

Oldham

Local

Development

Framework

**Open Space Interim Planning
Position Paper**

26 March 2012



Oldham
Council

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1 Purpose of Report

- 1.1** This Planning Position Paper (the Paper) sets out how the council will deal with open space contributions for the borough when determining planning applications for relevant development that may impact on open spaces. It must be read alongside Policy 23 'Open Spaces and Sports' of the LDF⁽¹⁾ that was adopted 9 November 2011 by the council as the new planning policy to replace the 2006 UDP.

2 Executive Summary

- 2.1** The council has taken an approach in the LDF to ensure our open space needs and our development needs are not in conflict. Applications will be assessed in line with the development plan led system and relevant material considerations and decisions will be made using planning judgement.
- 2.2** The council aims to promote development in Oldham and create "a borough transformed by economic diversification, growth and prosperity, regeneration, sustainable development and community cohesion"⁽²⁾.
- 2.3** The role of accessible, quality open space in improving health and well-being, encouraging increased physical activity and exercise and contributing to improved mental health is recognised. Key objectives of the LDF include creating sustainable communities and promoting community cohesion across the borough and improving the health and well-being of the people of Oldham.
- 2.4** Where it is considered appropriate the council will seek to secure new and/or improved well-designed open spaces. New and improved open spaces and developer contributions should be in line with national regulations. The tests for planning obligations are that they must be: necessary to make the proposed development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 2.5** Residential developments should contribute towards the provision of new or enhanced open spaces unless it is not financially viable for the development or it is neither practicable nor desirable.
- 2.6** As well as considering the financial viability of a development, the council will consider other relevant factors. These include details of the proposal and the surpluses and deficiencies of open spaces in the area to decide whether a contribution towards new or enhanced open space is practicable or desirable.
- 2.7** Financial contributions should be negotiated by the council and the developer again taking account of the proposed development and the surplus and deficiencies of open space provision. This Paper acts as guidance in negotiations and should be applied as appropriate.

1 Joint Core Strategy and Development Management Policies Development Plan Document, November 2011, Oldham Council

2 Joint Core Strategy and Development Management Policies Development Plan Document, November 2011, Oldham Council, page 26, Vision

3 Background

- 3.1 An Open Space Study was completed by the council in September 2010. The Open Space Study sets out, where appropriate, quality, quantity and accessibility standards for ten types of open space in the borough.
- 3.2 The Open Space Study helps to identify where there are surpluses and deficiencies so ensuring that provision is directed towards where the need is greatest, in order to maximise community benefit and protect and improve open space throughout the borough.
- 3.3 The open space standards are identified within LDF Policy 23 'Open Spaces and Sports'. The current provision of open space is assessed against the open space standards to identify surpluses and deficiencies of open space in the borough. Information on surpluses and deficiencies is held by the council.
- 3.4 To have sufficient provision of open space, an area should meet the provision standards for quality, quantity and accessibility. If a site is deficient in at least one of the quality, quantity and accessibility standards of a type of open space it should be classed as 'deficient' in that open space type.

4 Local Planning Policies

- 4.1 Our local planning policy states that residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.
- 4.2 The council will have regard to the proposed development and the open space surpluses and deficiencies in the area (identified through the council's Open Space Study) to determine, where appropriate, whether on-site or off-site new provision or enhanced existing provision or a financial contribution will be required. The required type and amount of provision in any instance will be negotiated by the council and the developer.
- 4.3 Whilst each development will be assessed on a case-by-case basis (taking into account the factors identified in paragraph 4.2 and 4.5) for many developments the priority will be for the enhancement of existing open space provision. This takes account of the current economic climate and will help to improve the quality of existing open space in the borough. This approach will be kept under review.
- 4.4 Where new on-site or off-site open space provision is provided, the type of provision should be determined taking account of the details of the proposed development and the surplus and deficiencies of open space in the area.
- 4.5 Examples of when it may not be considered practicable or desirable to seek a developer contribution from a proposed development include: (i) whether the site already has sufficient provision of quality and accessible open spaces nearby, or (ii) that the development of the site would contribute to the delivery of the borough's regeneration priorities or would benefit the local community (as defined and agreed by the council), or (iii) the nature of the development proposal, including the number, scale and mix of the proposed housing. This is not an exhaustive list.

5 Developer Contributions

- 5.1** Where a financial contribution is required as a result of agreed negotiation, costs may be required for relevant types of open space in which the area is deficient as considered appropriate taking account of the details of the proposed development.
- 5.2** Financial contributions should be worked out by calculating the laying-out and maintenance of the open spaces, where appropriate. This Paper identifies the cost of maintaining the different types of open space. Maintenance will ensure the success of new or enhanced provision. Whilst the number of years' maintenance contribution required will be established on a case-by-case basis, the council will, as a minimum, require 12 years' maintenance contributions in order to reduce the need for major capital works to be undertaken. There may be instances where it is appropriate to require more than 12 years' maintenance. The council will have regard to whether the above is financially viable or practicable or desirable.
- 5.3** In determining the maintenance arrangements for the provision of new or improved open spaces, the council and the applicant will have regard to the future maintenance arrangements, as necessary, after the expiry of the agreed period of time set out in paragraph 5.2.
- 5.4** Laying out and maintenance costs of Parks and Gardens, Amenity Greenspace, Provision for Children, Provision for Young People and Outdoor Facilities are shown per bedroom in Table One. Laying-out and maintenance costs for Natural and Semi-Natural open space, Cemeteries and Churchyards, Green Corridors and Civic Spaces will be worked out as appropriate on a case-by-case basis.

Table 1 Open Space Laying-out and Maintenance Costs

Typology	Laying-out costs per bedroom	Maintenance costs per bedroom
Parks and Gardens	£56.45	£8.76
Amenity Greenspace	£167.99	£15.50
Provision for Children	£688.39	£34.41
Provision for Young People	£156.92	£2.15
Outdoor Sports Facilities	£132.44	£21.20

- 5.5** When considering viability regard should be had to the impact of the provision of open space developer contributions on the economic viability of the development and whether the provision of developer contributions would prejudice the delivery of other planning and regeneration objectives.
- 5.6** Open space developer contributions will be spent on improving quality, quantity or accessibility of relevant types of open space as considered appropriate by the council based on the needs of the area and having regard to the views of the applicant and other relevant comments submitted in writing. The spending of financial contributions will be in accordance with national planning policy and legislation.

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- 5.7** The utilisation of any required developer contributions that are paid to the council, rather than being undertaken direct by the planning applicant/developer, will be the subject of separate reports.
 - 5.8** This Paper will be reviewed as appropriate. Any review will have regard to the council's emerging Greenspace Strategy which is currently in preparation. The council are working to prepare a Community Infrastructure Levy (CIL) in line with Community Infrastructure Levy Regulations within the timescale set out by the government.