

Developer's contribution calculator

The main application details are entered into the Development summary tab, and this automatically gives the outputs for the justified contributions based on the standard costs. Local costs can be entered into the separate tabs for leisure facilities and open space if needed, both capital and maintenance.

Tab	What you can change (orange boxes)	Outputs
Development summary	Application details	Summary of each of the standard contribution requests for leisure facilities (excl community and village halls), playing pitches and open space (excluding contributions to canals).
Leisure facilities	Local costs for each of the facility types	Contribution summary using both standard costs and local costs if input.
Playing pitches	N/a	Contribution summary for each type of pitch: grass pitches for football, rugby and cricket, 3G AGP and hockey AGP. An indication as to whether the provision is likely to be on or off site.
Open space	Local costs for each typology	Contribution summary using both standard costs and local costs if input, both capital and with maintenance for 25 years. Area of open space likely to be required on-site excluding area for play and allotments/community gardens.
Housing alloc @ March 22	N/a	Provided for information only.

**North Warwickshire Developer Contributions Calculator
Summary**

Enter site/development information into orange shaded boxes

Planning application number	xxxxxx
Site	Example site
Details	xxxxxx

	ENTER number of dwellings proposed	Housing multiplier (number of occupants)	Number of people
All	500	2.37	1185
TOTAL			1185

SUMMARY OF CONTRIBUTIONS REQUESTED BASED ON STANDARDISED COSTS.

For local costs, please refer to individual tab

LEISURE FACILITIES			
Leisure Facilities	Demand from development		Capital contribution required excluding land but including ancillary facilities
Sports halls	0.33	number of badminton courts	£ 228,527
Swimming pools	12.60	sq m of water space	£ 227,141
Studio space	0.08	number of studios	£ 31,869
Fitness gyms	5.40	number of fitness stations	£ 69,366
TOTAL CONTRIBUTION FOR LEISURE FACILITIES EXCL COMMUNITY/VILLAGE HALLS			£ 556,904

PLAYING PITCHES				
Grass playing fields including ancillary space and facilities				
	Demand from development		Capital contribution from the development	Provision likely to be on-site or off-site
Football	0.76	ha of playing field space including pitches and ancillary facilities	£ 227,391	off-site
Cricket	0.78	ha of playing field space including pitches and ancillary facilities	£ 243,596	off-site
Rugby	0.32	ha of playing field space including pitches and ancillary facilities	£ 96,356	off-site
Total for grass	1.85	ha of playing field space including pitches and ancillary facilities	£ 567,343	
Artificial grass pitches including ancillary				
3G pitches	0.051	number of full size pitches	£ 67,600	off-site
Sand based pitches (hockey)	0.026	number of full size pitches	£ 15,225	off-site
Total for artificial pitches			£ 82,825	
TOTAL CONTRIBUTION FOR PITCHES AND PLAYING FIELDS	1.853	ha of grass playing field space including pitches and ancillary facilities	£ 650,168	

OPEN SPACE				
			Capital contribution from the development	Total contribution including 25 years maintenance
Parks and gardens	0.95	ha of space	£ 189,316	£ 651,940
Amenity green space	0.71	ha of space	£ 73,091	£ 160,544
Natural and semi natural green space	2.13	ha of space	£ 88,306	£ 134,699
Children's play	0.30	ha of space	£ 364,299	£ 871,256
Youth provision	0.36	ha of space	£ 437,158	£ 1,045,508
Allotments	0.24	ha of space	£ 24,364	£ 55,411
TOTAL CONTRIBUTION FOR OPEN SPACE	4.681	ha of space	£ 1,176,533	£ 2,919,357

Leisure Facilities

Planning application number
Site
Details

xxxxxx
Example site
xxxxxx

	Number of dwellings proposed	Housing multiplier (number of occupants)	Number of people
All	500	2.37	1185
TOTAL			1185

CAPITAL CONTRIBUTION EXCLUDING LAND COSTS REQUIRED FROM DEVELOPMENT			
USING STANDARD COSTS	£556,904	USING SOME OR ALL LOCAL COSTS	£345,902

For local costs enter into orange shaded boxes

Sports halls								
	Demand: number of badminton courts per 1000 population	Capital Cost: 1 badminton court of 4-court affordable sports hall.	Demand from development based on population, number of badminton courts	Contribution per dwelling @ 2.37 persons per dwelling	Capital contribution required	Maintenance costs per annum @ 0.5% of construction costs	Sinking fund costs per annum @ 0.7% of construction costs	TOTAL LIFECYCLE COST PER ANNUM
Sport England Sports Facility Costs 3Q 2022	0.28	£ 688,750	0.33	£ 457.05	£ 228,527	£ 1,143	£ 1,600	£ 2,742
Local costs		£ 400,000		£ 265.44	£ 132,720	£ 664	£ 929	£ 1,593

Swimming pool space								
	Demand: sq m water space per 1000 population	Capital Cost: per sq m of 6-lane 25 m affordable community swimming pool (312.5 sq m)	Demand from development based on population, sq m of water space	Contribution per dwelling @ 2.37 persons per dwelling	Capital contribution required	Maintenance costs per annum @ 1.1% of construction costs	Sinking fund costs per annum @ 0.4% of construction costs	TOTAL LIFECYCLE COST PER ANNUM
Sport England Sports Facility Costs 3Q 2022	10.63	£ 18,032	12.60	£ 454.28	£ 227,141	£ 2,499	£ 909	£ 3,407
Local costs		£ 10,000		£ 251.93	£ 125,966	£ 1,386	£ 504	£ 1,889

Studio space								
	Demand: number of studios per 1000 population	Capital cost: studio @200 sqm incl storage @£2051/sqm	Demand from development based on population, number of studios	Contribution per dwelling @ 2.37 persons per dwelling	Capital contribution required	Maintenance costs per annum @ 0.5% of construction costs (same rate as sports hall) + 10% equip/yr	Sinking fund costs per annum @ 0.7% of construction costs (same rate as sports hall)	TOTAL LIFECYCLE COST PER ANNUM
SPON'S	0.07	£ 384,200	0.08	£ 63.74	£ 31,869	£ 159	£ 223	£ 382
Local costs		£ 400,000		£ 66.36	£ 33,180	£ 166	£ 232	£ 398

Fitness Gyms								
	Demand: number of fitness stations per 1000 population	Capital cost per fitness station. Building £2051/sqm. Gym stations @ £2.5k each. Based on a 100 stations size @ 504sqm.	Demand from development, number of fitness stations	Contribution per dwelling @ 2.37 persons per dwelling	Capital contribution required	Maintenance costs per annum @ 0.5% of construction costs	Sinking fund costs per annum @ 0.7% of construction costs, plus 10%/yr replacement of stations	TOTAL LIFECYCLE COST PER ANNUM
SPON'S + market costs for equipment	4.56	£ 12,837	5.40	£ 138.73	£ 69,366	£ 347	£ 499	£ 846
Local costs		£ 10,000		£ 108.07	£ 54,036	£ 270	£ 378	£ 648

Note:
Capital costs of sports halls and swimming pools includes ancillary facilities e.g. changing

Playing pitches

Planning application number	XXXXXX
Site	Example site
Details	XXXXXX

	Number of dwellings proposed	Housing multiplier (number of occupants)	Number of people
All	500	2.37	1185
TOTAL			1185

CAPITAL CONTRIBUTION EXCLUDING LAND COSTS REQUIRED FROM DEVELOPMENT	
Grass pitches for football, rugby and cricket	£ 567,343
Artificial pitch 3G	£ 67,600
Artificial pitch hockey	£ 15,225
TOTAL	£ 650,168

ON-SITE OR OFF-SITE PROVISION OF GRASS PITCHES MAY BE NEEDED	
Football	off-site
Cricket	off-site
Rugby	off-site

GRASS PITCHES

FOOTBALL

	Number of cricket pitches per 1000 population based on PPS	Pitch area per 1000 population based on PPS (ha)	Total playing field area per 1000 population @ 150% of pitch area (ha)	Number of changing rooms per 1000 population @ 2 changing rooms per senior /youth pitch	Construction cost of pitches per 1000 population (£)	Construction cost of changing rooms per 1000 population (£)	Development generated demand for pitch space (ha)	Development generated demand total playing field area @150% of pitch area (ha)	Development generated demand (number of changing rooms)	Capital cost excluding land costs	TOTAL CAPITAL CONTRIBUTION EXCL LAND COST	Maintenance costs pitches per annum @16% of construction costs	Maintenance costs per annum for pavilion/clubhouse per annum @1.2% of construction costs	Sinking fund costs pitches per annum @ 3.5% of construction costs	Sinking fund costs per annum for pavilion/clubhouse per annum @0.4% of construction costs	TOTAL LIFECYCLE COST PER ANNUM
Pitches	0.33	0.428	0.641		£ 53,602		0.51	0.76		£ 63,518		£ 10,163		£ 2,223		
Ancillary playing field space Pavilion/club house 4-team change facility with club room				0.818		£ 138,289			0.969	£ 163,872	£ 227,391		£ 1,966		£ 655	£ 15,008

CRICKET

	Number of senior rugby pitches per 1000 population based on PPS	Pitch area per 1000 population based on PPS	Total playing field area per 1000 population @ 150% of pitch area (ha)	Number of changing rooms per 1000 population @ 2 changing rooms per pitch	Construction cost of pitches per 1000 population (£)	Construction cost of changing rooms per 1000 population (£)	Development generated demand for pitch space (ha)	Development generated demand for pitches and playing field space (ha)	Development generated demand (number of changing rooms)	Capital cost excluding land costs	TOTAL CAPITAL CONTRIBUTION EXCL LAND COST	Maintenance costs pitches per annum @15% of construction costs	Maintenance costs per annum for pavilion/clubhouse per annum @1.2% of construction costs	Sinking fund costs pitches per annum @ 3.5% of construction costs	Sinking fund costs per annum for pavilion/clubhouse per annum @0.4% of construction costs	TOTAL LIFECYCLE COST PER ANNUM
Pitches	0.17	0.424	0.656		£ 94,753		0.50	0.78		£ 112,283		£ 19,425		£ 3,930		
Ancillary playing field space Pavilion/club house 4-team change facility with club room				0.656		£ 110,813			0.777	£ 131,314	£ 243,596		£ 1,576		£ 525	£ 25,456

RUGBY

	Number of full size football floodlit 3G per 1000 population based on PPS	Number of changing rooms per 1000 population @ 2 changing rooms per pitch	Construction cost of pitches per 1000 population (£)	Construction cost of changing rooms per 1000 population (£)	Development generated demand for 3G pitch and changing rooms (number)	Capital cost excluding land costs	TOTAL CAPITAL CONTRIBUTION EXCL LAND COST	Maintenance costs pitches per annum @ 0.5% of construction costs	Maintenance costs per annum for pavilion/clubhouse per annum @1.2% of construction costs	Sinking fund costs pitches per annum @ 2.9% of construction costs	Sinking fund costs per annum for pavilion/clubhouse per annum @0.4% of construction costs	TOTAL LIFECYCLE COST PER ANNUM
Pitches	0.04	0.178	£ 42,359		0.0515	£ 50,196	£ 67,600	£ 251		£ 1,456		£ 1,985
Changing rooms		0.087		£ 14,687	0.1030	£ 17,405		£ 209			£ 70	

ARTIFICIAL PITCHES

3G AGP

	Number of full size sand based floodlit pitches per 1000 population based on PPS	Number of changing rooms per 1000 population @ 2 changing rooms per pitch	Construction cost of pitches per 1000 population (£)	Construction cost of changing rooms per 1000 population (£)	Development generated demand for sand based pitch and changing rooms (number)	Capital cost excluding land costs	TOTAL CAPITAL CONTRIBUTION EXCL LAND COST	Maintenance costs pitches per annum @ 0.5% of construction costs	Maintenance costs per annum for pavilion/clubhouse per annum @1.2% of construction costs	Sinking fund costs pitches per annum @ 2.3% of construction costs	Sinking fund costs per annum for pavilion/clubhouse per annum @0.4% of construction costs	TOTAL LIFECYCLE COST PER ANNUM
Pitches	0.01	0.02	£ 9,076		0.0132	£ 10,755	£ 15,225	£ 54		£ 247		£ 373
Changing rooms		0.02		£ 3,772	0.0264	£ 4,470		£ 54			£ 18	

Sand based (hockey)

	Number of full size sand based floodlit pitches per 1000 population based on PPS	Number of changing rooms per 1000 population @ 2 changing rooms per pitch	Construction cost of pitches per 1000 population (£)	Construction cost of changing rooms per 1000 population (£)	Development generated demand for sand based pitch and changing rooms (number)	Capital cost excluding land costs	TOTAL CAPITAL CONTRIBUTION EXCL LAND COST	Maintenance costs pitches per annum @ 0.5% of construction costs	Maintenance costs per annum for pavilion/clubhouse per annum @1.2% of construction costs	Sinking fund costs pitches per annum @ 2.3% of construction costs	Sinking fund costs per annum for pavilion/clubhouse per annum @0.4% of construction costs	TOTAL LIFECYCLE COST PER ANNUM
Pitches	0.01	0.02	£ 9,076		0.0132	£ 10,755	£ 15,225	£ 54		£ 247		£ 373
Changing rooms		0.02		£ 3,772	0.0264	£ 4,470		£ 54			£ 18	

Playing Pitches Notes on Costs:

	Capital cost excl land costs	Size sq m	cost per sq m
Grass pitches			
Pitches: football senior	£ 105,000	7,420	£ 14.15
Pitches: cricket 8 pitch square	£ 231,730	12,923	£ 14.29
Pitches: rugby union	£ 160,000	10,400	£ 15.38
AGP full size floodlit			
Sand dressed	£ 915,000	6,388	£ 143.24
3G football, 60mm	£ 1,100,000	7,420	£ 148.25
Pavilion/club house 4-team change facility with club room	£ 755,000	122.5	£ 6,163.27

Source of costs:

Capital costs

Capital cost for football, cricket, rugby, AGPs - Sport England Facilities Costs 3Q2022

Lifecycle costs:

Based on a percentage of the total project costs per annum as set out in Sport England's Life Cycle Costs: Natural Turf Pitches (2Q2021); Artificial Sports Surfaces (Q2/2021); Sports Halls, Swimming Pools, Sports Centres & Changing Rooms (Q2/2021)

Open Spaces

Planning application number
Site
Details

xxxxxx
Example site
xxxxxx

	Number of dwellings proposed	Housing multiplier (number of occupants)	Number of people
All	500	2.37	1185
TOTAL			1185

CAPITAL CONTRIBUTION EXCLUDING LAND COSTS BUT INCLUDING 25 YR MAINTENANCE REQUIRED FROM DEVELOPMENT				Total area required for parks & gardens, amenity green space and natural and semi-natural green space (ha)
CAPITAL CONTRIBUTION EXCLUDING LAND COSTS AND MAINTENANCE REQUIRED FROM DEVELOPMENT		CAPITAL CONTRIBUTION EXCLUDING LAND COSTS BUT INCLUDING 25 YR MAINTENANCE REQUIRED FROM DEVELOPMENT		
USING STANDARD COSTS		USING STANDARD COSTS		3.79
	£1,176,533		£2,919,357	
USING SOME OR ALL LOCAL COSTS	£740,625	USING SOME OR ALL LOCAL COSTS	£1,431,480	

For local costs enter into orange shaded boxes

Parks & Gardens								
	Demand: hectares per 1000 population	Unit cost (£s per sqm)	Provision for this development (ha)	Capital contribution from the development	Cost of maintenance (£s/sqm/yr)	Maintenance time period (yrs)	Maintenance Contribution	Total Contribution
Standard costs	0.80	£ 19.97	0.95	£ 189,316	£ 1.95	25	£ 462,624	£ 651,940
Local costs		£ 10.00		£ 94,800	£ 1.00	25	£ 237,000	£ 331,800

Amenity Greenspace								
	Demand: hectares per 1000 population	Unit cost (£s per sqm)	Provision for this development (ha)	Capital contribution from the development	Cost of maintenance (£s/sqm/yr)	Maintenance time period (yrs)	Maintenance Contribution	Total Contribution
Standard costs	0.60	£ 10.28	0.71	£ 73,091	£ 0.49	25	£ 87,453	£ 160,544
Local costs		£ 10.00		£ 71,100	£ 0.20	25	£ 35,550	£ 106,650

Natural and Semi Natural Green Space								
	Demand: hectares per 1000 population	Unit cost (£s per sqm)	Provision for this development (ha)	Capital contribution from the development	Cost of maintenance (£s/sqm/yr)	Maintenance time period (yrs)	Maintenance Contribution	Total Contribution
Standard costs	1.80	£ 4.14	2.13	£ 88,306	£ 0.09	25	£ 46,393	£ 134,699
Local costs		£ 3.00		£ 63,990	£ 0.04	25	£ 21,330	£ 85,320

Children's Play								
	Demand: hectares per 1000 population	Unit cost (£s per sqm)	Provision for this development (ha)	Capital contribution from the development	Cost of maintenance (£s/sqm/yr)	Maintenance time period (yrs)	Maintenance Contribution	Total Contribution
Standard costs	0.25	£ 122.97	0.30	£ 364,299	£ 6.85	25	£ 506,958	£ 871,256
Local costs		£ 50.00		£ 148,125	£ 4.00	25	£ 296,250	£ 444,375

Youth Provision								
	Demand: hectares per 1000 population	Unit cost (£s per sqm)	Provision for this development (ha)	Capital contribution from the development	Cost of maintenance (£s/sqm/yr)	Maintenance time period (yrs)	Maintenance Contribution	Total Contribution
Standard costs	0.30	£ 122.97	0.36	£ 437,158	£ 6.85	25	£ 608,349	£ 1,045,508
Local costs		£ 100.00		£ 355,500	£ 1.00	25	£ 88,875	£ 444,375

Allotments / Community gardens								
	Demand: hectares per 1000 population	Unit cost (£s per sqm)	Provision for this development (ha)	Capital contribution from the development	Cost of maintenance (£s/sqm/yr)	Maintenance time period (yrs)	Maintenance Contribution	Total Contribution
As per amenity greenspace	0.20	£ 10.28	0.24	£ 24,364	£ 0.52	25	£ 31,047	£ 55,411
Local costs		£ 3.00		£ 7,110	£ 0.20	25	£ 11,850	£ 18,960

Notes:

Play: On-site Provision				
Scale of Housing Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Youth Sport (MUGA; Skatepark; adventure play)
5-9 dwellings	✓			
10-199 dwellings	✓	✓		Contribution
200-399 dwellings	✓	✓	Contribution	✓
400+ dwellings	✓	✓	✓	✓
Accessibility	100m	400m	1,000m	700m

Housing Allocation

Policy Ref		Area (ha)	No. of dwellings	Forecast population @ 2.37 / dwelling
Category 1 - Market Towns				
<i>Atherstone & Mancetter</i>				
H1	Land at Holly Lane Atherstone	32.7	620	1469
H2	Land to north-west of Atherstone off Whittington Lane <i>Coleshill</i>	71.2	1282	3038
H3	Allotments adjacent to Memorial Park, Coleshill <i>Polesworth & Dordon</i>	1.4	30	71
H4	Land to east of Polesworth and Dordon	160.8	1675	3970
Category 2 - Adjacent adjoining settlements				
H5	Land west of Robey's Lane, adjacent Tamworth	66.1	1270	3010
H6	Site at Lindridge Road adj. Langley SUE, Wishaw	6.7	141	334
Category 3 - Local Service Centres				
<i>Baddesley Ensor/Grendon</i>				
H7	Land at Church Farm, Baddesley	2.2	47	111
H8	Land north of Grendon Community Hall (former Youth Centre) Boot Hill Grendon <i>Hartshill/Ansley Common</i>	0.3	7	17
H9	Land between Church Rd and Nuneaton Rd, Hartshill	30.4	400	948
H10	Land south of Coleshill Road, Ansley Common <i>Water Orton</i>	17.2	450	1067
H11	Former School redevelopment site (excluding original historic school building)	2.8	48	114
Category 4 - Other Settlements with a Development Boundary				
<i>Ansley</i>				
H12	Land at Village Farm, Birmingham Road <i>Newton Regis</i>	0.6	12	28
H14	Manor Farm <i>Shuttington</i>	1	21	50
H15	Land south of Shuttington Village Hall <i>Warton</i>	1.2	24	57
H16	Land north of Orton Rd <i>Wood End</i>	4.2	128	303
H17	Land south of Islington Farm, r/o 115 Tamworth Rd	1.3	28	66
		Total	6183	14654

APPENDIX F: Summary Standards Table

Facility	Measurement		Accessibility (fully available at peak time)	Quality
Sports halls	0.28	Badminton courts per 1,000 people	About 20 mins drive time	Design and quality to meet Sport England and relevant national governing body of sport guidance.
Swimming pools	10.63	sqm of water space per 1,000 people	About 20 mins drive time	
Fitness facilities	2.86	Fitness stations per 1,000 people	About 20 mins drive time	
Studios	0.21	Studios per 1,000 people	About 20 mins drive time	Design and quality to meet Sport England guidance.
Village or community halls	Additional and improved facilities including storage to enable more sports and activities to be offered.		800m walk 10 minutes by car	Design to be agreed with the Council.
Football grass pitches	0.43	Hectares per 1,000 people	About 15 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.
Rugby Union grass pitches	0.18	Hectares per 1,000 people	About 20 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.
Cricket	0.42	Hectares per 1,000 people	About 15 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.
Football 3G artificial grass pitch (3G-AGP)	0.04	Full size floodlit 3G pitch	About 20 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.
Hockey sand based artificial pitch	0.01	Full size floodlit pitch	About 20 mins drive time	Design and quality to meet Sport England and national governing body of sport guidance.

Typology	Measurement Hectares per 1,000 people	Accessibility	Quality
Parks and gardens	0.8	710 m	<ul style="list-style-type: none"> • Welcoming clean, well maintained area with hard/soft landscaping • A one stop community facility, accessible to all with a range of leisure, recreational and play opportunities • Safe to visit, pleasant to walk and sit in • Cut back trees and bushes for safety and clear sightlines • Include paved and planted areas, paths, grassed areas, seating, clear pathways, appropriate lighting and signage • to, and within, the site • Include ramps instead of steps and wide paths for wheelchair and pushchair users • May provide opportunities for public realm art • Should link to surrounding green space. • Clean and well maintained green space, with appropriate ancillary furniture pathways, and natural landscaping • Safe site with spacious outlook • Enhance the environment/ could become a community focus
Amenity green space e.g. village greens	0.6	480 m	<ul style="list-style-type: none"> • Large spaces may afford opportunities for informal play. • Smaller landscaped areas in and around housing areas • Informal recreation • Provide connections for wildlife and people movement • Include, and often connect to, green lungs • Contribute to biodiversity • Planted using native species • Areas to be maintained clear of dog fouling and litter • Provision of seating and bins • May provide opportunities for public realm art • May include woodland.
Natural and semi-natural greenspace	1.8	720m	<ul style="list-style-type: none"> • Appropriately landscaped • Positive management • Provision of footpaths • Designed to be free of the fear of harm or crime

Play Areas for Children	0.25	LAPs – 100m LEAPs – 400m NEAPs – 1,000m	<ul style="list-style-type: none"> • A range of provision of both equipped and natural play areas • Spaces should be well sited, accessible, convenient, visible, safe and secure, with seating for adults, litter bins and cycle racks – also consider pushchair/wheelchair • access • Well-lit with informal surveillance when possible • Equipment should suit the needs of all ages and abilities and be well maintained • Zones to prevent conflict and spaces and seating for supervision • Should be clearly bounded, well maintained, free of dog fouling, have clear pathways, appropriate lighting and signage • The Council does not encourage the provision of unequipped Local Areas for Play.
Youth provision	0.3	700m	<ul style="list-style-type: none"> • Robust yet imaginative play environments ranging from youth shelters to skate parks and multi-use games areas • Kick about/games areas, skate parks, basket ball courts • If located within other areas of open space they should include buffer zones to prevent conflict • Should promote a sense of ownership and be accessible to all and have clear pathways, appropriate lighting and signage • They should be visible and safe, well maintained and free of dog fouling
Allotment / Community Gardens	0.2	400 m	<ul style="list-style-type: none"> • Secure area of land commonly within, or on the edge of, a developed area which can be rented by local people for the growing of vegetables, flowers or fruit not-for profit • Provide opportunities for those who wish to do so to grow their own produce, and support health, sustainability and social inclusion • Sites should be well drained and accessible with wide paved paths, car access and parking, toilets, recycling facilities and inorganic waste disposal facilities • Areas should be well lit and provide safe paths.

Agenda Item No 8

Planning and Development Board

9 January 2023

Report of the Chief Executive

**Submission of Dordon
Neighbourhood Plan for Public
Consultation**

1 Summary

- 1.1 This report informs Members of the submission of the Dordon Neighbourhood Plan and seeks approval to go out for a formal consultation in accordance with regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Recommendation to the Board

That the Dordon Neighbourhood Plan be publicised for a six-week public consultation.

2 Consultation

- 2.1 Councillors Simpson, Reilly, H Phillips, Chambers and Morson have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Background

- 3.1 The Localism Act 2011 introduced a mechanism for local communities to produce neighbourhood plans. Once a neighbourhood plan is 'made' (adopted) it becomes part of the statutory development plan for that area and will be used, alongside local and national planning policy and guidance, to determine planning applications.
- 3.2 The Dordon Neighbourhood Plan is brought to this Board as it is considered that it generally conforms to the development plan for the Borough. The final adoption of the Plan will be considered by Executive Board and Full Council in due course.

4 Submission

- 4.1 Dordon is the eighth Neighbourhood Plan to be formally submitted to North Warwickshire Borough Council. A copy of the Neighbourhood Plan is attached as Appendix A. The Parish Council must also supply other associated documents to this Council, and these are attached as Appendices B and C. Appendix B is the Basic Conditions Statement which sets out how the Neighbourhood Plan has met a series of conditions to ensure the Plan meets

a minimum standard. Appendix C is the Consultation Statement setting out how the Parish Council, with its Neighbourhood Plan Group, have carried out consultation from their initial draft documents to the version now being submitted.

- 4.2 At this stage it is only the responsibility of the Council to make sure that the submitted Neighbourhood Plan meets the legal requirements which are:
- whether the Parish Council is authorised to act
 - whether the proposal and accompanying documents:
 - a. comply with the rules for submission to the Council;
 - b. meet the 'definition of a Neighbourhood Plan'; and
 - c. meet the 'scope of Neighbourhood Plan provisions'
 - whether the Parish Council has undertaken the correct procedures in relation to consultation and publicity
- 4.3 It is considered that the submitted plan accords with the legal requirements and so the Council should now publicise the plan in accordance with Regulation 16 of The Neighbourhood Planning (General) Regulations 2012.

5 **Dordon**

- 5.1 Dordon Parish Council applied to North Warwickshire Borough Council for designation of a Neighbourhood Plan Area and the designation was approved on 20 September 2017.
- 5.2 Since that time, the Neighbourhood Plan Steering Group under the direction of the Parish Council (as the Qualifying Body as set out in section 38A (12) of the 2004 Act) has been working toward the production of a draft Neighbourhood Plan. A number of meetings with officers have taken place to assist with the progression of the Plan.
- 5.3 Prior to formal submission of the Neighbourhood Plan to the Borough Council the Qualifying Body (Dordon Parish Council) must first publicise it, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area; consult any consultation body referred to in paragraph 1 of Schedule of The Neighbourhood Planning (General) Regulations 2012 (as amended) whose interests may be affected by the proposals for a neighbourhood plan; and send a copy to the Local Planning Authority. As well as the details of the proposals for the Neighbourhood Plan it should include details of how and when to make representations on the Neighbourhood Plan.
- 5.4 As set out in Appendix C, the Parish Council undertook two Regulation 14 consultations for a minimum 6-week period on their draft Neighbourhood Plan from 1 December – 28 January 2022 and 18 August – 30 September 2022. They have now formally submitted the Plan to the Borough Council for its consideration and progression to Examination.

6 Next Steps

- 6.1 The following sets out the next steps in the production of the Neighbourhood Plan:
1. Receiving of details of those who responded to the Borough Council in the recent Regulation 14 consultation.
 2. Following approval of this report officers will organise a consultation for a period of 6 weeks.
 3. Any representations made during this period will be considered by an external examiner appointed by the Borough Council in consultation with Dordon Parish Council.
 4. Examiner's Report be completed.
 5. Any recommendations in Examiner's Report to be considered by the Parish Council.
 6. When recommendations have been incorporated into the Neighbourhood Plan the Borough Council will consider moving the Neighbourhood Plan forward to Referendum.
 7. Referendum then to be held as soon as practicable.
 8. If more than 50% vote "yes" the Neighbourhood Plan can then be formally made (adopted) by the Borough Council.

7 Report Implications

7.1 Finance and Value for Money Implications

- 7.1.1 The Borough Council can claim for up to £20,000 for each Neighbourhood Plan. This recognises the amount of officer time supporting and advising the community in taking forward a Neighbourhood Plan as well as paying for the examiner and referendum. It may also be used for other costs such as digitising the final made Neighbourhood Plan. The payment of £20,000 is claimed when the date for referendum has been set.

7.2 Legal and Human Rights Implications

- 7.2.1 The process conforms to the legal requirements for Neighbourhood Plans.

7.3 Human Resources Implications

- 7.3.1 Staff time is provided by the Borough Council to support and advise the Parish Council and community in taking forward a Neighbourhood Development Plan. However, the amount of staff time will be limited, essentially to an advisory role, due to the other work priorities of the Forward Planning Team and that this role must be provided to the other Parishes who are also considering undertaking Neighbourhood Plans.

7.4 Environmental and Sustainability Implications

- 7.4.1 Each Neighbour Plan will need to consider the effects of the Plan's contents in terms of environmental and sustainability issues in accordance with the relevant regulations. Planning with People (Helen Metcalfe) submitted on behalf of Dordon Parish Council to the Borough Council the Dordon Neighbourhood Development Plan Screening for Strategic Environmental Assessment (SEA). In accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), a SEA Screening Document was prepared to determine whether the Dordon Neighbourhood Development Plan should be subject to a Strategic Environmental Assessment (SEA). The Screening Document explored the potential effects of the proposed Dordon Neighbourhood Plan and concluded that on the basis of the SEA Screening Assessment, the Dordon Neighbourhood Plan would not result in significant environmental effects in relation to criteria set out in the SEA Regulations or the Habitats and Species Regulations.
- 7.4.2 The screening document was subsequently submitted to the statutory environmental bodies of Historic England, Environment Agency and Natural England for comment, in accordance with the SEA Regulations. Out of the three consultees, only Natural England and Historic England responded, agreeing with the conclusions of the Screening Document that the preparation of a SEA was not required. A letter was sent on 25th October 2022 to the Parish Council confirming that it was not considered that in this instance a SEA was required.

7.5 Links to Council's Priorities

- 7.5.1 The designation of the Neighbourhood Plan Designation Area will have links to the following priorities;
1. Enhancing community involvement and access to services
 2. Protecting and improving our environment
 3. Defending and improving our countryside and rural heritage

The Contact Officer for this report is Sue Wilson (719499).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
1	Dordon PC Neighbourhood Plan Team	Dordon Neighbourhood Plan	November 2022
2	Dordon PC Neighbourhood Plan Team	Basic Conditions Statement	November 2022
3	Dordon PC Neighbourhood Plan Team	Consultation Statement	November 2022
4	Dordon PC Neighbourhood Plan Team	Screening Assessment	July 2022
5	The Borough Council	Letter	25 October 2022