

PROVISION OF RECREATIONAL OPEN SPACE IN NEW HOUSING SUPPLEMENTARY PLANNING DOCUMENT

STATEMENT OF CONSULTATION

1. INTRODUCTION

- 1.1 The Provision of Recreational Open Space Supplementary Planning Document (SPD) has been prepared to expand upon and clarify the Council's requirements in respect of the provision of recreational open space in new housing developments and the procedures for dealing with financial contributions from developers for off-site provision. It is also designed to provide definitions and design guidelines which will assist all those involved in recreational open space provision.
- 1.2 In order to ensure that appropriate public consultation takes place, SPDs are required to be accompanied by a statement setting out how the Local Planning Authority will comply with the Council's Statement of Community Involvement (SCI). This document details the public consultation that has taken place to meet these requirements.
- 1.3 The new planning system introduced during 2004 includes new requirements (e.g. community involvement and the need to undertake a Sustainability Appraisal) governing the preparation of SPDs which replace the old style Supplementary Planning Guidance documents (SPG). Whilst not having 'development plan' status, SPDs will be afforded greater weight in the development control process than SPGs.
- 1.4 This document sets out the public participation procedures which have been undertaken by the Council for the Provision of Recreational Open Space in New Housing SPD. It accords with regulation 17 of the Town and Country Planning (Local Development) (England regulations 2004).
- 1.5 Using the guidelines of the new government regulations and PPS 12, the SPD has been prepared through a process of consultation.

2. CONSULTATION CARRIED OUT

2.1 Early consultation

Early consultation was carried out to engage with key stakeholders about what form the document might take and how the existing policies could be expanded upon in a way which maximises the benefit to local communities in respect of enhancing recreational open space provision. This included:

- A discussion document, which consisted of an outline of how the SPD might be laid out and a series of questions relating to the main issues was distributed to a number of officers in the Council, specifically those whose work relates to the issues under discussion.
- The discussion document was then distributed more widely, including to all members of the Council as well as external bodies such as housebuilders. With this was an invitation to an informal discussion event to discuss the issues relating to this SPD.
- A discussion event on Friday 21st September 2007 which consisted of an introductory presentation followed by an open discussion focusing on the key issues in respect of the proposed document. This meeting was attended by twelve stakeholders including several Council Members, a number of Council Officers and representatives of the Greater Manchester Police. Other bodies, such as housebuilders, were invited to the event but did not attend. It was felt that this event was very useful in influencing the direction and format of the draft SPD.

These activities helped to identify the format and direction of the draft SPD.

2.2 The Sustainability Appraisal (SA) process

The first part of the SA process involved collecting background information for inclusion in the Scoping Report which enabled the scope of the SA to be determined.

It was also a consultation document which allowed organisations and individuals to comment on the proposed scope of the SA. Consultation responses received helped to ensure that the draft SA was comprehensive and robust enough to support the SPD during later stages of full public consultation and examination.

Paper copies of the draft Scoping Report were sent out on the 1st August 2007 and recipients given a period of five weeks, until 5th September, to make comments. Government requires that three specific bodies (as required by the Strategic Environmental Assessment Directive) were consulted at this stage – Natural England, English Heritage and the Environment Agency. Although not statutorily required, the following bodies were also consulted:

- Government Office for the North West
- The North West Regional Assembly
- Greater Manchester Ecology Unit
- Greater Manchester Chamber of Commerce
- Rochdale Civic Society
- Rochdale Local Strategic Partnership
- Home Builders Federation
- National Playing Fields Association
- Sport England

Consultation responses have been received, recorded and incorporated into the Scoping Report as required. A draft SA was completed for this SPD and was subject to public consultation as part of the SPD consultation exercise from 17th December 2007 to 28th January 2008.

2.3 PUBLIC CONSULTATION

In accordance with the Council's Statement of Community Involvement, public consultation included direct notification to consultees, key local stakeholders and other interested parties. Publicity was also provided through the local press.

On publication of the draft SPD a public consultation exercise was undertaken to raise awareness and interest. In accordance with Regulation 17, a public notice was published in local newspapers which clearly stated the duration of the public consultation period and the places and times at which the SPD could be inspected.

Public consultation commenced on Monday 17th December 2007 and ended on Monday 28th January 2008. The following consultation methods were used:

- The draft SPD was available on the Council's website Rochdale.gov.uk/council-and-democracy/consultations.aspx. Comments could be made online;
- Hard copies of the documents were available for inspection at Council offices, libraries and community centres as detailed in Appendix 1;
- Letters were sent to all parties Rochdale Council considers to have an interest in the SPD including statutory consultees, general consultees, local voluntary and community interests. The letter included details of the role of the SPD and how and where to view the draft SPD and associated documents including the draft SA and make comment;
- A public notice was placed in the Rochdale Observer, Heywood Advertiser and Middleton Guardian newspapers. A press release was issued prior to commencement of public consultation.
- Paper or electronic copies of the SPD or associated documents were available on request (see contact details below).
- Those who wished to view this in large print or in Braille or for translation into Bengali or Urdu were able to contact the office below to arrange this.

The consultation exercise ended on 28th January 2008. A total of 18 responses were received, from a diverse range of bodies. The schedule of responses is included as Appendix 2 in this document. There were some objections in principle to some of the content of the document, and also some general comments concerning layout / content. The objections in principle related to the following:

- Exceptions should be made in certain circumstances, e.g. dependent on market feasibility, size of gardens, site decontamination costs or where there might be antisocial behaviour problems.
- There should be flexibility in design.
- There was disagreement in respect of certain charges which the document refers to.

Other comments relate to the need to include aims and objectives, inclusion of references to specific documents, contradictions in the wording of the document and the need for robust strategies to underpin the provisions of the document.

The responses in respect of all comments received are outlined in Appendix 2. Some changes have been made to the document as a result of comments received, clarifying the situations where there may be exceptions to the normal provisions, clear references to aims and objectives and the importance of strategies, making references to relevant documents and making changes to the layout for greater clarity.

A few comments were also received in relation to the Sustainability Appraisal, and the Sustainability Appraisal has been revised in the light of these comments.

3. ADVICE AND ASSISTANCE

For further advice or information relating to this document please contact:

Strategic Planning Team
Planning and Regulation Service
Rochdale Metropolitan Borough Council
PO Box 32
Telegraph House
Baillie Street
Rochdale
OL16 1JH

Telephone: 01706 924371

Email: strategic.planning@rochdale.gov.uk

Website: [www.rochdale.gov.uk/council and democracy/consultations.aspx](http://www.rochdale.gov.uk/council_and_democracy/consultations.aspx)

APPENDIX 1

Venues for public inspection of Provision of Recreational Open Space in New Housing SPD (subject to normal opening hours)

Council Information Points:

Planning and Regulation Reception, Floor 1, Telegraph House, Rochdale
Rochdale Information Centre, Floor 2, Municipal Offices, Smith Street, Rochdale
Heywood Information Centre, 44-46 Market Street, Heywood
Middleton Information Centre, Sadler Street, Middleton
Milnrow Information Centre, 82 Dale Street, Milnrow
Littleborough Information Centre, Council Offices, Harehill Park, Littleborough
Kirkholt Information Centre, 46, The Strand, Kirkholt, Rochdale.

Libraries

Wheatsheaf Library, Baillie Street, Rochdale
Balderstone Library, Balderstone Park, Rochdale
Belfield Library, Belfield Community School, Samson Street, Rochdale
Castleton Library, 881 Manchester Road, Rochdale
Smallbridge Library, Stevenson Square, Rochdale
Spotland Library, Ings Lane, Rochdale

Heywood Library, Church Street, Heywood
Darnhill Library, Argyle Parade, Heywood
Norden Library, Edenfield Road, Rochdale

Middleton Library, Long Street, Middleton
Alkington Library, Kirkway
Langley Library, Windermere Road, Middleton

Littleborough Library, Hare Hill Park, Littleborough
Milnrow Library, Newhey Road, Milnrow
Smithybridge Library, 121/3 Smithybridge Road, Littleborough
Wardle Library, 448 Birch Road, Wardle, Rochdale

APPENDIX 2 – SCHEDULE OF RESPONSES

	Respondent	Comment	Response	Recommendation/Change (<i>proposed new text in italics</i>)
1.	Lancashire County Council	<ul style="list-style-type: none"> No comments 		<ul style="list-style-type: none"> No change required
2.	Sue Moore-Holmes (Children's Services)	<ul style="list-style-type: none"> Happy to see the Play and Freetime Strategy clearly referenced. 	<ul style="list-style-type: none"> Noted 	<ul style="list-style-type: none"> No change required
3.	Disability Right Commission	<ul style="list-style-type: none"> No comments 		<ul style="list-style-type: none"> No change required
4.	Government Office North West	<ul style="list-style-type: none"> Page 9, third paragraph. We suggest that the sentence beginning "This on site Local Open Space should" is prefaced with the words "as a general guide" 	<ul style="list-style-type: none"> Noted. It is agreed that there should be an indication of flexibility depending on circumstances, however the wording should not weaken the policy 	<ul style="list-style-type: none"> Wording change to "This on site Local Open Space should <i>normally</i> include ..etc"
5.	Ron Smith	<ul style="list-style-type: none"> No comments 		<ul style="list-style-type: none"> No change required
6.	North West Regional Assembly	<ul style="list-style-type: none"> No specific comments 		<ul style="list-style-type: none"> No change required
7.	Yorkshire Forward	<ul style="list-style-type: none"> No specific comments 		<ul style="list-style-type: none"> No change required
8.	National Trust	<ul style="list-style-type: none"> No specific comments 		<ul style="list-style-type: none"> No change required
9.	Highways Agency	<ul style="list-style-type: none"> Satisfied with contents of document 	<ul style="list-style-type: none"> Noted 	<ul style="list-style-type: none"> No change required
10.	Northwest Regional Development Agency	<ul style="list-style-type: none"> Generally support the aims of promoting high quality design principles and in particular the need to design in green spaces from an early stage. The requirement for all developments of 100 or more bedrooms to provide both on and off site provision will need to be considered in the context of wider Council aspirations requiring developer contributions and market feasibility. 	<ul style="list-style-type: none"> Noted. Policy H/6 does not allow exceptions to the policy based on wider aspirations / market feasibility. Wider aspirations / market feasibility do not justify allowing developments with insufficient recreational needs for their residents, effectively sub-standard developments, and the aim must be for the Council's recreational open space standard to apply to all residents of the 	<ul style="list-style-type: none"> No change to be made

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			Borough.	
11.	MMC Developments	<ul style="list-style-type: none"> • Further publications which should be referenced: English Partnerships Urban Design Compendiums and 'Creating Inspirational Spaces' (NWRA / RENEW) • There is a question over the thoroughness of the document. At no point in the questionnaire are the issues of the assessment of the need for open space and the viability of requiring on /off site provision addressed. • The size of garden space in schemes should be taken into consideration with respect of the need for wider open space. This will be particularly significant where the provision of open space may result in anti-social behaviour. • Open space should only be requested where there is a proven shortfall in the level of open space in the catchment area surrounding the site. • Where the provision of on-site open space or an off-site contribution would render the scheme unviable this should be a material consideration. • Where sites are acquired prior to the publication of the SPD, negotiations should be more flexible and consideration given to viability. • It should be accepted that there are certain developments where open space is inappropriate due to the probability of anti-social behaviour occurring and the difficulties in maintaining such spaces safely for the benefit of the wider community. • The document should allow for a degree of flexibility to allow developers and urban 	<ul style="list-style-type: none"> • Guidance from these documents should inform the SPD • The questionnaire allows for comments in respect of the scope of the document. Questions of assessment of need / viability are fundamental issues established by policy H/6 and the SPD does not have the remit to alter these matters. • The definition of recreational open space is established by the UDP and does not include garden areas, which in any case do not necessarily perform the same function as recreational open space, which by its nature is communal. The aim should be to ensure all residents of the Borough have access to the Council's standard of recreational open space and this aim should not be compromised by fear of misuse, which can be minimised by judicious design / location. Inadequate recreational provision may actually increase instances of anti-social behaviour. • Requirements should be related to shortfalls, specifically in the ability of facilities being able to cater for both new and existing residents. The document clearly indicates that when there is sufficient provision safely and conveniently accessible to the new residents, which can cater for both new and existing residents, the requirement may be waived. • Policy H/6 does not allow exceptions to 	<ul style="list-style-type: none"> • Have regard to the guidance contained within the suggested documents. • No change to be made • No change to be made • Document to make clear that when there is sufficient provision safely and conveniently accessible to the new residents, which can cater for both new and existing residents, requirements may be waived. • No change to be made • No change to be made • No change to be made • No change to be made

	Respondent	Comment	Response	Recommendation/Change (<i>proposed new text in italics</i>)
		designers to design schemes that deliver key open space objectives.	<p>the policy based on wider aspirations / market feasibility. Wider aspirations / market feasibility do not justify allowing developments with insufficient recreational needs for their residents, effectively sub-standard developments, and the aim must be for the Council's recreational open space standard to apply to all residents of the Borough.</p> <ul style="list-style-type: none"> • The SPD will have a degree of flexibility in terms of types of provision, and sometimes in respect of the on-site / off-site balance, however the issue of viability is a fundamental one which is established in the UDP and issues of viability should not lead to residents having poorer access to recreational open space than the Council's standard. • It is important that the aim of having a consistent high standard of recreational open space provision for all residents of the Borough is maintained, and this should not be deflected by fears of misuse, which can be minimised by judicious design and location. Inadequate recreational provision may actually increase instances of anti-social behaviour. • It is agreed that there should be a degree of flexibility in design terms, however the design guidance outlines basic principles which should always be adhered to. 	
12.	Mosaic Town Planning	<ul style="list-style-type: none"> • With regard to the location of the Outdoor Sports Provision, the guidance is contradictory. 	<ul style="list-style-type: none"> • The first paragraph referred to does not make it clear that on-site Outdoor Sports 	<ul style="list-style-type: none"> • The wording of the document should be altered to ensure that

	Respondent	Comment	Response	Recommendation/Change <i>(proposed new text in italics)</i>
		It suggests (page 14) that with less than 900 bedrooms an off-site contribution will be generally expected but on page 16 it is stated that 'on site provision in accordance with the standards would be acceptable.' We consider the wording on page 14 to be inappropriate and support the wording on page 16 which allows for flexibility according to circumstances.	Provision is acceptable, and the wording should be altered to ensure that it does, although it should be emphasised that this should only be in circumstances where it would be appropriate.	on-site Outdoor Sports provision may be acceptable.
13.	Calderdale Metropolitan Borough Council	<ul style="list-style-type: none"> The SPD is based on the old six-acre standard, whereas it is now required that LAs undertake detailed local assessments to provide evidence as a basis for developing a locally based standard. It may be worth delaying the document until the playing pitch assessment is published in 2008. This will allow for a more robust document in line with Government guidance and less open to challenge. 	<ul style="list-style-type: none"> The Council's standard, which is not altered by this document, is locally-based and differs from the six-acre standard. The SPD is expanding upon existing policy, not creating new standards. The playing pitch assessment is already published, however the green infrastructure strategy will not be published until later this year. Nevertheless, it is felt that the SPD should be in place for when the strategy is completed, so that the new system will be able to commence immediately. 	
14.	Natural England	<ul style="list-style-type: none"> The summary in the draft SA report is considered inadequate. The report should quote and refer to the conclusions and mitigation of the HRA screening in full. From 1 October 2006, all local authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. We would expect to see a reference to this in all relevant planning documents. We are disappointed that the preparation of the SPD has not been taken as a valuable opportunity to show how you are exercising this duty. We welcome reference to our 'Accessible 	<ul style="list-style-type: none"> The Habitats Regulations Assessment to be quoted in a more full manner in the final SA. The SPD should be amended to make reference to the Biodiversity Duty and give more guidance in respect of biodiversity issues. This document could be included in a 'references' section, which could include all documents of relevance to the SPD. Although recreational open spaces in new housing will have little or no impact upon the South Pennine Moors, it may 	<ul style="list-style-type: none"> The Habitats Regulations Assessment to be quoted in a more full manner in the final SA. 'Design' section to include guidance in respect of protecting / enhancing biodiversity and reference to Biodiversity Duty to be clearly made. Document to be added to 'reference' section Sustainability Appraisal to be changes to include more detail in respect of international

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		<p>Natural Greenspace Standards' in the SA report, and we would also appreciate its inclusion within the SPD.</p> <ul style="list-style-type: none"> • Sustainability Appraisal baseline data: we are disappointed that an additional few lines are considered unworthy of inclusion to emphasise the international designations of the Rochdale Canals and South Pennine Moors Sites 	<p>impact more on the canal and it is considered appropriate to give more detail in the SA concerning these European designated areas.</p>	<p>designations of the Rochdale Canal and South Pennine Moors</p>
15.	Home Builders Federation	<ul style="list-style-type: none"> • Planning obligations must be sought in accordance with Circular 5/2005, meaning that developers should only provide for facilities which are made necessary by the development proposed. Overall, the HBF is supportive of green space in new communities but it should be acknowledged that this will have a knock-on effect on densities and land allocations. • The HBF objects to the suggested requirement for the provision of site management costs. Paragraph B19 of Circular 5/05 is quoted. • In terms of the legal costs for preparing Section 106 agreements, the HBF objects to these recovery costs. The Council, which is imposing the section 106 requirements and it should bear the costs of entering into such an agreement. Furthermore, the HBF believes that it is unfair to expect developers to pay section 106 contributions on commencement of development, as they are yet to receive receipt for the development. 	<ul style="list-style-type: none"> • It is agreed that planning obligations should be in accordance with the relevant government guidance and furthermore that any open space provision required should be of direct benefit to the occupiers of the new development in question, and this is outlined in policy H/6. The impact of on-site greenspaces on densities and allocations is noted, however the remit of this SPD is not to question the policy but to expand upon and give detail to it. • The requirements of the policy / SPD are in accordance with the provisions of the relevant government guidance. Facilities provided through the provisions of the policy / SPD are of specific benefit to new residents and maintenance cost requirements are time-limited. • The Council is entitled to charge these legal costs and it is an entirely accepted practice. The application fee is not intended to cover such costs. In terms of timing of payment of costs, experience has indicated that developers can be tardy in respect of making payments once the development 	<ul style="list-style-type: none"> • The document to make it clear that the open spaces provided / improved through planning obligations should be of direct benefit to the occupiers of the new development. • No changes to be made. • No changes to be made.

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			has been completed, and it is important to have the certainty of payments having been received as soon as possible in order to plan for improved facilities to cater for the new residents.	
16.	HOW Planning	<ul style="list-style-type: none"> For the SPD to be meaningful it is important that strategies demonstrating shortfalls are up to date and robust. Assessments should be updated if they are to form a valid evidence base in order for the SPD to realistically address the areas of need within the Borough. The overarching aim of increasing certainty for planners, developers and other interested parties relies entirely on this information being accurate. In very special circumstances where the improvement of existing local open space can only be undertaken alongside a comprehensive decontamination program for example there should not be any requirement for an off-site provision or commuted sum payment. It would be beneficial if the evidence base for the SPD were made available to developers in order for them to make a fully informed and accurate assessment of local needs both with regard to local open space and formal sports provision. The SPD should provide as much relevant information and guidance as possible as well as further developing policy mechanisms such as flexible contribution requirements which can be engaged when developers seek to work with the Council in promoting development on often 	<ul style="list-style-type: none"> It is agreed that decisions should be based on a robust and up-to-date audit / strategy and this will be provided later in 2008 by the Green Infrastructure Strategy. In the meantime, it is important to get the SPD in place so that it can be implemented although it is appreciated that it may not be possible to implement all of its provisions until the GI Strategy is in place. Other costs of developing a site cannot be used to justify a lower standard of recreational open space provision for residents of the development than would normally be required. The standards should apply equally to all residents of the Borough. The Green Infrastructure Strategy is intended to be a public document. It is not within the remit of the SPD to change the standards of recreational open space required. In any case, it is not felt that other costs can justify the lowering of standards for the residents of the new development and exacerbating existing deficiencies in open space provision. 	<ul style="list-style-type: none"> Clear reference to the Green Infrastructure Strategy to be made. No change to be made. No change to be made. No change to be made.

	Respondent	Comment	Response	Recommendation/Change (<i>proposed new text in italics</i>)
		challenging sites.		
17.	Sport England	<ul style="list-style-type: none"> • We are surprised that reference to aims and objectives appears to have been omitted. These could be set out in the introduction for the avoidance of doubt, and form a reference point for the issues dealt with in subsequent chapters. The local policy context for this SPD needs to be set out, in particular any policy in the emerging core strategy. • The apparent absence of a full open space assessment is noted. This is a critical piece of work which needs to be available to underpin the aspirations and application of the SPD. • The standards and principles are welcomed, in particular the recognition of the diversity of open space and its multifunctional role. • The aspirations and detail of the design and layout chapter are supported. • Welcome the pragmatic approach to off-site provision, and the use of a standard charge to secure contributions. 	<ul style="list-style-type: none"> • It is considered that aims and objectives could be included in the introduction. The core strategy has not yet reached the status of including policies. • It is agreed that decisions should be based on a robust and up-to-date audit / strategy and this will be provided later in 2008 by the Green Infrastructure Strategy. In the meantime, it is important to get the SPD in place so that it can be implemented although it is appreciated that it may not be possible to implement all of its provisions until the GI Strategy is in place. • Noted. • Noted. • Noted. 	<ul style="list-style-type: none"> • Aims and objectives to be added to the introduction. • Clear reference to the Green Infrastructure Strategy to be made. • No change to be made. • No change to be made. • No change to be made.
18.	CABE	<ul style="list-style-type: none"> • No specific comments. 	<ul style="list-style-type: none"> • 	