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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 draft 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 Policy Context

1.5 National Policy

1.6 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.

1.7 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.

1.8 The Government has already 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 ⁽¹⁾

1.9 Local Policy

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.

1.10 Policies CFLR1 Open Space, Sport and Recreation, DEL1 Infrastructure and Service Delivery and DEL2 Planning Obligations of the Local Plan provide the main policy 'hook' for this SPD. However other policies in the District Plan have further requirements for open space, sport and recreation developer contributions. The key policies are set out in appendix B.

1.11 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.

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



1.3 The SPD's objective and scope

- 1.12** 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”.
- 1.13** This SPD will include indoor and outdoor sports facilities (including playing fields), play, youth provision, open space (including allotments), and village/community halls.
- 1.14** This SPD will provide 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.
- 1.15** 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.
- 1.16** The SPD, once adopted, will be a material consideration in the determination of planning applications and will have been prepared in accordance with the necessary regulations.



2 Planning Obligations

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, 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.
- 2.4** 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.

Open Space, Sport and Recreation SPD



- 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.
- 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.

2.5 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.

2.6 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.

2.7 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 Does this SPD cover everything?

2.8 It should be noted that the planning obligations outlined in this SPD are not exhaustive. In some areas additional planning obligations, outside the scope of this SPD, may be sought. 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 Plan Policies.

2.9 As new policy requirements emerge and change, the SPD will need to be updated and revised to reflect these changes.



2.4 When will the SPD be used?

- 2.10** The SPD will be applied to planning applications for any new residential development that results in a net gain in residential units.
- 2.11** The SPD will not be applied to extra-care, replacement dwellings, residential extensions and annexes, or renewal of planning permission that has not expired at the time of submission of the application.

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

- 2.12** The Council will normally require the provision of, 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. The latest Council endorsed strategies include:
- Playing Pitch Strategy, frequently referred to as PPS (August 2017)
 - Built facilities Strategy (July 2017)
 - Open Spaces Strategy (The Open Spaces and Sports Facilities Assessment Technical Study) (July 2017)
- 2.13** 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), Neighbourhood Plans and other relevant Local Development Plan Documents.
- 2.14** Whilst this SPD is based on the outputs from the three sports and open space strategies, where there are strategies and policies in the Local Development Plan that precede this SPD, then the strategies and policies in this SPD as the most recent policy base, supersede them.
- 2.15** This list of facilities in the current strategies is not exhaustive. For example: a new or growing sport may need to be supported (such as the rise of parkour); there may be a major change in an existing sport such as the move to more Artificial Grass Pitches (AGP's) and growth in youth and girls football). There will be a need to evidence such additions.

2.6 What is the policy justification for provision or improvement of these facilities?

- 2.16** National and local planning policies that are relevant to and support the developer contribution policies in this SPD are fully set out in Appendix B.
- 2.17** Key District Plan policies include the following:



- 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.
- CFLR1- Open Space, Sport and Recreation: Residential development will be expected 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 existing facilities.
- CFLR7- Community Facilities: The provision of adequate and appropriately located community facilities will be sought in conjunction with new development. Developers are expected provide on site provision or where appropriate a financial contribution to off-site provision or the enhancement of an existing facility.

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

2.18 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.

2.19 It will therefore be important to ensure that any obligations sourced 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.

2.20 A proactive approach should be taken to the use of planning obligations in the context of the current CIL 'pooling restrictions', whilst these are in still force up to September 2019. After that date these national pooling restrictions will not apply as the New Community Infrastructure Levy Regulations (2019) come into force. Until September the restrictions limit the number of Contributions from developments that can be secured and apply with or without an adopted CIL. This approach can be achieved by, as far as is practical, matching specific developments to identified projects. This should be supported through land use needs set out in master-plan requirements, development briefs in the Local Plan, Neighbourhood Plan or other policy approaches, where these are appropriate to the proposed development.



- 2.21** For example, it may be better for a small local housing development to contribute to an extension to a village hall so that indoor sport can be played here, rather than to a large sports hall in a proposed new leisure centre, as the larger more strategic housing developments may be better placed to help fund such strategic facilities.
- 2.22** As at 2019, the Council does not yet have Community Infrastructure Levy in place but will give consideration to introducing a CIL in order to support the provision of future infrastructure schemes (see appendix A).

2.8 Is it just the provision and/ or enhancement of a facility that will be required?

- 2.23** In addition to the capital cost (or provision) of a new/extended facility, there will be additional costs. These include the cost for maintenance, and in some cases contribution towards replacement ('life cycle costs'), should be sought for both on-site and off-site provision. An exception may be where it can reasonably be argued that normal operational income should cover these costs, or other factors such as viability of the development become important, having first been robustly evidenced to the District's satisfaction. (Policy CFLR1 and Policy CFLR7).
- 2.24** As facilities need to be operationally viable, if they are to be sustainable in the long term, then in some cases a contribution to a sinking fund, to cover lifecycle costs, should be requested. For example replacing the carpet on an artificial grass pitch. This however would need to constitute a reasonable and fair amount, and not be used to subsidise a commercial (i.e. profit-distributing) body. It must also be needed, for example a few clubs could reasonably be expected to earn enough income to recover replacement, but most will not. It is also the case in the light of diminishing resources available to Local Authorities, that even they may struggle to plan ahead and cover life cycle replacement costs. The lifespan and maintenance costs are therefore calculated as part of the Contributions requests (for examples see Appendix C).
- 2.25** On-site provision will, in all but exceptional circumstances, also require the provision of appropriate on-site land, at no cost, and suitably serviced. ⁽²⁾
- 2.26** There may be exceptional circumstances where the Council agrees land for a needed facility cannot be provided on-site. The District 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.

2 Suitably serviced land means land with access to normal service at the boundary of the land, such as portable water, electricity, sewage, communications etc, as well as good physical access



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

- 2.27** Yes it can, notably where a facility is required on-site which may require delivery through a planning policy and a masterplan approach for the whole area. For example, some of the strategic site policies in the District Plan (2018) specify facility needs within the site (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.
- 2.28** 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 co-ordinated and delivered, on an allocation wide basis, by the landowners/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 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.
- 2.29** 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).
- 2.30** 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.
- 2.31** There may also be specific facility needs identified in the reviews/updates of relevant strategies, which are required to be provided on a development site, as this may be the most deliverable, and/or best located, opportunity. This may include a new leisure centre or other facilities that have a wide



catchment area, or where the development itself generates the whole or the majority.⁽³⁾ of the facility need. Note, requests for financial, land or other Contributions would still need to pass the three CIL tests.

- 2.32** 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).
- 2.33** 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 master planning 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.
- 2.34** For new facilities, the District’s future planning policies should 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.

2.10 Does land need to be provided and if so how?

- 2.35** This section should be read with section 2.9 above on “Does this SPD affect masterplans and phasing for larger housing developments?”
- 2.36** Suitable land needs to be provided at no cost by developments. This is supported by the Infrastructure Delivery Plan, particularly in the section on ‘Funding Infrastructure’ e.g. paragraph 5.2 where:
 “... developers will often be required to deliver infrastructure on site in order to serve that development. The developers will fund the complete cost of infrastructure as part of the overall development scheme”.
- 2.37** Suitable land will 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 include provision, maintenance, in some cases replacement, and land costs.
 - If the demand generated by the development is for the large majority (67% or more ⁽⁴⁾ 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 cost 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

3 The definition of majority is 67% or more of a facility, as this is a reasonable threshold above which on-site provision should be required

4 where there is a need of two-thirds of a facility or more generated by a development it is reasonable threshold above which on-site provision should be required)



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 (e.g. from pooled contributions from other developments, from grants or other sources).

- If the land cannot be provided for on-site because of proven master-planning constraints, financial viability or other relevant reasons, then the local authority may negotiate an appropriate alternative contribution, where this is CIL compliant.

2.11 Do smaller developments need to contribute?

2.38 Although the population of a single development (e.g. on a small site or an individual stage of a larger site) may not in itself generate the needs for a full facility, it will still generate additional demand, which should be quantified and then be met. Other contributions from other developments (or other funding sources) could then be sought to enable the delivery of the facility.

2.39 Where there is flexibility, the largest developments may be better targeted for certain more strategic facilities (e.g. a Leisure Centre), and smaller developments can typically be better targeted for very local needs (e.g. a village hall extension, an improved local play area or lights for a MUGA).

2.12 Can contributions be made to existing facilities?

2.40 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).

2.41 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 with the timescales for payment of Contributions and on delivering the outputs required.

2.42 There should be flexibility in the allocation of such a contribution in case the improvement or provision at such a facility becomes implemented through other funding sources ahead of the time the contribution is due to be paid. If appropriate, the wording of the planning obligation/contribution should allow for the monies to be paid to an appropriate alternative facility that can deliver the same or similar sports, recreation and/or open space outcomes.



2.13 Is there early advice available to developers?

- 2.43** 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.
- 2.44** It is also advised that during the development of relevant future planning policies and new site allocations and/or master-plans, 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 is so as to be strategic in planning needs and also allow the developer/landowner to factor land costs better into the site values.

2.14 How are legal agreements made?

- 2.45** Following any decision to grant planning permission, that is subject to the finalisation of a s106 agreement, 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, rather than with a particular developer.



3 Calculating Contributions

3.1 Is there a list of what facilities are needed?

- 3.1** Yes, as stated, the actions plans from the relevant sport, recreation and leisure strategies (or their latest updates), and other robust sources, will help identify prioritised and costed facilities. These plans include: the Infrastructure Delivery Plan (IDP 2017); The Harlow Garden Town IDP (2019); Playing Pitch Strategy (2017); Built Sports Facilities Strategy (2017); Open Spaces Strategy (2017); and other relevant evidence base from the Local Plan.
- 3.2** Consultation with national 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.
- 3.3** Other factors such as the District's aging population⁽⁵⁾ are also relevant. There is 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.

3.2 What assessment is made to ensure the Contributions are needed by a development?

- 3.4** The following tests will be used to assess whether the existing provision within an area can provide for the demand generated by a development, or whether a new facility may be needed. (NB: The facilities' needs identified in the relevant strategies have already used these tests, and the outputs are identified in the 'action plans', which also have prioritised projects). The tests help confirm the needs arising from a particular development, and relate to Quantity, Accessibility and Quality.

Quantity and Accessibility

- 3.5** The quantity requirements are based on the demand generated by the development in relation to the existing supply. This is derived from the relevant strategies/frameworks. This can be expressed for example as the facility need per 1,000 people.
- 3.6** The accessibility requirement includes the acceptable travel distance (catchments) to a facility based on known travel patterns for different sports, the hours that it is available to the community, that it is open to 'pay and play', and is likely to be available for community use in the long term.



- 3.7** This quantity and 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 type in the District, but none located within the appropriate catchment area of a development, so a new facility may need to be provided.
- 3.8** 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, any exclusions, and has legally secure community use for at least 25 years or preferably longer.
- 3.9** Certainty of public access, typically for paid facilities, includes if it is affordable, 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. This won't apply to public open spaces and play facilities etc, which will be available at all times, unless exceptional circumstances are agreed with the relevant Council (see also paragraph 4.17).
- 3.10** 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.
- 3.11** Alternatively, 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.
- 3.12** Facility catchments are based on strategy standards:
- 20 minutes drive for swimming pools, sports halls, 3G-AGPs and indoor bowls
 - 15 minutes drive for fitness studios and gyms;
 - 15 minutes walk for grass pitches; and outdoor bowls;
 - Play and open spaces⁽⁶⁾:
 - LEAPS 400m;
 - NEAPS 1000m;
 - Youth and teenage provision (MUGAs/skateparks and other such youth facilities) 1000m



Quality

- 3.13** The quality requirement relates to the quality, design, layout and specification of facilities.
- 3.14** Facilities that are provided should reflect current best practice in design, layout and specification, including current quality guidance from Sport England, National Governing Bodies of Sport, and Fields in Trust. This should apply to refurbishments, extensions and new build proposals.
- 3.15** 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. Resultantly such a facility may have less capacity to meet the demand generated from a development.
- 3.16** 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.
 - Sufficiently diverse recreational use for the whole community.
 - 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
 - Technical standards produced by Sport England, national governing sporting bodies or professional or trade organisations, such as the Institute of Groundsmanship, Design and Landscape Institute, the Sports and Play Construction Association and other relevant professional organisations' advice should also be used.

3.3 What assessment is made to ensure the Contributions are fair and justified?

- 3.17** 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. This is regardless of whether a CIL has been adopted or not. To do this an initial assessment of the quantity, accessibility and quality, as described above, is undertaken.
- 3.18** Such assessments were undertaken in the relevant sports, recreation and open space strategies. The process to ensure Contributions comply with the tests include the following steps:



- identifying the development's expected population;
- assessing the demand and cost of meeting the demand arising from the development, for different typologies and/or facility types, based on the additional population;
- identifying whether the location of a facility to be funded lies within an accessible catchment (e.g. within a drive time or walking distance that relates to the relevant facility and the development).
- identifying if the demand can be met by existing facilities (where these have a sufficient capacity, are accessible, and acceptable quality);
- if the demand cannot be met by existing facilities, then using the local evidence base and consulting with relevant stakeholders to help identify the best approach to meeting these needs;
- identifying the costs of the new or extended facility, or other quality improvements to increase an existing facility's capacity; and
- then applying the costs proportionate to the development's population.

3.4 How is the need arising from a development, and the cost of that demand, calculated?

3.19 The need arising from the housing development sites allocated in the District Plan, and other sites that come forward, should be calculated for built leisure facilities, open spaces, playing pitches and other recreation and community facilities. The calculations should take account of:

- The latest demographics of the District up to the end of the District Plan period (2033);
- The latest expected future demand for each sport/facility type for the District;
- Current patterns of demand;
- The feedback from clubs, consultees, stakeholders and district and other local council officers;
- Published guidance from national bodies such as Fields in Trust, Sport England and National Governing Bodies of Sport on specifications and catchments; and
- Local identified priorities for certain facilities, such as playing pitches.

3.20 To generate the population figures, a '2.32 people per house' multiplier has been used, derived from MHCLG/ONS Census data ⁽⁷⁾. This figure will need to be updated from time to time as national and local population statistics change.



3.5 Cross boundary

- 3.21** In some cases, the nearest current or potential new facility may be across a 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.
- 3.22** The strategic importance of larger such 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⁽⁸⁾. This approach is endorsed by the 'duty to co-operate' with neighbouring authorities⁽⁹⁾. For example a large leisure centre that will provide for residents across two LPA boundaries may be funded through s106 (or CIL) by both authorities.

8 NPPF Paras 86-89

9 NPPF paras 21,27 and 35



4 Calculations for Sport & Leisure Facilities

4.1 Context

- 4.1** The facility costs identified in this SPD are based on: Sport England's latest facility costs guidance;⁽¹⁰⁾ costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including sourced from SPONS Construction and Landscape Price Books.⁽¹¹⁾ Should robust local costs be available, e.g. from a project cost identified by an architect, these can provide useful accurate figures.

Sub-Areas

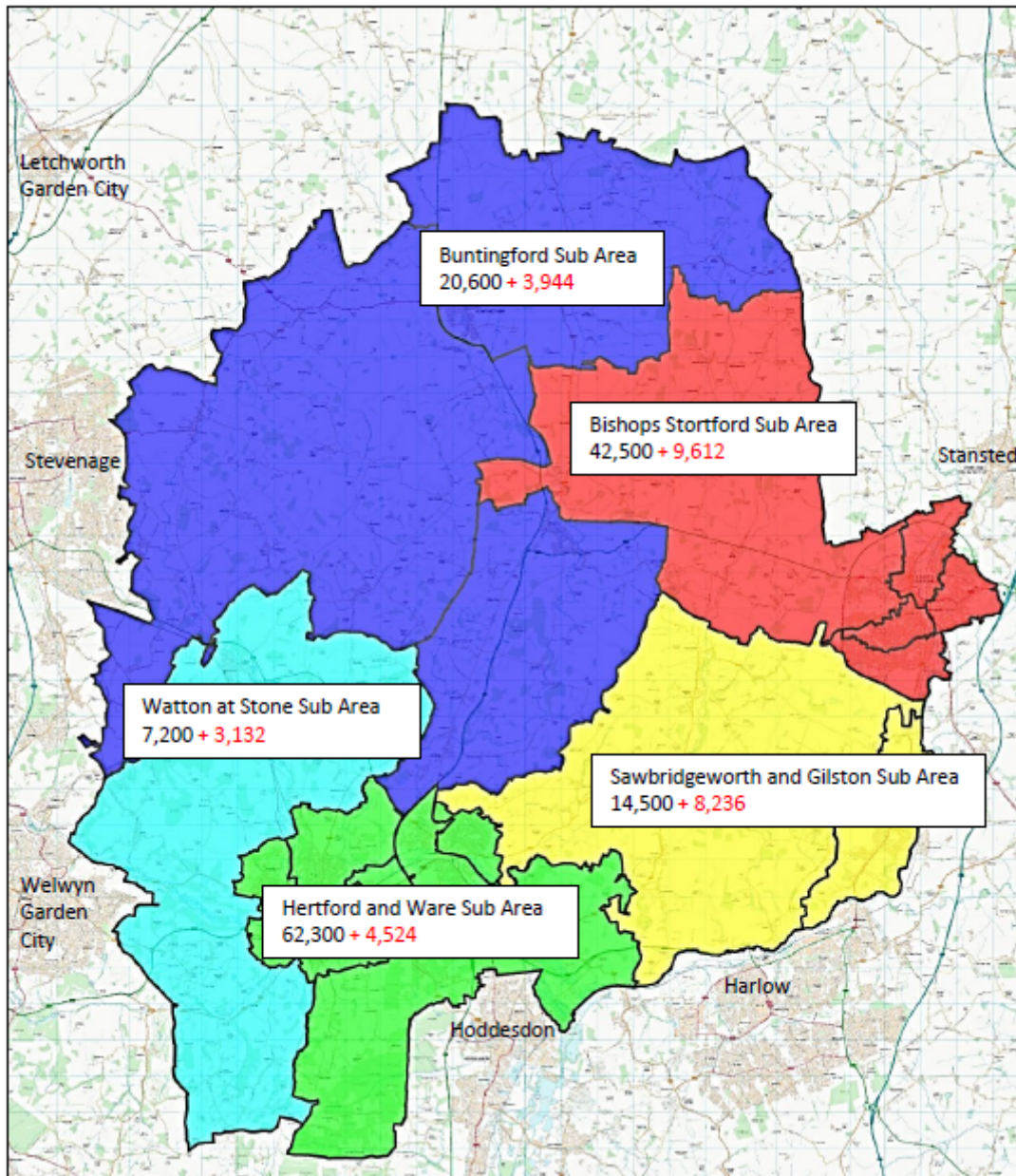
- 4.2** Figure 1 shows the different sub-areas in East Herts, represented by different colours. The red numbers are the additional population due to growth at the time the sports strategies were written.

10 At the time of writing, Sport England Facility Costs Q2/2018, Lifecycle costs (2012 costs, but expressed as percentages of capital costs)

11 At the time of writing this was Spens External Works and Landscaping Costs 2019



Figure 1: Sub-areas and population in East Herts



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4.3 In order to best meet accessibility, relate to sensible catchment areas, take account of current main centres of population and housing growth, and best meet the 'CIL Tests', the District has been divided in this SPD into the following sub-areas:

- Bishop's Stortford
- Buntingford
- Hertford/Ware



- Sawbridgeworth/Gilston
- Watton at Stone

4.4 These sub-areas best divide the main urban areas along with a rural catchment, and are also the same sub-areas as used in the playing pitch strategy. The sub-areas (see Figure 1) help identify where strategic facilities are located in relation to new housing, and Contributions from housing for the strategic and satellite facilities can then be directed to the relevant sub area. How this works in detail is explained under the relevant sections below. Updates of all, or part, of the relevant strategies may identify a need for other facilities.

4.5 New housing developments in each sub area will usually be required to contribute to the identified strategic facilities (e.g. a new leisure centre) and specialist facilities (e.g. where they may be only one in the district, such as a gymnastics centre).

4.6 Whilst all developments are expected to pay towards all facilities (where there is an identified need and Contributions are CIL compliant), the Council may put an emphasis on larger housing developments funding strategic facilities (including specialist facilities) and local developments funding local facilities. The average contribution per dwelling will be about the same so as to be fair and reasonable. This SPD distinguishes between ‘local facilities’, ‘satellite facilities’, and ‘strategic facilities’ as follows.

4.7 *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 (e.g. a leisure centre) 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 to be provided and/or funded via Contributions (and other sources) include:

- Grange Leisure Centre (Bishop’s Stortford): replace and extend
- Gilston Area leisure centre: new facility
- Hartham Leisure Centre (Hertford): extension
- Bishop’s Stortford Lawn Tennis Club strategic centre improvements⁽¹²⁾
- Legends Tennis Club
- Bishop’s Stortford Squash and Racquets Club

4.8 *Satellite facilities* typically serve one sub-area and include:

- Fanshawe pool and gym (Hertford & Ware Area)
- Leventhorpe pool and gym (Sawbridgeworth & Gilston Area)
- Freman College swimming pool and potential gym addition⁽¹³⁾ (Buntingford Area)

12 Built Facilities Strategy: cover courts and/or convert grass courts to hard courts.

13 Built Facilities Strategy recommendation



- 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
- Bishop's Stortford Gymnastics Club

4.9 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

4.2 Standards of provision

4.10 Standards of Provision are useful tools to determine a proportionate contribution from a set number of houses or number of people, in a development. As described above the average number of people per household in the District is 2.32. Thus a development of 100 dwellings will be assessed as generating a population of 232 people.

4.11 This SPD takes its standards of provision from existing robust evidence bases such as the Infrastructure Delivery Plan (IDP 2017), Harlow Garden Town IDP, sports and recreation strategies (e.g. Playing Pitch Strategy (2017), Built Facilities Strategy (2017) and the Open Space Strategy (2017) and CIPFA⁽¹⁴⁾ Comparator Local Authorities, and other robust standards.

4.12 **NB: 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 if there is a current and future assessed surplus of a facility within the catchment of a development, and this facility has secure community use and is accessible during the peak period (evenings and weekends), then a Contribution should be directed towards the quality improvement of that facility.

4.13 Standards of Provision for East Herts Council are set out in Table 1.

4.14 The standards assume that the facilities are fully available at peak time, as defined by Sport England and set out in the EHC sports strategies, e.g. typically 45.5 hours per week (pools), and 52 hours per week (halls), including weekday evening and weekends.

4.15 The facilities' design and quality must meet Sport England or the relevant national governing body of sport guidance and specifications.

¹⁴ CIPFA Nearest Neighbours Model is the nationally recognised method used to find the most similar 'comparator' local authorities.



4.16 How these standards are applied is shown in both the ‘Worked Examples boxes’ below, and in the calculation examples in Appendix C.

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

Facility	Measurement		Accessibility	Source
			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. ⁽¹⁵⁾	
Sports halls	0.29	Badminton courts per 1,000 people	About 20 mins drive time, fully available at peak time	Built Facilities Strategy 2017
Swimming pools	11.31	sqm per 1,000 people	About 20 mins drive time, fully available at peak time	Built Facilities Strategy 2017
Gyms	7.17	Stations per 1,000 people	Up to 15 mins drive time	Built Facilities Strategy 2017
Studios	0.13	Studios (140sqm) per 1,000 people	Up to 15 mins drive time, fully available at peak time	Built Facilities Strategy 2017
Outdoor tennis	0.32	Courts per 1,000 people	Up to 10 mins by car, available at all times	Built Facilities Strategy 2017

¹⁵ 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



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	Built Facilities Strategy 2017
Village/community halls	120	sqm/1,000 people	Up to 800m walk	Built Facilities Strategy 2017 (also see footnote for provision in large developments/ Garden Towns)
Children's play and provision for young people	0.25	Ha of designated equipped playing space per 1,000 ⁽¹⁶⁾	100m for LAPs; 400m for LEAPs; 1000m for NEAPS and youth/teenage	Open Spaces Strategy (2017)
Amenity green space, parks & gardens	1.4	Ha per 1,000 people, to Green Flag standards	710m for parks & gardens and 480m for either parks and gardens or amenity green space.	Open Spaces Strategy (2017)
Natural/ semi-natural greenspace	3.2	Ha per 1,000 people, to Green Flag standards	720m	Open Spaces Strategy (2017)
Allotments	0.30	Ha per 1,000 people, to Green Flag standards	1000m	Open Spaces Strategy (2017)

4.3 Calculating Contributions for open space and play

4.17 Public open spaces and play including the two combined typologies of Parks & Gardens with Amenity Greenspace and Natural and Semi-natural Greenspace, along with allotments, youth facilities (e.g. MUGA/skatepark) and children's and youth play, are required to be publicly accessible at all times, as well as being safe, attractive and of a functional size. Allotments may have some restriction on public access due to security needs. These are all referred to below under the collective words 'open space'.

¹⁶ 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.



- 4.18** The following land uses do not count towards public open space: SUDS,⁽¹⁷⁾ structural and peripheral landscaping, footpaths and cycleways, highway verges and small areas of incidental land. Some smaller areas of land that are largely surrounded by roads may not be suitable for reason of amenity and safety, or where the adjacent use leaves the location unattractive to use, so will also be discounted.
- 4.19** 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, effective screen/ enclosure, benches, signage, dog and waste bins, watering points, attractive landscape features and environmental enhancements (such as trees and shrubs) and car parking. Parks Gardens and Amenity Green Space may have all of these, whilst Natural/semi-natural Greenspace 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, communal shed etc. It will be the Council's decision as to what is reasonable and relevant to be required for open space facilities provision.
- 4.20** Should the open space be adopted by the Council, or by a Parish or Town Council, then the commuted management sum would be payable for a period of not less than 20 years.
- 4.21** 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. (see paragraph 3.16).

Calculations

- 4.22** Where there is a need for new or upgraded open space, the amount is calculated using the standard of provision, pro-rata to the development population.
- 4.23** The costs per area of each typology are based on relevant and up to date cost sources. For open space this includes Spons External Works and Landscape Price Book (2019) and other robust sources. These are then applied to the need assessed above.

¹⁷ Sustainable Urban Drainage. NB Exceptionally where the SUDS is also a semi-natural greenspace that is likely to be dry and useable as public open space for 90% or more of the time, then the Council may choose to allow this to count as public open space.

Open Space, Sport and Recreation SPD



4.24 On development sites generating less than 0.2ha of Amenity Green Space⁽¹⁸⁾(including Parks and Gardens, and unless there is a clear recreational function e.g. children's play, which includes informal unequipped play and kickabout areas), the Council will accept a commuted sum towards provision of new off-site open space, or towards the enhancement of an existing open space within the neighbourhood or within the accessibility thresholds specified in Table 1.

4.25 In some cases, such as play provision, there is a trigger based on the number of houses, so as to provide an appropriate level of facility(ies) for the development. This is as follows:

Table 2: Open Space: 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)	Youth Sport (MUGA; Skatepark; adventure play)
1-9 dwellings	No contribution		
10-90 dwellings		Contribution	Contribution
91-330 dwellings		Contribution	
331+ dwellings			
<ul style="list-style-type: none"> means a required provision on-site to F.I.T specifications 			

4.26 As well as provision of open space, maintenance costs will be required unless, with the agreement of the Council, a suitable management company is set up to manage the land in perpetuity, to a Council agreed specification/standard. Maintenance contributions will be given to the relevant body, such as the District, Parish or Town Council. Reasonable contribution to cover the cost of setting the specifications and monitoring them can be asked.

Table 3: Open space maintenance costs

Typology	Maintenance costs per sqm for 20 years ⁽¹⁹⁾
Amenity/ Greenspaces/ Parks and Gardens	£25.17

¹⁸ This follows the advice of the EHDC Open Spaces Strategy (2017).

¹⁹ All these figures are based on Spons External Works and Landscape Price Book at 2019, except for the youth play which is based on a 782sqm MUGA at £150k x 0.4%/yr x 25 yrs. Sport England costs Q2/2018.



Natural/ semi-natural Greenspace	£6.50
Children's Play and Provision for Youth	£6.84
Allotments	£3.89

4.27 Figure 2 below shows worked examples of how to calculate Open Space Contributions.



Figure 2: Worked example for calculating open space provision-development of 70 houses

Population: 70 houses x 2.32 per dwelling = 162.4 people

Children's Play and Provision for Young People

- There is an identified local need for children's play in new developments (Open Spaces Strategy 2017 para 7.44). There is an identified need for youth and teenage provision- different from the provision of an older children's play NEAP.
- The standard of provision, of designated equipped play space excluding buffer zone, is 0.25ha/1,000 people (being 2,500sqm/1,000 people)
- The need is: $162.4/1000 \times 0.25ha = 0.0406ha$ (406 sqm) of children's play.
- The play is to be provided on-site with the provision of a LEAP (406sqm), noting the minimum NEAP 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)
- If the provision is agreed by the Council to be off-site, the off-site contribution will be £64,148 (406sqm x £158/sqm) capital cost for Children's Play. If provision for young people is justified on site, then the cost of provision is £192/sqm.
- Then in addition will be a lifecycle cost at 5% of the capital cost over 20 years = £64,148, and a maintenance cost at £6.84/sqm/yr, over 20 years being = £55,541.
- The total contribution will be £183,837.
- 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).

Notes: if the housing number was higher, at 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 play facility contribution to make that facility larger/more deliverable. Whilst it may be possible to deliver the 209sqm as two 100sqm LAPs on-site, LAPs are not to be provided, but exceptionally they may be delivered in some small isolated developments with no other accessible play or as an essential part of play network. 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 c £80- 100,000, larger c £200-250,000]; wheels/pump tracks [£15k upwards]; and some larger adventure play equipment [£20k+ per item].

Amenity Greenspace/ Parks & Gardens (AGS)



- There is an identified local need for AGS
- 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) of AGS.
- 2,274sqm AGS is to be provided on-site to Green Flag standards
- If provided off-site this will be at $\pounds 15.61/\text{sqm} \times 2,268\text{sqm} = \pounds 35,491$ + any land cost.
- In addition there will be a maintenance cost at $\pounds 25.17/\text{sqm}$ over 20 years $\times 2274\text{sqm} = \pounds 57,227$; (There is no lifecycle cost for AGS/P&G)
- The total contribution will be $\pounds 1,180,021$.

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 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 AGS in the catchment is a better option. Large development sites would normally be expected to have an on-site provision.

Natural 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: $162 \text{ people}/1000 \times 3.2\text{ha} = 0.5179\text{ha}$ (5,179sqm) of NGS.
- 5,179sqm AGS is to be provided on-site to Green Flag standards.
- If provided off-site this will be (at $\pounds 3.97/\text{sqm} \times 5,179\text{sqm}$) = $\pounds 20,631$ + land.
- Maintenance costs will be $(5,197\text{qm} \times \pounds 6.50/\text{sqm}) = \pounds 33,779$.



Notes: The Open Spaces Strategy sets out the typologies of Natural/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 need to provide N/SNGS 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 an on-site provision).

Allotments

The need is: $162/1000 \times 0.3\text{ha} = 0.0487\text{ha}$ (487sqm).

- The standard of provision is 0.3ha/1,000 people (being 3,000sqm/1,000 people)
- 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, and 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 normally, as these may be able to be covered by allotments operational income. If not then apply £3.89/sqm

Notes: 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.



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.

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

4.4 Calculating contributions for sports halls, swimming pools, gyms and studios, outdoor bowls, outdoor tennis and community halls

- 4.28** The standards of provision for sports halls, swimming pools and gyms, outdoor bowls, outdoor tennis and community halls is set out in Figure 4, taken from the Infrastructure Delivery Plan 2017 (IDP) and Open Spaces and Sports Facilities Assessment Technical Study (2017).
- 4.29** In most circumstances maintenance costs and lifecycle costs are also required. The calculations for these are set out in the worked examples.
- 4.30** Figure 3 shows worked examples of how swimming pools, sports halls and gym/studios Contributions are calculated.



Figure 3: Worked example for calculating built facilities- development of 700 houses

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

(Note: Example in Hertford/ Ware sub-area. Capital costs, lifespan and maintenance costs are as advised by Sport England).

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 £602,500 (Sport England Facility Cost Q2/2018)
- The sports hall contribution is £283,753.
- To this is added the lifespan cost at 0.5% of the capital cost per annum for 25 years, being £35,469; and then add 1% per annum maintenance costs over 25 years, being £70,938.
- The total hall contribution will be £390,161.

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.⁽²⁰⁾
- 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 £15,792/sqm.⁽²¹⁾
- The swimming pool Contribution is £15,792 x 18.37sqm = £290,059.
- To this is added a lifecycle/replacement contribution at 0.5% per annum for 25 years, being £36,257; and then a maintenance cost a 1% per annum for 25 years, being £72,515.
- The total pool contribution will be £398,831.

20 This is based on the housing growth in the Hertford & Ware sub area, and the Team Generation Rates for this sub area. At the time of the PPS there were of 4,524 dwellings and an identified need for 1.17 AGPs (PPS fig 119) in the sub area; giving 0.2586 AFPs/1,000.

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



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; however priority should be given to developments nearest to the development, and within the catchment. Costs based on a 6-lane pool.

Fitness Gym

- 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: $1624/1000 \times 7.17$ stations = 11.64 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 (140×0.211) sqm \times £1,810/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 and Indoor 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 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 £66,667 per rink including clubhouse, based on 6 rink green being £63,877).
- To this is added a maintenance cost of 6.3% of the capital costs per annum, being £100,607. Sport England does not advice lifespan costs for outdoor bowls.
- The total outdoor bowls contribution will be £164,484.
- 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 (£255,000), based on a floodlit £365k 4-court site, is £155,000 per court.
- The contribution is £80,550
- To this is added the lifespan cost at 1.2% of the capital cost per annum for 25 years, being £24,165; and then the maintenance contribution at 0.4% per annum over 25 years, being £8,055.
- The total tennis contribution will be £112,771.



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
- To this is added the lifespan cost at 0.5% per annum for 25 years, being £44,092; and then the maintenance cost at 1% per annum for 25 years, being £88,183.
- The total community hall contribution will be £485,008.

3G_AGP (Artificial Grass Pitch)

- The Playing Pitch Strategy identifies a need for new full-sized floodlit 3G-AGPs across the District.
- The demand is based on 0.26 AGPs (Hertford and Ware sub area) per 1,000 people.⁽²²⁾
- The need from the development is 0.42 AGPs
- The capital cost is £965,000 per AGP;
- The contribution will be £405,268;
- To this will be added the lifespan cost at 0.5% per annum for 25 years, being £50,658; and then the maintenance cost at 1% per annum for 25 years, being £101,317.
- The total AGP contribution will be £557,243.

4.5 Calculating Contributions for playing pitches

4.31 The need for playing pitches is identified in the Playing Pitch Strategy (PPS 2017) and its key strategic actions sections. The PPS identifies five sub areas, the same sub-areas as identified in this SPD. For each of the sub-areas the PPS has a detailed strategic action plan covering football, cricket, rugby, hockey and artificial grass pitches (AGPs).

²² This is based on the housing growth in the Hertford & Ware sub area, and the Team Generation Rates for this sub area. At the time of the PPS there were 4,524 dwellings and an identified need for 1.17 AGPs (PPS fig 119) in the sub area; giving 0.2586AGPs/1,000.



- 4.32** The demand for new pitches generated by a housing development is best calculated by using Sport England’s Playing Pitch Calculator (using the relevant sub area’s Team Generation Rates) . This Playing Pitch Calculator uses the District’s local population profile, the Team Generation Rates (TGRs) from the PPS, and is pro rata for the population of the proposed new development.
- 4.33** 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 needed.
- 4.34** If the calculated pitch amount is less than 67%⁽²³⁾ 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. 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.

Playing Pitches Contributions

- 4.35** The EHC Playing Pitch Strategy (PPS) has been undertaken in line with Sport England’s guidelines. The needs are as set out in the PPS and include quality improvements to current facilities, as well as significant new provision.⁽²⁴⁾ There is a particularly large need for 3G-AGPs (football specification artificial grass pitches) and for Strategic Football Hubs.
- 4.36** Football: All sub areas have a deficit in football pitches over the plan period (see PPS, 2017, 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.
- 4.37** As well as smaller club sites some larger Strategic Football Hubs are needed, with ideally two new 3G-AGPs, grass pitches and clubhouse facilities. These hubs should be considered to support: Bishop’s Stortford Community FC; Bengo Tigers and Hertford Town FC; Buntingford Cougars FC; Wodson Park Sports Trust/North & East Ware extension; and Gilston Garden Village.

23 As set out elsewhere in this SPD if a development generates 67% or more of a facility, then it will normally be required to provide this facility in full on-site.

24 In the worked examples (Figure 4), the Sport England Playing Pitch Calculator (PPC) is the advised method of calculating need (and most contributions). As at the time of writing this SPD (July 2019) there are problems with the PPC calculations for AGPs. As an interim method, using the Sport England Facility Calculator (SFC) for AGPs can be recommended. This issue should be resolved in the Autumn.



- 4.38** Cricket: There is a deficit in all sub areas (Playing Pitch Study- 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).
- 4.39** Rugby: 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).
- 4.40** Hockey: 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.
- 4.41** The Contributions calculations for pitches are derived from the Sport England Playing Pitch Calculator (SpE-PPC). This SpE-PPC uses the latest district demographics, and then it calculates the needs and costs based on the pro-rata population of the development.
- 4.42** The costs for specific sites may be based on specific locally-derived robust costs that a club may have identified, or based on the Sport England/National Governing Body (NGB) costs. The latter costs (Q2 /2018) are set out below.
- 4.43** Typical costs for football facilities improvements ⁽²⁵⁾are:
- Piped drainage: £35,100 per adult pitch (7,420sqm); £29,400 for an average youth pitch (5,542sqm) and £9,500 for an average mini pitch (1,200sqm).
 - Regrading and improvement of playing surface: £23,500 per adult pitch (7,420sqm); £19,000 400 for an average youth pitch (5,542sqm); and £5,700 for an average mini pitch (1,200sqm).
- 4.44** Cost for new football pitch and pavilion provision ⁽²⁶⁾are:
- A new adult pitch will cost about £95,000 to provide, assuming no significant abnormal costs; youth pitch costs £75,000 and mini pitch costs £25,000).
 - A typical football pitch will cost £0.578/sqm (£4,592 for a 7,420sqm adult pitch) to maintain.

25 SpE Q2/2017 costs for all football, rugby, cricket improvements

26 SpE Q2/2018 costs for all football, rugby, cricket new provision



- A 2-team changing pavilion at 75sqm will cost about £3,280/sqm being £246,000, and a 4-team pavilion being 245sqm at about £2,636/sqm will cost £645,750.

4.45 Example costs for rugby facilities are:

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

4.46 Cost for new rugby pitch and pavilion provision are:

- A new adult pitch will cost about £135,000 to provide (10,400sqm).
- A typical football pitch will cost £0.621/sqm (£6,460 for a 10,400sqm adult pitch) to maintain.
- A 2-team changing pavilion at 75sqm will cost about £3,400/sqm being £255,000, and a 4-team pavilion being 245sqm at about £2,714/sqm will cost £665,000.

4.47 Example costs for cricket facilities are:

- Improved cricket square: £22,974
- Piped drainage (outfield): £67,390.
- Regrading and improvement of outfield: £44,963.
- A new pitch (13, 543sqm outfield + 619sqm) will cost about £199,500 to provide.

4.48 Cost for new cricket pitch and pavilion provision are:

- A new pitch will cost £0.74/sqm or £10,438 per pitch to maintain.
- A 2-team changing pavilion at 75sqm will cost about £3,400/sqm being £255,000, and a 4-team pavilion being 245sqm at about £2,714/sqm will cost £665,000

Hockey

- Hockey is based on the costs for a hockey compliant AGP, for example a mat replacement at about £200,000.



Figure 4- Worked example for calculating playing pitch provision - development of 700 houses

Population: 700 houses x 2.32 per dwelling = 1624 people

NB: This example uses the data (TGRs input into the Playing Pitch Calculator) for the Hertford and Ware sub area.

Football

- There is an identified need for football pitch improvements across all sub-areas.
- The provision areas are, based on the development's population, are set by the Playing Pitch Calculator:
 - Adult football: 0.46 pitches at a capital cost of £46,958. The combined lifecycle and maintenance cost is £9,260/yr, so for 20 years this will be £185,200.
 - Youth football: 0.66 pitches at a capital cost of £53,200. The combined lifecycle and maintenance cost of £10,441/yr, so for 20 years this will be £208,820.
 - Mini football: 0.67 pitches at a capital cost of £17,953. The combined lifecycle and maintenance cost of £3,523/yr, so for 20 years this will be £70,460.
- The Contribution will be made to pitch improvements projects identified in the PPS Site Specific Action Plan, and within the relevant the sub-area, or other location within the accessibility catchment.

Rugby

- There is an identified need for rugby pitch improvements across all sub-areas.
- The provision areas are, based on the development's population, are set by the Playing Pitch Calculator:
 - 0.16 pitches at a capital cost of £22,696. The combined lifecycle and maintenance cost is £4,539/yr, so for 20 years this will be £90,780.

Cricket

- There is an identified need for cricket pitch improvements across all sub-areas.
- The provision areas, based on the development's population, are set by the Playing Pitch Calculator:



- 0.07 pitches at a capital cost of £22,019. The combined lifecycle and maintenance cost is £4,157/yr, so for 20 years this will be £83,140.

Hockey AGP

Note the Playing Pitch Calculator does not, at present, calculate hockey correctly, so the following approach is used:

- There is an identified need for Hockey AGPs across the District.
- Hockey need identified in the PPS from new development is for 2 new AGPs. New development population is 29,448. This equates to 0.068 pitches/1000 people.
- This development generates $1624/1000 \times 0.068$ pitches = 0.11 pitches
- A hockey AGP costs £895,000 x 0.11 = £98,450.
- Maintenance at 1% of capital x 25 years £2,461
- The total Hockey contribution will be £100,911

5 Other Calculation Information

5.1 How are Contributions costed for upgrades and extensions to existing facilities?

- 5.1 Where a whole new facility is not required but an assessed need for an extension or major refurbishment of an existing facility has been identified, other robust costs can be used from various sources including: Sport England's Facilities Cost Guidance, National Governing Bodies of Sport, Spens Architects Built Construction and SPONS Landscape Cost Books, local market estimates or quotes. It is also acceptable to use the costs for new facilities, especially for extensions and major refurbishments.

5.2 How are maintenance, sinking funds and land costs calculated?

- 5.2 The cost of maintenance and sinking funds, where justified, should be calculated and included in the Contributions' request. These may be based either on Sport England's or the NGB's maintenance cost advice (as used within the 'Worked Examples' and the 'Calculator Example' (Appendix 3). Where they are known, robust local market and architects costs can be used.

5.3 What is meant by the term 'Appropriate Land'?

- 5.3 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 NGB, 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, and away from tree canopies.

- 5.4** 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 etc).
- 5.5** It is equally important that new housing (and other) development must not cause the use, function or enjoyment of an existing sports or recreation use to be compromised. There is case law on this matter⁽²⁷⁾.
- 5.6** For off-site provision and where an off-site land cost is justified, then in addition to the facility Contribution, a land cost contribution will also need to be included in the developers' Contributions, or the land will need to be secured for permanent community use by the developer by other means.
- 5.7** The land cost contribution will normally be based on the local market cost for the relevant land use.
- 5.8** Land provision examples:
- Should it be agreed a housing development needs to develop over sports facilities, 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, and otherwise fully meet NPPF and Sport England's advice⁽²⁸⁾, as well as Local Plan Policy 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 Local Planning Authority 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.
 - Should a development generate the need for 67% or more of any sports or recreation facility, then this facility should be provided on-site, and all necessary land will be provided by the developer at no cost as well as the population related portioned 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

27 See Sport England's Appeals database (one example: East Meon CC v East Hants DC [CO/1894/2014]) www.sportengland.org/facilities-planning-for-sport/planning-tools-and-guidance/sports-appeals-database/

28 Sport England : Playing Fields Policy and Guidance March 2018



all the land, as long as the additional 60% of the land is be 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.

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

5.4 How is inflation dealt with?

- 5.10** The base costs in this SPD are current costs based on Q2/2018, 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. The SPD costs will normally be updated annually.
- 5.11** All costs should be date related, and inflation should be taken into account. For example, if a facility is to be delivered in 3 years' after the s106 has been signed, an appropriate inflation index, such as a BCIS⁽²⁹⁾ or Spons⁽³⁰⁾ Construction or Landscape Costs Index, or the latest updated Sport England costs, should be part of the planning obligations, and should be applied.

5.5 What flexibility is there in requesting Contributions?

- 5.12** In all cases, there may be reasons for the Council to choose to be flexible in how it applies these policies. 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 sinking fund costs;
 - Housing scheme viability may reduce the amount being requested.
- 5.13** 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 the club may later cease to operate, then the alternative may be required to be provided. This would still need to be a CIL compliant provision.

29 The Building Cost Information Service, known as BCIS, is a provider of cost and price information for the UK construction industry. It is a part of the Royal Institution of Chartered Surveyors.

30 Spons Architects and Builders Price Books and Spons External Works and Landscape Price Book



- 5.14** Flexibility and variations will be acceptable so long as they fit into a wider planned approach that ensures deliverability and is CIL compliant.



6 Appendix A- Allocations to CIL or to s106

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

6.2 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.		
On-site provision, maintenance and management of sports and recreation facilities.		
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"> • landscaping • amenity green space • other open space typologies 		
On-site provision of play areas including: <ul style="list-style-type: none"> • Local areas of play (LAP) • Local equipped areas of play (LEAP) • Neighbourhood equipped areas of play (NEAP) • Multi activity games area (MUGA) and other youth and teenage provision 		
Enhancement of existing (off site) play areas		
On-site provision, maintenance and management of allotments on strategic sites		
Allotments except on larger strategic sites		
Burial Grounds		
Cycling and walking recreational routes		
Playing Pitches		

Open Space, Sport and Recreation SPD



Strategic playing field multi-sport hubs		
Other playing fields		



7 Appendix B- National and Local Planning Policies

National Planning Policy Framework (NPPF)

- 7.1** 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.
- 7.2** 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”.
- 7.3** 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).
- 7.4** 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”.
- 7.5** 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”.
- 7.6** 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”



- 7.7** 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”.
- 7.8** 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;
- 7.9** 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”.
- 7.10** 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.
- 7.11** 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”.
- 7.12** 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

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

7.14 “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”.

7.15 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.

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

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

7.18 “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)

7.19 The CIL Levy Regulations are relevant to this SPD.

7.20 Reg 122 states:

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.



7.21 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.

7.22 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)

7.23 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)

7.24 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.

7.25 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'

7.26 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

7.27 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)

7.28 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.



8 Appendix C- Calculation Worked Examples

8.1 Appendix C includes an example from the three different calculators as outlined below:

1. Built Facility Calculator: The following example is based on an application of 700 dwellings
2. Open Space Calculator: The following example is based on an application of 70 dwellings
3. Playing Pitch Calculator: The following example is based on an application of 700 dwellings

8.2 The actual local need should be checked before these amounts are applied and the advice given in the 'worked examples' in section 4 (figures 2,3 and 4) of the SPD needs to be followed.