

Planning Contributions for Open Space in New Developments
Supplementary Planning Document

Consultation Statement

June 2024

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1. Introduction

- 1.1 We have prepared this consultation statement in accordance with Regulation 12 of the Town and Country Planning (Local Development) (England) Regulations 2012.
- 1.2 Regulation 12(a) requires that before we adopt a Supplementary Planning Document (SPD), we must prepare a statement setting out:
- the persons whom the authority consulted when preparing the SPD;
 - a summary of the main issues raised by those persons; and
 - how those issues have been addressed in the SPD.
- 1.3 The Planning for Open Space in New Developments SPD ('the SPD') provides guidance to support the implementation of Policy ID6: Open Space in New Developments of the adopted Local Plan: Development Management Policies ('the LPDMP'). Policy ID6 sets standards for the provision of open space in new developments, which it requires as part of developments proposing a net population increase arising from the provision of 11 or more dwellings.
- 1.4 The SPD provides details on the typologies of open space covered by Policy ID6 and indicates the current value of financial contributions in lieu of on-site open space provision, which are required by paragraph (2) of the policy for schemes where the proposed number of dwellings falls below the policy's on-site threshold. The SPD also explains, with worked examples, how these amounts and the amounts of onsite open space are calculated. The costs of financial contributions are adjusted for inflation on at least an annual basis, to reflect inflation adjustments and/or revised cost assumptions that may affect future open space contribution rates.
- 1.5 The SPD on adoption will replace section 9 of the Council's Planning Contributions SPD (2017), which deals with open space.

2. Stage 1 internal consultation (January – March 2023)

- 2.1 During preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, particularly within the Parks and Leisure department whose work relates directly to the issues within the document. The emerging SPD was then refined to take account of their advice and comments.
- 2.2 The key considerations arising from the internal consultation, which informed the preparation of the draft SPD together with actions undertaken are included in Table 1.

Table 1. Considerations and actions taken during the internal consultation process (Stage 1 internal consultation)

Consideration highlighted	Action taken
Developers have not been contributing to maintenance of open space where they only provide a financial contribution.	A proportionate fee to cover maintenance of new open space (or existing open space, for example where there is already sufficient open space in the site's catchment area) for a period of ten years is already included as part of the

	required on-site or off-site (financial) contributions listed in Table 1, as explained in paragraph 5.12.
Conditions over when the Council would adopt new open space provided by a developer should be specified within the SPD.	This point has been referenced (adoption is possible in limited instances, subject to payment of a one-off maintenance fee as referred to in paragraph 7.3. Added that the open space to be transferred must also be agreed by the Council, i.e., it should meet the standard for the open space definition.
There is a need to define 'local contribution', to support the off-site provision. The Council should seek a contribution to support facilities that serve a wider area.	Paragraph 5.7 amended to clarify that the distances that off-site open space projects or existing open space to be improved may be located from the proposed development site to qualify as appropriate mitigation relate to the extent to which they would be accessible to residents of the proposed new homes, and that the catchment for certain types of open space will be wider than others.
The SPD should be clear in how it defines the combined typology for amenity green space and natural green space (in Table ID6a).	Text added in Section 3 to explain the role and function of natural green space; and how it works with, but is distinct from, amenity green space.
It would be helpful for the SPD to include reference to seeking advice from and/or referring to guidance published by the relevant sport's national governing body and Sport England.	Section 3 of the SPD now includes cross-references to external guidance documents which cover appropriate facilities and standards for outdoor sports space and facilities and for the various categories of play space (LAP, LEAP and NEAP).

3. Stage 2 internal consultation (December 2023 – February 2024)

- 3.1 Between December 2023 and February 2024, consultation took place with the Council's Development Management and Enforcement teams, as well as with the Council's Parks and Leisure Department again and the Council's Planning portfolio holder. The key considerations arising from this stage of internal consultation together with actions undertaken are included in Table 2.

Table 2. Considerations and actions taken during the internal consultation process (Stage 2 internal consultation)

Consideration highlighted	Action taken
Difficulty in applying Section 106 contributions towards improving existing allotments whilst meeting the CIL tests for planning obligations.	Footnote added linking from paragraph 5.6 to state that contributions towards allotments off-site would be sought only for new plots, or improvements to existing vacant plots (where there is a direct link for mitigation).
Size of allotments should be based on appropriate guidance and consultation with LPA.	Text inserted in paragraph 3.4 to cover this point.

Maintenance of playing pitches should be for the lifetime of the facility.	Text added in paragraph 7.5 to refer to the need for developers to cover lifecycle costs towards pitch replacement and maintenance and for contributions to a sinking fund for this purpose to be for an agreed long-term period (to cover the facility's expected lifetime).
The section on play provision should be expanded to take account of its importance in new residential developments.	The key design standards for new play space based on current Fields in Trust standards and existing adopted Council strategies (covering qualitative play provision in greater detail) have been incorporated into the SPD in a new Appendix D, whilst the description and recommendations for play space in Section 3 have also been expanded.
The SPD should include details on the requirements and various options for management as well as maintenance of open space.	Further details have been added into Section 7 in relation to these options and requirements, including specific maintenance arrangements for playing pitches.

4. Stage 3 internal consultation (March 2024)

- 4.1 The Council's Local Plan Panel, which is an Executive Working Group comprising a cross-party group of councillors, was consulted on the draft SPD and a meeting held with them on 14 March 2024, where they had the opportunity to feed their respective parties' views back verbally and discuss them with officers. The key considerations arising from this meeting, together with actions undertaken to address the points that the Panel raised are included in Table 3.

Table 3. Considerations and actions taken following consultation with Local Plan Panel

Consideration highlighted	Action taken
Add into para 3.14 list 'a sensory garden' as another example that sits under the Parks and Recreation typology.	Example included as suggested.
Reference to Policy ID6(7) which allows deviations from the standards where it would correct deficiencies in certain typologies should be added.	New paragraphs 5.2 and 5.3 inserted to cover this point.
A little more detail could be added regarding the promotion of natural play/features for play and youth space.	New paragraph 3.23 inserted and additional details added into paragraphs 3.25 and 3.30 to emphasise and expand on the importance of play areas being designed into schemes carefully and sensitively, making use of natural features wherever possible.

5. Formal statutory consultation on the draft SPD (May 2024 – June 2024)

- 5.1 A five-week period of public consultation was held between 8 May 2024 (midday) and 12 June 2024 (midday). We directly notified those stakeholders (comprising organisations, members of the public,

businesses and amenity groups) whose email addresses and postal addresses we hold on our consultation database of this consultation.

- 5.2 The consultation document (the draft SPD) was available on our website throughout the consultation period and paper copies were also available in the borough’s four libraries and in the main Council offices at Millmead. These arrangements are in accordance with our Statement of Community Involvement¹.
- 5.3 An initial consultation statement, which this final consultation statement updates, was published alongside the draft SPD. The initial consultation statement set out details of consultation undertaken until the start date for the public consultation (8 May 2024).
- 5.4 During the five-week period of public consultation, the only comment received was from Sport England. Their key points are summarised below, together with details of the Council’s response/actions taken.

Table 4. Considerations and actions taken following public consultation

Consideration highlighted	Response/action taken
<p>Sport England welcomes reference to our technical design guidance where appropriate and this will help to ensure that new sports facilities as well as ancillary provision are designed and constructed in accordance with best practice. We also welcome the emphasis on securing community use of sports facilities.</p>	<p>Points noted.</p>
<p>However, we do not support the use of standards for identifying the quantum of playing field provision for new development. This may be because it is more appropriate to invest in existing facilities to increase their capacity to meet the demand generated by new development. However, without such evidence in the form of a Playing Pitch Strategy (PPS), there is little robust information to inform such considerations.</p> <p>Sport England strongly urges the council to undertake a PPS and indoor facilities strategy in accordance with our guidance to support the council's planning decisions.</p>	<p>This comment relates to the standards in adopted LPDMP Policy ID6 rather than the SPD, which provides guidance on how that policy should be implemented for all types of open space.</p> <p>The respondent made the same comment in their representation on the LPDMP (for the Examination held in June 2022) and the Council responded to it at that time to state that the Open Space, Sport and Recreation Assessment 2017 (OSSRA) satisfies the requirement in the NPPF for an up-to-date needs assessment for all types of open space, but that a playing pitch strategy will supplement it in future, as explained in Policy ID6, paragraph 6.44 and footnote 260. The Council’s full response is in its Consultation and Duty to Cooperate Statement, which was one of the Core Documents submitted to the Planning Inspector for the LPDMP Examination (Core document ref no. GBC-LPDMP-CD-019²).</p>

¹ Published May 2020 and available to download from <https://www.guildford.gov.uk/sci>

² Available to download from <https://www.guildford.gov.uk/localplanpart2examdocuments>

<p>As the document points out, the provision of artificial grass pitches (AGP) is not always the most appropriate solution for addressing needs as their use and impact may be detrimental to other sports.</p>	<p>The issue of artificial grass pitches (AGP) being potentially not appropriate for some grass pitch sports is referred to in paragraph 6.45 of the supporting text for LDPMP Policy ID6, rather than the SPD. It did not seem necessary for the SPD to repeat this point from the LPDMP, although paragraph 3.19 cross-refers to the requirement in paragraph 6.44 for evidence of need to support provision of an artificial playing surface.</p>
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5.5 National Highways, Natural England and Rushmoor Borough Council were the only other bodies to respond, all of which stated that they did not wish to comment. Natural England elaborated in their response that the topic of the SPD did not appear to affect their interests to any significant extent.

6. SEA and HRA screening and statutory consultation (May 2023)

6.1 The SPD has undergone a Habitat Regulations Assessment (HRA) screening to determine whether it would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The SPD has also undergone a Strategic Environmental Assessment (SEA) screening to determine the impact on the environment and to integrate considerations of the environment into the preparation and adoption of the SPD.

6.2 The Council is required to consult with Historic England, the Environment Agency and Natural England on all SEA screening opinions, and with Natural England on all HRA screening opinions, before formally determining whether a strategic environmental assessment and/or HRA appropriate assessment is needed. The conclusions outlined in the HRA/SEA screening document were sent to the Environment Agency, Natural England, and Historic England for consideration in tandem with the consultation on the SPD document in May 2023 and these bodies were given a period of four weeks to respond. Natural England and Historic England both emailed to confirm that they had no objection to the SPD. Due to resourcing issues, the Environment Agency did not respond at the time but confirmed on 10 June 2024, following their receipt of the Council’s determination statement, that they also had no objections. The responses of Natural England, Historic England and the Environment Agency are included in Appendix 1 of the SEA and HRA screening report.