



Dear Councillor,

CENTRAL LANCASHIRE LOCAL DEVELOPMENT FRAMEWORK JOINT ADVISORY COMMITTEE - THURSDAY, 6TH DECEMBER 2012

The next meeting of the Central Lancashire Local Development Framework Joint Advisory Committee is to be held on Thursday, 6th December, 2012, in Meeting Room A, Ground Floor, Town Hall, Lancaster Road, Preston, commencing at 5.30 pm.

The Agenda and accompanying reports for consideration at the meeting are enclosed. The agenda papers are being sent to both appointed and substitute Members. Any appointed Member who cannot attend on Thursday, 6th December, 2012 is asked to first contact their substitute to see if he or she can attend instead. Then please contact Julie Grundy on 01772 906112 or via email (j.grundy@preston.gov.uk) to give apologies and indicate whether the substitute will be attending

Yours sincerely

Gary Hall
Chief Executive of Chorley Council

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Distribution

All members of the Central Lancashire Local Development Framework Joint Advisory Committee

Councillors

Councillors Dennis Edgerley (Chorley Council), Harold Heaton (Chorley Council), Paul Walmsley (Chorley Council), Neil Cartwright (Preston City Council), Bill Shannon (Preston City Council), Councillor John Swindells (Preston City Council), Councillor Joseph Hughes MBE (South Ribble Borough Council), Jon Hesketh (South Ribble Borough Council), Barrie Yates (South Ribble Borough Council) and County Councillor Michael Green (Lancashire County Council).

Substitute Councillors:

Alistair Bradley (Chorley Council), Greg Morgan (Chorley Council), Dave Rogerson (Chorley Council), Ken Hudson (Preston Council), Councillor Margaret Smith (South Ribble Borough Council), Peter Stettner (South Ribble Borough Council) and County Councillor Mark Perks (Lancashire County Council)

Officers:

Steve Brown, Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Chris Moister (Head of Governance), Chris Hayward (Assistant Director (Chief Planning Officer), Preston City Council), Mike Nuttall (Chief Executive, South Ribble Borough Council), John Dalton (Director of Planning and Housing, South Ribble Borough Council), Steve Browne (Director of Strategy and Policy, Lancashire County Council) and Cathryn Filbin (Democratic and Member Services Officer).

AGENDA

1. **Appointment of Chair for the Meeting**

2. **Welcome by Chair and Introductions**

3. **Apologies for absence**

4. **Minutes of last meeting (Pages 1 - 4)**

To confirm the minutes of the last meeting of the Central Lancashire LDF Joint Advisory Committee held on 11 September 2012.

5. **Community Infrastructure Levy (Pages 5 - 10)**

Report enclosed.

6. **Knotweed Note (Pages 11 - 14)**

Note attached.

7. **Open Space and Playing Pitch Supplementary Planning Document (Pages 15 - 34)**

Report enclosed.

8. **Transport Master Planning**

Marcus Hudson will give a verbal update on this item.

9. **Dates of Future Meetings**

The next meeting of the Central Lancashire LDF Joint Advisory Committee is 5.30pm on Tuesday 22 January 2013 at South Ribble Borough Council.

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**Central Lancashire Local Development Framework
Joint Advisory Committee**

Tuesday, 11 September 2012

Present:

Councillor Dennis Edgerley (Chair) – Chorley Council
Councillor Harold Heaton – Chorley Council
Councillor Paul Walmsley – Chorley Council
Councillor Bill Shannon – Preston City Council
Councillor Brian Rollo – Preston City Council
Councillor Cliff Hughes MBE – South Ribble Borough Council

Also in attendance:

Councillor Eric Fazackerley – Preston City Council

Officers in attendance:

Steve Brown – Central Lancashire LDF Coordinator
Lesley-Ann Fenton – Director of Partnerships, Planning and Policy (Chorley Council)
Jennifer Moore – Head of Planning (Chorley Council)
Peter McAnespie – Policy and Design Team Leader (Chorley Council)
Chris Hayward – Assistant Director – Chief Planning Officer (Preston City Council)
Mike Molyneaux – Planning Policy Manager (Preston City Council)
John Dalton – Director of Planning and Housing (South Ribble Borough Council)
Helen Hockenhill – Planning Manager (South Ribble Borough Council)
Cathryn Filbin – Democratic and Members Services Officer (Chorley Council)

12.LDFJAC.20 APPOINTMENT OF CHAIR FOR THE MEETING

RESOLVED – That Councillor Dennis Edgerley of Chorley Council be appointed as Chair for this meeting.

12.LDFJAC.21 WELCOME BY CHAIR AND INTRODUCTIONS

The Chair welcomed everyone to the meeting of the Central Lancashire Local Development Framework Joint Advisory Committee.

12.LDFJAC.22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Neil Cartwright (Preston City Council), John Swindells (Preston City Council), Ken Hudson (Preston City Council), Peter Pringle (Preston City Council), and Jon Hesketh (South Ribble Borough Council).

12.LDFJAC.23 CONFIRMATION OF MINUTES FROM THE LAST MEETING

RESOLVED – That the minutes of the last meeting of the Central Lancashire Local Development Framework Joint Advisory Committee held on 31 May 2012 be confirmed as a correct record and signed by the Chair.

12.LDFJAC.24 CORE STRATEGY AND SUPPLEMENTARY PLANNING DOCUMENTS - UPDATE

Members of the Joint Advisory Committee received a report from the Central Lancashire LDF Coordinator which provided an update on the current position in relation to the Core Strategy and Supplementary Planning Documents (SPDs).

Core Strategy

The Core Strategy had been adopted by Chorley Council, Preston City Council and South Ribble Borough Council.

To comply with the Town and County Planning (Local Planning) (England) Regulations 2012, the three Councils were required that as soon as practical following the adoption of the Core Strategy that an 'Adoption Statement' be displayed on each of the websites and offices of the adoption authorities for a period of six weeks, to allow time for a legal challenge at the High Court. The time limit for challenging the Statement lapsed on 29 August 2012, without challenge.

It was expected that the final document would be available within the next few weeks.

Following discussions regarding Japanese Knotweed, the Head of Planning (Chorley Council) advised that this along with other invasive species was controlled by DEFRA, in instances where such a species was found on a development site the subject of planning permission could be subject to an appropriate regulatory condition. It was agreed that an explanatory note on invasive species be prepared for a future meeting.

Supplementary Planning Documents

Earlier this year, five of the SPDs had been prepared jointly between the three central Lancashire authorities:

1. Affordable Housing
2. Controlling the re-use of Employment Premises
3. Rural Development
4. Access to Healthy Food
5. Design Guide

Once completed, the SPDs were subject to a six week period of consultation which expired on 30 May 2012. The consultation attracted a total of thirty-three responses. The responses were assessed and the SPD's were amended to reflect the responses where considered appropriate.

There was no requirement for further consultation on these documents, but the final documents must be displayed for four weeks before adoption.

Subject to a consensus being reached on the final SPD documents, it was intended that they would be referred to the three Councils respective meeting for adoption on the following dates:

- Chorley - 25 September 2012
- South Ribble - 18 October 2012
- Preston - 25 October 2012

Work had commenced on the Open Space SPD which was the six and final SPD.

Members of the Joint Advisory Committee were advised that the SPDs were subject to on-going review.

Members of the Joint Advisory Committee had been advised that the Town Planning Institute had encouraged the three central Lancashire authorities to publicise the joint working arrangements as an example of good practice.

RESOLVED – That the report be noted, and that an explanatory note on invasive species be prepared for a future meeting.

12.LDFJAC.25 COMMUNITY INFRASTRUCTURE LEVY

The Central Lancashire LDF Coordinator gave a verbal update to Members of the Joint Advisory Committee on the progress of the Community Infrastructure Levy (CIL).

Further viability work was being carried out in respect of:

- Preston Inner Zone in terms of justifying the split residential rate;
- and the split rate for retail between large and small convenience shops

The consultants requested that the three central Lancashire authorities produce further evidence to demonstrate the split between what would be delivered by CIL, and site Section 106 contributions in the future.

The background supporting evidence was near completion. Once all the documentation had been through a legal check there would be a further four week consultation period on the Draft Charging Schedule between October and November. Once the consultation period had expired, it would be passed to the Inspector for examination which was expected to take four weeks, with the Inspectors report due a further three to six weeks after that for comment.

The Planning Inspectorate had advised on the procedures for the appointment of an Inspector and what was required in terms of the examination.

Members of the Joint Advisory Committee were advised that there had been a delay in the release of the CIL regulations which were now expected in Spring 2013. However, it was expected that the adoption of CIL would be early in the New Year with implementation from April 2013.

In response to queries made, Members of the Joint Advisory Committee were advised that the figure of 280 square meters which marked the split in the charging schedule between small and large convenience retail, was based on the same figure being used to identify large retail space which was subject to the Sunday trading hours under the Sunday Trading Act 1994. For this reason it was felt that the 280 square meters to mark the split was reasonable and defensible if it was to be challenged in the future.

12.LDFJAC.26 FUTURE AGENDA ITEMS

The Chair introduced the new item and sought Members of the Joint Advisory Committee suggestions on topics Members would like to discuss at future meetings.

Members of the Joint Advisory Committee discussed various possible agenda items for future meetings which included:

- Transport and Infrastructure – it was suggested that Lancashire County Council give a presentation on transport master plan
- Look at the impact on the Big Society for local government relating to planning matters
- Core Strategy monitoring in relation to housing stock

12.LDFJAC.27 DATES OF FUTURE MEETINGS

The next meeting of the Central Lancashire LDF Joint Advisory Committee would be held at Preston City Council, on Thursday, 6 December 2012 at 5.30pm.

Chair



Report of	Meeting	Date
Central Lancashire LDF Coordinator	Central Lancashire LDF Joint Advisory Committee	6 th December 2012

COMMUNITY INFRASTRUCTURE LEVY

PURPOSE OF REPORT

1. To update Members as to the stage reached in the CIL implementation process and in particular the outcomes of the consultation in respect of the Draft Charging Schedules which took place between 19th October and 16th November.

RECOMMENDATION(S)

2. That Members note the fact that following an assessment of the responses received to this round of consultation, if no further changes are deemed necessary, the Draft Charging Schedules will be submitted to the Planning Inspectorate, to allow them to appoint a suitably qualified examiner who will in due course preside over the 'Examination' of the proposed CIL charges.

EXECUTIVE SUMMARY OF REPORT

3. This report seeks to keep Members updated as to the stage reached in the process to implement the CIL. Consultation took place in respect of the Preliminary Draft Charging Schedules between January and March earlier this year. That consultation attracted 61 representations. The comments and issues raised at that stage were assessed, and further viability work was carried out by our consultants Roger Tym & Partners. This work was then used to inform the Draft Charging Schedules which were subject to a further consultation between 19th October and 16th November. At the time of compiling this report 27 representations have been received and of these 21 either objects or raise issue, 5 offer support and 1 seeks clarification. These representations will be assessed and if considered appropriate in the current form, the Draft Charging Schedules will be submitted to the Inspectorate in order for an Examination to take place. If any further changes are deemed necessary then we are required to carry out consultation for an additional four weeks.
4. The Inspectorate undertakes to hold an Examination within 10 weeks of the formal submission of the Charging Schedules to them. At the close of the Examination the Inspector will advise when his or her report will be issued. If the Inspector's report deems that the legal processes have been complied with and supports the Schedules, they will then be brought back to full Committees of the respective Councils for formal adoption.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. To keep Members informed

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. None

BACKGROUND**PRELIMINARY DRAFT CHARGING SCHEDULE**

7. Consultation took place in respect of the first stage of the CIL preparation process, that of the Preliminary Draft Charging Schedules, between 31st January and 30TH March, earlier this year. The consultation covered the development viability and infrastructure funding gap justification for the levy as well as the various discretionary elements associated with its operation. The main focus for developers in particular, was the viability reports produced by our consultants and the proposed charge rates.
8. Over 1000 local organisations were directly consulted and the wider public were invited to take part through public notices in local newspapers. Engagement meetings/workshops were organised with the following groups
 - Developers
 - Parish & Town Councils
 - Neighbouring local authorities
 - Infrastructure Providers
 - Lancashire County Council

A total of 61 parties made formal representations. The replies generally accorded with whether the respondents would stand to gain from the levy being introduced – such as Parish/Town Councils and infrastructure providers or whether they would experience a financial cost, such as developers.

9. The comments and issues raised at that stage can be summarised as below:

Housing Developers – queried the method of development viability appraisal and cost/value assumptions used by the consultants; claiming this overstates the developers' ability to afford the proposed levy charge rates. They also pointed to spatial variations in residential viability across Central Lancashire.

Commercial Developers – the main point of concern was the contended difference in viability between small and large format convenience (food) stores. Points were also raised about viability of employment and agricultural developments

Parish & Town Councils – the leading questions raised were what will be the scale of 'meaningful proportion' of CIL monies handed over by the District Councils, and what freedoms will the third tier authorities have to spend their money on local infrastructure. Guidance from Central Government is expected in this regard next year.

Neighbouring Authorities – were supportive and all intend to introduce the levy locally, few had timescales for implementation however.

Infrastructure Providers – those responding/attending the engagement event were in support of the levy proposals, a few queried the presentation of infrastructure needs and several sought for their areas of provision to be more specifically included.

Lancashire County Council – fully recognised the potential for levy expenditure in their service areas, particularly transport and education plus to a lesser extent green infrastructure. LCC also expressed concern in relation to the potential impact of the levy being applied in the Samlesbury part of the Enterprise Zone.

ASSESSMENT

10. Our consultants, Roger Tym & Partners were asked to consider the main viability points and any other issues raised by the representations and report back on whether the recommended charge rates should be amended as a result, for the next stage of consultation, which was that in respect of the Draft Charging Schedules.

DRAFT CHARGING SCHEDULES

11. This re-assessment resulted in the following conclusions and updated assumptions which were used to inform the proposed Draft Charging Schedule rates.

- It was accepted that in relation to residential development, assessment should take place of a broad range of sites in terms of size, type and location. Further work was carried out in this regard.
- A new charge zone for Inner Preston has been introduced; this is to reflect the fact that there are lower value house prices in the inner area.
- Apartment developments have been separated out and given their own lower rate.
- That the assumed residential values did not take account of discounting by developers and as such were too high, this has now been factored in and revised appraisals undertaken.
- That the land values assumed were too high and erroneously did not take account of the impact of policy requirements such as affordable housing, this has now been factored in, and the policy level of affordable housing assumed throughout.
- That the retail viability of neighbourhood convenience stores needed to be taken into account due to differences in rental and yields, as a consequence a new retail threshold has been introduced.

On the basis of the above the charge rates were amended as following:

- The dwelling house charge was reduced from £70 per to £65 per Sq.m
- All apartments charged £10 per Sq.m, according with the 'All Other Uses', category
- A new retail use category for neighbourhood convenience stores was introduced to be charged at £40 per Sq.m, the other retail charges remain unchanged
- A charge variation was introduced for Inner Preston, resulting in a reduced residential charge of £35 per Sq.m within the Inner Zone.

12. The Draft Charging Schedules, one for each borough were subject to consultation for the period 19th October, to 16th November, with the level of publicity being a repeat of that in respect of the earlier consultation. There is a Charging Schedule for each Authority these however are identical with the exception of a separate rate for a defined Inner Preston Zone within the Preston Schedule. The rates are set out in the table below.

Development	CIL charge per Sq.m
Dwellinghouses (excluding Apartments)	£65
Apartments	£10
Convenience Retail (excluding Neighbourhood Convenience Stores)	£160
Retail Warehouse, Retail Park & Neighbourhood Convenience Stores	£40
Community Uses	£0
All Other Uses	£10
Dwellinghouses Inner Preston Zone	£35

13 This round of consultation has resulted in 27 responses from neighbouring local authorities, Lancashire County Council, Parish Councils, planning practices, house builders, retailers, landowners and developers. Of the 27, 21 either object or raise issue with the evidence and proposed rates; 1 seeks clarification and 5 offer support. At the time of preparing this report the issues raised are still being summarised and will be reported verbally to the meeting

14 Following assessment and further consultation with our consultants if the Schedules are considered appropriate in their current form, the next stage is to progress to submit the Draft Charging Schedules to the Inspectorate for 'Examination'. The Inspectorate then undertakes to provide a date for the Examination which is no longer than 10 weeks after submission of the Draft Charging Schedules. If we decide to make any changes to the Schedules before submission then we are required to give publicity to the changes for a further period of four weeks. Our consultants have advised that there is the opportunity to suggest changes to the Schedules at the time of the Examination, if deemed necessary. At the close of the Examination the Inspector will advise when his or her report will be issued. Following receipt of the Inspector's report if the Schedules are supported by the Inspector, they will then be brought back to full Council meetings of the relevant Councils for formal adoption.

There are no background papers to this report.

Report Author	Tel	Email	Doc ID
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Background Papers			
Document	Date	File	Place of Inspection
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KNOTWEED NOTE

Introduction

1. At the last JAC meeting on 11th September, a question was asked as to how the Core Strategy inter-related to invasive species such Knotweed. The Strategy does not contain a policy which specifically relates to this issue, however, there are a number of controls in place in other legislation as set out below. The Core Strategy envisages significant development and therefore how Knotweed relates to development sites is of most relevance to the delivery of the Strategy.
2. The Environment Agency who are a regulatory body in this regard, have prepared an informative note in relation to Knotweed on development sites. The introduction to this document broadly sets out the context.

3. It states:

“The above legal provisions have consequences for a range of people, including anybody involved in the management or disposal of Knotweed. For example, Knotweed which is cut down or excavated and removed from a development site must be transferred to an authorised person, and correctly described. It must be disposed of appropriately, as set out below in this code. If you are going to bury Knotweed on the development site you will need to consult us first. To make sure that the material does not contain any other contaminant that may affect the quality of groundwater. If you pollute the environment or cause harm to human health you may be prosecuted. Anyone who uses an herbicide must ensure that they do not pollute the water environment and the use of herbicides in or near water requires approval from us.

If any waste soil or Knotweed is sent for landfill either before or after any treatment, it must go to a landfill that is authorised to receive it.

It is not an offence to have Japanese Knotweed on your land and it is not a notifiable weed. Allowing Japanese Knotweed to grow onto other people’s property may be regarded as private nuisance under common law, but this would be a civil matter.”

Legislation

4. Managing Japanese Knotweed is the responsibility of the owner/occupier of the site. There is no statutory requirement to control/eradicate this species, nor is it necessary to report its presence as it is not listed in the Weeds Act 1959.

5. Japanese Knotweed is listed on Schedule 9, Part II of the Wildlife & Countryside Act 1981 making it an offence under Section 14 (2) (a) of the Act to “Plant or otherwise cause Japanese Knotweed to grow in the wild”. Both the police and local authorities have enforcement functions under the Act. Penalties for a section 14 offence have been modified by the Countryside & Rights of Way Act 2000 for England & Wales. A magistrate’s court can impose a maximum fine of £ 5000 or a prison sentence of six months or both.

Nuisance

6. Allowing Japanese Knotweed to spread onto neighbouring land could be considered to be a private nuisance but is not a statutory nuisance.

Environmental Protection Act 1990

7. Soil and waste containing Japanese Knotweed is considered to have the potential to cause ecological harm and is deemed, “controlled waste”, or “directive waste”.
8. Section 33 (1) of the Environmental Protection Act 1990 makes it an offence to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.
9. Section 34 of the Act 1990 places a duty of care on any person who imports, produces, carries, keeps, treats or disposes of controlled waste.
10. Their duty is to ensure that:
 - No-one disposes of the waste unlawfully or in a manner likely to cause pollution of the environment or harm to human health
 - Waste does not escape
 - Waste is only transported by a carrier that is either registered or exempt from registration by the controlled waste registration of carriers and Seizure of Vehicle Regulations 1991
11. Breach of the duty of care under Section 34 of the Environmental Protection Act 1990 is a criminal offence. The Environment Agency is responsible for Enforcement and a person found guilty of an offence under this section is liable to a fine not exceeding £5000 in the magistrate’s court and to a fine in the Crown Court.
12. Japanese Knotweed must be safely disposed of at an appropriately licensed landfill site in accordance with the Environmental Protection Act 1990 (Duty of Care) Regulations 1991. To ensure safe disposal, contaminated soils must be buried to a depth of at least 5 metres. Section 34 of the Environmental Protection Act 1990 also places a duty of care on all waste producers to

ensure that a written description of the waste and any harmful properties is provided to the site operator.

Hazardous Waste England & Wales Regulations 2005

13. Untreated Knotweed is not regarded as a “Hazardous Waste”, but the above Regulations contain provisions about the handling and management of hazardous waste. Untreated Japanese Knotweed is not classed as a hazardous waste, but material containing Knotweed which has been treated with certain herbicides may be classified as hazardous waste.

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Report of	Meeting	Date
Joint LDF Officer Team	Central Lancashire LDF Joint Advisory Committee	6 th December 2012

OPEN SPACE AND PLAYING PITCH SUPPLEMENTARY PLANNING DOCUMENT

PURPOSE OF REPORT

1. To inform Members of the progress in preparing the Open Space and Playing Pitch Supplementary Planning Document (SPD).

RECOMMENDATION(S)

2. Members are asked to note the draft Open Space and Playing Pitch SPD as detailed in Appendix 1.
3. It is intended that the final SPD will be reported to each authority's relevant Committee for public consultation after which it will be reviewed and reported back in order to be approved and adopted for use.

EXECUTIVE SUMMARY OF REPORT

4. Five Supplementary Planning Documents have recently been adopted by the three authorities for the following key topic areas: affordable housing, design, the re-use of employment premises, rural development and access to healthy food.
5. This report explains the purposes and objectives of the Open Space and Playing Pitch SPD, the broad timetable and mechanism for its approval, and the intended route to its adoption and use.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

6. To ensure that further guidance is produced to supplement and provide advice on how the open space and playing pitch policies as set out in the Core Strategy and each authority's Local Plan are to be implemented.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. None.

BACKGROUND

8. Supplementary Planning Documents (SPDs) offer local planning authorities the opportunity to add guidance in specific policy areas. They are documents that must be prepared in consultation with interested parties, and must be subject to a screening process to discover whether a sustainability appraisal would be required. Unlike Development Plan Documents (DPDs) SPDs do not require independent examination before they are adopted.
9. The text of the Core Strategy identifies the six areas where SPDs will be required across Central Lancashire, and the aim is to apply the SPDs consistently to all three local authority areas. The SPDs are:
 - Affordable Housing
 - Access to Healthy Food
 - The Re-use of Employment Premises
 - Rural Development
 - Design
 - Open Space and Playing Pitch
10. The first five of these SPDs were adopted by the three authorities recently. The Open Space and Playing Pitch SPD is being prepared separately, following the completion of the Open Space Study and Playing Pitch Strategy.
11. The guidance in this document expands upon Core Strategy Policy 24 on Sport and Recreation and each Local Authority's relevant Local Plan policies. These policies set out the minimum provision standards for different typologies of open space and playing pitches.
12. The SPD provides further guidance on the implementation of these policies and how the standards will be applied. Details are provided on determining whether a residential development will have to contribute towards the different typologies of open space, and if so whether the provision should be on-site or by way of a financial contribution for off-site provision or improvements.
13. A separate charging schedule is being prepared which will identify the amount of financial contribution that will be required from a residential development for each typology for off-site provision or improvements. The charges vary for each of the three authorities as the Open Space Study sets different provision standards for each authority. A draft is included in Appendix 2.
14. The financial contributions are in addition to the CIL charges and will be secured through section 106 agreements.

NEXT STEPS

15. Each authority will approve the text of the document at the relevant Committees' so that it can be published for consultation in January 2013.
16. Following consultation, all comments and suggestions will be evaluated prior to the preparation of the final version which will be placed before Members for approval and will be adopted following a further 4 week consultation period.

Background Papers			
Document	Date	File	Place of Inspection
Central Lancashire Core Strategy	July 2012		www.centrallancashire.com
Chorley Local Plan 2012-2026: Publication version	September 2012		www.chorley.gov.uk
Central Lancashire Open Space Study: Policy Implications and Recommendations.	May 2012		www.centrallancashire.com
Central Lancashire Open Space Study: Final Open Space Audit Report.	May 2012		www.centrallancashire.com
Central Lancashire Playing Pitch Strategy and Action Plan.	June 2012		www.centrallancashire.com
Central Lancashire Final Playing Pitch Assessment Report.	June 2012		www.centrallancashire.com

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Central Lancashire

Supplementary Planning Document

Open Space and Playing Pitch

Draft Consultation Version: November 2012



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 - iii. Calculating the amount of on-site provision required
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A. Introduction

1. Supplementary Planning Documents (SPDs) were introduced by the Planning and Compulsory Purchase Act 2004 as part of the reforms to the planning system. Although not forming part of the statutory development plan, one of the functions of an SPD is to provide further detail on policies and proposals within the development plan. SPDs must be consistent with national and regional planning policies as well as the policies set out in the development plan.
2. The Central Lancashire SPDs have been prepared in accordance with the Local Development Regulations and the National Planning Policy Framework (the Framework), conforming and responding to all relevant local and national policies and are based on a robust and up-to-date evidence base. SPDs do not seek to allocate land but are to be considered alongside policies in the Central Lancashire Core Strategy and Local Plan Documents. Their guidance should therefore be taken into consideration from the earliest stages of the development process of any site, including any purchase negotiations and in the process of development schemes.
3. The purpose of this SPD is to provide advice on how the Councils' open space and playing pitch policies, as set out in the Local Plans, are to be implemented. This includes guidance on provision standards and how they will be applied.
4. Once adopted, this document should be afforded significant weight as a material consideration in determining planning applications.

B. Planning Policy

National Policy

5. Guidance on planning policy is issued by central Government in the form of the National Planning Policy Framework (the Framework). Local Planning Authorities have to take the contents of the Framework into account as a material consideration when determining planning applications and when preparing their Local Plans.
6. The requirements of the Framework in relation to open space are set out in section 8: Promoting Healthy Communities. These are as follows:
 - § Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.
 - § Existing open space, sports and recreational land and buildings, including playing fields should not be built on unless:
 - An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - 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
 - The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Regional Policy

7. The North West Regional Strategy 2008 is the Regional Plan for the North West to the period 2021 and covers the Central Lancashire area. The Government has made a policy commitment in the Localism Act to revoke the Regional Strategy. This SPD is consistent with Policy EM3: Green infrastructure of the Regional Strategy.

Local Policy

8. The adopted Central Lancashire Core Strategy is the key policy document as it sets the overarching vision for the area. It will be underpinned by Local Plans for each of the three Local Authorities. These documents will include policies and proposals allocating some land for development whilst protecting other areas from inappropriate development. The Local Plans will conform to the Core Strategy and will supersede, respectively, the adopted Preston Local Plan 2004, South Ribble Local Plan 2000 and Chorley Borough Local Plan Review 2003.
9. The Central Lancashire Core Strategy was adopted in July 2012. Core Strategy Policy 24: Sport and Recreation sets out ways of ensuring that everyone has the opportunity to access good sport, physical activity and recreation facilities. Of particular relevance to this SPD is:
 - § Devising robust minimum local standards based on quantified needs, accessibility and qualitative factors, and seeking developer contributions where new development would result in a shortfall in provision.
10. This SPD sets out the minimum local standards and how they will be applied, along with the accessibility and qualitative assessments, to determine the amount of new open space and playing pitch provision or appropriate financial contributions required from new residential developments.

C. Evidence Base

11. The Framework requires planning policies to be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.
12. In May and June 2012 a Central Lancashire Open Space Study and Playing Pitch Strategy were published respectively. Both documents were produced in accordance with the companion guide to Planning Policy Guidance Note 17 (PPG17) 'Assessing Needs and Opportunities'. Although PPG17 has been superseded by the Framework, its companion guide is still relevant. The approach taken is also consistent with the Framework.

Open Space Study

13. The Open Space Study is an assessment of the quantity, quality and accessibility of open space provision in the three Local Authority areas. The Study covers the following typologies:

PPG17 Typology	Primary Purpose
Amenity greenspace	Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas.
Provision for children and young people	Areas designed primarily for play and social interaction involving children and young people such as equipped play areas, ball courts, skateboard areas and teenage shelters.
Parks and gardens	Accessible, high quality opportunities for informal recreation and community events. Does not include Country Parks due to their more natural characteristics. They are included in natural and semi-natural greenspaces.
Natural and semi-natural greenspaces	Wildlife conservation, biodiversity and environmental education and awareness. Includes urban woodland and Country Parks.
Allotments	Opportunities for those people who wish to do so to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.
Green corridors	Walking, cycling or horse riding, whether for leisure purposes or travel and opportunities for wildlife migration.
Cemeteries/churchyards	Quiet contemplation and burial of the dead, often linked to the promotion of wildlife conservation and biodiversity.
Civic spaces	Providing a setting for civic buildings, public demonstrations and community events.

14. The Study sets new quantity standards for the provision of open space for each Local Authority and applies the standards on a settlement or ward basis to identify where there are deficiencies in provision in relation to quantity.
15. An assessment of the quality and value of each area of open space is also included within the Study. The quality assessment includes criteria such as access, equipment and facilities, parking, site problems and maintenance. The assessment of value includes criteria such as the level of use and ecological, educational, economic, health and amenity benefits. A threshold was applied to the results to identify whether the site is of high or low quality and value.
16. The Study sets accessibility standards for the different typologies of open space in order to identify areas that are not currently served by existing facilities. They are based on distances residents would be willing to travel to access different types of open space.

Playing Pitch Strategy

17. The Playing Pitch Strategy assesses existing pitch provision and is a demand led assessment. It also provides a strategic framework for the maintenance and improvement of existing playing pitches and ancillary facilities between 2012 and 2026. It covers the sports of football, rugby, cricket and artificial grass pitches. It also sets out an approach to securing new outdoor sports facilities through new housing development.
18. The Strategy identifies how future provision of playing pitches should be secured and where new provision is needed. It also includes an Action Plan which identifies any surpluses or deficiencies in playing pitch provision and recommends actions relating to individual sites

that are identified as having issues e.g. the pitch is overplayed, is of poor quality or changing facilities are required.

19. These documents form part of the evidence base for the Local Plans and have informed the relevant policies within them as well as this SPD, which supplements these policies and provides further guidance on how they will be implemented.

D. Open Space and Playing Pitch Standards

20. The Open Space Study and Playing Pitch Strategy set standards of provision for each Local Authority. These quantity standards are a guideline as to how much open space, sport and recreation provision per 1,000 people is needed to strategically serve the area. The standards are as follows:

Typology	Standard: Hectares per 1,000 population		
	Preston	South Ribble	Chorley
Amenity greenspace	0.54	1.33	0.73
Provision for children and young people	0.02	0.06	0.08
Parks and gardens	1.81	0.66	1.91
Natural and semi-natural greenspaces	1.78	1.98	4.64
Allotments	0.17	0.08	0.07
Playing pitches	1.01	1.14	1.21

21. The Open Space Study does not set quantity standards for cemeteries/churchyards or civic spaces as the need for cemeteries/churchyards is determined by the demand for burial space and civic spaces are normally provided on an opportunistic and design led basis. Residential developments will therefore not be required to contribute towards the provision of these typologies.
22. The Study also does not set a quantity standard for green corridors due to their linear nature, however residential developments will be required to provide new green corridors where appropriate.
23. These standards are included in policies within the Site Allocations DPDs. The next section of this SPD provides further guidance on how these standards will be applied to new residential developments and how the level of contribution towards open space and playing pitch provision will be determined.

E. Applying the Standards

24. All new residential development will be required to contribute towards open space and playing pitch provision with the exception of the following:
 - Nursing/rest homes
 - Sheltered accommodation
 - Replacement dwellings
25. In South Ribble, open space and playing pitch provision will only be required on residential developments resulting in a net gain of 5 or more dwellings.

(i) Deciding whether open space and playing pitch contributions are required from the development

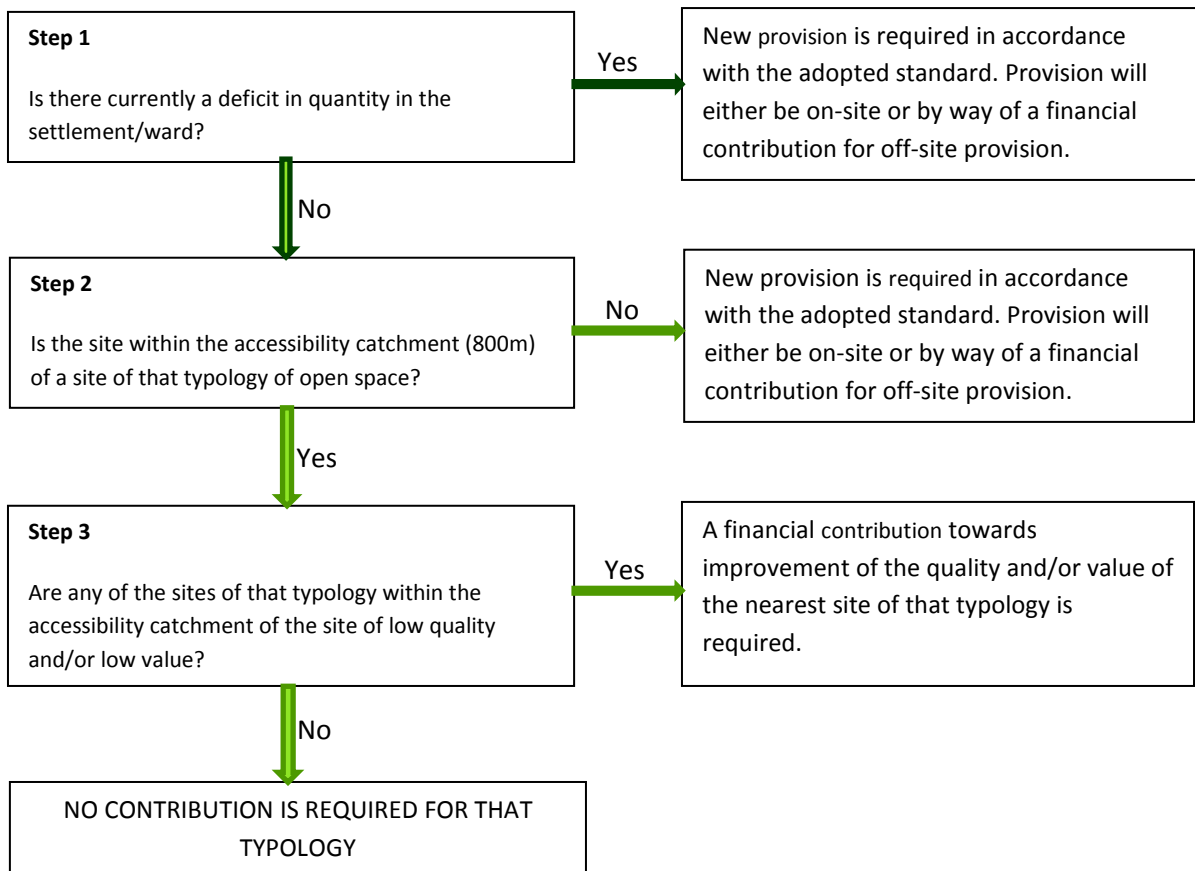
- 26. In accordance with the Framework, and the recommendations in the Open Space Study and Playing Pitch Strategy, contributions towards new provision or improvements to existing sites will be required where there are identified local deficiencies in the quantity, accessibility or quality and/or value of open space and recreational facilities.
- 27. The approach to determining whether a contribution is required varies for each typology. The approach for each typology is set out below.

Amenity greenspace

Residential developments will be required to contribute towards the provision of amenity greenspace if there is an identified local deficiency in quantity, accessibility or quality/value.

- 28. The process for determining whether a residential development is required to contribute towards the provision of amenity greenspace is set out in Diagram 1 below. The process for determining whether a contribution towards the provision for children/young people is the same, therefore Diagram 1 and the explanatory text is also applicable to this typology.

Diagram 1: Process for determining amenity greenspace and provision for children/young people contributions.



Step 1

29. The first step in determining whether a contribution is required is to identify whether there is a deficit in quantity of that typology in the settlement or ward as identified in the Open Space Study. In Preston and South Ribble quantity is assessed on a ward basis whereas in Chorley it is assessed on a settlement basis. Because of the rural nature of Chorley Borough, it is considered more appropriate to assess provision on a settlement basis. For residential developments in Chorley Borough falling outside of the defined settlements and in the Green Belt, the quantity for the ward will be used. Where there is an existing deficit in quantity in the settlement/ward in relation to the proposed standards, new provision will be required in accordance with the proposed standards. Section (ii) identifies how this provision is to be made i.e. on site or a financial contribution for off-site provision. If provision is on-site, section (iii) identifies how the amount of provision will be calculated.

Step 2

30. If there is no deficit in quantity in the settlement/ward then step 2 applies and involves assessing the accessibility of existing provision. The Open Space Study sets accessibility standards of 800 metres (10 minutes' walk time) for both typologies. If there is existing provision of both typologies within 800 metres of the proposed development then new provision will not be required. If not then new provision will be required in accordance with the proposed standards. Section (ii) identifies how this provision is to be made i.e. on site or a financial contribution for off-site provision. If provision is on-site, section (iii) identifies how the amount of provision will be calculated.

Step 3

31. If there is no deficit in quantity and accessibility then step 3 applies. If any of the sites within the accessibility catchment are identified as being of low quality and/or low value for each typology then a financial contribution will be required for the improvement of those sites. Section (iv) sets out the amount of financial contribution required per dwelling.

Provision for children/young people

Residential developments will be required to contribute towards the provision for children/young people if there is an identified local deficiency in quantity, accessibility or quality/value.

32. The process for determining whether a residential development is required to contribute towards the provision for children/young people is the same as the approach for amenity greenspace and is set out in Diagram 1 above.

Parks and gardens

New residential developments will not be required to contribute towards the provision of new parks and gardens. Instead, financial contributions will be required to improve the quality and/or value of existing provision if there is a park/garden within the accessibility catchment (1,000m) of the development that is identified as being low quality and/or low value in the Open Space Study.

33. The Open Space Study does not consider it appropriate for new provision of parks and gardens to be provided on-site within new residential developments. Instead it is more appropriate to seek to enhance the existing quality of provision and/or improve access to sites.
34. Financial contributions will therefore be secured from residential developments to improve the quality and value of parks and gardens identified as being low quality and/or low value in the Open Space Study. Financial contributions will only be required from residential developments that fall within the accessibility catchment of a park/garden identified as being low quality and/or low value.
35. The Open Space Study sets an accessibility catchment of 1,000 metres (12 minutes' walk time) for parks and gardens in urban areas and 15 minutes' drive time for rural areas. As the accessibility catchment for rural areas covers a wide area, it is considered more appropriate to apply the accessibility catchment for urban areas to all developments when determining whether a contribution towards improvements is required.
36. Section (iv) sets out the amount of financial contribution required per dwelling for improvements.

Natural/semi-natural greenspace

New residential developments will not be required to contribute towards the provision of new natural/semi-natural greenspace. Instead, on-site provision of features associated with this typology will be required in accordance with Core Strategy Policy 17: Design of New Buildings. Financial contributions will be required to improve the quality and/or value of existing provision if there is a natural/semi-natural greenspace within the accessibility catchment (800m) of the development that is identified as being low quality and/or low value in the Open Space Study.

37. The Open Space Study does not consider it appropriate for new provision of natural/semi-natural greenspace to be provided on-site within new residential developments. Instead it considers it more appropriate to require some on-site provision of features associated with natural/semi-natural greenspace i.e. trees and hedgerows where appropriate and seek to enhance the existing quality of provision and/or improve access to existing sites. Core Strategy Policy 17: Design of New Buildings requires landscaping to be provided as an integral part of the development, which will include features such as trees and hedgerows.
38. Financial contributions will be secured from residential developments to improve the quality and value of natural/semi-natural greenspaces identified as being low quality and/or low

value in the Open Space Study. Financial contributions will only be required from residential developments that fall within the accessibility catchment of a natural/semi-natural greenspace identified as being low quality and/or low value.

39. The Open Space Study sets an accessibility catchment of 800 metres (10 minutes' walk time) for natural/semi-natural greenspaces in all areas apart from the Preston urban area where the accessibility catchment is 15 minutes' drive time. As the accessibility catchment for the Preston urban area covers a wide area, it is considered more appropriate to apply the 10 minute walk time accessibility catchment to all developments when determining whether a contribution towards improvements is required.
40. Section (iv) sets out the amount of financial contribution required per dwelling for improvements.

Allotments

All new residential developments within the accessibility catchment (10 minutes' drive time) of a site of low quality and/or low value or a proposed new allotment site will be required to pay a financial contribution towards either new allotment provision or improvements to existing allotments.

41. The Open Space Study sets an accessibility catchment of 10 minutes' drive time for allotments. All residential developments within the accessibility catchment of an allotment identified as being of low quality and/or low value will be required to pay a financial contribution towards improvements to existing allotments.
42. The Open Space Study identifies areas in Central Lancashire where new allotment provision should be located. In those areas, sites have been allocated for new provision in the relevant authority's Local Plan. Residential developments within the accessibility catchment of a proposed allotment site will be required to pay a financial contribution which will be used to bring these sites forward.
43. Section (iv) sets out the amount of financial contribution required per dwelling for both improvements and new provision.

Green corridors

New residential developments will be required to incorporate green corridors into the design of the development where appropriate to link the site to existing green corridors, open spaces, cycle routes, community facilities, employment etc.

44. The Open Space Study does not set a quantity standard for green corridors due to their linear nature. Residential developments will therefore not be required to provide a set amount of green corridors in the development. Instead the use of green corridors will be promoted in the design of new residential developments to link the site to existing green corridors, cycle routes and other facilities.

Playing Pitches

All new residential developments will be required to pay a financial contribution towards either new playing pitch provision or improvements to existing playing pitches identified in the Playing Pitch Strategy Action Plan.

45. All residential developments will be required to contribute towards playing pitch provision. The Playing Pitch Strategy does not identify deficiencies on a settlement or ward basis as it is not considered appropriate. Rather it assesses provision on a Borough basis and identifies that there is a deficit of provision in all three Borough's. The amount of deficit identified for each Borough does not necessarily equate to new provision as some can be addressed through improvements to existing playing pitches. The Strategy identifies where new provision is needed based on demand and in those areas sites have been allocated in the relevant authority's Local Plan. The Strategy also includes an Action Plan which identifies sites where improvements/facilities are needed to improve capacity. Financial contributions will be used to bring forward sites allocated for new provision and to improve the sites identified in the Action Plan, which will be reviewed continually.
46. Section (iv) sets out the amount of financial contribution required per dwelling for both improvements and new provision.

(ii) Determining whether provision should be on-site or off-site

47. The only typologies that a developer may be required to provide on-site are amenity greenspace and provision for children/young people.

The following thresholds for on-site provision will be used:

- Amenity greenspace - all residential developments of 10 or more dwellings.
- Provision for children/young people - all residential developments of 100 or more dwellings.

Residential developments below these thresholds will be required to pay a financial contribution for off-site provision.

48. The Open Space Study recommends a minimum size of 0.04 hectares for provision for children/young people. However, the Councils acknowledge that play areas can cause some nuisance to residents. Only providing play areas on developments of 100 or more dwellings will allow schemes to be designed in such a way to allow the play area to have a degree of separation from the nearest houses. In certain circumstances it may be acceptable to include provision for children/young people on-site on residential developments of less than 100 dwellings subject to a satisfactory layout which prevents nuisance to residents.
49. Where a contribution is required for any of the other typologies, this will be by way of a financial contribution for off-site provision or improvements to existing provision. The amount of financial contribution required is set out in section (iv).

(iii) Calculating the amount of on-site provision required

50. The only typologies that a developer may be required to provide on-site are amenity greenspace and provision for children/young people.

51. If on-site provision is required then the following calculation should be used for each typology:

$$\text{Number of dwellings} \times \text{Local standard} / 1000 = \text{Hectares required for proposed development}$$

*x 2.32**

*2.32 is the average household occupancy in the 2001 Census. Multiplying this by the number of dwellings gives the estimated population of the proposed development.

(iv) Financial contributions for off-site provision or improvements

52. The same amount of financial contribution will be required for both off-site provision and improvements.

53. A separate charging schedule has been published which sets out the financial contribution required per dwelling for each typology. This will be updated annually in line with inflation.

54. Where a financial contribution is required for off-site provision the first priority will be to provide new provision within the accessibility catchment of the proposed development. If this is not possible then the next priority will be to spend the money on improving or expanding existing provision in the accessibility catchment. If this is also not possible then the money will be spent on new provision or improvements elsewhere in the settlement or ward.

(v) Maintenance costs

55. Where provision is made on-site, a financial contribution towards maintenance will be required.

56. A separate charging schedule has been published which sets out the financial contribution required for maintenance per dwelling. This will be updated annually in line with inflation.

F. Sustainability Appraisal and Habitats Regulations Assessment

57. Given the relationship between this SPD, the Core Strategy and the Local Plans and the level of Sustainability Appraisal (SA) that these documents have undergone together with the anticipated absence of any significant environmental effects arising from this proposal, an independent SA of this Planning Framework SPD is not required. In addition, the Core Strategy has undergone a Habitats Regulations Screening Assessment to determine the likely significant effects of the plan on sites of international nature conservation value. Given the SPD is in conformity with the policies contained within the Core Strategy, a full Screening Assessment of this SPD is not required.

G. Monitoring and Review

58. The Councils will monitor the effectiveness of this guidance including Core Strategy key indicators and review as appropriate in the light of its performance and future changes in planning law and policy guidance.

H. Further Information

59. The SPD will primarily be implemented through the development management process and the determination of planning applications. Charges may apply for pre-application consultations, please see websites for details. Planning Officers will be pleased to provide advice and guidance on planning matters regarding open space and playing pitch provision. They can be contacted on:

Local Authority	Website	Telephone	Email
Preston City Council	www.preston.gov.uk	01772 906949	devcon@preston.gov.uk
Chorley Council	www.chorley.gov.uk	01257 515151	dcon@chorley.gov.uk
South Ribble Borough Council	www.southribble.gov.uk	01772 421491	planning@southribble.gov.uk

I. References

60. The following documents form the evidence base for this SPD and are available to view at www.centrallancashire.com:

- § Central Lancashire Core Strategy – July 2012.
- § Central Lancashire Open Space Study, Policy Implications and Recommendations – May 2012.
- § Central Lancashire Open Space Study, Final Open Space Audit Report – May 2012.
- § Central Lancashire Playing Pitch Strategy and Action Plan - June 2012.
- § Central Lancashire Final Playing Pitch Assessment Report - June 2012.

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OPEN SPACE AND PLAYING PITCH SPD - FINANCIAL CONTRIBUTIONS FOR NEW PROVISION/IMPROVEMENTS**Off-site provision and improvements**

The same amount of contribution will be required for both off-site provision and improvements.

Costs for the typologies of open space identified in the table below have been calculated per dwelling using average costs per m² rounded to the nearest pound for each typology. The cost per dwelling for playing pitches is based on the average costs of grass pitches and changing rooms as identified by Sport England and included in the Playing Pitch Strategy.

The cost per dwelling varies for each authority as the standards are different.

Typology	Cost per m ²	Cost per dwelling		
		Preston*	South Ribble*	Chorley
Amenity greenspace	£8	£100	£247	£135
Provision for children/young people	£70	£32	£97	£130
Parks and gardens	£32	£1344	£490	£1,418
Natural/semi-natural greenspace	£5	£206	£230	£538
Allotments	£9	£35	£17	£15
Playing pitch	£55	£1,546	£1,546	£1,546

Maintenance costs

Where provision is made on-site, a financial contribution towards maintenance will be required. The only typologies that a developer may be required to provide on-site are amenity greenspace and provision for children/young people.

The cost per dwelling varies for each authority as the standards are different.

Typology	Cost per m ²	Cost per dwelling		
		Preston*	South Ribble*	Chorley
Amenity greenspace	£4	£50	£123	£68
Provision for children/young people	£7	£3	£10	£13

The above cost per dwelling needs to be multiplied by 10 to give the 10 year maintenance costs.

* Figures subject to approval at relevant Council.

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