

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Improving Places Select Commission
2.	Date:	Wednesday 16th October 2013
3.	Title:	Developer Contributions for Open Spaces
4.	Directorate:	Environment and Development Services

5. Summary

An outline of current and planned development of new policy governing developer contributions for open spaces using Community Infrastructure Levy and/or Section 106 agreements.

6. Recommendations

6.1 That members note progress towards the introduction of new policy requiring developers to make financial contributions towards the provision and improvement of open space and ancillary facilities.

7. Proposals and Details

As part of their continuing review of the way Section 106 contributions are used in Rotherham, the Improving Places Select Commission have requested details of the way future use of Section 106 contributions and the Community Infrastructure Levy (CIL) can be maximised for the benefit of open spaces.

Policy background

Currently, there is no formal policy regarding use of S106 contributions for open space and play. However, the adopted Green Space Strategy (2010) recommended that planning policy should be introduced to help achieve proposed standards of green space provision through developer contributions, in line with the following principles:-

- New green spaces should only be required where there would otherwise be a gap in provision as defined by proposed accessibility standards
- Where new houses are already served by existing green spaces, then there should be a financial contribution, determined by the number of residential units being developed, to enhance existing green spaces in accordance with proposed quality standards.
- Contributions should also include a commuted sum equivalent to the cost of maintaining new green space or enhancements to existing green space for an agreed period.

Subsequently, draft open space policy (SP38) has been prepared and published as part of the consultation on the Draft Local Plan Sites and Policies document, including the following:-

All residential development proposals will be expected to make a contribution to green space in line with the following approach:

- a. Additional green spaces should be provided in new development at a rate of 24m² per resident only where there would otherwise be a gap in provision as defined by the accessibility standards of all new homes being within 280m of a Local Green Space and 840m of a Neighbourhood or Borough Green Space (which are further defined within the policy, in accordance with the recommendations of the Green Spaces Strategy).
- b. Composition of new green space should consider the Borough-wide standards for playing pitches and play spaces:
 - i. Taking account of the Rotherham Playing Pitch Strategy recommendations (subject to periodic review) for provision of mini-soccer, junior & senior football, cricket, and rugby union & league pitches
 - ii. Being within 15 minutes walking time of an equipped play area (which includes a variety of experiences for different age groups) and 5 minutes of an unequipped play area
- c. Provision of allotment land of 0.175ha (equivalent to 7 plots each of 250m²) per 1000 people
- d. Where new homes are already served by existing Green Spaces, then there should be a financial contribution, determined by the number of residential units being developed, to enhance existing Green Space based on an assessment of need within the local area.

- e. New Green Space and enhancements to existing Green Spaces will be accompanied by either
- i. provision for maintenance by a landscape management company or similar, to standards agreed with the Local Authority for a period of not less than fifty years, or
 - ii. a financial contribution by way of a commuted sum equivalent to the cost of maintaining new Green Space or enhancements to existing Green Space for a period of thirty years. In the case of new allotments, a not-for-profit management body should be established.

Consultation on these policies ended in July 2013 and at the time of writing, comments were being considered by Planning Policy team to determine where draft policies may need to be amended.

Community Infrastructure Levy (CIL)

The Council is also working towards introduction of CIL as a new way of securing financial contributions from developers towards the cost of providing associated infrastructure. As part of this, consideration has been given to the possible roles of CIL and S106 in the enhancement of existing open space and ancillary facilities (such as play areas) and new provision where required, and their maintenance. A preferred approach is set out below.

Requirement	When required	How secured	Rationale
New open space and ancillary facilities	Either <ul style="list-style-type: none"> • Larger developments where there would otherwise be a gap in provision (see 7a above), or • Developments on existing open space, where replacement is needed 	Either <ul style="list-style-type: none"> • Normally as part of development or • If this cannot be achieved, then through a S106 payment to fund new off-site provision 	Such provision should relate specifically to the new development, and is most easily provided directly by the developer. It would therefore be unreasonable to use general CIL funds to pay for this.
Maintenance of new open space and ancillary facilities	Wherever new open space is required	Either <ul style="list-style-type: none"> • Developer makes own arrangements, or • through a S106 commuted sum payment to allow LA to adopt 	As above.
Enhancement of existing open spaces and ancillary facilities in locality of development, and associated maintenance	Where new open space is not required (i.e. on smaller developments, and where there is adequate access to existing open spaces).	CIL	Such enhancement is not necessarily related to a specific development, and may be funded from a number of sources. CIL is therefore appropriate.
Enhancement of strategic open spaces (e.g.	All developments	CIL	Such sites serve the whole borough, and therefore all

Country Parks) and associated maintenance			developments should make contributions. They may be funded from a number of sources. CIL is therefore appropriate.
Allotments	All developments	CIL, except for largest developments where new site might need to be provided as part of development, or through S106	Growth in demand from most developments too small to justify new site. CIL could be used to bring disused plots on existing sites back into use, and to enhance facilities.

Consequently, it is proposed that green space contributions as identified above will be identified on the *Reg 123 List* which will identify Rotherham's priorities for spending of CIL monies. Corresponding amendments will be made to draft open space policy subject to confirmation of CIL arrangements.

8. Finance

A "preliminary draft" CIL schedule has been prepared indicating projected spend on green space infrastructure over the Local Plan period, and taking into account evidence of actual costs of enhancing green spaces and facilities over recent years, and also the financial contribution that may be expected to be made from other sources.

Reliable monitoring arrangements will continue to be developed with Financial Services to ensure that expenditure from such contributions is auditable, and is in accordance with associated S106 agreements or CIL policy as applicable.

9. Risks and Uncertainties

Policy relating to open space and CIL have yet to be finalised following consultation. The availability of funding from other sources is subject to change.

10. Policy and Performance Agenda

Sustainability: It is expected that new policy for open space contributions will help to ensure the sustainability of existing and new provision at a time of diminishing Council budgets.

Corporate Priorities: The proposal seeks to safeguard future open space provision which contributes to the following Corporate Plan outcomes:-

- More people are physically active and have a healthy way of life
- People enjoy parks, green spaces, sports, leisure and cultural activities

11. Background Papers and Consultation

Policy development is being undertaken in conjunction with the Planning Policy team.

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