



# Open Space, Sport and Recreation SPD

May 2020





1 Introduction	3
1.1 Purpose of the SPD	3
1.2 The SPD's objective and scope	4
2 Planning obligations context	5
2.1 What are planning obligations?	5
2.2 Why are obligations important?	5
2.3 Policy Context	8
2.4 Is there a restriction on what the Council can ask for?	9
2.5 Cross local authority boundary opportunities	10
3 Understanding the Evidence Base	11
3.1 The Open Space, Sport and Sport Facilities Assessment (2017)	11
3.2 Sub areas and the strategies	11
3.3 Facilities Hierarchy	12
3.4 Part 2: Built Facilities Strategy	13
3.5 Part 3: Playing Pitch Strategy	14
3.6 Part 4: Open Spaces Assessment	16
4 Applying the SPD	18
4.1 What is the scope of this SPD?	18
4.2 What type of sport, recreation and open space facilities can be required?	18
4.3 When will we require open space, sport and recreation contributions?	19
4.4 Does this SPD affect masterplans and phasing for larger housing developments?	19
4.5 Does land need to be provided and if so how?	21
4.6 Can contributions be made to existing facilities?	22
4.7 Is there flexibility in requesting contributions?	23
4.8 Is there early advice available to the developers?	24
4.9 How are legal agreements made?	24
4.10 How is inflation dealt with?	25
4.11 Monitoring and enforcement	25

# Contents



5 Calculating Contributions	27
5.1 Is there a list of what facilities are needed?	27
5.2 What demand will there be for facilities and open space from the residents of a new development: quantity; accessibility; quality?	27
5.3 What are the standards of provision?	29
5.4 What population figure should be used in assessment of demand?	34
5.5 What is the process for assessing demand?	34
5.6 How are the demand and potential contributions calculated?	35
5.7 How should decisions be made about what is required?	35
5.8 What costs are justified in relation to maintenance and life cycle?	43
5.9 How are maintenance and life cycle costs calculated?	43
5.10 What is meant by 'Appropriate Land' and how will the costs be calculated?	44
5.11 How are contributions costed for upgrades and extensions to existing sport and recreation facilities, playing pitches and open spaces?	45
5.12 How will contributions for built sports facilities be used?	45
5.13 How will contributions be calculated for playing fields?	46
5.14 What is considered to be open space?	47
5.15 What is the minimum size of a public open space?	48
5.16 What are the long term requirements for public open space?	48
5.17 What play provision is required?	49
6 Worked Examples	51
7 Appendix A- Allocations to CIL or to s106	66
8 Appendix B- National and Local Planning Policies	68
9 Appendix C- Open Space Maintenance Costs	76
10 Appendix D Capital Costs	78
10.1 Capital cost sources	78
10.2 Capital cost tables	79



## 1 Introduction

- 1.1 Sport, recreation, open space, leisure and other community facilities are key infrastructure that must be provided to support development in East Herts, with existing facilities protected and enhanced.
- 1.2 With a minimum of 18,458 new homes being built in the District by 2033, the provision and 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.
- 1.3 The SPD supplements policies in the District Plan. It will be a material consideration in the determination of planning applications and will be used when securing S106 agreements and unilateral undertakings.

### 1.1 Purpose of the SPD

#### The Purpose of the SPD is to:

- Deliver a wide range of high quality open space, sport and recreation across the district that is fit for purpose, with an appropriate balance between the provision of new facilities and the enhancement of existing ones, so as to improve the health and wellbeing of the district's population
- Retain and improve access for all to open space, sport and recreation facilities so as to support increased participation in sport and leisure, particularly amongst groups and individuals with greatest social disadvantage;
- 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.

- 1.4 In addition this SPD will help:
  - Explain how the Council uses planning obligations to residents, applicants, developers and the wider community;
  - Reduce crime, anti-social behaviour and the fear of crime through increased participation in sport and recreation.
  - Consider the cumulative impact of housing development in the District and explain how this will be dealt with, in relation to sport and leisure, through the use of planning obligations.



## 1.2 The SPD's objective and scope

- 1.5** Taking its lead from the District Plan, the main objective of this Open Space, Sport and Recreation Supplementary Planning Document (SPD) is to: “Support the improvement of the health and well-being of the whole community, through the provision of new or improved sports, leisure, community and other facilities linked to, and funded by, new housing and other developments”.
- 1.6** This SPD includes indoor and outdoor sports facilities (including playing fields), play, youth provision, open space (including allotments), and village/community halls.
- 1.7** This SPD provides information and guidance to developers regarding the relevant types of infrastructure and/or amount of contributions needed. This can support land negotiations, master planning and early viability assessments.
- 1.8** This document sets out local facilities’ requirements and, where appropriate, the standards for the provision for open space, sport, recreation and community halls. It provides information on the level of contributions that will be sought from these from new residential developments and information on the planning policy justification.
- 1.9** The SPD is a material consideration in the determination of planning applications and has been prepared in accordance with the necessary regulations.



## 2 Planning obligations context

### 2.1 What are planning obligations?

- 2.1** Developer obligations are normally secured through planning obligation agreements under Section 106 of the Town and Country Planning Act 1990. The terms ‘planning obligations’, ‘developer Contributions’ and ‘Section 106’ (s106) are used interchangeably but generally refer to the same things. Agreements may be used to ensure that the impacts arising as a result of a new development can be addressed. 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. Either is an individual, scheme-specific legal document. These documents are used to ensure developments are acceptable in planning terms. Such agreements or undertakings can contain a number of planning covenants or obligations and can relate to both financial and non-financial Contributions.

### 2.2 Why are obligations important?

- 2.3** Planning obligations for open space, sport and recreation are important because they help ensure that new development provides adequate infrastructure, and this is particularly helpful on large sites where there are complex infrastructure needs. Obligations identified in the SPD reflect District Plan Objectives and support identified needs for new and improved community, leisure and recreation and open space facilities. The wider benefits also include: encouraging safe and vibrant mixed communities that provide for the needs of all East Herts residents including the young, the elderly and vulnerable; improving access to facilities so minimising the need to travel by car; improving the health and wellbeing of all East Herts' communities and reducing health inequalities; and reducing energy consumption and carbon dioxide where new or upgraded facilities can be more energy efficient. The provision of open space can also contribute towards addressing climate change, support biodiversity and ecosystems.
- 2.4** Other factors such as the District's overall aging population are also relevant as set out in the Part 1 Background and Context report which underpins each of the strategies (see Section 3). At a District level, there is expected to be a decrease in 15-30 year olds (already below the England average) and of 40 to 55 year olds, and an increase in 55-65 year olds and 70-75 year olds. These demographic factors suggest an increased relative importance and priority for gyms, studios, cycle and walking routes, community halls and joint health/sports centres. However at a more local level, new housing developments, particularly strategic sites, bring in young

# Open Space, Sport and Recreation SPD



families. The evidence for this is provided within the Part 1 Background and Context report, and justifies the provision of play and facilities for teenagers, such as skate parks, multi-use games areas and other facilities.

## 2.5

Public Health for Hertfordshire's publication 'Health Profile East Herts Health and Wellbeing Strategy 2019-2023' identifies that although a relatively affluent district by many measures, East Herts does have its health challenges, including:

- Deprivation – the health of people in East Herts is generally better than the England average, however this tends to mask pockets of deprivation. Five of the most deprived wards account for 16% of the population, representing around 23,000 individuals.
- Weight – in East Herts, around two thirds of adults are classed as overweight and/or obese. For children around one fifth of reception children and one quarter of year 6 children are classed as overweight and/or obese. Being overweight or obese is connected with a range of lifestyle conditions which can impact health significantly. Additionally certain medical interventions, if required, can be more difficult to carry out safely if someone is overweight or obese thus multiplying the negative impact on health. Balanced, healthy eating and regular physical activity can help maintain a good body composition.
- Physical inactivity – while there have been clear improvements in adult activity and exercise levels, 20.5% of the East Herts adult population are still classified as inactive. Physical activity is one of the most important protective factors in supporting a healthy lifestyle and preventing those who already have long term conditions from worsening health. Physical activity is well evidenced in contributing to overall health and wellbeing and therefore requires a strategic focus to help support individual, community and population increases in physical activity levels. Leisure facilities, open spaces and community partner projects can help to increase physical activity participation and encourage a range of health benefits. These are reflected in the council's Physical Activity Strategy.
- Isolation and loneliness – are becoming increasingly influential in the health outcomes to residents. National Quality of Life data published in 2018 indicates that the main challenges for older people when seeking to maintain or enhance their quality of life are lower satisfaction with their health and lower engagement with an art or cultural activity. Health challenges or bereavement can lead to or exacerbate social isolation. Equally for many younger people, challenges include unemployment, loneliness, not having someone to rely on and a lack of sense of belonging to their neighbourhood. Recent research notes that: "Feelings of loneliness are most strongly associated with poor mental health, but are also associated with long-term problems of



stress, anxiety and depression. The risk associated with social isolation and loneliness is comparable with well-established risk factors for mortality (e.g. physical activity, obesity, substance abuse)".

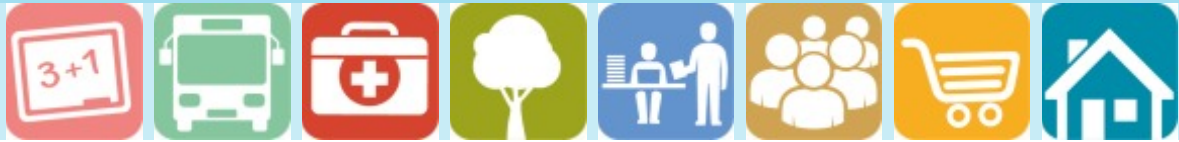
- Dementia – in Hertfordshire figures show that 4.4% of those people registered with a GP practice over 65 years old have dementia. In Hertfordshire Social Care’s East and North Herts area, which includes the East Herts district, there are over 580, 000 people and 60 GP practices.
- Mental health and wellbeing - recognising the importance and value of this to our residents, staff and client organisations in enabling a healthy lifestyle.
- Smoking – East Herts adult smoking prevalence has fluctuated within a small range between 14.6% and 17.5% from 2012 to 2016, however in 2017 there was a noticeable reduction to 9.5%. This mirrored national and regional trends although the reduction in East Herts was more sizeable.
- Sustainable transport – Department of Transport 2016 East Herts figures show that among adults aged 16 and over, 15% cycle for work or leisure once a week and 76% walk. The Cole Green Way along with a number of circular routes around Hertford, Ware and Bishop’s Stortford represent great opportunities for cycling. Public footpaths and bridleways provide plenty of opportunity for walking across the largely rural district. Although outside the scope of this document, the Council recognise that the cycle network could be improved in East Herts. The District Plan emphasises that new development creates opportunities for improving cycling provision. Policy TRA1 Sustainable Transport outlines that development should create new routes and could extend existing infrastructure.
- Public transport – while every ward is served with a bus service, there is great variation in frequency. Added to this the timetable frequencies do not necessarily suit working age commuting times with some return services finishing by 4pm.

**2.6** Hertfordshire County Council Public Health has as an identified strategic priority: “Keeping Well - encouraging and supporting people to live healthy lives, getting them to take responsibility for their own health and helping them make positive choices about their weight, diet and mental health.

**2.7** The local priorities for the District include: reducing excess weight in adults; reducing smoking; and helping the growing older population maintain their health. Sport and recreation have a key part to play in delivering these priorities.



# Open Space, Sport and Recreation SPD



**2.8** It is clear the provision of high quality, accessible sports and leisure facilities, and opportunities to be physically active, have a significant role to play in addressing local health and well-being inequalities and this SPD can significantly assist in this delivery.

## 2.3 Policy Context

**2.9** 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

**2.10** The National Planning Policy Framework (NPPF) says that Local Plans should set out the contributions expected from development. These policies should not undermine the deliverability of the plan.

**2.11** 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.

**2.12** The Government introduced changes by reforming the approach to viability, which is set out in the revised National Planning Policy Framework and in associated national planning practice guidance. This new 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 obligations. <sup>(1)</sup>

**2.13** Planning Practice Guidance on Planning Obligations<sup>(2)</sup> states that where a standardised approach may have informed the identification of needs and costs and the setting of plan policies, each planning obligation sought must still meet the statutory tests set out in Regulation 122 of the CIL regulations.

### Local Policy

**2.14** The District Plan, adopted October 2018, provides the context for this SPD. The vision sets out that by 2033 new and existing infrastructure will have been delivered to support the increased population of the district, improving health and well-being. Section 19 'Community Facilities, Leisure and Recreation' details the importance of delivering appropriate and accessible open space, sport and recreation to improve resident's quality of life and increase participation in sport, to help promote healthy and active communities.

1 Planning Practice Guidance- viability <https://www.gov.uk/guidance/viability>

2 Planning Practice Guidance- Planning Obligations <https://www.gov.uk/guidance/planning-obligations>



## 2.15 Key District Plan policies include:

- CFLR1- Open Space, Sport and Recreation: Expects new residential development to provide open spaces, indoor and outdoor sport and recreation facilities. Provision should either be made on-site, or if appropriate in certain circumstances, through contributions towards off-site provision or the enhancement of facilities. Facilities should be provided in accordance with the Council's latest evidence and in consultation with Sport England and the Council's Leisure and Environment team.
- CFLR7- Community Facilities, Leisure and Recreation: The provision of adequate and appropriately located community facilities will be sought in conjunction with new development. Developers are expected to provide on-site provision, or where appropriate, a financial contribution towards either off-site provision, or the enhancement of existing off-site facilities.
- DEL1 Infrastructure and Service Delivery: provide necessary on-site and off-site infrastructure, suitably phased, at an acceptable specification and with management arrangements in place; and
- DEL2 Planning Obligations: CIL compliant planning obligations will be sought including: open space and recreation facilities; community, education and health facilities; and others.

2.16 Developer contributions may also be required by policies set out in Neighbourhood Plans and applicants should have regard to such policies when formulating development proposals.

## 2.4 Is there a restriction on what the Council can ask for?

2.17 The Council will be seeking contributions via S106 but only where they meet the three CIL tests set out in CIL Reg 122 and NPPF para 56:

- 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.

2.18 It will therefore be important to ensure that any obligations sought are based on a tailored approach to each development, using up-to-date strategies (and subsequent updates) as an evidence base (and/or other robust up-to-date planning policy) to justify the needs arising from the development, and how these are to be met. Flowcharts to aid the decision process are provided in Section 5.7.

2.19 The Council does not yet have Community Infrastructure Levy in place but will give consideration to introducing a CIL as part of the review of the District Plan, in order to support the provision of future infrastructure schemes (see Appendix A).



## 2.5 Cross local authority boundary opportunities

- 2.20** In some cases, the nearest current or potential new facility may be across the local authority boundary. In this case it is appropriate for the Council to consider cross-boundary co-operation, perhaps offering S106 funding to such a facility, or by finding another way to fairly share the infrastructure burden between them.
- 2.21** The strategic importance of larger facilities for the health and wellbeing of the population in the catchment area is clear. It is important that strategic sport, recreation and open space facilities, that serve populations in neighbouring authorities are identified by the relevant authorities, and are agreed to be co-operatively provided. Good locations will be accessible to the users, perhaps in town centres and other places with good public transport links. This approach is endorsed by the 'duty to co-operate' with neighbouring authorities. For example, a large leisure centre that will provide for residents in two districts may be funded through S106 (or CIL) by both authorities.



## 3 Understanding the Evidence Base

### 3.1 The Open Space, Sport and Sport Facilities Assessment (2017)

3.1 Developers' contributions requirements in the SPD are based on the Open Space and Sports Facilities Assessment Technical Study (2017), which forms part of the evidence base to the District Plan. There are four parts to this assessment:

- Open Spaces and Sports Facilities Assessment Technical Study
- Part 1: Background and Context
- Part 2: Built Facilities Strategy
- Part 3: Playing Pitch Strategy
- Part 4: Open Spaces Assessment

3.2 Part 1 provides the context which underpins each of the other three strategies by looking at the policy background and purpose of the study and at the evidence and strategies of neighbouring authorities and of this Council. The demographic forecasts are up to 2033 and these are used to assess the future requirements within Part 2, 3 and 4 of the study.

3.3 These Part 2 and Part 3 studies have been endorsed by Sport England and developed in consultation with national governing bodies and local providers.

3.4 The strategies are available to view on the Council's website.

### 3.2 Sub areas and the strategies

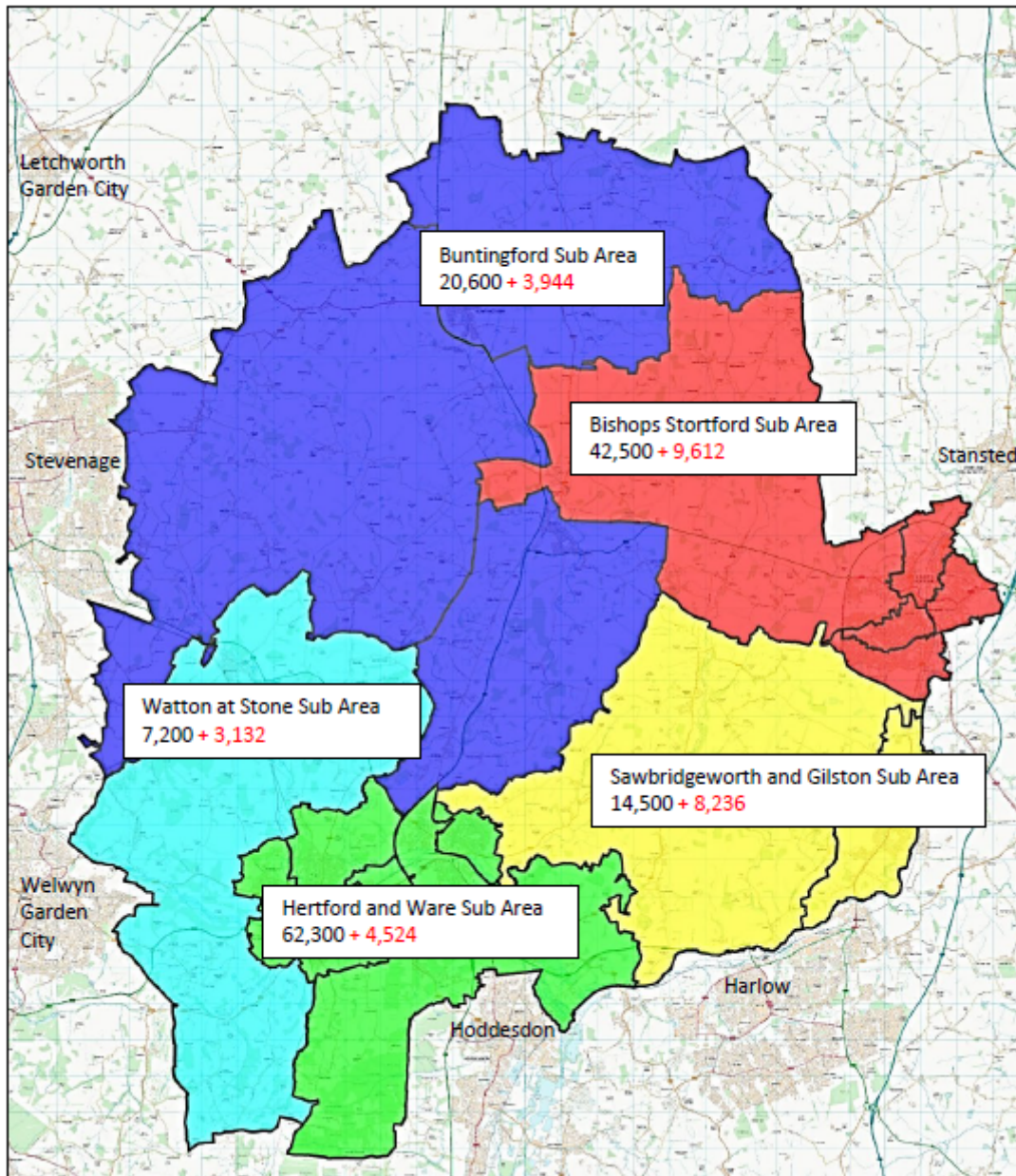
3.5 Strategy sub areas were designed to take account of the current main centres of population, housing growth and drive times across the district. They were used to inform the built facilities and playing pitch strategies to help identify where strategic facilities are located in relation to new housing and what the future facility needs are, both at the district wide (strategic) and sub area level. This means that contributions from housing for the strategic, satellite and local facilities can then be directed appropriately. The sub-areas are illustrated in Figure 1 and are:

- Bishop's Stortford
- Buntingford
- Hertford/Ware
- Sawbridgeworth/Gilston
- Watton at Stone

3.6 The red numbers on the map in Figure 1 relate to the forecast increase in population at the time the sports strategies were written in 2017.



Figure 1: Sub-areas and population in East Herts



© OS Crown Copyright

### 3.3 Facilities Hierarchy

- 3.7 New housing developments in each sub area will usually be required to contribute to the strategic, satellite and local facilities as follows:
- 3.8 Strategic facilities: are those that serve the whole District or two or more of the five sub areas (see Figure 1). Typically, these are larger facilities or a specialist facility (e.g. a hub facility for a specific sport) that serve the whole,



or a large part, of the District. The current key strategic facilities as identified in the strategies to be provided and/or funded via contributions (and other sources) include for example:

- Grange Paddocks Leisure Centre (Bishop's Stortford): replace and extend
- Wodson Park Trust
- Gilston Area leisure centre: new facility
- Hartham Leisure Centre (Hertford): extension
- Bishop's Stortford Lawn Tennis Club strategic centre improvements

**3.9** Satellite facilities typically serve one sub-area and include, for example:

- Fanshawe pool and gym (Hertford & Ware Area)
- Leventhorpe pool and gym (Sawbridgeworth & Gilston Area)
- Freman College swimming pool and potential gym addition (Buntingford Area)
- Birchwood High School (Bishop's Stortford Area)
- Haileybury and Imperial Service College (Hertford & Ware Area)
- Drill Hall (Hertford & Ware Area)
- Bishop's Stortford Bowling Club
- Mercury Gymnastics Club
- Stortford Gymnastics Club

**3.10** Local facilities mainly serve the locality around the development and include, for example:

- play, open space, tennis courts, MUGAs
- village playing field
- community centre/village hall.

## 3.4 Part 2: Built Facilities Strategy

**3.11** This strategy considers both the current supply and demand for built sport and recreation facilities and the future needs for the period up to 2033 taking into account the planned population growth across the District.

### Methodology

**3.12** This strategy considers the following built facilities used by the community for sport and physical activity:

- Sports halls
- Swimming pools
- Health and fitness
- Athletics
- Indoor and outdoor bowls



- Indoor and outdoor tennis
- Squash
- Gymnastics
- Village and community halls
- Other sport and recreation activities

**3.13** The assessment of each facility draws on the findings from the site audits, user information supplied by operators, conditions surveys where available, outputs from Sport England modelling tools, results of consultation and national governing body strategic requirements.

## Findings

**3.14** There is an extensive built facilities network in East Herts, run by a range of providers including East Herts Council, The Wodson Park Community Trust, schools, commercial operators, sports clubs and town and parish councils. Section 2 provides an overview of the facilities and section 3 to 12 details the current and future need for each built facility type. At the end of each section a text box summarises the priorities for the facility type – facilities which should be; protected; enhanced; or provided.

**3.15** Section 13 focuses on delivering the strategy. This section discusses ways of maximising health and wellbeing outcomes, maximising cost-effectiveness and working across authority boundaries. Figure 48 sets out the Provision Guide for new housing developments which summarises the facility specific recommendations arising from the assessment. This table is replicated within Table 1 of this SPD.

**3.16** Figure 50 of the strategy is the action plan. It identifies site specific proposals, with estimated costs, delivery timescales, the priority projects and likely partners. The latest version of the action plan is available on the Council's website.

## 3.5 Part 3: Playing Pitch Strategy

**3.17** This strategy considers both the current supply and demand for playing pitches and the future needs for the period up to 2033 taking into account the planned population growth across the District.

## Methodology

**3.18** This strategy comprises an assessment of outdoor pitches:

- Football:
  - Grass pitches of different sizes catering for different age groups:
  - adult



- youth 11v11
- youth 9v9
- mini 7v7
- mini 5v5
- '3G' football turf pitches
- Cricket:
  - natural turf pitches (grass)
  - artificial turf cricket pitches
- Hockey artificial grass pitches
- Rugby grass pitches

**3.19** The strategy looks at the current use and capacity of pitches and considers the impacts of additional demands arising from the forecast population and changes over time across the different sports, to determine the need for new pitches or improvements to the existing stock.

## Findings

### Football

**3.20** All sub areas have a deficit in football pitches over the plan period (see PPS Fig 117), which can be mitigated by new provision, enhancing existing sites, and securing community access to school sites, where site planning, suitable ancillary facilities (such as car parking, access and changing) safeguarding and carrying capacity allow.

**3.21** As well as smaller club sites some larger Strategic Football Hubs are needed, with ideally two new full size 3G-AGPs with football turf, grass pitches and clubhouse facilities. These hubs should be considered to support: Bishop's Stortford Community FC; Bengeo Tigers and Hertford Town FC; Buntingford Cougars FC; Wodson Park Sports Trust/North & East Ware extension; and Gilston Garden Village.

### Cricket

**3.22** There is a deficit in all sub areas (PPS Fig 175) and a need to reinstate un-used pitches and secured community use of 16 school sites, as well as enhancing other sites. All developments in all sub areas need to make contributions to cricket, guided by the site specific action plan (PPS Figs 177-181).





## Rugby

**3.23** There is a deficit of rugby pitches across the District (PPS Fig 207) that needs to be addressed through new pitch provision, community access to education pitches and enhancements of current pitches. The site specific action plan is to be used to guide to spending contributions (see PPS Fig 208).

## Hockey

**3.24** There is deficit across the district and a need for two new hockey-AGP pitches, securing and improving education sites so as to allow community use, and enhancement of current sites. The site specific action plan (PPS Fig 232) is to be used to guide contributions spend.

**3.25** The action plan within the relevant sport sections of the PPS identifies projects based on the needs evidenced by the strategy. The latest version of the consolidated action plan is available on the Council's website.

**3.26** The PPS recommends that the Sport England Playing Pitch Calculator is used to assess the demand and potential cost contributions arising from any development.

## 3.6 Part 4: Open Spaces Assessment

**3.27** This Open Spaces Assessment, referred to for consistency in this SPD as the Open Space Strategy, considers the current provision of open space across the District.

## Methodology

**3.28** This strategy comprises an assessment of the following types of open spaces across East Herts:

- Amenity Green Space
- Parks and Gardens
- Natural and Semi-Natural Green Space
- Allotments
- Cemeteries and Churchyards
- Children and Young People

**3.29** In total, 437 different sites were assessed. Each space was mapped and assessed against a number of qualitative factors as appropriate to the typology, such as whether it was well maintained, safe, and the condition of play equipment. Many open space sites are multi-functional, and this is recognised in the way in which they were assessed.



- 3.30** The assessment uses benchmark authorities and the Fields in Trust standards as a way of comparing quantity and accessibility standards with those in East Herts.

## Findings

- 3.31** Figure 6 of the open space strategy maps all of the open spaces included in the strategy. It provides a valuable overview of the extent and purpose of the existing open space network.
- 3.32** Sections 3 to 9 of the strategy examines the current provision of each type of open space for each of the towns and group 1 villages. Typology specific maps are also provided within these sections. Recommendations are developed for each typology, including revised standards of provision. The recommendations included a combined quantity standard for parks and gardens and amenity green space, though with separate accessibility and quality standards.
- 3.33** Figure 55 of Section 10 of the strategy summarises the recommended standards for open space. These are contained within Table 1 of this SPD.
- 3.34** There is no project specific action plan for open spaces, but the detail within the strategy and the quality assessment database for sites held by East Herts Council, provides a good starting point for assessing the potential local needs of a development site.



## 4 Applying the SPD

### 4.1 What is the scope of this SPD?

- 4.1** This SPD covers the most likely requirements for open space, sport and recreation facilities as set out in the Council's latest evidence base. It should be noted that the planning obligations outlined in this SPD are not however 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. 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, local services and facilities, in accordance with the National Planning Policy Framework (NPPF 2019), the CIL Regulations (2010 as amended) and other relevant National and District policies.
- 4.2** The average contribution per dwelling will be about the same so as to be fair and reasonable.
- 4.3** As new policy requirements emerge and change, the SPD will be updated and revised to reflect these changes.

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

- 4.4** The Council will normally require the provision of on-site or off-site contributions to all the sport, recreation and open space facilities/typologies. The need for these is evidenced by the relevant strategies, and any subsequent updates of them (see Section 3).
- 4.5** Other relevant policies where facility needs, planning obligation requirements and/or master plan needs are set out include the District Plan, Infrastructure Delivery Plan (IDP) and Neighbourhood Plans.
- 4.6** To help ensure compliance with the CIL regulations, the action plans for the built facilities and playing pitch strategies will be reviewed and updated on a regular basis. These reviews will update the project investment lists and priorities, taking into account emerging issues and costs information for specific projects, confirmation of delivery, or the identification of alternative projects should these be required. These action plan updates will not revise the standards of provision summarised in this SPD nor generally the scope of the developers' contributions being sought.



- 4.7** The Council is committed to full review and updating of the strategies approximately every 5 years. These extended reviews may then result in amended requests for developers' contributions generally, including potentially different standards and different types of sports facilities. In this case, the SPD will be updated and be subject to further consultation.
- 4.8** 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 an additional local need that it is not within a strategy but still can be justified and requested as a contribution.

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

- 4.9** The SPD will generally be applied to planning applications for new residential development that results in a net gain of 10 or more residential units. This is because a requirement for all sizes of development to undertake a planning obligation to secure open space and sports provision is unreasonable and unpractical. It would require numerous applicants to enter legal agreements which, on balance, would be costly and delay the decision making process for small applications.
- 4.10** In villages, where a specific 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. 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 a contribution towards the enhancement of play provision. Such contributions will be considered on a site specific basis and will need to comply with the CIL regulations.
- 4.11** The SPD will not be applied to extra-care, replacement dwellings, residential extensions and annexes, or renewal of a planning permission that has not expired at the time of submission of the application.

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

#### District plan strategic sites policies

- 4.12** A large or strategic facility may be required on a specific development site or allocation, as set out in the District Plan (2018) e.g. provision of playing pitches at WARE2. This can ensure that suitable land is planned from the outset, and provided at no cost to the community. This is particularly important where, for example, there is a need for a large sports land-take for playing fields, or a leisure centre.



- 4.13** For new strategic facilities, the District'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.

### Provision where new demand generates need

- 4.14** Provision on-site will generally be required where the development itself generates the whole or the majority of demand for an open space typology, sports facility or playing field. The process for determining the expected provision on-site and the demand generated by the development is set out in Section 5.

### Co-ordinating phased developments

- 4.15** Where housing sites are developed in phases or through multiple applications, and where the sports provision is required on-site for the wider development, 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. This also applies to unallocated sites where an early phase may not deliver a full need for a facility, but two or more phases do. In these circumstances, a single site for sports facilities including playing pitches serving all the development, or all its phases, may be required. Ideally if this were known ahead of land purchase agreements, the land need can be factored into land calculations. However, this may not always be the case, so in all such circumstances it is recommended that early Pre-Application discussions are sought by the applicant, landowner and developers. This is in line with District Plan Policy DEL1(ii)b and supporting paragraphs, as well as IDP paragraphs 5.2 to 5.4 and housing site specific policies.
- 4.16** 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 Green Infrastructure Plan, in line with District Plan Policy NE4(II)(a) and (b).

### Developments within a close geographical area

- 4.17** Where there are separate 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 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 East Herts Council and the masterplanning of such sites, opportunities should be sought to secure delivery into the largest housing 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.

## Phasing contributions

**4.19** The required timing and delivery of the sports, recreation, community and/or open space facilities 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. This is in line with Local Plan Policy CLFR 7 including CFLR7(III)(d).

**4.20** Where necessary, a one-off early commuted sum from the developer can 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.

## 4.5 Does land need to be provided and if so how?

**4.21** The District 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. Therefore, on-site contributions are important. 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. Requirements for the type of contribution will vary by the type of provision and on a site specific basis. More detail for different types of open space, sport and recreation is provided in Section 5 of this SPD. However, as a rule, developers need to provide appropriate land at no cost, suitably serviced.<sup>(3)</sup> Appropriate land will be expected to be provided where:

- The investment need is for a new facility to meet the demand directly generated by the population of the new development(s). In this case the developer is expected to meet all of the costs. These can include capital for provision, maintenance and life cycle costs in addition to land costs.

<sup>3</sup> Suitably serviced land means land with access to normal services at the boundary of the land, such as portable water, electricity, sewage, communications etc, as well as good physical access



- If the demand generated by the development is for the large majority (67% or more)<sup>(4)</sup> of a facility, then it needs to be provided on-site, and all necessary land will be provided by the developer at no cost, as well as the population-related proportion of the capital, maintenance and life cycle costs of the facility.
- If the demand is for less than 67% of a facility that needs to be or is to be provided on-site, then enough suitable land for the whole facility needs to be planned into the development. However only a proportionate amount of this land will be provided at no cost in line with the demand generated, and the value of the remainder will need to be funded from other sources but at a price that reflects its leisure use. The developer will be required to meet the population-related proportion of the capital, maintenance and life cycle costs of the facility
- If the land cannot be provided for on-site because of proven and acceptable 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.

**4.22** Where the Council agrees that land for a needed facility cannot be provided on-site, the Council can then require the applicant/developer to find, secure and fund appropriate alternative off-site land, or provide a sufficient contribution such that it is very likely the District will be able to identify and secure such land. The cost of such land should be based on its intended leisure use.

## 4.6 Can contributions be made to existing facilities?

**4.23** 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. This is in line with District Plan Policies CFLR1 (I) and CFLR7(II). The Built Facilities Strategy and Playing Pitch Strategy (see Section 3) have action plans which identify the larger facility investment needs. These action plans will be regularly updated by the Council and be made available online. 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 5 will aid the decision making.

4 Where there is a need of 67% or more for a facility generated by a development, it is a reasonable threshold above which on-site provision should be required



**4.24** Contributions need to meet the CIL tests, and should not exceed or cover what could reasonably be expected to be paid for by normal operational income. The operator (including a school or a club) will need to be supportive of this and comfortable both with the timescales for payment of contributions, and on delivering the outputs required.

**4.25** If an existing organisation such as a sports club or school is proposed to receive money from contributions towards specific facility provision, then the recipients should usually be expected to enter into a binding agreement with the Council securing appropriate community use, which could be included as one of the planning conditions relating to the facility. For schools, the terms of the agreement and as appropriate, the planning condition, should be based on the Sport England recommended models.<sup>(5)</sup>

## 4.7 Is there flexibility in requesting contributions?

**4.26** 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 to ensure the site specific context is taken into account.

**4.27** 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, for example where the funds are to be used towards a facility which is owned/managed by a profit-distributing body.
- 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 is 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.

<sup>5</sup> Sport England CUA Template Full Agreement, Sport England Model Planning Conditions March 2017, <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>.





- 4.28** The Council may include a clause in a Planning Condition or Obligation agreement to provide for an alternative CIL-compliant facility, to cater for unforeseen circumstances. This might include 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. This would still need to be a CIL compliant provision.

## 4.8 Is there early advice available to the developers?

- 4.29** 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.
- 4.30** It is also advised that, during the development of relevant future planning policies and new site allocations and/or masterplans, then all concerned (landowners, developers and the Council) should make an early consideration of what might be needed, even ahead of the start of an application. This will both support the delivery of required strategic facilities and enable the developer/landowner to take into consideration the potential impacts on site values.
- 4.31** It is further recommended that early guidance about the provision, design and delivery of open space, sport and recreation should be sought from the relevant agencies, such as Council's Environment team, Sport England, the national governing bodies of sport and Hertfordshire County Council.

## 4.9 How are legal agreements made?

- 4.32** 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. It is to be noted that the 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 agreed by all parties, and will agreed on an individual basis, and is not to be used as a means to backtrack on agreed obligations where needs as a result of the development still arise.

## 4.10 How is inflation dealt with?

- 4.33** The base costs in this SPD are current costs based on Q2/2019, 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. The first review will occur in 2021 and we will rebase these costs using the All Items Index of Retail Prices (RPI). For built facilities we will use the Building Construction Information Service (BCIS) Index. Information on the current baseline figures to be used for new S106 Agreements or Unilateral Undertakings will be listed on the Council website and will be updated annually to reflect the annual percentage increase.
- 4.34** 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.

## 4.11 Monitoring and enforcement

- 4.35** 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 or and 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.
- 4.36** 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.



- 4.37** 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 recover will be sought.
- 4.38** To cover the cost of monitoring, the Council may charge a monitoring fee which is which will be index linked and is payable on or prior to the commencement of the development.
- 4.39** The Council will monitor and report annually on the section 106 contributions received in the Authority Monitoring Report and Infrastructure funding statements.



## 5 Calculating Contributions

### 5.1 Is there a list of what facilities are needed?

- 5.1** In addition to the facility priorities identified in the action plans of the relevant strategies (Section 3 and East Herts Council's web site), consultation with National Governing Bodies of Sport, Parish or Town Councils, sports clubs, other local organisations and consultees may identify an additional local need that it is not in a strategy but still can be justified and requested as a contribution.

### 5.2 What demand will there be for facilities and open space from the residents of a new development: quantity; accessibility; quality?

- 5.2** The justification for contributions is based around the assessment of demand generated by a development's expected population compared to the availability and quality of the existing network of open spaces, sport and recreation facilities. Standards of provision guide this assessment of need and relate to the quantity, accessibility and quality of facilities and open spaces, as set out in Table 1. These have been derived from the relevant strategies (see Section 3).

#### Quantity

- 5.3** The quantity requirements are based on the demand generated by the development. This is derived from the relevant strategies. This can be expressed for example as the facility need per 1,000 people for built facilities and open space, and the quantity standards for each built facility type<sup>(6)</sup> and open space are summarised in Table 1. The quantity of demand for pitch sports is more complex and Sport England has therefore developed a Playing Pitch Calculator to help assess the demand for these sports.<sup>(7)</sup>

#### Accessibility

- 5.4** The accessibility requirement includes the acceptable travel distance (catchments) to a facility or open space.
- 5.5** 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 District, but none located within the appropriate catchment area of a development, so a new facility or open space may need to be provided.

<sup>6</sup> In relation to the Built Facilities Strategy (2017) the "standards" in Table 1 are the same as the "Provision Guide for new developments" (Fig 48). The term "standards" has been used in this SPD because of the need to encompass all sport, recreation and open space developers' contributions and the terminology is most easily understood.

<sup>7</sup> Sport England Active Places Power web site <https://www.activeplacespower.com/>



## Catchment distances

- 5.6** The facility catchments are set out in Table 1 are based on the recommendations from the relevant strategy and are justified by the detailed assessments undertaken. The catchments vary from up to 20 minutes drive to facilities such as swimming pools, sports halls and 3G-AGPs, down to a 400m walk for a LEAP.

## Other accessibility considerations

- 5.7** 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.
- 5.8** Certainty of public access, typically for paid facilities, includes if it is affordable and fully available for sufficient hours to the community at evenings and weekends. Typically, these should not be less than for 5pm to 10pm for Monday to Friday, 8am to 10pm on Saturday, 8am to 8pm on Sunday.
- 5.9** For example, there may be a sports hall at a local private school that is used by some members of the community, but its hours of use may be too limited, and the future community use may be able to be terminated at any time. Such a facility would not be considered to have secure community use.
- 5.10** A commercial gym may offer enough peak time hours for community pay and play at an affordable price (be it cheap membership or pay-as-you-play), and so would count as a community accessible facility, so any spare capacity there would need to be taken into account.
- 5.11** Public open spaces and play facilities should be available at all times, unless exceptional circumstances are agreed with the Council.

## Quality

- 5.12** The quality requirement relates to the quality, design, layout and specification of facilities.
- 5.13** The facilities that are provided should reflect current best practice in design, layout and specification, including current guidance from Sport England, National Governing Bodies of Sport, and Fields in Trust, as relevant.<sup>(8)</sup> This should apply to refurbishments, extensions and new build proposals.

8 England and the National Governing Bodies for sports. Developers should check that they are using the latest available guidance relevant to their proposals



**5.14** The age and overall condition of a facility will impact upon its quality as generally, the older the facility is, the less attractive it is to users. As a result such a facility may have less capacity to meet the demand generated from a development.

**5.15** 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.
- Is appropriately designed to enable recreational use by the whole community, including for those people with disabilities or cultural restrictions.
- Appropriately landscaped.
- Maintained safely and to the highest possible condition with available finance.
- Positively managed taking account of the need for repair and replacement over time as necessary.
- Provision of appropriate ancillary facilities and equipment.
- Provision of footpaths and cycleways/cycle access.
- Designed so as to be free of the fear of harm or crime
- Designed to the relevant technical standards produced by Sport England, national governing sporting bodies or professional or trade organisations, such as the Institute of Groundsmanship and the Sports and Play Construction Association.

### 5.3 What are the standards of provision?

**5.16** Standards for provision are set out in Table 1. They are referred to in the flow charts in section 5. The quantity standards underpin the calculators on the East Herts Council's website. Examples of their application are given in the 'Worked Examples' in section 6.

**5.17** 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 (within the catchments given in Table 1 and accessible as defined by Section 5.2), but its quality is poor. In this situation contributions may be towards investment in the quality of the facility or open space in order to increase its capacity, so that it can meet the development's assessed demand.

# Open Space, Sport and Recreation SPD



**Table 1: Standards of provision for different types of facility in East Herts**

Facility	Measurement		Accessibility (9)	Quality	Source
Sports halls	0.29	Badminton courts per 1,000 people	About 20 mins drive time, fully available at peak time	Design and quality to meet Sport England or the relevant national governing body guidance	BFS
Swimming pools	11.31	sqm of water space per 1,000 people	About 20 mins drive time, fully available at peak time	Design and quality to meet Sport England or the relevant national governing body guidance	BFS
Gyms	7.17	Fitness stations per 1,000 people	Up to 15 mins drive time	Design and quality to meet Sport England guidance	BFS
Studios	0.13	Studios (140sqm) per 1,000 people	Up to 15 mins drive time, fully available at peak time	Design and quality to meet Sport England guidance	BFS
Outdoor tennis	0.32	Courts per 1,000 people	Up to 10 mins by car, available at all times	Design and quality to meet Sport England or the relevant national governing body guidance	BFS
Outdoor bowls	0.59	Rinks per 1,000 people (provided as a 6-rink facility)	Up to 15 mins drive time, available at all times	Design and quality to meet Sport England or the relevant national governing body guidance.	BFS

9 Accessibility standards are taken from the sports strategies, and if not there then as an average from various Sport England approved strategies for PPS's and from Fields In Trust (F.I.T) Guidance for open space and play

# Open Space, Sport and Recreation SPD



Village or community halls	120	sqm/1,000 people	Up to 800m walk	Design to be agreed with Council	BFS1
Football grass pitch	Quantity of demand generated by Sport England Playing Pitch Calculator		About 15 mins drive time	Design and quality to meet Sport England and national governing body guidance	PPS
Football 3G artificial grass pitch (3G-AGP)			About 20 mins drive time, fully available at peak time	Design and quality to meet Sport England and national governing body guidance	PPS
Rugby grass pitch			About 20 mins drive time	Design and quality to meet Sport England and national governing body guidance	PPS
Cricket grass pitch			About 15 mins drive time	Design and quality to meet Sport England and national governing body guidance	PPS
Hockey artificial grass pitch			About 20 mins drive time, fully available at peak time	Design and quality to meet Sport England and national governing body guidance	PPS
Children's play and provision for young people	0.25	Ha of designated equipped playing space per 1,000 <sup>(10)</sup>	100m for LAPs; 400m for LEAPs; 1000m for NEAPS and youth/teenage	New LEAPs and NEAPs should meet FiT guidelines.	OSS

10 A full network of LEAPs and NEAPs and Teenage facilities is to be provided in towns and 'Group 1 villages'. A full network of LEAPs is to be provided in the 'Group 2 villages' and other settlements where the population is greater than 200 people and there is an identified local need.





				<p>Teenage provision should follow best practice and be designed following consultation with young people.</p>	
<p>Amenity green space, parks &amp; gardens</p>	<p>1.4</p>	<p>Ha per 1,000 people</p>	<p>710m for parks &amp; gardens and 480m for either parks and gardens or amenity green space</p>	<p>Parks: Green Flag Award</p> <p>Sites should be kept well maintained with well-kept grass, planting and vegetation. High quality and appropriate ancillary facilities should be provided.</p> <p>AGS: Green Flag standard</p> <p>Sites should be well maintained with appropriate vegetation and planting. Appropriate ancillary facilities, such as litter bins and seating should be provided.</p>	<p>OSS</p>



Natural/ semi-natural greenspace	3.2	Ha per 1,000 people, to Green Flag standards	720m	Green Flag standard  Natural and semi-natural green spaces should have natural features (including water where appropriate). If provided, Public Rights of Way, footways and cycle paths should be clear and unrestricted and conservation areas should be identified. Sites should be maintained to an appropriate conservation standard.	OSS
Allotments	0.30	Ha per 1,000 people, to Green Flag standards	1000m	Allotments should, where appropriate, have parking, toilets, a water supply, access pathways and good signage.	OSS

Source key:

*BFS: Built Facilities Strategy 2017*

*BFS1: Built Facilities Strategy (also see footnote for provision in large developments/  
Garden Towns)*

*PPS: Playing Pitch Strategy 2017*



OSS: *Open Spaces Strategy 2017*

## 5.4 What population figure should be used in assessment of demand?

- 5.18** 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.
- 5.19** The average number of people per household in the District is 2.32, derived from MHCLG/ONS Census data.<sup>(11)</sup> This figure will need to be updated from time to time as national and local population statistics change.
- 5.20** The estimated population of a development, for both outline and full applications will be based on 2.32 persons per dwelling. Thus, a development of 100 dwellings will be assessed as generating a population of 232 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.
- 5.21** 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.

## 5.5 What is the process for assessing demand?

- 5.22** The CIL test of ensuring any contributions are 'fairly and reasonably related in scale and kind to the development' require that any contributions sought are directly proportional to the anticipated population of the development.
- 5.23** The East Herts built facility and open space Contribution Calculators and the Sport England Playing Pitch Calculator 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 1. These in turn are based on the relevant District strategies (see Section 3). The Sport England Playing Pitch Calculator can be used to assess the demand for playing pitches. East Herts Council is able to provide this information as required.
- 5.24** The outputs help to inform the decision process, summarised by decision flow charts in Section 5.7.
- 5.25** In addition, there may be justified local needs which the developer identifies through local consultation, including with the District and town/parish councils.



## 5.6 How are the demand and potential contributions calculated?

- 5.26** The sports built facility costs as set out in appendix D, incorporated into the Built Facilities Calculator available on the Council's website and used in the worked examples in this SPD (Section 6) are based on: Sport England's latest facility costs guidance;<sup>(12)</sup> costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including sourced from SPONS Construction and Landscape Price Books.<sup>(13)</sup> These costs calculate automatically on inputting of the number of dwellings or anticipated population. The costs in the calculator will be indexed (see Section 4.10).
- 5.27** The playing pitch contribution costs, both capital and lifecycle, for a given population are generated automatically in the Sport England Playing Pitch Calculator, and these are regularly updated by Sport England.
- 5.28** For open space, the capital costs per area of each typology (see appendix D) are based on relevant and up to date cost sources. This includes SPONS External Works and Landscape Price Book (2019). An open space calculator is available on the website to assist calculations.
- 5.29** 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 should properly consider them.

## 5.7 How should decisions be made about what is required?

- 5.30** The CIL tests require that any contributions should be necessary to make the development acceptable in planning terms (see Section 2.4).
- 5.31** 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 (see Section 4.4).
- 5.32** An assessment will therefore be required 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 (see Section 5.2).

12 Sport England Facility Costs Q2/2019, Life cycle costs (2012 costs, but expressed as percentages of capital costs)  
13 SPONS External Works and Landscaping Costs 2019



- 5.33** The findings of the Built Facilities Strategy and Playing Pitch Strategy, and their relevant action plans (see Section 3) will help to guide the wider geographical considerations. The findings from local consultation (see Section 5.5) will also be important, particularly in relation to the open space typologies.
- 5.34** Flow diagrams are provided below to aid the decision process. There is one each for built facilities, playing pitches and open space.

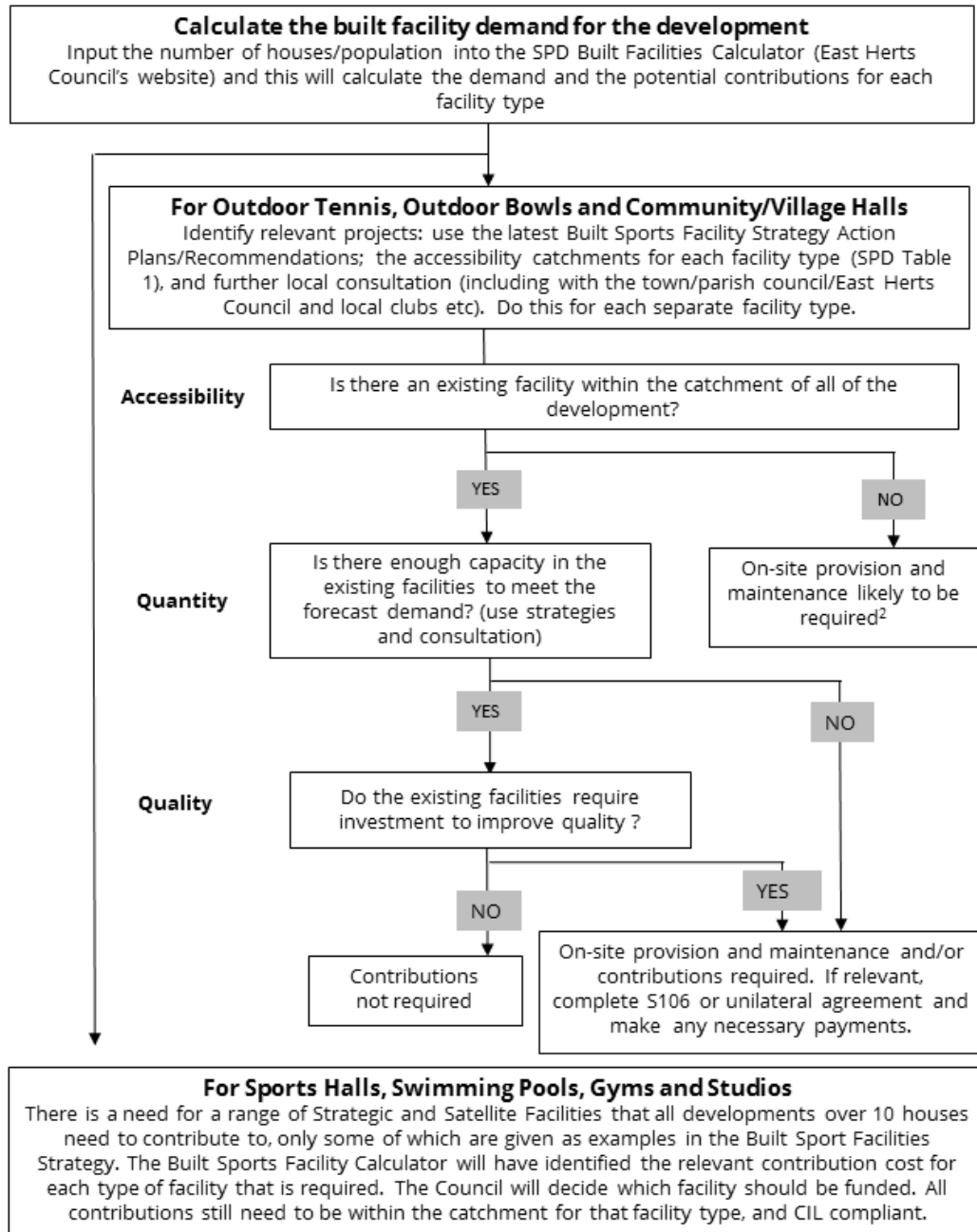


## Built Sports Facilities Contributions Flowchart

- 5.35** Built sports facilities includes sports halls, swimming pools, gyms, studios, tennis, outdoor tennis, outdoor bowls, and community/village halls (see note 1 of figure 2). This flowchart needs to be considered alongside relevant paragraphs in this SPD (e.g. Table 1 on standards of provision, paragraphs 5.51 – 5.53, the worked examples in figure 5), and the latest Built Sports Facility Strategy Action Plans and Recommendations.
- 5.36** For built sports facilities, there are two parts to the flowcharts that inform developer contributions. One is for outdoor tennis, outdoor bowls and community/village halls, and the other is for sports halls, swimming pools, gyms and studios (see note 1 of figure 2).



**Figure 2: Built Facilities Contributions Flowchart**



Note 1: there are other built sports facilities (e.g. athletics, gymnastics and indoor bowls), but the current Built Sports Facility Strategy specifically does not ask for contributions to these, as the priorities lie in the sports considered above.

Note 2: If the demand from the development is for 67% or more of a facility, then the land for the whole of the facility should be provided for on-site at no cost, and the population proportion of the facility cost.



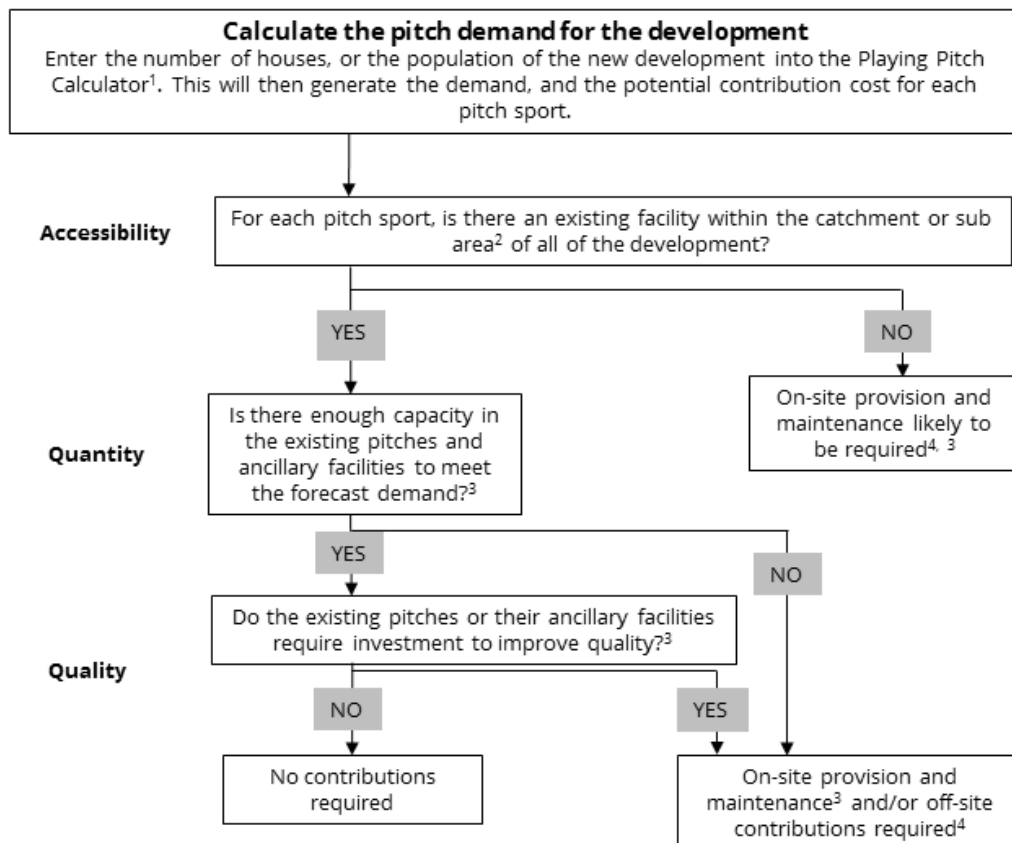
## Playing Pitch Contributions Flowchart

- 5.37** 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 1 on standards of provision, paragraphs 5.54 – 5.60, the worked examples in figures 6 and 7, and the latest Playing Pitch Strategy Action Plan and Recommendations.





Figure 3: Playing pitch contributions flowchart



Note 1: As of May 2020, Sport England is currently limiting the use of their Playing Pitch Calculator on the Active Places Power website to local authorities and their consultants. Therefore, developers will need to contact the council's planning team.

Note 2: The PPS explains why it can be assumed that all facilities within a sub-area are deemed to be within the catchment area of a development in that sub area. The facility to which contributions are to be given may not be the nearest facility in that sub-area as different clubs cater for different sports needs e.g. for adults, women, youth, minis, girls, higher/lower leagues.

Note 3: To identify relevant projects: use the latest Playing Pitch Strategy Action Plans and Recommendations, the accessibility catchments for each facility type (SPD Table 1), and undertake further local consultation (e.g. with the parish/town council). If there is significant new pitch provision required (e.g. a whole new pitch) then also consult the District Council, the relevant national governing body and Sport England. Do this for each separate pitch sport. This can inform whether the provision is on-site, towards an existing site, or towards a new Strategic Site.

Note 4: If the demand generated is 67% or more of the facility type then on-site provision may be needed with the land for the whole of the facility provided for on-site at no cost, and the population related proportion of the facility cost (see SPD para 5.61 and para 5.63). If there is facility need (e.g. a quality improvement) where the facility is just outside the sub-area, but still within the drive time catchment, then contributions can be required for that facility.



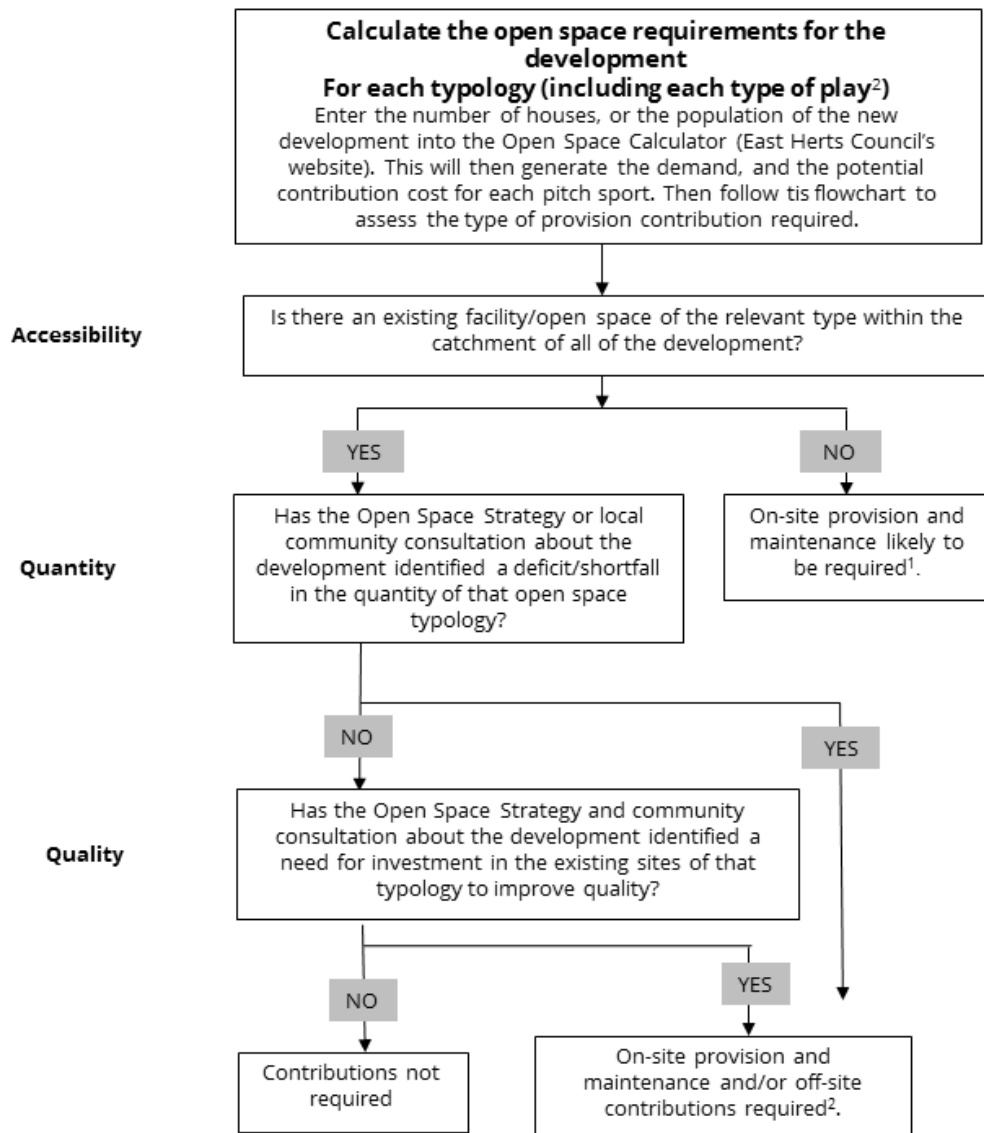
## Open Spaces Contributions Flowchart

**5.38** Open Space includes: Amenity Greenspace/Parks and Gardens; Natural/Semi-natural Greenspace; Allotments and Play. This flowchart needs to be considered alongside relevant paragraphs in this SPD (e.g. SPD Table 1 on standards of provision, SPD paragraphs 5.61-5.75, the worked examples in figure 8, and the latest Open Spaces Strategy and accessibility maps for each typology (noting the maps only cover the main settlements). Local consultation, e.g. with the parish/town council as well as with EHDC is required.

# Open Space, Sport and Recreation SPD



Figure 4: Open Spaces Contribution Flowchart



Note 1: On development sites generating less than 0.2ha of the combined Parks & Gardens and Amenity Green Space typology, Natural and Semi-Natural Green Space or allotments 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 1, and meets the requirements for accessibility given in section 5.2

Note 2: For Play contributions see SPD table 2

Note 3: If the demand generated is 67% or more of the facility type then on-site provision may be needed with the land for the whole of the facility provided for on-site at no cost, and the population related proportion of the facility cost (see SPD paras 4.21- 4.22). If there is facility need (e.g. a quality improvement) where the facility is just outside the sub-area, but still within the drive time catchment, then contributions can be required for that facility.



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

- 5.39** 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, otherwise the value of the new provision will deteriorate.
- 5.40** In accordance with District Plan policies CFLR1 and CLFR7, in addition to the capital cost (or provision) of a new/extended facility, there will usually be additional costs including maintenance and in some cases also life cycle costs for long term replacement. For example, towards the carpet on an artificial grass pitch or play equipment. This applies both to contributions on-site and off-site. These contributions recognise that local authorities may be unable to cover any additional costs and will help to ensure that new facilities remain operationally viable. The contributions would need to be reasonable and fair, and not used to subsidise a commercial i.e. profit-distributing body. Similarly, maintenance and life cycle costs would not be appropriate where it can be argued that normal facility operational income should cover these costs.
- 5.41** 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 flexibility in the seeking of developers' contributions, as set out in Section 4.7.

## 5.9 How are maintenance and life cycle costs calculated?

- 5.42** Maintenance and life cycle costs, where justified, should be calculated and included in the contributions' request. These may be based on Sport England's or the relevant national governing body advice for sports facilities, or on the costs in Appendix C for open space and play, as relevant.
- 5.43** 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 should properly consider them.
- 5.44** Developers will need to demonstrate they have secured an acceptable means of ensuring future maintenance, particularly of open space. If proposing to use a management company details will need to be submitted with the planning application to ensure the council is satisfied that appropriate arrangements are in place to effectively maintain the provision in perpetuity.



## 5.10 What is meant by 'Appropriate Land' and how will the costs be calculated?

- 5.45** Appropriate land means, for example, sufficient land for the sport and its ancillary facilities (such as parking), in an appropriate and accessible location, of the right type to allow the sport to be played as envisaged by the relevant national governing body, able to be viably serviced, and for pitches, would need to allow an acceptable layout with the correct orientation and with the pitches suitably level (typically 1:100 slopes) with good drainage, outside of the floodplain, and away from tree canopies.
- 5.46** It is also important to ensure that the function of the land is not compromised by adjacent development. For example, a sports or recreation use does not significantly impact on residential amenity (noise, light, traffic, parking, cricket ball strike, etc).
- 5.47** 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 by leaving a sufficient area around a cricket pitch to prevent ball strike issues. There is case law on this matter<sup>(14)</sup>.
- 5.48** For off-site provision and where an off-site land cost is justified, then in addition to the facility contribution for capital, maintenance and life cycle costs, a land cost contribution will also be required. Alternatively, the land will need to be secured for permanent community use by the developer by other means.
- 5.49** The land cost contribution will normally be based on the local market cost for the relevant land use.
- 5.50** Land provision examples:
- Should it be agreed a housing development needs to develop on sports facility land, then (subject to it being acceptable in planning terms) suitable new land will need to be secured and the facility constructed, along with the necessary ancillary facilities. It will need to fully meet NPPF and Sport England's advice,<sup>(15)</sup> as well as District Plan Policies including CFLR1 and CFLR8.
  - Should the housing development generate 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 they wish to see such a facility developed, in which case there would be no cost of land purchase.

14 See Sport England's Appeals database (one example: east Meon CCv East Hants DC [CO/1894/2014])

15 Sport England: Playing Fields Policy and Guidance March 2018



- Should a development generate the need for 67% or more of any sports or recreation facility, then this facility should generally be provided on-site, and all necessary land will be provided by the developer at no cost as well as the population related proportion of the cost of the facility.
- If a developer is required to provide for a facility on-site, for example because of master plan or other policy requirements, but the need generated by the development is only, for example, 40% of the facility (so 40% of the land), then the developer will be required to provide all the land, as long as the additional 60% of the land is paid for by another body (e.g. as the District Council, sports club or a Town Council). The land cost in this case will be set at the local market rate for the planned leisure use, and not at the housing market rate.

**5.51** There may be a need to add to the contributions the total cost of other local and/or site-specific costs e.g. abnormal ground conditions, site access needs, structural landscaping, acoustic fencing, legal fees etc.

## 5.11 How are contributions costed for upgrades and extensions to existing sport and recreation facilities, playing pitches and open spaces?

**5.52** 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, SPONS Architects Built Construction or local market estimates or quotes.

**5.53** The Built 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 SPONS External Works and Landscape Price Book (2019) and locally derived maintenance contract cost prices.

**5.54** Local costs can be used, 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 should properly consider them.

## 5.12 How will contributions for built sports facilities be used?

**5.55** The flow chart in Section 5.7 for built facilities has two parts:



## Sports hall, swimming pools, gyms and studios

- 5.56** The contributions will be towards strategic and satellite facilities. East Herts Council will decide which facility will be funded, guided by the Built Facilities Strategy action plan latest version, which is available on the Council's website.

## Outdoor tennis, outdoor bowls and community/village halls

- 5.57** The Built Facilities Strategy's action plan, which is available on the East Herts Council's website, will provide some guidance about requirements, but this should be supplemented by local consultation to identify local needs and how these should be met.

## 5.13 How will contributions be calculated for playing fields?

- 5.58** The justification for contributions for playing pitches is the Playing Pitch Strategy (2017) and its action plan. The PPS's action plan will be updated, including the investment priorities and updated costs for specific projects. The update will be available on the Council's website and will ensure the list of projects requiring S106 contributions is up to date so the most appropriate way of meeting the demand from the new development can be met.
- 5.59** The decision flow chart (see Section 5.7) refers to the Sport England Playing Pitch Calculator which is hosted on their Active Places Power website. This uses the District's local population profile, team numbers and sports club membership information, and is pro rata for the population of the proposed new development.
- 5.60** Playing pitches lie within playing fields. The playing fields area that needs to be provided must also accommodate access, parking, pavilion space, landscaping, spectator space and any other land unusable as pitch space. The land area to be provided will therefore normally need to be approximately 150% of the area of the new pitch space required.
- 5.61** If the demand generated by the development is for the large majority (67% or more<sup>(16)</sup>) of two adult pitches for football, or two adult pitches for rugby, or one 8-wicket pitch for cricket, or one AGP, then the playing field space for the pitches and accompanying ancillary facilities are likely to be required to be provided on-site. All necessary appropriate land will be provided by the developer at no cost, as well as the population-related proportion of the capital, maintenance and life cycle costs of the facility.

16 Where there is a need for 67% or more of a facility generated by a development, it is a reasonable threshold above which on-site provision should be required

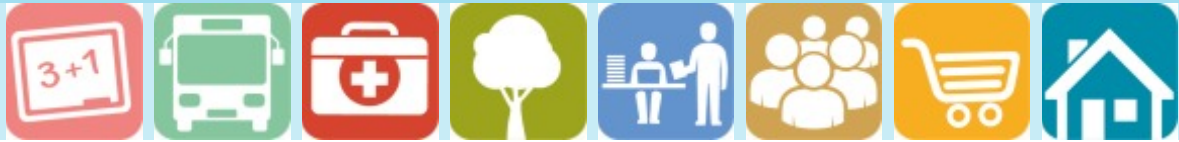


- 5.62** If the calculated pitch amount is less than 67% of: two adult pitches for football, or two adult pitches for rugby, or one 8-wicket pitch for cricket, or one AGP, then usually an off-site contribution will be required. However, this is dependent upon demonstration to the Council's satisfaction, that there is sufficient accessible capacity elsewhere to meet the new demand arising from the development. This is because playing fields of less than these numbers of pitches usually struggle to be viable. The preference is usually to support large club sites, and/or multi-pitch grass sports hubs with two or more sports and other recreation activities.
- 5.63** Sport England advises that developers should contact them for early advice about playing pitch provision proposals, whether this is on-site or off-site.
- 5.64** Section 6 provides a worked example of the costs for playing pitches and pavilions based on 700 dwellings.

## 5.14 What is considered to be open space?

- 5.65** Public open spaces and play include: the combined typologies of Parks & Gardens with Amenity Greenspace; Natural and Semi-Natural Greenspace; allotments; youth facilities (e.g. MUGA/skatepark); and, children's and youth play. All open spaces are required to be publicly accessible at all times. They should also be safe, attractive and of a functional size. Allotments may have some restriction on public access due to security needs.
- 5.66** The following land uses do not 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.
- 5.67** In relation to sustainable urban drainage (SUDS) areas, some of these areas may 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.
- 5.68** Whilst not included in calculations for open space provision, canals have important recreational value. As such, development sites within 50 metres of inland waterways will be expected to make contributions towards the improvement or re-naturalisation of the waterway, and improvements and enhancements of the canal environment and its towpath. 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.





**5.69** 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 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.

## 5.15 What is the minimum size of a public open space?

**5.70** The minimum area of provision for the combined typology of Parks & Gardens and Amenity Green Space or Natural and Semi-Natural Green Space or Allotments should be 0.2 ha. This is based on the minimum size of area included within the open space strategy.

**5.71** On development sites generating less than 0.2ha of any one of: the combined Parks and Gardens and Amenity Green Space typology; Natural and Semi-Natural Green Space; or Allotments, 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 1, and meets the requirements for accessibility given in Section 5.2.

## 5.16 What are the long term requirements for public open space?

**5.72** Where there is a need for new or upgraded open space, the contribution is calculated using the standards of provision in Table 1. Where there is an existing facility off-site, the contributions may be pro-rata.

**5.73** As well as the provision of open space and play facilities, their maintenance and life cycle costs will be required to be met.

**5.74** Should the new provision be adopted by the East Herts Council or by a Town or Parish Council, then a commuted management sum would be payable for a period of not less than 20 years with the contributions being given to the relevant body. Appendix C identifies the average cost of maintaining different open space typologies based on locally derived maintenance costs. As set out in Section 4.10, these costs will be indexed to take account of inflation.

**5.75** 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 should properly consider them. The Council will be willing to consider other management approaches put forward by developers on a



case by case basis. Nevertheless, the Council will 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. These alternative arrangements will require open space management in perpetuity.

- 5.76** 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.

## 5.17 What play provision is required?

- 5.77** 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 2. The 67% approach set out in Section 4.5 also applies to play provision. For example, this means that a development of 47 dwellings 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 67% threshold for NEAP and teenage provision is 269 dwellings.
- 5.78** Any variations to this approach will need to be adequately justified by the applicant and agreed by the Council.
- 5.79** 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.

# Open Space, Sport and Recreation SPD



**Table 2: Play provision required per size of development**

On-site provision required for: Scale of development	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Provision for teenagers e.g. (MUGA; Skatepark; adventure play)
1-9 Dwellings	No contribution or provision	No contribution or provision	No contribution or provision
10-46 Dwellings	Contribution off-site	Contribution off-site	Contribution off-site
47-69 Dwellings	Provide on-site if no accessible facility	Contribution off-site	Contribution off-site
70- 268 Dwellings	Provide one LEAP per 70 dwellings	Contribution off-site	Contribution off-site
269-399 Dwellings	Provide one LEAP per 70 dwellings	Provide on-site if no accessible facility	Provide on-site if no accessible facility
400+ Dwellings	Provide	Provide	Provide

**Note 1: 0.25ha/1,000 (FIT standard) = 2500sqm/1,000. A LEAP is 400sqm equipped play, so this equates to 160 people or an average of 69 dwellings. A NEAP is 1,000sqm so equates to 400 dwellings. Teenage provision provided on similar basis to NEAP.**

**67% threshold for LEAP: 47 dwellings**

**67% threshold for NEAP and teenage provision: 269 dwellings**

**On larger sites, where a number of LEAPs and possibly NEAPs are needed, consideration should be given to the best mix of LEAPs and NEAPs, taking into account the required accessibility. For example, If the demand is for say, 4 LEAPS, but three LEAPs can fill the catchment needs, then one or more of the LEAPs or the NEAP may have a larger equipped area to compensate.**



## 6 Worked Examples

- 6.1 The following are worked examples for contributions towards built facilities, playing pitches and open spaces.



**Figure 5: Worked example for calculating built facilities- development of 700 houses**

**Population: 700 houses x 2.32 per dwelling = 1,624 people**

### Sports Halls

- The Built Facilities Strategy (BFS) identifies a need for new hall facilities in all sub-areas, as well as enhancing the Drill Hall in Ware, and improving school sites with community access (see Built Facility Study Executive Summary paras 3.34 – 3.41)
- The standard of provision is 0.29 courts per 1,000 people. The need is: 0.47 courts.
- Contributions are sought off-site for 0.47 courts.
- The capital cost of 1 court based on a 4-court Hall is £618,750
- The sports hall contribution is £291,407.
- To this is added the lifespan cost at 0.5% of the capital cost per annum for 25 years, being £36,426; and then add 1% per annum maintenance costs over 25 years, being £72,852.
- The total hall contribution will be £400,684.

*Note: A sports hall is a strategic facility, with a catchment of around 20 minutes' drive and so accessible to effectively all the District.*

### Swimming Pools

- The Built Facilities Strategy identifies need to provide new and replace/refurbish existing pools (see paras 4.25-4.36).
- The standard of provision is 11.31sqm of water space/1,000 people.
- The need is: 18.37sqm of water space.
- Contributions are sought off-site for 18.37sqm of pool space.
- The cost for pool space is £16,224/sqm.<sup>(17)</sup>
- The swimming pool Contribution is £16,224 x 18.37sqm = £297,993.
- To this is added a lifecycle/replacement contribution at 0.5% per annum for 25 years, being £37,249; and then a maintenance cost a 1% per annum for 25 years, being £74,498.
- The total pool contribution will be £409,741.

*Note: A swimming pool is a strategic facility, with a catchment of around 20 minutes' drive and so accessible to the large majority of the District. All applications can be requested to contribute to such a facility. Costs based on a 6-lane pool.*

### Fitness Gym

17 Based on Sport England costs for a 6-lane pool



- The Built Facilities Strategy identifies that there will be a need for additional fitness/gym provision to meet future demand.
- The standard of provision is 7.17 stations per 1,000 people.
- The need is:  $1624/1000 \times 7.17 \text{ stations} = 11.64 \text{ stations}$ .
- Contributions are sought for 11.64 stations.
- The cost of a station is £11,122 per station (includes building and equipment).
- The contribution will be £129,505.
- To this is added the lifespan cost at 0.5% of the capital cost over 25 years, being £16,188; and then the maintenance cost at 1% of the capital cost over 25 years, being £32,376.
- The total fitness gym cost will be £178,070.

*Notes: A gym station cost is based on a 100 station gym at £1,810 per sqm; being a typical gym area of 420sqm plus 20% for changing, reception and circulation = 504sqm, so a total build cost of £912,240, with an additional £2,000 per station (£200,000), totaling £1.112,240m, being £11,122/station.*

## Studio

- The Built Facilities Strategy identifies that there will be a need for additional studio provision to meet future demand.
- The standard of provision is 0.13 studios per 1,000 people.
- The need is: 0.21 studios.
- An average studio is 140sqm, with a cost of £1,810/sqm.
- Contributions are sought for  $(140 \times 0.211) \text{ sqm} \times £1,810/\text{sqm} = £53,498$ .
- To this will be added the lifespan cost at 0.5% per annum for 25 years, being £6,687; and then the maintenance cost at 1% of the capital cost for 25 years, being £13,374.
- The total studio contribution will be £73,559.



## Outdoor Bowls

- There is an identified need in the Built Facilities Strategy for two new 6-rink facilities in the Gilston Area and the Buntingford Area. Contributions from development in the Buntingford, Watton and Bishop's Stortford sub areas will be directed towards the Buntingford facility, and from the Hertford/Ware and Gilston/Sawbridgeworth area towards the Gilston area facility. There is also a need to provide for short-mat bowls at village and community halls (with storage), and contributions can be allocated to this.
- The standard of provision is 0.59 rinks per 1,000 people.
- The need is: 0.96 rinks.
- Contributions are sought for 0.96 rinks (with a capital cost of £68,333 per rink including clubhouse, based on 6 rink green).
- To this is added a maintenance cost of 6.3% of the capital costs per annum, being £103,122 for 25 years. Sport England does not advise lifespan costs for outdoor bowls.
- The total outdoor bowls contribution will be £168,596.
- This outdoor bowls contribution can be allocated to support indoor short-mat bowling in a local village hall/ community centre.

## Outdoor Tennis

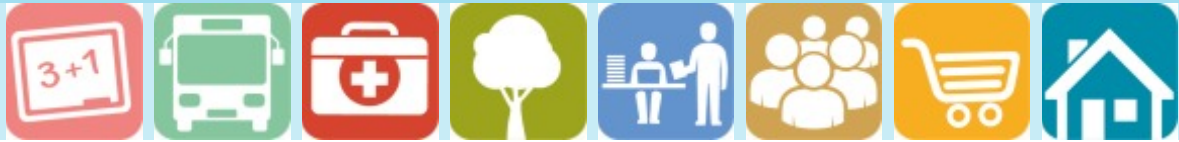
- There is a need for new tennis courts, as set out in the Built Facilities Strategy.
- The standard of provision is 0.32 courts per 1,000 people.
- The need is: 0.52 courts.
- The capital cost per court including a two changing clubhouse (£260,000), based on a floodlit £375,000 4-court site, is £158,750 per court.
- The contribution is £82,499.
- To this is added the lifespan cost at 1.2% of the capital cost per annum for 25 years, being £24,750; and then the maintenance contribution at 0.4% per annum over 25 years, being £8,250.
- The total tennis contribution will be £115,499.



## Village/Community Centres

- There is a need for village/community centres, as set out in the Built Facilities Strategy.
- The need is 120sqm per 1,000 people.
- The capital cost is £1,810 per sqm, excluding the cost of ancillary facilities such as car parking.
- The demand from the development is 195sqm.
- The capital contribution is £352,733.
- A contribution may be sought towards revenue costs up until the whole of the development which the facility is designed to serve, is fully built out.





## Figure 6: Worked example for calculating playing pitches- development of 700 houses

**Population: 700 houses x 2.32 per dwelling = 1624 people [Outline application]**

This uses the Sport England April 2020 version of the Playing Pitch Calculator,<sup>(18)</sup> which uses a district-wide population profile and the estimated population of the development. It also uses the district-wide team numbers for the pitch sports drawn from the East Hertfordshire PPS (2017), inclusive of displaced and latent demand.

The calculations below assume that all the matches take place at peak time, whatever the league. It also assumes that there is no change in rates of participation over future years.

The Worked Example outputs give an overall indication of the developers' contributions which may be required for a development of this size.

### Playing Pitch Calculator output

The text in black is from the Sport England Playing Pitch Calculator. The text in red provides the 20 year life cycle cost for the pitches and pavilions and a total cost of the provision. The life cycle costs include both annual maintenance and an annual contribution towards a sinking fund to cover such things as the replacement carpet for artificial pitches and major drainage works for natural grass pitches.

The nature of the project to which the contributions are directed will determine the justification or otherwise of the maintenance and life cycle costs. Most playing fields will expect to charge for use, but the extent to which the income from activities covers the cost of maintenance and sinking fund will depend on the site. For example, a 3G artificial turf pitch may usually be expected to generate sufficient income to meet its life cycle costs. However grass football pitches are often not used enough to cover all of the maintenance costs.

# Open Space, Sport and Recreation SPD



	Output from Sport England Playing Pitch Calculator			Calculated contributions for 20 years life cycle costs for pitches	Total cost: capital plus 20 years life cycle costs for pitches
	Number of pitches required to meet the estimated demand	Capital Cost	Life cycle cost (per annum)		
<b>Total</b>	<b>3.48</b>	<b>£519,356</b>	<b>£74,606</b>	<b>£1,492,117.57</b>	<b>£2,011,473.83</b>
<b>Natural Grass Pitches Total</b>	<b>3.30</b>	<b>£326,751</b>	<b>£68,215</b>	<b>£1,364,303.61</b>	<b>£1,691,054.20</b>
Adult Football	0.85	£93,372	£19,702	£394,031.89	£487,404.37
Youth Football	1.03	£84,749	£17,797	£355,945.43	£440,694.34
Mini Soccer	0.90	£24,830	£5,214	£104,285.77	£129,115.71
Rugby Union	0.27	£41,215	£8,820	£176,399.06	£217,613.79
Rugby League	0.00	£0	£0	£0.00	£0.00
Cricket	0.25	£82,585	£16,682	£333,641.47	£416,225.99
<b>Artificial Grass Pitches Total</b>	<b>0.18</b>	<b>£192,606</b>	<b>£6,391</b>	<b>£127,813.96</b>	<b>£320,419.62</b>
Sand Based for hockey	0.04	£33,325	£1,033	£20,661.29	£53,985.95
3G for football	0.15	£159,281	£5,358	£107,152.67	£266,433.67

	Output from Sport England Playing Pitch Calculator		Life cycle cost for changing @ 1.3% (per annum)	Calculated contributions for 20 years life cycle costs for changing	Total cost: capital plus 20 years life cycle costs for changing
	Changing rooms (number)	Changing rooms (capital cost)			
<b>Total</b>	<b>4.22</b>	<b>£789,536</b>	<b>£10,264</b>	<b>£205,279.31</b>	<b>£994,815.12</b>
<b>Natural Grass Pitches Total</b>	<b>3.86</b>	<b>£721,016</b>	<b>£9,373</b>	<b>£187,464.08</b>	<b>£908,479.78</b>
Adult Football	1.70	£317,466	£4,127	£82,541.28	£400,007.72
Youth Football	1.11	£208,274	£2,708	£54,151.28	£262,425.45
Mini Soccer	0.00	£0	£0	£0.00	£0.00
Rugby Union	0.54	£100,093	£1,301	£26,024.16	£126,117.09
Rugby League	0.00	£0	£0	£0.00	£0.00
Cricket	0.51	£95,182	£1,237	£24,747.36	£119,929.52
<b>Artificial Grass Pitches Total</b>	<b>0.37</b>	<b>£68,520</b>	<b>£891</b>	<b>£17,815.23</b>	<b>£86,335.34</b>
Sand Based for hockey	0.07	£13,818	£180	£3,592.56	£17,410.10
3G for football	0.29	£54,703	£711	£14,222.67	£68,925.23



Source of costs: *Capital Cost- Sport England Facilities Costs Second Quarter 2019.*

*Lifecycle costs- Based on % of the total project cost per annum as set out in Sport England's Life Cycle Costs Natural Turf Pitches and Artificial Surfaces document (April 2012) <https://www.sportengland.org/facilities-planning/design-and-cost-guidance/cost-guidance/>*

*Life Cycle Costings: Sports Halls, Swimming Pools & Changing Rooms (April 2012).*

### **The next steps**

*The Sport England accompanying text to the Playing Pitch Calculator web output states:*

*It is important the results are looked at alongside the findings, recommendations and action plan of the PPS for the area to help determine the most appropriate way of meeting the demand and justifying any resulting proposals. This should include:*

*Using the PPS to understand the nature of the playing pitch sites within an appropriate catchment of the new population along with issues, recommendations and actions relevant to that area;*

*Looking at the different ways in which the demand could be met, including for example:*

*Enhancing existing provision to increase its capacity, supported by suitable management and maintenance arrangements to ensure the greater capacity is maintained over the longer term;*

*Undertaking works, and ensuring long term maintenance and access arrangements, to secure new or greater community use of existing provision;*

*Providing new pitches on new sites (natural and/or artificial grass pitches).*

*Having regard to the Government's regulations, policy and guidance regarding the use of the Community Infrastructure Levy and planning obligations (e.g. the Regulation 122 tests )*

*Note: If the decision is taken to provide new pitches, then the calculator takes the estimated demand for the use of pitches for matches and training activity and converts this into an estimate of the likely pitch provision required to meet the demand. Indicative costs are also provided to provide this level of pitch provision.*



## Figure 7: Typical costs of pitches and pavilions

It should be noted that these costs assume that there are no abnormal costs for a site.

### Football

Typical costs for facilities improvements:

- Piped drainage: £38,400 per adult pitch (7,420sqm); £32,164 for an average youth pitch (5,542sqm) and £10,393 for an average mini pitch (1,200sqm)<sup>2</sup>.
- Regrading and improvement of grass playing surface: £25,500 per adult pitch (7,420sqm); £20,786 for an average youth pitch (5,542sqm); and £6,236 for an average mini pitch (1,200sqm).<sup>2</sup>
- 3G pitch replacement carpet.<sup>4</sup>

Typical costs for new pitch provision:

New grass pitches<sup>1</sup>:

- adult pitch £100,000
- youth pitch £75,000
- mini pitch costs £25,000

A typical grass adult football pitch will cost £16,700 per year to maintain (£2.25/sqm).<sup>3</sup>

A typical adult football pitch will have a life cycle cost of £4,400 per year (£0.59/sqm).<sup>3</sup>

### Rugby

Typical costs for rugby pitches improvements are:

- Piped drainage: £62,905 per adult pitch (7,420sqm); £26,803 for an average junior pitch (2,580sqm)<sup>2</sup>.
- Regrading and improvement of playing surface: £41,353 per adult pitch (7,420sqm); £16,410 for a junior pitch (2,580sqm)<sup>2</sup>.

Typical costs for new rugby pitch provision are:

- A new full size grass pitch will cost about £140,000 to provide.<sup>1</sup>
- A typical full size rugby pitch will cost £23,300 per year to maintain (£2.24/sqm).<sup>3</sup>
- A typical full size rugby pitch will a life cycle cost of £6,580 per year (£0.63/sqm).<sup>3</sup>

### Cricket



Typical costs for cricket pitch improvements are:

- Improved cricket square: £22,9742.
- Piped drainage (outfield): £67,3902.
- Regrading and improvement of outfield: £44,9632.

Typical costs for new cricket pitch provision are:

- A separate 8-pitch square new cricket pitch (13, 543sqm outfield + 619sqm) will cost about £207,1531 to provide.
- will cost about £31,694 to maintain.<sup>3</sup>
- will have an annual life cycle cost of around £10,150 per year (£0.72/sqm).<sup>3</sup>

A new 8-pitch cricket square plus 2 winter sports pitches overlain on the outfield

- will cost about £295,0001 to provide.
- will cost £45,135 per year to maintain (£2.19/sqm).<sup>3</sup>
- will have an annual life cycle cost of £14,455 per year (£0.70/sqm).<sup>3</sup>

## Hockey

Typical costs for hockey facilities improvements are:

- Hockey surface replacement carpet about £200,0004.

Cost for new hockey artificial grass pitch provision:

- Full size sand dressed artificial grass pitch with floodlighting will cost about £820,000 to provide assuming no abnormal costs.<sup>1</sup>

Changing rooms/club house/pavilion facilities

All pitch sports require changing rooms/club house/pavilion facilities as essential ancillary facilities. A 2-team changing pavilion at 75sqm will cost about £3,467/sqm being £260,000, and a 4-team pavilion being 245sqm at about £2,776/sqm will cost £680,0001.

*Note on sources:*

<sup>1</sup> *Capital costs for new provision based on Sport England Quarter 2, 2019 Facilities Costs*

<sup>2</sup> *Sport England Protecting Playing Fields Guidance Cost Sheets with update to Q2/2018*

<sup>3</sup> *Sport England Life Cycle Costings Natural Turf Pitches (2012)*



<sup>4</sup> Market costs, February 2020



**Figure 8: Worked Example for calculating open space provision-development of 70 houses**

**Population: 700 houses x 2.32 per dwelling = 1624 people [Outline application]**

**Children's play and provision for teenagers**

- The play is to be provided on-site with the provision of a LEAP (406sqm), noting the minimum LEAP size is 400sqm (excluding buffer zones).
- The LEAP is to be delivered to Fields in Trust (F.I.T.) specifications/standards.
- Note: Costs are based on Spons Landscape Price Book (2019). Capital costs assumes the 2,500 sqm of equipped play space is split 1,500sqm of LEAP provision and 1000sqm of NEAP provision . Total weighted cost for 2,500sqm of play equipment is £371,250, giving a cost per sqm of £148.50.
- If the provision is agreed by the Council to be off-site, the off-site contribution will be ££60,210 (406sqm x 148.50/sqm) capital cost for children's play. Then in addition there will be a life cycle cost at 5% of the capital cost per annum over 20 years = £60,210 (60,210 x 5% x 20yrs), and a maintenance cost at £3.68/sqm/yr, over 20 years being = (£73.65 x 406sqm) = £29,882.
- The total contribution will be £150,301.
- If appropriate, then a contribution to cover the cost of purchasing off-site land can also be requested (using a land value based on recreation use).

*Note 1: if the housing number was say 105 dwellings, and 609sqm of children's play need was generated, then an option may be to deliver a larger 609sqm LEAP on-site, or a one LEAP (about 400sqm) on-site and also an off-site play contribution equivalent to 209 sqm. The 209 sqm funding could either be an off-site contribution, or be added to the Youth teenage play facility contribution to make that facility larger/more deliverable.*

*Note 2: Whilst it may be possible to deliver the 209sqm as two 100sqm LAPs on-site, LAPs are not to be provided except in exceptional circumstances (see paragraph 5.75 of SPD). There is a large variation of youth play which include: MUGAs [floodlit, fenced 36.6m x 21.25m, to Sport England specifications at £150,000]; skateparks [smaller around £80- 100,000, larger around £200-250,000]; wheels/pump tracks [£15,000 upwards]; and some larger adventure play equipment [£20,000+ per item].*

*Note 3: If the number is higher at say 379 houses (879 people) the demand would be 2,198sqm. This would be split for example into 1x NEAP (1,000sqm) plus 3x LEAP (1,200sqm). However there is flexibility to use this money for a teenage/youth facilities in line with the Open Spaces Strategy policy; for example this can apply if there is already a NEAP in the catchment.*



## Parks & Gardens (P&G)/ Amenity Green Space (AGS)

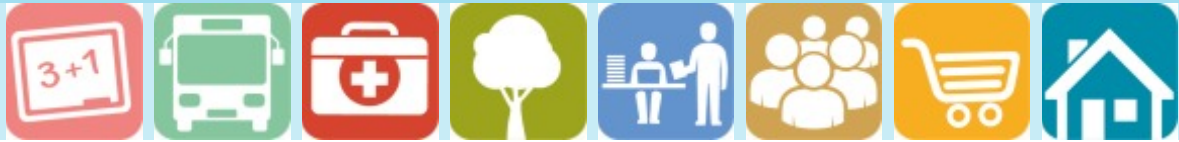
- There is an identified local need for Amenity Green Space/Parks and Gardens.
- The standard of provision is 1.4ha/1,000 people (being 14,000sqm/1,000 people).
- The need is:  $162.4/1000 \times 1.4\text{ha} = 0.2274\text{ha}$  (2,274sqm).
- 2,274sqm is to be provided on-site to Green Flag standards.
- If provided off-site this will be at  $\text{£}15.61/\text{sqm} \times 2,274\text{sqm} = \text{£}35,491+$  any land cost.
- In addition there will be a maintenance cost at  $\text{£}0.74/\text{sqm}/\text{yr}$ , ( $14.74/\text{sqm}$  over 20 years  $\times 2274\text{sqm} = \text{£}33,513$ ).
- The total contribution will be  $\text{£}69,004$ .

*Notes: The Open Spaces Strategy sets out the typologies of Parks & Gardens/Amenity Greenspace, and also identifies quantitative surpluses and shortfalls – for example there is a particular deficit in Ware. However, as important as assessing if a contribution or on-site provision is needed is the accessibility standard (480m), such that even if there is a nominal surplus (such as the large surpluses in Bishop’s Stortford, Hertford and Sawbridgeworth) a development may need to provide P&G/AGS if there is none accessible within the catchment, or if the quality of the accessible space is too poor to be used. A judgement has to be made as to whether the local supply is of sufficient quantity, quality and accessibility to service the proposed development, or whether an on-site provision is needed, or whether an upgrade of an existing P&G/AGS in the catchment is a better option. Large development sites would normally be expected to have an on-site provision.*

## Natural and Semi-Natural Greenspace (NGS)

- There is an identified local need for NGS.
- The standard of provision is 3.2ha/1,000 people (being 32,000sqm/1,000 people).
- The need is:  $162.4 \text{ people}/1000 \times 3.2\text{ha} = 0.5197\text{ha}$  (5,197sqm) of NGS.
- 5,197sqm NGS is to be provided on-site to adapted Green Flag standards.
- If provided off-site this will be (at  $\text{£}3.97/\text{sqm} \times 5,197 \text{ sqm}$ ) =  $\text{£}20,631$  + land.
- In addition there will be a maintenance costs at of  $\text{£}0.08/\text{sqm}/\text{yr}$  over 20 years  $\times 5197 \text{ sqm} = \text{£}8,419$ .
- The total contribution will be  $\text{£}29,050$ .





*Notes: The Open Spaces Strategy sets out the typologies of Natural and Semi-natural Greenspace, and also identifies quantitative surpluses and shortfalls – for example there is a particular deficit in the towns of Bishop’s Stortford and Buntingford but a large surplus in Hertford. However as important as assessing if a contribution or on-site provision is needed is the accessibility standard (720m), such that even if there is a nominal surplus, a development may still need to provide Natural and Semi Natural Green Space, if there is none accessible within the catchment, or if the quality of the accessible space is too poor to be used. A judgement has to be made as to whether the local supply is of sufficient quantity, quality and accessibility to service the proposed development, or whether an on-site provision is needed, or whether an upgrade of an existing N/SNGS in the catchment is a better option. Large development sites would normally be expected to have on-site provision.*

*There is no life cycle cost for this typology.*

### **Allotments**

- The standard of provision is 0.3ha/1,000 people (being 3,000sqm/1,000 people).
- The need is:  $162.4/1000 \times 0.3\text{ha} = 0.0487\text{ha}$  (487sqm).
- 487sqm equates to under 2 allotment plots (250sqm each).
- This is below the 8 plots threshold (see note below). Unless these can be added to an existing local allotment site, an equivalent off-site contribution should be made to cover the land cost and establishment of a new site (which may need other contributions or grants as well).
- No maintenance costs, as these should be able to be covered by allotments operational income. If not then seek contribution by applying £0.49/sqm/yr or £9.80/sqm/20yrs.

*Note 1: The Open Spaces Strategy sets out the typologies of Allotments, and also identifies quantitative surpluses and shortfalls – for example there is a particular deficit in Ware town but a current small surplus in Hertford. However as important as assessing if a contribution or on-site provision is needed is the accessibility standard (1000m), such that even if there is a nominal surplus, a development may need to provide allotments if there is none accessible within the catchment, or if the quality of the accessible space is too poor to be used. A judgement has to be made as to whether the local supply is of sufficient quantity, quality and accessibility to service the proposed development, or whether an on-site provision is needed, or whether an upgrade/extension of an existing allotment in the catchment is a better option. The Open Spaces Strategy identifies (para 8.42) that the priority is for development sites to have on-site provision, or if not possible then adjacent or within 1000m of the (centre) of the development, or if not reasonably achievable, then a contribution to the nearest site.*



*Note 2: The minimum allotment size is to be taken as 8 plots of 250sqm each, plus a minimum 20% extra to cover the required access and secure fencing, landscaping/trees, internal paths, shelter/shed, toilet, composting areas and water. This would be 2,000sqm or 0.2ha for 8 plots. With the NSALG standard of 0.23ha (2,300sqm) per 1000 people, 2,000sqm provides for 860 people or 370 houses minimum, being the nominal threshold for a new allotment.*

*Note 3: A new site may be part of a site on another larger housing application site, within 10 minutes' drive, where there is room to increase its size. The land price to be paid should be at allotment/agricultural rates, not housing rates.*



## 7 Appendix A- Allocations to CIL or to s106

**7.1** The table below would be used if the Council adopted CIL.

**7.2** There are currently no plans for the Council to do this, so Contributions for all the facilities listed below should be considered for s106 funding.

Developer Contributions Funding	CIL	s106
Sport and recreation		
Provision, improvements and maintenance of strategic sports and recreation facilities (e.g. Leisure Centres, indoor bowls centre, large youth sport hubs). Usually off-site but may be on-site. Typically serves all, or a large part of a sub area in the District.	Yes	
On-site provision, maintenance and management of sports and recreation facilities.		Yes
Open space, play, green space, allotments and cycling/walking routes		
On-site provision, maintenance and management of open space including: <ul style="list-style-type: none"> <li>• landscaping</li> <li>• amenity green space</li> <li>• other open space typologies</li> </ul>		Yes
On-site provision of play areas including: <ul style="list-style-type: none"> <li>• Local areas of play (LAP)</li> <li>• Local equipped areas of play (LEAP)</li> <li>• Neighbourhood equipped areas of play (NEAP)</li> <li>• Multi activity games area (MUGA) and other youth and teenage provision</li> </ul>		Yes
Enhancement of existing (off site) play areas		Yes
On-site provision, maintenance and management of allotments on strategic sites		Yes
Allotments except on larger strategic sites	Yes	Yes
Burial Grounds	Yes	
Cycling and walking recreational routes	Yes	
Playing Pitches		

# Open Space, Sport and Recreation SPD



Strategic playing field multi-sport hubs	Yes	
Other playing fields		Yes



## 8 Appendix B- National and Local Planning Policies

### National Planning Policy Framework (NPPF)

- 8.1** Under the NPPF, Local Planning Authorities (LPA) are required to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (NPPF paragraphs 54-57). 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 EHDC 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.
- 8.2** Para 8(b) : One of three overarching objectives for sustainable development: “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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”.
- 8.3** Para 20 (abstract): “Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision: a) leisure and other commercial development; ... ; c) community facilities (such as health, education and cultural infrastructure).
- 8.4** Para 34: Development Contributions: “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 policies should not undermine the deliverability of the plan”.
- 8.5** Para 54: “Local planning authorities should consider whether otherwise unacceptable development could 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”.
- 8.6** Para 55: “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”



- 8.7** Para 56: “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”.
- 8.8** Para 85(d): “allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- 8.9** 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”.
- 8.10** 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.
- 8.11** 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”.
- 8.12** 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

**8.13** National Planning Practice Guidance (NPPG) (PPG 003: Reference ID: 23b-003-20140306) states:

**8.14** “Policies for seeking obligations should be set out in a development plan document to enable fair and open testing of the policy at examination. Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy”.

**8.15** The Open Space, Built Sport Facilities and Playing Pitches Strategies are founded on robust and up-to-date assessments of the needs for sports and recreation facilities, and opportunities for new provision as required by NPPF para 96. The key policies/recommendations should be set out as part of the new Local Plan and detailed in Supplementary Planning Document or SPD, so as to enable fair and open testing of the policy at examination.

**8.16** The NPPG reaffirms the importance of meeting these tests; para 004 states:

**8.17** “Does the local planning authority have to justify its requirements for obligations?”

**8.18** “In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought – on for instance, public art – which are clearly not necessary to make a development acceptable in planning terms. The Government is clear that obligations must be fully justified and evidenced...”

### **The Community Infrastructure Levy Regulations (as updated 2019)**

**8.19** The CIL Levy Regulations are relevant to this SPD.

**8.20** Reg 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.



**8.21** The 2019 regulations introduce a requirement for councils to publish "infrastructure funding statements". These statements will replace existing Regulation 123 lists and should include details of how much money has been raised through developer Contributions and how it has been spent. Statements must be published on local authority websites at least once a year. Councils will be required to publish their first statements by 31 December 2020. It is important that the Council undertakes ongoing monitoring of CIL (if and when adopted) and s106 income and expenditure.

**8.22** Restrictions on the 'pooling' of section 106 planning obligations to fund infrastructure have been removed by MHCLG (2019). Local authorities are currently allowed to pool no more than five developer Contributions to fund a single infrastructure project. The revised regulations remove any upper limit on the number of developer Contributions that can be pooled.

### **Sporting Future: A new Strategy for an Active Nation (DCMS, 2016)**

**8.23** The Department for Culture, Media and Sport, following a consultation paper in 2015, launched the new strategy in 2016. The development of the new strategy reflects a need to re-invigorate the nation's appetite for participation in sport following what appears to be a significant reduction in participation (highest profile being swimming), following the upsurge after the 2012 London Olympics. The sport strategy is targeting five outcomes which each sports organisation, public or private sector, will be measured against:

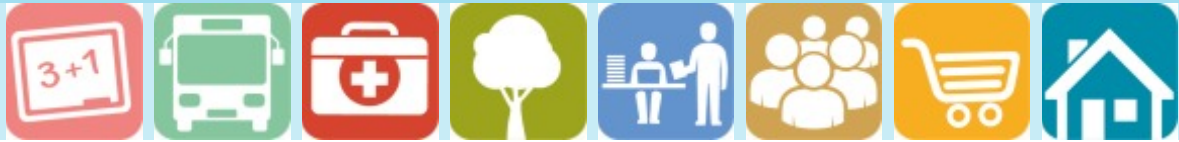
- Physical wellbeing
- Mental wellbeing
- Individual development
- Social and community development
- Economic development.

### **Sport England: Towards an Active Nation (2016-2021)**

**8.24** The key drivers in the production of sports and leisure strategies as advocated by Sport England are to protect, enhance and provide sports facilities and playing pitches, as follows:

- **Protect:** To provide evidence to inform policy and specifically to support Site Allocations and Development Management Policies which will protect sports facilities and playing fields and their use by the community, irrespective of ownership
- **Enhance:** To ensure that sports facilities are effectively managed and maintained and that best uses are made of existing resources - whether facilities, expertise and/or personnel to improve and enhance existing provision – particularly in the light of pressure on local authority budgets
- **Provide:** To provide evidence to help secure external funding for new facilities and enhancements through grant aid and also potentially through CIL ... and Section 106 agreements. Sport England and local





authorities can then use the strategies developed and the guidance provided in making key planning decisions regarding sports pitches and facility developments in the area and to support or protect against loss in relation to planning applications brought forward by developers.

**8.25** The Vision for the Towards an Active Nation Strategy is: 'We want everyone in England regardless of age, background or level of ability to feel able to engage in sport and physical activity. Some will be young, fit and talented, but most will not. We need a sport sector that welcomes everyone – meets their needs, treats them as individuals and values them as customers'

**8.26** The key emphases Sport England advocate are:

- Focusing more money and resources on tackling inactivity because this is where the gains for the individual and for society are greatest.
- Investing more in children and young people from the age of five to build positive attitudes to sport and activity as the foundations of an active life.
- Helping those who are active now to carry on, but at lower cost to the public purse over time. Sport England will work with those parts of the sector that serve the core market to help them identify ways in which they can become more sustainable and self-sufficient.
- Putting customers at the heart of what we do, responding to how they organise their lives and helping the sector to be more welcoming and inclusive, especially of those groups currently under-represented in sport.
- Helping sport to keep pace with the digital expectations of customers.
- Working nationally where it makes sense to do so (for example on infrastructure and workforce) but encouraging stronger local collaboration to deliver a more joined-up experience of sport and activity for customers.
- Working with a wider range of partners, including the private sector, using our expertise as well as our investment to help others align their resources.
- Working with the sector to encourage innovation and share best practice particularly through applying the principles and practical learning of behaviour change.

## Sport England Active Design

**8.27** In summary the 10 principles of Active Design are: 1. Activity for all; 2. Walkable communities; 3. Connected walking & cycling routes; 4. Co-location of community facilities; 5. Network of multifunctional open space; 6. High quality streets and spaces; 7. Appropriate infrastructure; 8. Active buildings; 9. Management, maintenance, monitoring & evaluation; 10. Activity promotion & local champions.



## East Hertfordshire District Plan (2018)

8.28 Key policies include DEL1, DEL2, CFLR1 and CFLR7.

### **Policy DEL1: Infrastructure and Service Delivery**

I. The District Council will work in partnership with providers of infrastructure and services to facilitate the timely provision of infrastructure necessary to support sustainable development. In support of this work the Council will:

- a) Maintain an up-to date Infrastructure Delivery Plan (IDP) to identify the timing, type and number of infrastructure projects required to support the objectives and policies of the strategy as well as the main funding mechanisms and lead agencies responsible for their delivery;
- b) Use the District Plan and IDP to bid for funding necessary to support development, working in partnership with the Local Economic Partnership (LEP), Hertfordshire Infrastructure Planning Partnership (HIPP), the Local Transport Body (LTB), the Local Nature Partnership (LNP), and other bodies as appropriate;
- c) Monitor capacity in infrastructure and services through annual updates of the IDP and future infrastructure needs assessments;
- d) Consider alternative infrastructure provision, or a review or partial review of the District Plan if evidence in the IDP indicates a changed outlook for the realistic prospects for delivery of infrastructure to support development.

II. For individual development proposals, developers will be required to:

- a) Demonstrate, at the planning application stage, that adequate infrastructure capacity can be provided both on and off site to enable the delivery of sustainable development within the site, the locality and the wider area, as appropriate. Where proposals cannot demonstrate the deliverability of supporting infrastructure, they will be refused;
- b) Ensure that development is phased to coincide with the delivery of additional infrastructure or service capacity as set out in the IDP;
- c) Ensure that infrastructure assets and services are delivered to adoptable standards. Suitable long-term management arrangements must be put in place with a view to secure adoption by the appropriate authority in the longer term.

### **Policy DEL2: Planning Obligations**

- The Council will seek a range of planning obligations. Planning obligations will only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- The provision of infrastructure referred to ... above, includes, but is not limited to: .... open space and recreation facilities, community, education and health facilities, sustainable transport modes, highway improvements, nature conservation ...



## **Policy CFLR1 Open Space, Sport and Recreation**

I. Residential developments will be expected to provide open spaces, indoor and outdoor sport and recreation facilities to provide for the needs arising from the development. Provision of Accessible Natural Greenspace (ANG) will be expected to meet Natural England's ANG Standards. Local areas for play, informal and formal open spaces should be provided for on-site, while contributions towards off-site provision or the enhancement of existing facilities may be more appropriate for other types of provision. Facilities should be provided in accordance with the Council's latest evidence and in consultation with Sport England and the Council's Leisure and Environment Team. Where provision is made on-site as part of a development, applicants should detail how it will be maintained in the long term.

II. Commercial developments will be expected to provide adequate amenity space in addition to landscape and setting features.

III. Proposals for new open space, indoor and outdoor sport and recreation facilities which meet identified needs will be encouraged in suitable locations, served by a choice of sustainable travel options. The proposal and ancillary facilities such as changing rooms and car parking should be fit for purpose and of an appropriate scale and design. Measures should be taken to integrate such facilities into the landscape, including the creation of features which provide net benefits to biodiversity.

IV. Proposals should aim for the dual or multiple-use of facilities for wider community access. The use of Community Use Agreements will be expected where appropriate.

V. Proposals that retain or enhance the provision, quality and accessibility of existing open space, or indoor or outdoor sport and recreation facilities will be supported in principle, where they do not conflict with other policies within this Plan.

VI. Proposals that result in the loss or reduction of open space, indoor and outdoor sport and recreation facilities, including playing fields, (as defined on the Policies Map), will be refused unless:

- a. An assessment has been undertaken which has clearly shown that the facility is no longer needed in its current form;
- b. The loss resulting from the proposed development would be replaced by enhanced provision in terms of quantity and/or quality in a suitable location prior to the commencement of development (in the case of school playing fields, the timing of delivery will be negotiated on a case by case basis in accordance with Policy CFLR10); or
- c. The development is for an alternative open space, sport and recreation facility, the need for which clearly outweighs the loss.

## **Policy CFLR7 Community Facilities**



I. The provision of adequate and appropriately located community facilities will be sought in conjunction with new development. II. Developers will be expected to provide either on-site provision, or where appropriate, a financial contribution towards either off-site provision, or the enhancement of existing off-site facilities. Where provision is made on-site as part of a development, applicants should detail how it will be maintained in the long term.

III. Proposals for new and enhanced uses, buildings or land for public or community use will be supported in principle where they do not conflict with other policies within this Plan. Such proposals:

- a. Should be in suitable locations, served by a choice of sustainable travel options;
- b. Should be of an appropriate scale to meet needs and be of a flexible design to enable multiple uses throughout the day;
- c. Should take measures to integrate such facilities into the landscape, including the creation of features which provide net benefits to biodiversity; and
- d. Should be constructed in tandem with the development to ensure they are available for the new and existing community from the start of occupation.

IV. Proposals should aim to provide for the dual or multiple use of facilities for wider community activities. The use of Community Use Agreements will be sought where appropriate.

V. As part of proposed strategic development, consideration will be given to the need to provide new Household Waste Recycling Centres in suitable locations, taking account of neighbouring land uses. Policy CFLR8 Loss of Community Facilities I. Proposals that result in the loss of uses, buildings or land for public or community use will be refused unless:

- a. An assessment has been undertaken which has clearly shown that the facility is no longer needed in its current form; or
- b. The loss resulting from the proposed development would be replaced by enhanced provision in terms of quantity and/or quality in a suitable location; or
- c. The development is for an alternative community facility, the need for which clearly outweighs the loss.



## 9 Appendix C- Open Space Maintenance Costs

- 9.1 The maintenance costs for Open Space is based on a Q1/2020 accepted contract price for East Herts Council. For commercial reasons the individual costs breakdown cannot be provided, but the main cost components are set out.
- 9.2 There is a combined Parks and Gardens and Amenity Grassland typology. The cost for this has been taken as a weighted average of the two costs (see table note).
- 9.3 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	Main Components	Annual £s per sqm	£s per sqm per 20 years
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.	Weighted average* for combined Parks & Gardens (£1.815) and Amenity Grassland (£0.460)  Combined average: £0.737	Weighted average for combined Parks and Gardens (£36.30) and Amenity Grassland (£9.19)  Combined average: £14.74
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.		

# Open Space, Sport and Recreation SPD



Natural/ Semi-natural Grassland	Grass mowing by parking area, grass mowing conservation cut (some areas); trees, litter, parking area weed kill, general inspection	£0.081	£1.61
Play (LEAP & NEAP)	Grass mowing high amenity and standard annual, fences, benches, litter pick, weed control, safety inspections, maintenance/repairs to equipment and surfaces	£3.68	£73.65
Allotments	Grass mowing amenity, hedge cutting, fences, trees, dog bins collect and cleanse, benches, litter pick, weed control, gates lock/unlock/maintain, regular general inspection	£0.49	£9.80

*\*Note: The weighting is based on the relative areas (as assessed in the Open Space Strategy) excluding Panshanger Park which although classified as a Park is for costing purposes more akin to natural and semi-natural open space costs. Its inclusion would have significantly increased the average cost for the combined typology.*

*Parks and Gardens are costed at £36.30/sqm/20yrs*

*Amenity Grassland is costed at: £9.19/sqm/20yrs*

*The weighting is: Parks and Gardens @ 60.2ha; and Amenity Grassland @ 234.1ha*

*The average for the combined typology is £14.74/sqm/20yrs*



## 10 Appendix D Capital Costs

### 10.1 Capital cost sources

**10.1** The cost bases are provided for each element of the assessment below.

#### Facility capital costs

##### 'SE costs'

- Sport England Facility Costs Q2 2019
- Cricket only facility Sport England costs q2, 2019

Cricket natural turf @ 1293 sqm

##### 'SPONS 2019'

- SPON'S Architects' and Builders' Price Book 2019

##### 'Current mkt costs'

- Current market costs for similar facility developments elsewhere in England

#### Life cycle costs

##### Sport England Life Cycle Costings (2012)

Sport halls, swimming pools, changing rooms/clubhouse

Natural turf pitches

Football, rugby union, cricket, bowling green

Artificial sports surfaces

Football, hockey, cricket practice, outdoor tennis, athletics track, multi-use games area

Open Space

##### 'SPONS 2019'

- SPONS External Work and Landscape Price Book 2019



## 10.2 Capital cost tables

National costs used as baseline for Sport England Facilities Costs Second Quarter 2019

Information	Facilities			
	Affordable Sports Hall	Affordable Community Swimming Pool	Bowling Natural Turf Green	Outdoor Tennis Courts
<b>Size/details</b>	4 court (34.5 x20m)	25m pool 6 lanes (24x12.5m)	40x40m flat or crown green (6 rink)	4 court, fenced, sports lighting
<b>Area sq m</b>	690.00	312.50	1,600.00	2,342.00
<b>Capital Cost per item (£)</b>	£2,475,000	£5,070,000	£150,000	375,000
<b>Unit used in EHC calculator</b>	1 court	sqm	per rink	per court
<b>Cost per unit of sports facility</b>	£618,750	£16,224	£25,000	93,750
<b>Changing/clubhouse provision</b>	Costs included within the facility calculation	Costs included within the facility calculation	2 team changing room plus officials-traditional construction	2 team changing room plus officials-traditional construction
<b>Cost of changing/clubhouse provision</b>			£260,000	£260,00
<b>Changing/clubhouse provision used in the EHC calculator</b>			Changing provision per rink	Changing Provision per court



# Open Space, Sport and Recreation SPD



<b>Cost for changing provision</b>			£43,333	£65,000
<b>Capital cost in SPD calculator</b>	£618,750	£16,224	£68,333	£158,750

National costs used as baseline for Sport England Active Places Power Playing Pitch Calculator (but with regional costs applied, not included here) - automatically generated by the Sport England online calculator. Sport England Facilities Costs Second Quarter 2019.

Information	Pitches				
	Football 3G AGP	Hockey Surface AGP	Football Natural Turf		
<b>Size/ details</b>	Senior Football (60mm 3G, fenced, sports lighting) (106x70m)	Hockey Pitch (18mm Sand Dressed, fenced, sports lighting) (101.4x 63.0m)	U8/U7 Mini (43x33m)	U16/U15 Youth (97x61m)	Senior (106x70m)
<b>Area sq m</b>	7,420.00	6,388.00	1,419.00	5,917.00	7,420.00
<b>Capital Cost per item (£)</b>	£990,000	£820,000	£25,000	£75,000	£100,000
<b>Unit used in EHC calculator</b>	sqm	sqm	sqm	sqm	sqm
<b>Cost per unit of sports facility</b>	£133.42	£128.37	£17.62	£12.68	£13.48

# Open Space, Sport and Recreation SPD



<b>Changing/ clubhouse provision</b>			N/a		
<b>Cost of changing/ clubhouse provision</b>			N/a		
<b>Changing/ clubhouse provision used in EHC calculator</b>	Contribution towards 4-team changing facility on pro rata basis		N/a	Contribution towards 4-team changing facility on pro rata basis @ 2 team changing rooms per pitch	
<b>Cost for changing provision</b>			N/a		
<b>Capital cost in calculator</b>	£133.42	£128.37	£17.62	£12.68	£13.48

# Open Space, Sport and Recreation SPD



Information	Pitches			
	Rugby Union Natural Turf	Cricket Natural Turf	Changing rooms/ club house/ pavilion	
Size/details	Rugby Union (130x 80m)	Cricket Pitch, with 8 pitch square and 2 winter sport pitches (125.6x 164.4m)	2 Team changing room plus officials-trad construction	4 Team changing room and clubhouse
Area sq m	10,400.00	20,649.00	75.00	245.00
Capital Cost per item (£)	£140,000	£295,000	£260,000	680,000
Unit used in EHC calculator	sqm	sqm	sqm	sqm
Cost per unit of sports facility	£13.46	£14.29	£3,467	£2,776

# Open Space, Sport and Recreation SPD



Changing/ clubhouse provision	Contribution towards 4-team changing facility on pro rata basis @ 2 team changing rooms per pitch			
Cost of changing/ clubhouse provision				
Changing/ clubhouse provision used in EHC calculator				
Cost for changing provision				
Capital cost in calculator	£13.46	£14.29	£3,466.67	£2,775.51

## SPON's/ local market cost facilities (2019)

Information	Facility			
	Fitness Gyms		Studio Space	Village and community centres excl ancillary and car parking
Size/details	Building and fitness stations, 100 station size (504sqm)	100 station	Building @ 140 sq m	120 sq m 1000 population
Area sq m	504.00		140.00	
Capital cost per item (£)	£912,240	£200,000	£253,400	

# Open Space, Sport and Recreation SPD



<b>Unit used in EHC calculator</b>	sq m	per station	sq m	sq m
<b>Cost per unit of sports facility</b>	£1,810	£2,000	£1,810	£1,810
<b>Changing/ clubhouse provision</b>	N/a		N/a	N/a
<b>Cost of changing clubhouse provision</b>	N/a		N/a	N/a
<b>Changing/ clubhouse provision used in EHC calculator</b>	N/a		N/a	N/a
<b>Cost for changing provision</b>	N/a		N/a	N/a
<b>Capital cost in calculator</b>	£11,122		£1,810.00	£1810.00

## SPON's OPen space costs (2019)

Information	Open Space			
	Children's play and provision for teenagers	Parks & Gardens and Amenity Green Space	Natural & Semi-Natural Green Space	Allotments
<b>size/details</b>	Equipped play provision and teenage provision excluding land	Combined standard		
<b>Standard of population per 1000 population sq m</b>	2,500	14,000	32,000	3,000
<b>Capital Cost (£)</b>	£395,000	£218,540	£127,040	£46,830

# Open Space, Sport and Recreation SPD



<b>Unit used in EHC calculator</b>	sq m	sq m	sq m	sq m
<b>Cost per unit of open space</b>	£148.00	£15.61	£3.97	£15.61
<b>Capital cost in SPD calculator</b>	£148.00	£15.61	£3.97	£15.61