

Open Space, Sport & Recreation
Supplementary Planning Document
Consultation Statement

1. Introduction

- 1.1 This statement is the 'Consultation Statement' for the Open Space, Sport and Recreation Supplementary Planning Document (SPD) as required by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 This statement sets out details of the consultation which has informed the preparation of the SPD.
- 1.3 The purpose of this SPD is to explain when the Council will seek planning obligations (contributions) to balance the impact of development on local open space, sport and recreation.
- 1.4 Supplementary Planning Documents (SPDs) provide guidance to supplement the policies and proposals in the District Plan. SPDs do not have to go through the formal examination process, but consultation with stakeholders and the wider community is still a vital part of the preparation process. The scope of consultation and decision on who will be consulted will reflect the nature of the SPD.

2. Town and Country Planning Regulations

- 2.1 The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are explained below.
 - Regulation 12: Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD.

- Regulation 12(b) requires the Council to publish the documents for a minimum 4 week consultation, specify the date when responses should be received and identify the address to which responses should be sent.
- Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps;
 - Make the document available at the principal office and other places within the area that the Council considers appropriate;
 - Publish the document on the Council’s website.

3. Statement of Community Involvement (SCI)

3.1 The SCI explains how the council will involve the community in plan-making and in the consideration of planning applications. In October 2019 the Council adopted a new SCI to replace the previous SCI (adopted in 2013) and take into account changes to legislation and policy.

3.2 However, the draft of this SPD was published before the Council adopted the revised Statement of Community involvement on 23 October 2019. As such it was published for consultation in accordance with the previous version, most notably, for 6 weeks consultation instead of 4 weeks.

4. Early consultation

4.1 The contribution requirements identified in this SPD are based on the principles and provision standards established in three studies produced as part of the evidence base for the District Plan: the Built Facilities Strategy (2017), the Open Space Strategy (2017) and the Playing Pitch Strategy (2017). These studies (and

therefore the background to this SPD) have been informed by collaboration with stakeholders as follows:

- Consultation with sport governing bodies and local clubs to provide information on clubs, teams, facilities and club aspirations;
- Hertfordshire Sports Partnership who provided information on the wider county context;
- Feedback from local facility providers;
- Neighbouring local authorities;
- Sport England advice on the methodology and endorsement of the final studies.

4.2 The emerging SPD has subsequently been informed by East Herts Council's Planning Policy and Leisure Services Development Officers and Sport England.

5. Consultation

5.1 The SPD was approved for public consultation at Executive on 3rd September 2019. Formal public consultation was undertaken on the draft SPD for a period of six weeks from 3 October to 14 November 2019.

5.2 Consultation was undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Statement of Community Involvement. Consultees were consulted by email; or post where no email address was provided. A list of consultees is provided in Appendix A. The SPD consultation was also advertised via the Council's website, social media and newsletter Network.

- 5.3 The SPD and Strategic Environmental Assessment (SEA) Screening Statement were made available on the Council's website: www.eastherts.gov.uk/openspacespd. This included Information about how to submit representations. Paper copies were available for public inspection during normal office hours at the East Herts Council Offices in Hertford and Bishop's Stortford, town council offices and in libraries across the district.
- 5.4 Representations could be made via the Council's consultation portal <http://consult.eastherts.gov.uk/portal>; emailed to planningpolicy@eastherts.gov.uk or sent to; Planning Policy, East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ.

5. Issues raised during the consultation

- 5.5 A total of 108 responses were received from 19 respondents. Two of the responses stated that the respondents had no comments on the draft SPD. Ten comments expressed support for the document, including Sport England, which welcomed the production of the SPD. There were 44 objections to the SPD and 52 comments. One additional blank comment was submitted in error, but was deleted after discussion with the consultee.
- 5.6 The main issues raised in the responses are summarised below:
- A lack of clarity about the process for calculating contributions- A number of objections and comments raised concern that the SPD needed more explanation about how the guidance should be applied, more clarification about how to calculate provision and greater detail about the scope of the SPD. One respondent recommended using flow charts to explain the process more clearly.

- Use of calculations is too prescriptive- Many of the objections and comments from developers are concerned that the SPD is too formulaic and fails to allow enough flexibility to reflect site specific considerations and the CIL regulations. A number of comments sought more flexibility in the use of lifecycle/maintenance costs, the standard population multiplier, the exclusion of SUDs in definition of open space and thresholds for on-site/ off-site provision.
- More information about facilities required- Several respondents wanted more detail about specific facilities or clubs within the SPD, so that there is up to date evidence about projects requiring funding.
- More detail of costs- Several respondents sought more clarity about facility and maintenance costs used and evidence that they are reasonable and fair. Several requested the use of more locally specific costs.
- Playing pitch model- Sport England request the latest playing pitch model is incorporated, to ensure 3G pitches are accurately calculated.

5.7 A summary of the consultation responses is set out in the schedule below. This table outlines the comments by topic, the Council's response to these issues and any consequential changes to the SPD. If text is to be deleted from the draft SPD it is shown ~~struck through~~. If new text is to be inserted it is shown underlined.

5.8 To address concern that the information in the SPD lacked clarity at times, a key change is that the document has been restructured to explain the planning obligation process more clearly and logically. As a result a number of paragraph and sections have been reordered. The references in the schedule show the draft SPD numbers in black and the final SPD numbers in red. A Proposed Modification Document is available to help show how the SPD has been changed.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
General Comments: scope of the SPD					
8 – Sport England		Support	Supports the production of the SPD as it provides comprehensive and robust advice and is consistent with the NPPF, the Council’s technical evidence base and Sport England’s CIL and Planning Obligations advice note	Support noted	No amendment in response to this issue.
3 – R. Haswell		Support	Would like to see discussions between EHDC and the Bishop’s Stortford Lawn Tennis Club regarding PERMANENT indoor facilities, as these were included in a previous planning application when the extra land was acquired in 2000. It was always intended to provide a fixed indoor centre for the district of Bishop's Stortford instead of EHDC relying on Goslings which is too far away.	The Lawn Tennis Club is identified as a hub facility in the Built Facilities Study (2017) and the action plan specifically includes a commitment to increase the capacity of the site. The options included covering courts or converting grass courts to hard courts as a first phase, and potentially both additional courts and an extension of the clubhouse by 2026 as a second phase. Feasibility work was required to confirm these options. Progress on the feasibility studies and recommendations for	No amendment in response to this issue.

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				<p>investment to be taken into account in future updates of the Built Facilities Strategy action plan.</p> <p>Site correctly identified as strategic facility in the draft SPD.</p>	
24 – K. Harwood		Support	<p>Supports the provision of facilities in principle as outlined in this document. However, many sites allocated in the adopted District Plan affect historic parks and gardens or their settings. This includes development adjacent to historic parks and gardens, where residents may use as green space for informal recreation.</p> <p>The extra pressure that this puts on the historic fabric of such parklands should be included in any calculations and be eligible from CIL or S106 contributions from neighbouring developments.</p>	<p>Where a historic park or garden is within the accessibility catchment (for this type of provision being 710m) of a new development then there may be justification for S106 towards improvements at the site if it is effectively fully available on an open access basis. This is a generic approach for all existing open space close to a proposed development.</p> <p>The Council endorsed evidence base Open Spaces Strategy has a combined Amenity Greenspace/Parks and Gardens typology and contributions calculation.</p> <p>SPD wording revised to include more reference to</p>	<p>Amend paragraph 4.12 (5.17) as follows:</p> <p>It should be noted that NB: S standards of provision should not be used in isolation, but must be used in tandem with actual assessed need and other robust evidence. For example, there may be an assessed potential if there is a current and future assessed-surplus of a facility or specific open space typology which has secure community use and is accessible during the peak period (evenings and weekends), then a contribution should be directed towards the quality improvements of that facility. (within the catchments given in Table 1 and accessible as defined by Section 5.2), but its quality is poor. In this situation contributions may be towards investment in the quality of the facility or open space in order to increase its capacity, so that it can meet the development’s assessed demand. . (paragraph moved to section 5.3 of final SPD)</p>

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				accessibility.	<p>Amend paragraph 4.13 (5.16) as follows: Standards of Provision for East Herts Council are set out in table 1. <u>They are referred to in the flow charts in Section 5. The quantity standards underpin the Calculators available on the EHC website. Examples of their application are given in the 'Worked Examples' in Section 6.</u></p> <p>Amend Paragraph 4.24 (5.71) and insert new paragraph before this: <u>The minimum area of provision for the combined typology of Parks & Gardens and Amenity Green Space or Natural and Semi-Natural Green Space or Allotments should be 0.2 ha. This is based on the minimum size of area included within the open space strategy.</u></p> <p><u>On development sites generating less than 0.2ha.....accessibility thresholds specified in Table 1, and meets the requirements for accessibility given in section 5.2.</u></p>
25- Hertfordshire Football Association (FA)		Support	Support the production of the SPD to guide developer contributions for open space, sport and recreation. Agree with Sport England that the SPD is	Support noted.	No amendment in response to this issue.

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			<p>considered to be consistent with the NPPF, the Council's evidence base for sport and Sport England's CIL and Planning Obligations Advice Note https://www.sportengland.org/facilities-and-planning/planning-for-sport/planning-tools-and-guidance/community-infrastructure-levy-and-planning-obligations-advice-note/.</p> <p>In particular, the approach taken develops the advice on the approach to developer contributions contained in the Council's Open Spaces and Sports Facilities Assessment Technical Study documents.</p>		
108- G Gaunt			<p>Difficult to comment on your survey regarding recreation facilities in District Plan.</p> <p>Raises concern about development East of Stevenage in terms of loss of the Green Belt and detrimental impact on the environment. Forget about playing fields and just keep the Green Belt in place.</p>	<p>Development on land East of Stevenage is outside the scope of this SPD. However, it is an allocated site (ES01) in the adopted District Plan (2018), which was robustly assessed and examined by an independent planning Inspector.</p>	<p>No amendment in response to this issue.</p>

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30- Historic England			No specific comments at this stage.	Noted	No amendment in response to this issue.
106- Hertfordshire County Council			<p>Hertfordshire County Council made the following general comments across a number of topics:</p> <ul style="list-style-type: none"> •No comment on school playing pitches as overall content is relatively minimal and acceptable. •Hertfordshire Public Health support content of the SPD because it will help achieve priorities set out in the Hertfordshire Public Health Strategy. It will facilitate participation in sport and physical activity. This will support physical and mental health and aid community cohesion. HCC has recently adopted a Health impact position statement. •HCC's commitment to more sustainable modes of transport and movement is set out in the Local Transport Plan (LTP4). Where appropriate S106 contributions should be secured from new developments to ensure sustainable routes, within 	<p>Support relating to the health benefits of open space is acknowledged and the no comment in relation to school pitches noted.</p> <p>The comments relating to the importance of securing sustainable routes to new open space facilities is noted. Whilst outside the scope of the SPD which focusses on the provision of the facility itself, the District Plan requires sustainable transport options to be addressed in new development proposals (Policy TRA1 Sustainable Transport).</p>	No amendment in response to this issue.

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			and to these locations, which promote active travel modes.		
105- Natural England			<p>The topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Sets out the requirements to consult Natural England if a Strategic Environmental Assessment is required.</p>	<p>Noted</p> <p>The Council has consulted Natural England specifically on the SEA screening report and Natural England has confirmed it has no comments.</p>	No amendment in response to this issue.
104- Canal and River Trust			<p>It is disappointing that the SPD does not include any reference to the Lee Navigation or the River Stort which are recreational assets to the communities in East Herts. The scale of development (particularly at Gilston) will increase towpath use and the Canal and River Trust would welcome opportunities to improve towpath routes and connect them with other networks</p>	<p>The Council recognises that canals provide important recreational value. It is not appropriate to quantify this provision and include in the open space contribution calculation.</p> <p>However, it is considered to appropriate to continue the approach currently set out in the 2008 Open Space SPD and ask relevant developments to contribute as assessed on a site specific basis.</p>	<p><u>Insert the following paragraph into section 4.3 (5.68):</u></p> <p><u>Whilst not included in calculations for open space provision canals have important recreational value. As such, development sites within 50 metres of inland waterways will be expected to make contributions towards the improvement or re-naturalisation of the waterway, and improvements and enhancements of the canal environment and its towpath. Developers are advised to seek early pre-application discussions with the Canal and River Trust. Contributions will be assessed on a site by-site basis in consultation with relevant agencies.</u></p>

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Introduction: Policy Context					
29- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 1.2 Policy Context, para 1.9		<p>Whilst section 1.9 of the SPD sets the context for the SPD, we consider that it would be appropriate to set out clearly how the requirements of the SPD link back to Policy CFLR1 (Open Space Sport and Recreation) and Policy DEL2 (Planning Obligations) of the District Plan and the IDP, so that the links between the SPD and the adopted policies are clearly set-out.</p> <p>The above changes would also help to ensure it is clear that additional requirements, over and above the adopted policy requirements, are not being introduced and that the SPD is supplemental to the policies within the adopted District Plan.</p>	<p>The Council is satisfied that the SPD is supplemental to the policies in the District Plan. However it is agreed more detail about the policy requirements and purpose of the SPD would be useful, so additional text has been added.</p> <p>It is also considered the policy context should all be included in Section 1.2 (2.3 of final SPD) for clarity. So Section 2.6 'What is the policy Justification for provision of improvement of these facilities?' is deleted and the text (paras 2.16 and 2.17) moved into Section 1.2.</p>	<p>Make the following changes:</p> <p>Amend paragraph 1.3, add to the end of the first sentence:</p> <p>The SPD supplements policies in the District Plan (2018) <u>and will replace the previous open space, sport and recreation SPD adopted in 2009.</u></p> <p>Insert new text under Section 1.1 purpose of the SPD: <u>The main purpose of this SPD is to provide more detailed guidance on how to comply with policy CFLR1 Open Space, Sport and Recreation of the East Herts District Plan 2018. The SPD explains when the Council will seek planning obligations to balance the impact of development on local open space, sport and recreation. It shows how 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. The procedures identified in this SPD aim to assist applicants and decision makers in the planning application process. A systematic approach means the contribution of new development to open space, sport and recreation facilities is more coherent, whilst</u></p>

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					<p><u>still allowing the site specific consideration and flexibility that underpins the S106 process. It has been prepared and will be operated in accordance with national legislation and guidance.</u></p> <p>Delete heading 2.6: What is the policy justification for provision or improvement of these facilities?</p> <p>Delete paragraph 1.10:</p> <p>DEL1 Infrastructure and Service Delivery and Policy 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. These policies are set out in Appendix B.</p> <p>Move text in para 2.16 and 2.17 of the draft SPD into Policy Context section 1.2 (2.3 of final SPD):</p> <p><i>(see proposed modifications document)</i></p> <p>Insert new text after paragraph 1.7 (2.13):</p> <p><u>Planning Practice Guidance on Planning Obligations states that where a standardised approach may have informed the identification of needs and costs and the setting of plan policies, each planning</u></p>

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					<p><u>obligation sought must still meet the statutory tests set out in regulation 122 of the CIL regulations.</u></p> <p>Insert additional text at the ends of the bullet point relating to CFLR1 in 2.17 (2.15):</p> <p><u>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.</u></p>
Introduction: Purpose of SPD					
30- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.			<p>The provision of the SPD is welcomed particularly in light of the growth planned within the District Plan.</p> <p>Paragraph 1.14 states that the SPD will provide guidance for developers to support land negotiations, master planning and early viability assessment. However, para 2.8 states that additional planning obligations, outside of the scope of the SPD, may be sought. The wording at paragraph 2.8 appears to run counter to the objective stated</p>	<p>Para 2.8 of the draft SPD aims to explain that this SPD does not limit requirements on a development in respect to other obligations which may arise. However, all obligations will need to be fully in accordance with the NPPF, CIL regulations and other policies, and would need to be justified.</p> <p>However, the Council recognises this lacks clarity and should be explained better. The SPD covers the most likely open space, sport</p>	<p>Amend paragraph 2.8 (4.1) for clarity:</p> <p><u>This SPD covers the most likely requirements for open space, sport and recreation facilities as set out in the Council's latest evidence base¹. It should be noted that the planning obligations outlined in this SPD are not <u>however</u> exhaustive. <u>There may be some limited occasions when unanticipated demands arise which are sport/recreation/open space related and which need to be taken into account on a specific site to make the proposed development acceptable. In some areas additional planning obligations, outside the</u></u></p>

¹ Open Space Strategy 2017, Built Facility Strategy 2017 and Playing Pitch Strategy 2017

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			at paragraph 1.14. It is suggested that clarity related to this is made within the SPD and provided within the same paragraph.	and recreation contributions, but there may be limited occasions when unanticipated demands arise which are sport/recreation/open space related and which need to be taken into account on a specific site to make the proposed development acceptable. This provides a necessary degree of flexibility within the SPD. Each site will be assessed on its merits.	scope of this SPD, may be sought Insert a new paragraph (4.2) after this amended paragraph: <u>The average contribution per dwelling will be about the same so as to be fair and reasonable.</u>
2. Planning Obligations Context : Importance of planning obligations					
31- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.2 Why are obligations important? Para 2.3		Support the wider benefits listed, but Council may also want to consider including reference to the important role open space can deliver to climate change and ecosystem services.	The role of open space in climate change and ecosystem services is implied but not specific in draft SPD para 2.3. Add sentence to draft SPD para 2.3 to clarify.	Add additional text to the end paragraph 2.3: <u>The provision of open space can also contribute towards addressing climate change, support biodiversity and ecosystems.</u>
4- R.Cann	Section 2.2 Why are Obligations important? Para 2.4, sustainable transport.	Object	The SPD states that a number of circular routes around Bishops Stortford represent great opportunities for cycling. I am a	Although outside the scope of this document, the Council recognises that the cycle network could be improved	Insert text at end of Sustainable transport bullet point, paragraph 2.4 (2.5) as follows: <u>Although outside the scope of this document, the Council recognises that the cycle network</u>

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			cyclist and I don't know of any such routes that you could safely cycle with children. Bishops Stortford is NOT (yet?) a cycle-friendly place, and this needs to be changed.	in East Herts. The District Plan emphasises that new development creates opportunities for improving cycling provision. Policy TRA1 Sustainable Transport outlines that development should create new routes and could extend existing infrastructure.	<u>could be improved in East Herts. The District Plan emphasises that new development creates opportunities for improving cycling provision. Policy TRA1 Sustainable Transport outlines that development should create new routes and could extend existing infrastructure.</u>
9 – Sport England	Section 2.2 Why are obligations important? Para. 2.7		Supports reference in paragraph 2.7 to the role sport and leisure facilities have in addressing local health and well-being inequalities. This helps justify the need for developer contributions.	Support noted	No amendment in response to this issue.
2. Planning Obligations: Coverage of SPD					
77 - Turley on behalf of Ptarmigan	Section 2.3 Does this SPD cover everything? para. 2.8	Object	Paragraph 2.8 states that the planning obligations in the SPD are not exhaustive and in some areas additional planning obligations outside of the scope of the SPD may be sought. We assume that this statement refers to obligations required for other matters and not those relating to open space, which should be referenced within this SPD.	Para 2.8 of the draft SPD aims to explain that this SPD does not limit requirements on a development in respect to other obligations which may arise. However, all obligations will need to be fully in accordance with the NPPF, CIL regulations and other policies, and would	Amend paragraph 2.8 (4.1) (see response to comment ID30. τ

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			<p>If this is however not the case, then as a matter of principle, all obligations relating to open space, sport and recreation which may potentially impact on developments must be collectively addressed within the relevant SPD. No further open space obligations should be left invisible or kept 'open ended' creating the potential for future dispute.</p>	<p>need to be justified.</p> <p>However, the Council recognises this lacks clarity and should be explained better. The SPD covers the most likely open space, sport and recreation contributions, but there may be limited occasions when unanticipated demands arise which are sport/recreation/open space related and which need to be taken into account on a specific site to make the proposed development acceptable. This provides a necessary degree of flexibility within the SPD. Each site will be assessed on its merits.</p>	
32 - Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.3 Does this SPD cover everything? Para. 2.8		<p>Whilst it is understood that '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', it is also suggested that equal weighting is given to the fact that</p>	<p>The Council recognises that each site is assessed on its own merit and within the local context. The Council will only seek obligations when necessary, so this may on occasion result in fewer contributions being sought at times.</p>	<p>Insert new flow charts in section 5.7 help to explain when contributions should be sought for different types of open space.</p> <p><i>(see proposed modification document)</i></p> <p>Amend section 5.5 (section 4.7) as follows:</p> <p><u>4.26</u> The contributions outlined in this document provide consistency and transparency in the planning obligation</p>

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			<p>in certain circumstances 'fewer' obligations may be sought for the same reasons. It is therefore suggested that this is acknowledged in the wording of the SPD.</p>	<p>Section 5.5 (section 4.7 of final SPD) confirms there is flexibility and this has been expanded to further emphasise the issue.</p>	<p><u>process. However, as each application is considered on its own merits, there may be variations in requirements for similar developments, taking into account the local context and specifics at the time the planning application is considered. The provision and cost calculations are the starting point for negotiations, but need to be used in conjunction with the local evidence base to ensure the site specific context is taken into account.</u></p> <p>(4.27) In all cases, there may be reasons for the Council to choose to be flexible in how it applies this guidance these policies. As examples:</p> <ul style="list-style-type: none"> • 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 <u>life cycle</u> costs. • <u>Where the nature of the recipient of the funds means that a request for life cycle and maintenance costs would not be appropriate, for example where the funds are to be used towards a facility which is owned/managed by a profit-distributing</u>

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					<p><u>body.</u></p> <ul style="list-style-type: none"> • <u>Where a new village hall or community centre is built to support a new community, life cycle and maintenance costs may be appropriate up until the time that the new community is fully established, but thereafter the facility is expected to be financially self-sustaining.</u> • <u>Where new provision is proposed but there is very significant local concern about the times that a new facility may be used, then reasonable time restrictions may be considered.</u> • Housing scheme viability may reduce the amount being requested.
78- Turley on behalf of Ptarmigan	Section 2.5 What type of sport, recreation and open space facilities can be required? Para. 2.12	Object	<p>Paragraph 2.12 states that 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 being evidenced by the relevant strategies and any subsequent updates of them (our underlining).</p> <p>The inference of this statement is that the Council can consider a more selective, site-based, approach to the scope of open</p>	<p>The inference of this statement is correct. The SPD provides a framework for securing on and off site provision for open space, sport and recreation, but recognises that there is flexibility in the process and each site should be considered on its own merits. It is acknowledged this could be explained better in the SPD: Draft SPD paragraph 2.12 clarified - that the</p>	<p>Amend paragraph 2.12 (4.4): The Council will normally require the provision of <u>on-site</u> 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.</p> <p>Flow charts have been included and revisions to flexibility section 5.5 (section 4.7) as set out in response to comment ID32 above.</p>

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			space facilities/typologies where justified; given the relevant CIL tests. This flexibility needs to be explained and further clarified within this section, as alluded to later at paragraph 5.14 of the SPD.	requirements can be met on- or off-site. Draft SPD section 5.5 (Section 4.7 of final SPD) included more detail to clarify that there is flexibility in the planning contribution process Flow charts to support decision making added into section 5.7 of the final SPD.	
33 - Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.5 What type of sport, recreation and open space facilities can be required? Para. 2.15		The SPD states that the typologies are non-exhaustive and implies the Council may seek contributions for other/new sports. The Council may wish to consider re-wording this to state that any additional sports/typologies will be via a review of the SPD and be subject to public consultation. Again, it is important that the requirements that have not been considered at the Local Plan stage, or not included within the IDP, are not introduced via supplementary guidance.	The sports/ typologies addressed in the SPD reflect those assessed in the strategies, produced to support the District Plan. Therefore paragraph 2.15 is misleading and will be deleted. Using the evidence in this SPD each site will be assessed in accordance with the local context. If the background strategies are reviewed, this SPD will need to be reviewed. However, to help ensure contributions are necessary,	Delete paragraph 2.15 : This list of facilities in the current strategies is not exhaustive. In the future for example: a new or growing sport may need to be supported (such as the rise of parkour); or there may be a major change in an existing sport such as the move to more AGPs and growth in youth and girls' football). There will be a need to evidence such additions Insert new text in section 2.5 (section 4.2)- paras 4.6-4.8: <u>To help ensure compliance with the CIL regulations, the action plans for the built facilities and playing pitch strategies will be reviewed and updated on a regular basis.</u>

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				<p>the Playing Pitch and Built Facilities assessments include action plans with details of potential projects needing funding. This project information will be updated regularly to assist the negotiation process. New text is included in section 2.5 (section 4.2 of final SPD)</p>	<p><u>These reviews will update the project investment lists and priorities, taking into account emerging issues and costs information for specific projects, confirmation of delivery, or the identification of alternative projects should these be required. These action plan updates will not revise the standards of provision summarised in this SPD nor generally the scope of the developers' contributions being sought.</u></p> <p><u>EHC is committed to full review and updating of the strategies approximately every 5 years. These extended reviews may then result in amended requests for developers' contributions generally, including potentially different standards and different sports facilities. In this case, the SPD will be updated and be subject to further consultation.</u></p> <p><u>It is expected that a developer's local consultation including with the relevant Parish or Town Council, local sports clubs and other local organisations and consultee, may identify an additional local need that it is not within a strategy but still can be justified and requested as a contribution.</u></p>
79 -Turley on behalf of Ptarmigan	Section 2.5 What type of facilities can be required? Para 2.15	Object	Paragraph 2.15 suggests that the facilities in the current strategies are not an exhaustive list and that	Agreed, see response to comment ID 33.	Delete paragraph 2.15 (see response to comment ID33)

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>new or growing sports may also need to be supported. In this regard, the evidence used to justify any additions to the normal typologies will need to be completely robust and not simply aspirational for any new sport currently in vogue. The evidence for such facilities will also need to satisfy the test of Section 54(a) of the NPPF, that they are 'necessary to make the development acceptable in planning terms'.</p>		
<p>34- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd</p>	<p>Section 2.7 Is there a restriction on what the Council can ask for? Para 2.19</p>		<p>Welcomes the approach in paragraph 2.19 as large schemes in particular need to look at the existing quality, quantity and access to open space within the local area to inform the most appropriate on-site provision and/or off-site contributions. It would be helpful if the SPD could set this out more explicitly as it would provide a decision making framework to work to – this could for example be provided in the form of a decision making flow chart to be included in the SPD. The SPD should also clarify that there will be instances where</p>	<p>It is agreed that the process needs to be made clearer and more logical.</p> <p>The structure of the document has been changed to try and make the decision making process clearer. This includes incorporating a new section (3) to provide an overview of the evidence base to make it easier to understand how to use the strategies to inform the decision making. A number of sections have been re-ordered to explain how to</p>	<p>Amend paragraph 2.19 (2.18) as follows:</p> <p>It will therefore be important to ensure that any obligations sought are based on a tailored approach to each development, using up-to-date strategies (and subsequent updates) as an evidence base (and/or other robust up-to-date planning policy) to justify the needs arising from the development, and how these are to be met. <u>Flow charts to aid the decision process are provided in Section 5.7.</u></p> <p>Decision flowcharts (figures 2,3 and 4) added in revised section 5.7 (see <i>proposed modification document</i>)</p> <p>New text also included in section 3.4 (5.5) to</p>

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			<p>there may be a combination of both on-site provision and off-site contributions towards existing facilities.</p>	<p>assess and apply the guidance more logically. (see proposed modification document)</p> <p>Flow chart(s) for decision processes for built facilities, playing pitches and open space typologies included.</p>	<p>provide more clarity about the decision making framework:</p> <p>How is the need arising from a development, and the cost of that demand, calculated? What is the process for assessing demand?</p> <p><u>(5.22) The CIL test of ensuring any contributions are 'fairly and reasonably related in scale and kind to the development' require that any contributions sought are directly proportional to the anticipated population of the development.</u></p> <p><u>(5.23) The EHC Contribution Calculators and the Sport England Playing Pitch Calculator are designed to automatically calculate the demand based on the number of dwellings or population from a development, applying the quantity standards set out in Table 1. These in turn are based on the relevant District strategies (see Section 3). The Sport England Playing Pitch Calculator can be used to assess the demand for playing pitches. East Herts Council is able to provide this information as required.</u></p> <p><u>(5.24) The outputs help to inform the decision process, summarised by decision flow charts</u></p>

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					<p><u>in Section 5.7.</u></p> <p><u>(5.25) In addition, there may be justified local needs which the developer identifies through local consultation, including with the District and parish council.</u></p>
80- Turley on behalf of Ptarmigan	Section 2.7 Is there a restriction on what the Council can ask for? Para 2.20	Object	Paragraph 2.20 is no longer relevant in the context of applying strategies to deal with CIL 'pooling restrictions' as the New Community Infrastructure Levy Regulations (2019) have come into force. This however provides the Council with the opportunity to take a more objective and plural approach to the apportionment of obligations, allowing all scales of new development to proportionately contribute to required strategic facilities within a given catchment area.	<p>Agreed that the draft SPD requires updating in relation to pooling following revisions to the CIL regulations. As such draft SPD paragraphs 2.20-2.21 are deleted and paragraph 2.22 (2.19) updated.</p> <p>All contributions are calculated pro-rata to the development population.</p>	<p>Delete paragraphs 2.20 & 2.21</p> <p>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.</p> <p>For example, it may be better for a small local housing development to contribute to an</p>

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					<p>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.</p> <p>Paragraph 2.22 (2.19) As at 2019/2020, The Council does not yet have Community Infrastructure Levy in place but will give consideration to introducing a CIL as part of the review of the District Plan, in order to support the provision of future infrastructure schemes (see Appendix A).</p>
35- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.7 Is there a restriction on what the Council can ask for? Para 2.20		<p>This paragraph needs to be updated as the references to pooling restrictions are no longer relevant following the Community Infrastructure Levy Regulations 2019 coming into effect on 1st September 2019. The Council needs to set out a plan of how it will now deal with pooling contributions as this will make a significant difference to how facilities are delivered.</p> <p>This plan should identify geographical areas where different types of provision are</p>	<p>Agreed that the draft SPD requires updating in relation to pooling following revisions to the CIL regulations. As such draft SPD paragraphs 2.20-2.21 are deleted and paragraph 2.22 updated.</p> <p>The evidence base strategies include details about the catchments and facilities that require improvement and the playing pitch and built facility action plans identify a list of projects that require funding. These action plans</p>	<p>Delete paragraphs 2.20 & 2.21 and amend paragraph 2.22 (2.19) as detailed above in response to response to comment ID 80.</p> <p>Decision flow charts added in revised section 5.7 (see proposed modification document)</p> <p>Insert paragraph 4.39 into section 4.11 of final SPD: Monitoring and enforcement:</p> <p><u>The Council will monitor and report annually on the section 106 contributions received in the Authority Monitoring Report and Infrastructure funding statements.</u></p>

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			<p>required and include a prioritised list of sites that require improvement.</p> <p>Where development is required to contribute towards these improvements then they should be justified in the context of the development and should not be required to address historic deficiencies.</p>	<p>will be updated to ensure they reflect the latest information.</p> <p>Flow charts will be added to aid the decision process.</p> <p>All contributions will need to be CIL compliant so will need to be assigned to specific projects. Information will be added on monitoring.</p>	
36- Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.7 Is there a restriction on what the Council can ask for? Para. 2.21		<p>This paragraph would benefit from further clarification. The three strategies that support the SPD do not clearly identify what new facilities are required or where they are needed. This leaves ambiguity to developers looking to masterplan sites. The Council may wish to consider re-wording or omitting this paragraph.</p>	<p>As set out in response to comment 80 above, paragraph 2.21 will be deleted.</p> <p>The Built Facilities Strategy and Playing Pitch Strategy identify the most significant specific project investment needs. Where local sports projects are not specifically identified and also in relation to open space provision, the strategies provide sufficient advice as to what would be needed (e.g. improve existing facilities within the development catchment) and</p>	Delete paragraph 2.21 as set out in responses to comments 80 and 35.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>how the contributions will be sought in in a CIL compliant manner.</p> <p>Any request for S106 contributions relating to a particular site will be clear about where the money will be spent, subject to the draft SPD section 5.5, now section 4.7.</p>	
37- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.7 Is there a restriction on what the Council can ask for? Para. 2.22		States that the Council may consider introducing CIL. This creates potential uncertainty for developers, which could potentially hinder scheme delivery. If CIL is to be introduced then this should be carried out alongside a Local Plan review (as advocated by the PPG). The Council may wish to consider re-wording this paragraph.	<p>East Herts Council does not propose to introduce CIL at the current time. However, it is considered that paragraph 2.22 (2.19) provides flexibility by setting out that it is something that may be considered in the future through the review of the District Plan.</p> <p>Any proposals for CIL will be subject to public consultation</p>	<p>Amend paragraph 2.22 (2.19) to remove mention of the date, which is unnecessary:</p> <p>As at 2019, The Council does not yet have Community Infrastructure Levy in place but will give consideration to introducing a CIL as part of the review of the District Plan, in order to support the provision of future infrastructure schemes (see Appendix A).</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				and reference to the possibility of CIL does not provide developers with undue uncertainty.	
2. Planning Obligations: Lifecycle and maintenance cost					
81 - Turley on behalf of Ptarmigan	Section 2.8 Is it just the provision and/ or enhancement if a facility that will be required, para 2.24	Object	<p>Paragraph 2.24 suggests that a contribution to a sinking fund should be requested in addition to meeting capital costs (or direct provision) to cover lifecycle costs. Whilst Ptarmigan accepts that facilities must be operationally viable, the provision of lifecycle costs will not be appropriate in every case, as in some instances this will potentially subsidise and commercially benefit profit-making organisations, as set out in the SPD.</p> <p>Lifecycle costs should not be mandatory obligations and should instead be treated as the exception, not the rule. A suitable exception would be with regard to charitable or non-profit making organisations. Where the required lifecycle costs relate to a non-profit making organisation or</p>	<p>Paragraph 2.24 states that a sinking fund (life cycle) costs should be used in some not all cases and that contributions should not subsidise a commercial body. However, the council will add additional text to explain contributions must be reasonable and fair and cross reference to section 5.5 (4.7 in final SPD) to explain the flexibility.</p> <p>Long term contributions towards the life cycle and maintenance costs of village halls and community centres may not be appropriate. However, shorter term support for a new facility may be justified until the community which the new facility serves is fully</p>	<p>Delete paragraphs 2.23 and 2.24 and replace with an amalgamated paragraph 2.23 (5.40):</p> <p>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 CFLR7).</p> <p>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 life cycle costs, should be requested. For example, replacing the carpet on an artificial grass pitch. This however would need to constitute a reasonable and</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>a club-based activity, it may be appropriate for a developer to contribute to meeting reasonable lifecycle costs. However where a club activity can however be reasonably expected to make some operating profit, then only a proportionate contribution should be required from the developer to help assist with reasonable lifecycle costs, having regard to the projected income stream of the club.</p>	<p>established. This supports the development of sustainable communities.</p> <p>It is not realistic to expect recipients of S106 monies to provide a business plan or an analysis of the club's operating surpluses. However, the planning officer should apply reasoned judgement for the proportion of life cycle costs and maintenance funds that should be met.</p>	<p>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 life span and maintenance costs are therefore calculated as part of the contributions requests. (for examples see Appendix C).</p> <p><u>In accordance with District Plan policies CFLR1 and CLFR7, in addition to the capital cost (or provision) of a new/extended facility, there will usually be additional costs. These include the cost for maintenance, and in some cases also life cycle costs for long term replacement. For example, towards the carpet on an artificial grass pitch or play equipment. This applies both to contributions.</u></p> <p><u>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</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>been robustly evidenced to the District's satisfaction. (Policy CFLR1 and CFLR7). These contributions recognise that local authorities may be unable to cover any additional costs and will help to ensure that new facilities remain operationally viable. The contributions would need to be reasonable and fair, and not used to subsidise a commercial i.e. profit-distributing body. Similarly, maintenance and life cycle costs would not be appropriate where it can be argued that normal facility operational income should cover these costs.</p> <p>Insert new text before and after paragraph 2.23 (5.40) to add more clarity and cross reference the flexibility section of SPD, as follows:</p> <p><u>(5.39) In addition to the development of a new facility or open space, it is important that provision is made for the future maintenance and life cycle needs, otherwise the value of the new provision will deteriorate.</u></p> <p><u>(5.41) In recognition of the wide range of different factors and the need to consider each development site separately to accord with the CIL tests, the SPD provides the Council flexibility in the seeking of developers' contributions, as set out in Section 4.7.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>Amend Figure 5 to delete lifecycle costs for Village/Community Centres:</p> <ul style="list-style-type: none"> • <u>A contribution may be sought towards revenue costs up until the whole of the development which the facility is designed to serve, is fully built out.</u> • 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.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
38- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	2.8 Is it just the provision and/or enhancement of a facility that will be required? Para 2.23-2.24		<p>Raise significant concerns with the requirement for maintenance and lifecycle costs which are not set-out within either the District Plan or the accompanying IDP. It would be reasonable to expect that, in time, the upkeep and overhaul of many facilities would become the responsibility of the local authority, town/parish Councils and partners, and be in part covered by Council tax levy etc. The level of commitment expected of the developer in respect of on-going lifecycle and maintenance costs is therefore considered to be onerous in this regard and is not compliant with the tests set out at Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and NPPF paragraph 56</p> <p>Further to this, some of the facilities identified are for facilities that might be anticipated to make a commercial return. Such facilities should not be subject to contributions at 'full cost' given</p>	<p>Paragraph 2.24 states that a sinking fund (life cycle) costs should be used in some not all cases and that contributions should not subsidise a commercial body. However, the council will add additional text to explain contributions must be reasonable and fair and cross reference to section 5.5 (4.7 in final SPD) to explain the flexibility.</p> <p>Leisure is a non-statutory duty for Local Authorities, and it is unusual for leisure to make them a surplus. It can generally be assumed that the Council and parish/town councils will not be able to cover the maintenance nor lifecycle costs of new sport and recreation facilities. This will usually include gyms, studios and 3G AGPs at public leisure centres. Developments therefore need to contribute to mitigate the relevant costs</p>	Modify the plan as set out in the response to comment ID 81.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>that they can normally pay for themselves.</p> <p>We suggest that of the discrete facility types listed in the SPD Fitness Gyms, Studios, and 3G AGPs can all potentially be commercially viable, and do not merit full (if any) contributions. Stand-alone sports halls, swimming pools, and community/village halls are not in themselves commercially viable, but are likely in the longer-term to be funded through taxation.</p> <p>Given the above comments, we believe that the worked examples and approach is reconsidered in respect to life cycle costs.</p>	<p>they cause, in a manner that is CIL compliant</p> <p>Equally most community clubs and many other providers are non-profit distributing, and so not 'commercial' entities in this context. It is agreed that contributions should not directly subsidise commercial profit.</p> <p>It is not realistic to expect recipients of S106 monies to provide a business plan or analysis of the club's operating surpluses. However, the planning officer should apply reasoned judgement for the proportion of lifecycle costs and maintenance funds that should be met. The recipients of S106 monies are expected to sign a binding agreement securing community use, based on the Sport England Community Use Agreement model or similar.</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
39- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	2.8 Is it just the provision and/or enhancement of a facility that will be required? Para 2.26		States that off-site provision will be exceptional. However, there may be instances where it is preferable to provide facilities off-site, therefore, we consider that the SPD should allow for this (please see previous comments at 2.19).	The Council recognises that whilst on-site provision is important, in some circumstances off-site provision will be more appropriate. Reference to exceptional circumstances is deleted and the flow charts provide clarity about how provision should be considered.	Delete reference to exceptional circumstances in paragraph 2.26 (4.22): There may be exceptional circumstances Where the council agrees land for a needed facility cannot be provided on-site. Insert flow charts into Section 5.7 of the final to refer to these decision processes about on/off site provision:
Planning Obligations: Masterplanning					

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
82- Turley on behalf of Ptarmigan	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.27	Object	Paragraph 2.27 states that the SPD can affect Masterplans where a facility is needed on site which requires delivery through a planning policy and a Masterplan approach for the area and the requirement for playing pitches at WARE2 is given as an example. In this regard, it should be noted that Ptarmigan is required to only meet the need generated by the new development and not any need from the existing sports centre.	Agreed. The requirement for development to be CIL compliant is set out in section 2.7 (e.g. draft SPD paragraph 2.18) covering fairly and reasonably related in scale to the development. If an adopted District Plan Policy specifies a specific need such as the land, free of cost, then that is the policy requirement	For clarity paragraph 2.27 (4.12) is amended as follows: <u>A large or strategic facility may be required on a specific development site or allocation, as set out in Yes it can, notably w</u> 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.
40 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.27		The approach to master planning facilities from the outset is welcomed, as is the reference to forward planning prior to land purchase agreements and land calculations. Considers it delivers high quality schemes. Therefore approach is supported.	Support noted	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
41 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.28		The strategic provision of open space and sports facilities for phased sites is welcomed. It is also suggested that this section makes reference to the need to ensure the provision fits in with the overall strategy for green infrastructure, as currently this is missing from the SPD.	Agreed, a reference to the green infrastructure strategy would be appropriate.	Insert a new paragraph after 2.28 (4.15): <u>(4.16) The proposals for open space provision on-site or off-site should similarly be co-ordinated and delivered on an allocation wide basis by the landowners/developers working together to ensure that the provision fits within the overall Green Infrastructure Plan, in line with District Plan Policy NE4(II)(a) and (b).</u>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
42 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.30		<p>Concerned developers may be required to provide a one-off early commuted sum to support early years operation.</p> <p>However, if facilities are not viable without subsidy then it suggests there is not the necessary level of demand for the facility in which case it is questionable whether it is fairly and reasonably related in scale and kind to the development (NPPF para.56). The Council may therefore wish to consider revising this paragraph.</p>	<p>The justified demand will have already been assessed as being established by application of the standards in Table 1 and as per the recommendations in the relevant 2017 strategy.</p> <p>The type of facility envisaged here is a community centre or sports facility which should become increasingly self-sustaining as the community it serves grows. This should be explained in the text.</p>	<p>Draft SPD paragraph 2.30 (4.20) expanded to clarify:</p> <p>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.</p> <p><u>The type of facility envisaged here is a community centre or sports facility which should become increasingly self-sustaining as the community it serves grows. It is not appropriate to delay delivery of these types of facility until the development has grown to its full extent unless there is, in the short term, sufficient capacity within existing off-site facilities for a period, which are also within the relevant accessibility standard, e.g. 800m for community centres.</u></p>
83- Turley on behalf of Ptarmigan	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.30-2.31	Object	<p>The early obligation identified in paragraph 2.30 is unlikely to meet the CIL tests if the demand generated by the new facility is so low that it cannot sustain the facility at inception. Furthermore the provision of a facility which is potentially unviable is not a sustainable option over the longer term, even with an initial subsidy.</p> <p>Accordingly any request for early</p>	<p>As stated in response to representation 42 the type of facility envisaged here is a community centre or sports facility which should become increasingly self-sustaining as the community it serves grows. It is not appropriate to delay delivery of these types of facility until the development has grown to its full extent unless there is, in the short term, sufficient</p>	<p>Amend paragraph 2.30 (4.20) to clarify early obligation requirement in line with recommendation in response to comment ID 42.</p> <p>Delete paragraph 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</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>obligations must be based on exceptional circumstances, with clear evidence of the future viability, which is directly related in scale and kind to the development and necessary in planning terms.</p> <p>Paragraph 2.31 suggests that developers will be required to meet the whole cost of servicing 'specific facility needs' which is not consistent with all three Regulation 122 CIL tests.</p>	<p>capacity within existing facilities off-site for a period, which are also within the relevant accessibility standard, e.g. 800m for community centres. The facility need is CIL compliant because it is necessary to serve the proposed development once built out.</p> <p>Paragraph 2.31 aims to signpost facilities that may be located within sites that meet a wider need, if identified in the Development Plan. It is not intended to imply that developers must meet needs that do not comply with regulations and policy. Given the confusion, paragraph 2.31 will be deleted.</p>	<p>catchment area, or where the development itself generates the whole or the majority² of the facility need. Note, requests for financial, land or other contributions would still need to pass the three CIL tests</p>

² 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.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
43 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.31		<p>The requirement that specific facility needs identified in the review/updates of relevant strategies, may need to be provided on a development site introduces the possibility of additional infrastructure requirements being introduced outside of the Local Plan (or which have not been identified within the IDP) which could jeopardise delivery of the Council’s planned growth.</p> <p>Any new infrastructure requirements should be considered as part of a Local Plan review. It is suggested that the Council reviews paragraph 2.31 in this context.</p>	<p>Paragraph 2.31 aims to signpost facilities that may be located within sites that meet a wider need, if identified in the Development Plan. It is not intended to imply that developers must meet needs that do not comply with regulations and policy. Given the confusion, paragraph 2.31 will be deleted.</p> <p>Where a specific sport or recreation need has already been identified in the relevant adopted strategies, this need should be identified and provided for within the relevant developments. These sites include, for example, leisure centres and football hubs, as the underpinning strategies were part of the Local Plan Evidence Base.</p> <p>It would be unnecessary and unreasonable to require any changes to recommended projects to wait until there is</p>	Delete paragraph 2.31 as recommended on response to comment ID 83.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
				<p>a District Plan Review or a new IDP process. In accordance with Sport England guidance, both the PPS and the Built Facility Strategy are recommended to be updated annually in respect to the project investment priorities. These updates do not require a review of the SPD as they are simply updating the list of potential projects that could be funded by planning obligations if relevant. These will still be negotiated on a site by site basis in compliance with the CIL tests.</p>	
44- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 2.9 Does this SPD affect masterplans and phasing for larger housing developments- para. 2.32		States that separate development in a close geographical area may generate the need for a new facility. Whilst this approach is understood, the three supporting strategies to the SPD provide no clear guidance on what type and where facilities will be required. It is considered that this is a Local Plan matter and should therefore	It is considered that the draft SPD paragraph 2.33 (4.17) is a flexible and pragmatic approach in accordance with Policy CFLR1 that requires developers to provide for open space, indoor and outdoor sport and recreation that meet the needs arising from the development. It is	<p>No amendment in response to this issue.</p> <p>For clarity the masterplanning section 2.9 (section 4.4) has been reordered, with headings to ensure the information is easier to understand (see proposed modification document).</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>be addressed through a subsequent review of the District Plan.</p>	<p>reasonable to meet these needs as identified in the District Plan and the Council's strategies by negotiating and engaging during a masterplanning process.</p> <p>The Playing Pitch Strategy (2017) and the Built Facilities Strategy (2017) both specifically addresses this scenario. The relevant paragraphs are BF; 13.18 and 13.22: and PPS 6.10, 6.12. It is clear that it is for the developers to cooperate locally to negotiate with the Council to find an appropriate local solution.</p> <p>The Council's review of the District Plan may include future policies to identify where and how certain facilities should be located.</p>	
<p>Planning Obligations <u>context</u>: Provision of land</p>					

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
84- Turley on behalf of Ptarmigan	Section 2.10 Does land need to be provided? Para. 2.36-2.37	Object	<p>Ptarmigan accepts that, where justified, suitable land needs to be provided at no cost by developments, where a specific demand is generated which needs to be met on site. Paragraph 2.36 however makes reference to p 5.2 of the Infrastructure Delivery Plan and states that 'developers will fund the complete cost of infrastructure as part of the overall development scheme'. Whilst a requirement for land to be provided to provide access to new services required by the development may be justified, the requirement for developers to meet the complete cost of all infrastructure including; roads, parking and all ancillary development, such as changing rooms, is not a reasonable obligation.</p> <p>Such an all embracing obligation is likely to fail tests a) and c) of CIL Regulation 122.</p>	<p>Reference to the IDP is perhaps confusing here. It is the land which should be provided at no cost with a proportional contribution towards the construction of the facility / sports pitches.</p> <p>The provision of sports and recreation facilities inherently includes relevant ancillary facilities such as changing room, access parking etc. that directly relate to the facility in question.</p>	<p>Paragraph 2.36 and 2.37 merged (4.21) and revised as follows:</p> <p>This is supported by the IDP, 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". Suitable <u>Appropriate</u> land will <u>expected</u> to be provided where:</p> <ul style="list-style-type: none"> •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 <u>can</u> include <u>capital for</u> provision, maintenance and life cycle costs in addition to. , in some cases replacement, and land costs. •If the demand generated by the development is for the large majority (67% or more) 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 <u>capital, maintenance and life cycle</u> costs of the facility. •If the demand is for less than 67% of a facility that needs to be or is to be provided on-site,

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					<p>then enough suitable land for the whole facility needs to be planned into the development. However only a proportionate amount of this land will be provided at no cost in line with the demand generated, and the value of the remainder will need to be funded from other sources but at a price that reflects its leisure use. (e.g. from pooled contributions from other developments, from grants or other sources). <u>The developer will be required to meet the population-related proportion of the capital, maintenance and life cycle costs of the facility</u></p> <p>•If the land cannot be provided for on-site because of proven and acceptable masterplanning constraints, financial viability or other relevant reasons, then the local authority if the Council agrees, they may negotiate an appropriate alternative contribution., where this is CIL compliant. <u>Again, this should take into account what would otherwise be required on site in relation to the land area plus the population-related proportion of the capital, maintenance and life cycle costs of the facility.</u></p>

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45- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 2.10 Does land need to be provided? Para. 2.36		<p>Whilst it is understood that developers will fund the complete cost of infrastructure and this is factored into masterplanning and viability, it is misleading that land needs to be provided at no cost because all land has a value. It is helpful for developers to know what they need to provide onsite and factor that into masterplanning and land purchase.</p> <p>However, it is considered the cost of infrastructure is a Local Plan matter and the SPD should not introduce additional requirements.</p>	<p>The District Plan covers the requirement to provide relevant community infrastructure, and in some site cases specific types of infrastructure. The SPD provides guidance on how to deliver the policy requirements.</p> <p>In relation to the provision of land: the Playing Pitch Strategy (2017) and the Build Facilities Strategy (2017) both specifically addresses this issue. (BFS paras 13.19 and 13.25; PPS para 6.14).</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
46- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 2.10 Does land need to be provided? Para. 2.37		<p>States that where a threshold of 67% (i.e. two thirds) of facility demand is likely to be met by residents of a new housing development, provision should be made on site. However, this could mean that existing off-site facilities that are currently under-used; capable of improvement/expansion; and, within acceptable access distance from the new housing would be overlooked. This potentially fails the 'fairly and reasonably related in scale and kind' test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and NPPF paragraph 56.</p> <p>It is suggested that a more flexible approach is put forward rather than an arbitrary threshold, and it is suggested that the Council reflect this in the re-wording of this paragraph and other paragraphs where this threshold is used.</p>	<p>The wording of draft SPD paragraph 2.37 (4.17) provides a clear steer on the provision requirements and is the starting point for the consideration of whether on-site or off-site investment is likely to be required for each development. However, the SPD recognises that each site must be assessed on its own merits and there is flexibility in the process, as set out in the draft SPD section 5.5 (section 4.7).</p> <p>Decision flow charts have been added in section 5.7 to aid the decision making process at the site level, including whether on-site or off-site provision may be required.</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
47- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 2.11 Do smaller developments need to contribute? Para 2.38		The requirement for all sizes of development to contribute towards open space and sports provision is welcomed, as even small developments will cumulatively have an impact on the demand for facilities. It is suggested that the Council make reference to cumulative impact in justifying this approach.	<p>Cumulatively small developments have an impact on open space and sports provision. However, the Council is concerned that the requirement for all sizes of development to undertake a planning obligation to secure open space and sports provision is unreasonable and unpractical. It would require numerous applicants to enter legal agreements which, on balance, will be costly and delay the decision making process for small applications considerably.</p> <p>The proposal was also contradictory to Table 2, where no play contributions are required for less than 10 dwellings. Therefore, on reflection the threshold for the SPD has been changed to 10 dwellings.</p> <p>However, it is recognised that the size of developments in</p>	<p>Section 2.11 should be deleted as it repeats guidance in section 2.4 (section 4.3):</p> <p>Although the population of a single development (e.g. on a small site or an individual stage of a larger site) may not itself generate the needs for a full facility, it may still generate additional demand which should be quantified and then be met.</p> <p>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).</p> <p>Draft SPD section 2.4 (section 4.3) should be revised as follows:</p> <p>The SPD will <u>generally</u> be applied to planning applications for any new residential development that results in a net gain <u>of 10 or more</u> in residential units. <u>This is because a requirement for all sizes of development to undertake a planning obligation to secure open space and sports provision is unreasonable and unpractical. It would</u></p>

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				<p>the villages is often below 10 dwellings. Therefore it may be useful for smaller developments in villages to contribute to local facilities, for example where there is a specific need identified through a neighbourhood plan, or other justification for contributions. In these circumstances, contributions may be sought from developments of less than 10 dwellings.</p>	<p><u>require numerous applicants to enter legal agreements which, on balance, would be costly and delay the decision making process for small applications.</u></p> <p><u>In villages, where a specific need has been identified, the threshold for contributions may be lowered. Specific need may be identified through Neighbourhood Plans or through local consultation, including with parish councils. This approach recognises that new development is likely to be less frequent and of a smaller scale in villages but could contribute towards local facilities and the vitality of the village in which the development is proposed to take place. For example, this could include a contribution towards the enhancement of play provision. Such contributions will be considered on a site specific basis and will need to comply with the CIL regulations.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
48- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.12 Can contributions be made to existing facilities? Para 2.40-2.42		<p>Approach to enable the upgrading of existing facilities is welcomed, however raises two comments:</p> <ul style="list-style-type: none"> -the three supporting strategies do not provide guidance on what facilities could meet those needs. Information on which facilities could accommodate additional demand if improved would therefore be beneficial and could be included in the SPD. - Paragraph 2.42 suggests that if an original developer contribution is delivered via another means an alternative contribution should be allowed. Concerned this approach is not compliant with the CIL regs and para 56 of the NPPF. Could be re-worded. 	<p>The Built Facilities Strategy 2017 has site specific proposals (Fig 50) and also provides an overview of all key facilities in the district (Fig 51).</p> <p>The Playing Pitch Strategy 2017 contains Action Plans for each pitch sport (football, cricket, rugby, and hockey) which should be used to guide investment. The SPD standards of provision in relation to accessibility guide identification of the facilities within the catchment of the development. EHC is committed to providing updates to these site specific proposals and action plans and to making them available online.</p> <p>In relation to alternative contributions. Any contribution needs to be CIL compliant. The text on flexibility (para 5.13/ 4.28) states the Council may</p>	<p>Add additional text to the end of paragraph 2.40 (4.23):</p> <p>This is in line with District Plan Policies CFLR1 (I) and CFLR7(II). <u>The Built Facilities Strategy and Playing Pitch Strategy (see section 3) have action plans which identify the larger facility investment needs. These action plans will be regularly updated by the Council and be made available online. There may also be more local facilities or open spaces such as a village hall or children's playground where this situation potentially exists. The flow charts in section 5 will aid the decision making.</u></p> <p>Delete paragraph 2.42:</p> <p>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.</p> <p>New Section 3 summarises the scope and findings of the evidence strategies, so there is more clarity about how to use them to inform</p>

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				<p>include a clause in a Planning Condition or Obligation agreement to provide for an alternative CIL-compliant facility. This implicitly refers to CIL compliancy. However, the Council considers that 2.42 replicates guidance in para 5.13 (4.28) so should be deleted.</p>	<p>contribution calculations. See Proposed Modification document.</p> <p>5.13 (4.28) is amended slightly to add further transparency:</p> <p>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, <u>but either the facility is subsequently funded by other sources ahead of the time that the contribution is due to be paid, or the club ceases to operate, then the alternative may be required to be provided.</u> In these situations, an appropriate alternative facility that can deliver the same or similar sports, recreation and/open space outcomes should be substituted. This would still need to be CIL compliant provision</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
49- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 2.12 Can contributions be made to existing facilities? Para 2.40-2.45		States that the Council will confirm any necessary obligations. However, there should be scope for discussion between the Council and the applicant to take into account local circumstances and site specific matters to agree appropriate contributions. The Council may wish to reflect this in the SPD.	<p>The SPD does not preclude discussions, which are always valuable. The draft SPD paragraph 2.45 (4.32) makes it clear that the “legal representatives of the Council and the applicant” are both involved in the formation of binding legal agreements.</p> <p>Flexibility is specifically covered in the draft SPD Section 5.5, now moved to Section 4.7.</p>	No amendment in response to this issue.
3. Calculating contributions: Facilities needed					
27 - Herts Football Association	Section 3.1 Is there a list of what facilities are needed? Para. 3.1 - Football	Support	Consideration to be given to referencing in paragraph 3.1, the East Hertfordshire Local Football Facilities Plan which is currently being prepared by the Football Association in consultation with EHDC and will update the Playing Pitch Strategy's priorities in relation to the priority football facility projects (3G pitches, grass pitches, pavilions and informal	The list of investment priorities/ projects in the PPS (2017) will need to be kept current by regular reviews and updates. The Local Football Facilities Plan will be considered as part of this update to the Playing Pitch Strategy action plan.	No amendment in response to this issue.

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			football facilities) in the district.		
50- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 3.1 Is there a list of what facilities are needed? Para 3.1 and 3.2		<p>SPD lacks certainty about what facilities are needed because:</p> <ul style="list-style-type: none"> • Open space assessment does not identify specific facilities. • Paragraph 3.2 refers to additional local need that may be required through consultation with local bodies, this creates uncertainty and their needs may relate to needs wider than those generated by development. • The three strategies supporting SPD should be based on proposed standards and an approach which were subject to robust local consultation techniques. Council may want to revisit consultation undertaken especially when they are updated. 	<p>The Council is satisfied that the strategies provide a robust evidence base and no concerns were raised at the Examination to the Local Plan.</p> <p>The methodology followed the guidance set out by Sport England in relation to the Built Facilities Strategy and PPS. Each of the strategies was widely consulted upon as relevant, including with clubs, local facility providers, national governing bodies of sport and parish and town councils.</p> <p>The Built Facilities Strategy and PPS are considered up to date by Sport England but EHDC is committed to reviewing the detailed action plans and investment priorities on a regular basis. These project updates will occur in collaboration with</p>	No amendment in response to this issue.

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				<p>local providers and national governing bodies. S106 negotiations will therefore relate to up-to-date projects. However, they will only be expected to meet the demands of their development.</p> <p>The Open Space strategy identifies quality issues across the district and as open space provision tends to be of a more local scale, it is appropriate for S106 discussions to be informed by consultation with the Council and the relevant town/parish Councils.</p>	
109- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 3.1 Is there a list of what facilities are needed? Para 3.3		Refers to other factors such as District's aging population. However, the demographic profile of new developments may not necessarily reflect those of the District generally. It is therefore important that this paragraph is caveated to this effect.	The Built Facilities Strategy and PPS of 2017 assessment of future need is based on a detailed forecasting of the demographics of the district and the sub areas up to 2031. This is set out in the Part 1 Background and Context (June 2017) which formed part of the Local Plan	<p>Revise Para 2.12 (4.44) as follows:</p> <p>The Council will normally require the provision of <u>on-site</u> or off-site contributions to all the sport, recreation and open space facilities/typologies.</p> <p>Delete bullet points as they are replicated in section 3 of the final SPD. Insert reference to part 1 of the strategy in paragraph 3.1:</p>

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				<p>evidence base. The Council will ensure this is referenced in the SPD.</p> <p>The pattern of the demographics of large new development sites at local level are also set out in Part 1. This provides the justification for the provision of play and open space facilities for children and teenagers people. Draft SPD paragraph 3.3 (2.4) amended to include both a reference to Part 1 and need for provision for teenagers. Footnote deleted as reference not required.</p>	<p>•<u>Open Spaces and Sports Facilities Assessment Technical Study, Part 1: Background and Context (June 2017)</u></p> <p>Amend Paragraph 3.3 (2.4)</p> <p>Other factors such as the District's <u>overall</u> aging population are also relevant <u>as set out in the Part 1 Background and Context report which underpins each of the strategies</u>. There is <u>expected</u> 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. <u>However at a more local level, new housing developments, particularly strategic sites, bring in young families. The evidence for this is provided within the Part 1 Background and Context report, and justifies the provision of play and facilities for teenagers, such as skate parks, multi-use games areas and other facilities.</u></p> <p>Delete footnote 5: <u>East Herts Health Profile *(Public Health England 2017)</u></p>

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85-Turley on behalf of Ptarmigan	Section 3.1 Is there a list of what facilities are needed? Para. 3.3	Object	<p>Paragraph 3.3 recognises that the District has an aging population with an identified continued decrease in 15-30 year olds, which is already below the England average. Correspondingly there will be an increase in both 55-65 year olds and 70-75 year olds. The impact of these demographic predictions therefore needs to be taken into account when accessing long term requirements for recreational typologies on strategic sites.</p> <p>This is further confirmed at Paragraph 3.18 of the SPD. Accordingly, there should not be the automatic starting assumption (as suggested by paragraph 2.12 of the SPD) that all recreational typologies will be provided. This is particularly relevant when assessing the long term need for activities likely to impact upon residential amenity, such as MUGA's and Skate Parks, in the context of the declining younger demographic.</p>	See response to comment ID 109 above.	See response to comment ID 109 above.

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51- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 3.2 What assessment is made to ensure the contributions needed by a development? Para 3.5 and 3.6		<p>The Council may wish to consider the robustness of the quantity and accessibility standards. For example, the standard for play set at 0.25 ha/1000 people shows that every geographical area in the District has an existing shortfall of play, totalling at least 14.2 ha across the District (stated in the Open Space Assessment). This is a significant shortfall and it is therefore questionable whether it will be achieved. It should be acknowledged that new schemes will not be required to address existing deficiencies in order to ensure compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and NPPF paragraph 56.</p> <p>Paragraph 3.6 refers to the accessibility component of standards, in particular the 'acceptable travel distances'. However, the access standards set out within the open space standard do not appear to have any evidence to justify them (i.e.</p>	<p>The Council is satisfied that the strategies provide a robust evidence base. The strategies formed part of the evidence base for the Local Plan and no concerns were raised at the Examination to the Local Plan.</p> <p>Contributions are requested relating to the demand generated pro rata by a specific development, and are CIL compliant.</p> <p>Accessibility standards for each typology were assessed within the Open Spaces Assessment (2017) and recommendations derived from this assessment.</p> <p>Developers are expected to take into account the impact of barriers to movement as part of their site masterplanning to ensure that the accessibility standards can be met.</p>	<p>Delete paragraph 3.4 and replace with alternative paragraph for clarity: 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 relevant '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.</p> <p>Insert new paragraph (5.2) instead: <u>The justification for contributions is based around the assessment of demand generated by a development's expected population compared to the availability and quality of the existing network of open spaces, sport and recreation facilities. Standards of provision guide this assessment of need and relate to quantity, accessibility and quality of facilities and open spaces, as set out in Table 1. These have been derived from the relevant strategies (see Section 3).</u></p> <p>Amend paragraphs 3.5 (5.3) and 3.6 (5.4) as follows:</p>

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			evidence on how far residents are willing to travel to different types of open spaces). The Council may also wish to consider taking into account barriers to access (such as roads, rivers, railways).	Amendments made to section 3.2 (section 5.2) to provide more context and clarity about the assessments.	<p>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 <u>for built facilities and open space, and the quantity standards for each built facility type³ and open space are summarised in Table 1. The quantity of demand for pitch sports is more complex and Sport England has therefore developed a Playing Pitch Calculator to help assess the demand for these sports.⁴</u></p> <p>The <u>accessibility</u> requirement includes the acceptable travel distance (catchments) to a facility <u>or open space, based on known travel patterns for different sports and its availability. 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.</u></p> <p>Insert a new paragraph after 3.7 (5.5):</p> <p><u>The facility catchments set out in Table 1 are</u></p>

³ In relation to the Built Facilities Strategy (2017) the “standards” in Table 1 are the same as the “Provision Guide for new developments” (Fig 48). The term “standards” has been used in this SPD because of the need to encompass all sport, recreation and open space developers’ contributions and the terminology is most easily understood.

⁴ Sport England Active Places Power web site <https://www.activeplacespower.com/>

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					<p><u>based on the recommendations from the relevant strategy and are justified by the detailed assessments undertaken. The catchments vary from up to 20 minutes' drive to facilities such as swimming pools, sports halls and 3G-AGPs, down to a 400m walk for a LEAP.</u></p> <p>This new paragraph replaces 3.12 so delete as follows: 20 minutes' drive for swimming pools, sports halls, 3G-AGPs and indoor bowls 15 minutes' drive, for fitness studios and gyms; 15 minutes' walk drive for grass pitches; and outdoor bowls; Play and open spaces⁵; LEAPs: 400m; NEAPs 1000m; Youth & teenage provision (MUGAs/skateparks and other such youth facilities) 1000m</p>
52- Ethos Environmental Planning Ltd on behalf of	Section 3.2 What assessment is made to ensure the contributions needed		Paragraph 3.7 states that the quantity and access standards can be used to guide on/off site provision. It is also suggested that	Policy CFLR1 identifies that open space, indoor and outdoor recreation facilities should be provided to meet	Add decision flow charts to section 5 of final SPD. No amendment in response to other issues.

⁵Guidance for Outdoor Sport and Play; Fields In Trust April 2018.

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Pigeon Investment Management Ltd	by a development? Para 3.7		quality considerations should be factored into this. As suggested at 2.19, a flow chart to illustrate how this decision making process would work would be a useful addition to the SPD.	<p>the need arising from development and sets out a general requirement for contributions on-site and/or off site towards open space, sport and recreation and community facilities. The District Plan states that these are detailed in the strategies (also tested as part of the Local Plan Evidence Base), and this SPD. This approach is entirely reasonable, allowing flexibility to assess the contribution towards provision on a site basis, taking into account local circumstances.</p> <p>Developers are expected to take into account the strategy recommendations and to undertake further local consultation in order to provide additional understanding of local needs and potential opportunities both on- and off-site. This will be particularly important for the open space typologies,</p>	

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				<p>where provision is of a much more local scale and local priorities are unlikely to have been identified in the Open Space strategy.</p> <p>It is agreed that flow charts to aid decision making would be valuable.</p>	
53- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 3.2 What assessment is made to ensure the contributions needed by a development? Para 3.7		Refers to affordability being a determining factor in whether a facility will provide public access. However, there is no definition of what constitutes affordable. The Council may wish to consider providing clarification on this within the SPD.	Affordability is a relative term and understood by most people within a local context. Affordable means that the price charged is reasonably affordable, as a leisure expense, to an average member of the public or average family. The cost should not be seen to exclude use by the majority. For example, an expensive private club or hotel facility would not generally be considered affordable and therefore inaccessible.	No amendment in response to this issue.
11- Sport England	Section 3.2 What assessment is made to ensure the contributions needed by a development?	Object	For accuracy in paragraph 3.12, the accessibility guidance for grass pitches and outdoor bowls, as referenced in the Council's Open Spaces and Sports Facilities	Agreed the accessibility is a drive time of 15 minutes for both football and outdoor bowls. This is correct in Table 1, but incorrect in	<p>As outlined in response to comment ID 51, 3.12 has now been deleted from the SPD.</p> <p>Accessibility standards for football grass pitches, football 3G pitches, cricket, rugby,</p>

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	Para 3.12		Assessment Technical Study documents is a 15 minute drive time rather than 15 minute walk.	<p>paragraph 3.12.</p> <p>The quantity standards in draft SPD paragraph 3.5 require justification by cross referencing to strategies and to Sport England's pitch calculator, with new footnote.</p> <p>Add the accessibility for different pitch types to table 1.</p>	<p>and hockey added to table 1, together with accompanying text note on assessment of demand for pitch sports. (<i>See Table 1 in proposed modification document</i>).</p> <p>New footnote 7 inserted to paragraph 3.5 (5.3):</p> <p><u>Sport England Active Places Power web site</u> https://www.activeplacespower.com/</p>
5- Robert Cann	Section 3.2 What assessment is made to ensure the contributions needed by a development? Para 3.12	Object	Questions why cycling distances are not included.	<p>Sport England provided Facilities Planning Model reports for sports halls and swimming pools for East Herts in 2016. The pools report showed that about 84% of the visits to pools were made by people travelling by car, with just over 11% walking and 4% using public transport. This suggests that only around 1% of pool users travelled by cycle.</p> <p>For sports halls, over 88% of the visits were made by car.</p>	No amendment in response to this issue.

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				<p>A similar pattern of travel applies to other sports facilities and therefore cycle access was not specifically addressed in the Built Facilities Strategy or PPS.</p> <p>Village/community halls are primarily accessed on foot, and a walking catchment is therefore provided.</p> <p>For open space, the Fields in Trust research has demonstrated that a walking catchment is the most important determinant. This has therefore been used to guide the open space accessibility standards.</p> <p>Cycling distances/times are difficult to assess even at local level because many other factors need to be taken into account e.g. whether there are traffic free routes and skills of riders. This is an issue that British Cycling needs to address</p>	

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				within their national governing body strategy.	
3 Calculating Contributions- Quality					
55- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd	Section 3.2 What assessment is made to ensure the contributions needed by a development? Para 3.13-3.16		The Council may wish to consider whether the assessment of the current quality of facilities and the priorities for improvements are sufficiently robust. For example, within the open space assessment, whilst assessments of open spaces have been undertaken, there is no information on priority sites for improvement. To address this, the Council may wish to consider using the quality data it has on sites to set out which sites could accommodate additional demand through improvements, and to inform targeting of off-site contributions.	<p>The Council is satisfied that the strategies provide a robust evidence base. The strategies formed part of the evidence base for the Local Plan and no concerns were raised at the Examination to the Local Plan. Site visits were undertaken to assess site.</p> <p>The Built Facilities Strategy and Playing Pitch Strategies contain action plans, which identify potential projects and should be used to guide investment. These also take into account issues of quality. EHC is committed to providing updates to these action plans and to making them available online. These updates will include any changes to the quality of a facility or pitch.</p>	No amendment in response to this issue.

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				<p>Developers are expected to take into account the strategy recommendations and to undertake further local consultation in order to provide additional understanding of local needs and potential opportunities both on- and off-site. This will be particularly important for the open space typologies, where provision is of a much more local scale and local priorities are unlikely to have been identified in the Open Space strategy.</p>	
12-Sport England	Section 3.2 What assessment is made to ensure the contributions are needed by a development? Para. 3.16-	Object	The quality guidelines in paragraph 3.16 should specifically include the suitability of disabled access, to ensure inclusivity is part of the assessment of the quality of a facility.	<p>The guidance provided by Sport England, national governing bodies and others includes reference to disability access so there is no need to separately specify. The underpinning strategy assessments, particularly for built facilities, included disability access and accessibility.</p> <p>Text could be amended to add reference.</p>	<p>Revise paragraph 3.16 (5.15) to address disability, amend the third bullet point as follows:</p> <p>Is appropriately designed to enable Sufficiently diverse recreational use by for the whole community, <u>including for those people with disabilities or cultural restrictions.</u></p>

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3 Calculating Contributions- justification for contributions					
86-Turley on behalf of Ptarmigan	Section 3.3 What assessment is made to ensure the Contributions are fair and justified? Para 3.17-3.18	Object	<p>Paragraph 3.17 recognises that regardless of whether CIL has been adopted or not, that all contributions requested by the Council must meet the relevant CIL regulations tests to ensure that they are fair and justified. To ensure the CIL tests are complied with, the Council sets out seven key steps (bullets) after Paragraph 3.18.</p> <p>With regard to the third bullet point and whether a facility to be funded lies within an accessible catchment (as specified by paragraph 3.12 of the SPD) we have concerns in relation to the appropriateness and sustainability of what is proposed.</p> <p>Firstly, where a development produces only a fractional need for a given typology, such as additional swimming pool space or sports hall space, there is the</p>	<p>The demand generated by the proposed development will be met by the sport and recreation facilities within the relevant catchment distance, which varies by type of facility or open space typology.</p> <p>Table 1 provides the catchment for the different types of facilities and open spaces, and these are justified by the assessments within the relevant strategies for Built Facilities, Playing Pitches and Open Space.</p> <p>A contribution towards facilities within the relevant catchment distance is therefore justified. It is accepted that the major facilities' improvements may draw on developers' funding from a number of sites.</p>	<p>Amend paragraph 3.17 (5.18) and delete paragraph 2.18:</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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

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			presumption that the funding of an existing facility up to 20 minutes' drive is an acceptable basis upon which to require obligations to make a development acceptable in planning terms.	However, the Council considers more clarity is needed to explain and justify the contributions more clearly than paragraphs 3.17 and 2.18. Therefore the Council has amended/ replaced these paragraphs with new sections 5.6 and 5.7, including the flow charts. The flow charts show how contributions are fair and justified in relation to a specific site.	<p>accessible catchment (e.g. within a drive time or walking distance that relates to the relevant facility and the development);</p> <ul style="list-style-type: none"> • 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. <p>Add new sections: <u>5.6 - How are the demand and potential contributions calculated?</u> and <u>5.7 How should decisions be made about what is required?</u> (including flow charts figures 2,3 and 4). Section 5.6 includes and expands on paragraph 4.1.</p> <p>See proposed modification document.</p>
56- Environmental Planning Ltd on behalf of	Section 3.3 What assessment is made to ensure the Contributions are fair		Provides a summary of the assessments made to ensure the contributions are justified. The previous comments made in	See response to comment ID 86.	See response to comment ID 86.

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Pigeon Investment Management Ltd.	and justified? Para 3.18		respect of: the access catchments (3.6); demand on existing facilities (3.13 – 3.16) and costs (see section 4.23 below) are applicable and should be reflected within paragraph 3.18.		
28- Robert Cann	3.19 Ensuring contributions are fair and justified	Object	I suggest that feedback/guidance from Sustrans is also important.	<p>It seems unlikely that Sustrans would have sufficiently detailed publications to be of use, and are probably unlikely to be able to respond on individual planning applications.</p> <p>Hertfordshire County Council has been consulted and as the local transport authority can advise on sustainable travel issues.</p>	No amendment in response to this issue.
13- Sport England	Section 3.3- Ensuring contributions are fair and justified, para 3.18	Object	When identifying if the demand can be met by existing facilities, it should be made explicit that account will need to be given to whether existing facilities can meet the demand of both existing and future needs. While some facilities have the capacity to meet existing needs they may not have capacity to meet future needs.	<p>The Built Facilities Strategy 2017 has site specific proposals (Fig 50) and also provides an overview of all key facilities in the district (Fig 51) which take into account issues of capacity, quality etc.</p> <p>The PPS 2017 contains Action Plans for each pitch sport</p>	<p>A new section 3 has been inserted to summarise the strategies, including the role of the action plans and how they will be updated- see proposed modifications document.</p> <p>New flowcharts in section 5.7 will also show how the action plans should be used to inform contribution calculations</p>

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				<p>(football, cricket, rugby, hockey) which should be used to guide investment. These also take into account issues of capacity, quality etc.</p> <p>EHC is committed to providing regular updates to these site specific proposals and action plans contained in the Built Facilities Strategy and PPS. A cross reference to them would be valuable within the SPD.</p>	
103-PPML Consulting Ltd, Durkan Ltd	Section 3.3- Ensuring contributions are fair and justified, para 3.18		<p>Each site should be considered on its own merits and considered in the context of nearby open space facilities.</p> <p>If there is a well-equipped LEAP or NEAP within walking distance then contributions should go specifically to upgrade or enhance this facility rather than insisting on specific provision on each site. Children are naturally drawn to larger scale play facilities which maintain their interest for longer, so providing</p>	<p>The principle of considering each site on its own merits and within its wider context is agreed and is set out in the SPD.</p> <p>The SPD does ensure the local context is taken into account and the new process flow diagrams help explain that the calculations are a starting point to help guide the negotiation and increase transparency. They have to be used in</p>	See response to comment ID86

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			lots of incidental play spaces within all new developments (in an effort to simply meet policy considerations) ends up serving little purpose. The council's formulaic open space calculations need to take account of what provision is been provided on the development site for open space and play space and discount this from the overall provision required.	conjunction with local and site specific circumstances in order to be CIL compliant.	
3 Calculating Contributions- Population House Multiplier					
102- PPML Consulting Ltd, Durkan Ltd,	Section 3.4 How is the need arising from a development, and the cost of that demand, calculated, para 3.20		The multiplier needs to relate specifically to the mix of dwellings proposed. Applying a figure of 2.32 persons per dwelling is too simplistic and unreasonable. Particularly if a development is weighted towards only 1 & 2 bed apartments, for instance.	While the 2.32 people per house multiplier in the draft SPD paragraph 3.20 is usually appropriate for an outline application, if it can be demonstrated to the Council's satisfaction that an alternative population should be used for a proposed development, this would be acceptable. Should a development which has already received outline	Paragraphs 3.20 (5.19) and 4.10 (5.20) amended and moved into section 5.4 <u>What population figure should be used in assessment of demand?</u> : To generate the population figures, a '2.32 people per house' multiplier has been used, <u>The average number of people per household in the District is 2.32</u> , derived from MHCLG/ONS Census data. ⁶ This figure will need to be updated from time to time as national and local population statistics change.

⁶ ONS population base

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				<p>permission, but where the densities being applied for in the detailed application have increased (or decreased), then the level of developer contributions will also apply to the proposed increase/decrease in population. This would for example include on-site open space provision.</p> <p>SPD revised to provide more flexibility.</p>	<p>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 <u>The estimated population of a development, for both outline and full applications will be based on 2.32 persons per dwelling. Thus, a development of 100 dwellings will be assessed as generating a population of 232 people. However, if it can be demonstrated to the Council's satisfaction that an alternative population figure should be used for a proposed development because of site specific circumstances, then this will be acceptable.</u></p> <p>New paragraph inserted after 4.10 (5.20):</p> <p><u>(5.21) In the case of a change in the proposed population of a development, for example by increased density, then the developers' contributions will need to be recalculated and the implications for provision be masterplanned appropriately.</u></p>

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14- Sport England	Section 3.4 How is the need arising from a development, and the cost of that demand, calculated, para 3.20	Object	While the 2.32 people per house multiplier in paragraph 3.20 is supported as a default approach, some flexibility should be offered on its application if it can be demonstrated to the Council's satisfaction that an alternative multiplier should be used. For example, developments that are predominantly one bedroom flats, sheltered accommodation, student accommodation etc. that are designed for 1 or 2 people are likely to have a lower multiplier in practice and therefore unless some flexibility is offered there is potential for successful challenges of the approach.	Population multiplier is retained but text revised to provide more flexibility, see response to comment ID102.	See amendments in response to comment ID 102.
3 Calculating Contributions- Cross boundary					
57- Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 3.5 Cross boundary issues, para 3.21		Refers to cross boundary facilities. However, it is unclear whether the consideration of facilities in neighbouring authorities has been taken into account. The Council may wish to consider providing clarity on which neighbouring authorities have facilities that could be used by residents of East Herts. Figure	The cross-boundary issues were considered in detail as part of the Built Facilities Strategy (2017) and the PPS (2017), with the recommendations and standards taking this into account. Open space is not considered	No amendment in response to this issue.

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			1 could also show where these facilities are located. However, ultimately this is a Local Plan matter.	<p>in a cross-boundary context because the catchments are much more local.</p> <p>The District Plan sets the general requirements for community infrastructure and contributions, The strategies and this SPD detail that.</p>	
4 Calculations for Sport and Leisure – context and facilities					
54- Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.1 Context, paras 4.1 and 4.23		Refers to facility costs based on various sources. However, the Council may wish to consider the robustness of these calculations and provide further details on how these costs have been arrived at. Whilst Spons and the Landscape Price Book give rates for specific items (grass cutting, fencing etc.), they do not provide specific costs for provision or maintenance of different types of open space. The Council may wish to consider publishing the	<p>The Council is satisfied that the costs identified are robust. They reflect industry figures and advice from Sport England and National Governing bodies. The 2019 costs have been added to the SPD instead of 2018 costs to ensure the SPD is to date. The costs are now set out in appendix C.</p> <p>In any case paragraph 4.1 (5.29) allows for local costs to</p>	<p>Amend and expand paragraph 4.1 (5.26) and move into a new section 5.6 How are the demand and potential contributions calculated for clarity:</p> <p>(5.26) The facility costs identified in this SPD sports built facility costs set out in appendix D <u>and incorporated into the Built Facilities Calculator available on the council's web site and used in the in the worked examples in this SPD (Section 6)</u> are based on: Sport England's latest facility costs guidance⁷; costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including sourced from</p>

⁷ Sport England Facility Costs Q2/~~2018~~2019, Life cycle costs (2012 costs, but expressed as percentages of capital costs)

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			<p>workings behind these costs to demonstrate that they are reasonable and fair.</p> <p>This paragraph also states that should robust local costs be available, e.g. from a project cost identified by an architect, these can provide useful accurate figures. This approach is welcomed and it is suggested that the SPD allows for developers to provide their own justified costs for different types of provision and maintenance (for both on and off-site provision).</p>	<p>be used if they are approved by the Council.</p> <p>However, the approach to maintenance cost for open space has been amended because the Council has recently adopted a new grounds maintenance contract in 2020. Therefore the new contract prices have informed the development of locally specific open space maintenance costs. These have reduced the maintenance costs for the open space typologies and are identified in appendix D.</p>	<p>SPONS Construction and Landscape Price Books⁸. <u>These costs calculate automatically on inputting of the number of dwellings or anticipated population. The costs will be indexed (see Section 4.10). Should robust local costs be available, e.g. from a project cost identified by an architect, these can provide useful accurate figures.</u></p> <p><u>(5.27) The playing pitch contribution costs, both capital and lifecycle, for a given population are generated automatically in the Sport England Playing Pitch Calculator, and these are regularly updated by Sport England.</u></p> <p><u>(5.28) For open space, the capital costs per area of each typology (see appendix C) are based on relevant and up to date cost sources. This includes SPONS External Works and Landscape Price Book (2019)⁹. An open space calculator is available on the website to assist calculations.</u></p> <p><u>(5.29) Alternatively, locally assessed capital costs can be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer</u></p>

⁸ SPONS External Works and Landscaping Costs 2019

⁹ The most recent SPONS available at the time of drafting

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					<p><u>and proposed to the Council, which should properly consider them.</u></p> <p>Add new appendix C and D to set out costs in more detail - see proposed modification document.</p>
58- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.1 Context, paras 4.7-4.9		The listing of the facilities is welcomed, however, it would be useful if further details on open spaces could be provided as a similar list. The Council may wish to consider including this within the SPD.	<p>The very large number of open space sites assessed and considered in the Open Spaces Assessment (2017) does not make such a list possible.</p> <p>EHC has the complete database of open spaces available on request.</p>	No amendment in response to the issue.
1-Wodson Park Trust	Section 4.1 Context, Paragraph 4.7 Strategic Facilities	Support	Why isn't Woodson Park included as a district wide strategic facility? Wodson Park provides the only UK Athletics Track Mark registered facilities in the district. It hosts the district wide school games and numerous other competitions and events. The centre is a self-funded community facility and	<p>Agreed Woodson Park should be added.</p> <p>Wording of draft SPD paragraphs 4.7 clarified. Legends Tennis Club and Bishop's Stortford Squash and Racquets Club deleted from bullet points as they are</p>	<p>Amend paragraph 4.7 (3.7) as follows:</p> <ul style="list-style-type: none"> • Grange <u>Paddocks</u> Leisure Centre (Bishop's Stortford): replace and extend • <u>Wodson Park Trust</u> • Gilston Area leisure centre: new facility • Hartham Leisure Centre (Hertford):

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			awarded The FA "Excellent 5star" award for the management of 3G artificial turf football centre.	not proposed to be funded by contributions under the current Built Facilities Strategy. Wording amended to clarify that these are examples, not a complete list.	extension <ul style="list-style-type: none"> • Bishop's Stortford Lawn Tennis Club strategic centre improvements¹⁰ • Legends Tennis Club • Bishop's Stortford Squash and Racquets Club
6-Robert Cann,	Section 4.1 Context, Paragraph 4.7 Strategic Facilities	Object	I would suggest that integrated cycling facilities connecting schools, transport hubs and housing developments should be included as a strategic facility. Contributions could then be obtained for joining up the new developments to the rest of the town. Cycling standards should be included to meet SUSTRANS standards.	Sustainable transport links are part of other S106 agreements and are not covered by this SPD.	No amendment in response to this issue.
100- Presdales School	Section 4.1 Context, Paragraph 4.8 Satellite Facilities		The EHC PPS 2017 documents the need for 1.8 additional hockey pitches in the area. Hertford Hockey Club was identified as the lead contact and the priority was documented as 'high'. In 2018 Presdales School obtained support for this project	The Playing Pitch Strategy (2017) was completed before the Presdales School project was in a position to be included. The Council has committed to undertaking an update of the PPS's action plan	No amendment in response to this issue.

¹⁰ Built Facilities Strategy: cover courts and/or convert grass courts to hard courts.

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			<p>from East Herts, England Hockey, Hertford and Ware Town Councils, Mark Prisk MP and Councillor Mark Pope.</p> <p>EHC representatives are fully aware of the Presdales School Hockey Pitch Project and we would therefore like to ask:</p> <p>a) How projects were selected b) What stage the listed projects have reached? c) Why Presdales School Hockey Pitch Project was not included.</p>	<p>including its priorities and projects. This project can be considered as part of that update.</p>	
4 Calculations for Sport and Leisure – Concern about standards					
98- Lichfields on behalf of St William Homes LLP	Section 4.2 Standards of Provision, paras 4.10	Object	<p>Paragraph 3.20 sets out that MHCLG/ONS Census data is used to calculate average household size in the District. Paragraph 4.10 relates this to the standards of provision in calculating the contribution which should be made for sports facilities and open space. St William would object to the use of this figure in calculating the population of a development and thus contributions, as it is wholly inaccurate.</p>	<p>While the 2.32 people per house multiplier- referred to in paragraph 4.10- is usually appropriate for an outline application, the text has been amended to allow an alternative population to be applied if agreed by the Council.</p> <p>Should a development which has already received outline permission, but where the densities being applied for in</p>	<p>See amendments proposed in response to comment ID 102 in relation to paragraphs 3.20 and 4.10.</p>

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			<p>Firstly, this is because the calculation does not make consideration for the house sizes being delivered and therefore does not consider developments where predominantly smaller or larger dwellings are being provided which will have smaller or larger than average household sizes. Secondly, this approach does not appear to have taken flatted developments into consideration, which also tend to accommodate fewer children.</p> <p>We therefore consider that the Council should make provision for calculating the number of children likely to be accommodated in a new development separately to ensure that sufficient open space and facilities are delivered appropriate to their needs arising as a result of the development. This will also ensure that any contributions meet the requirements of paragraph 56 of the NPPF (2019)</p>	<p>the detailed application have increased (or decreased), then the level of developer contributions will also apply to the proposed increase/decrease in population. This would for example include on-site open space provision.</p>	

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99- Lichfields on behalf of St William Homes LLP	Section 4.2 Standards of Provision, paras 4.12	Object	<p>Paragraph 4.12 goes on to emphasise that the standards of provision set out in Table 1 should be used in tandem with actual assessed need and other robust evidence. However, this paragraph does not provide enough clarity about how these aspects should be considered in calculating contributions and therefore does not allow developers to understand what the costs might be for their site. The Planning Practice Guidance is clear that plans should set out the contributions expected from development. Although it is noted that this document is not a statutory planning document, it should ensure that it provides clear guidance on the contributions that developers will be expected to make.</p>	<p>Paragraph 2.37 (4.21) provides a clear steer on the provision requirements and is the starting point for the consideration of whether on-site or off-site investment will be required for each development. Paragraph 2.18 (2.17) clarifies that the Council will only seek CIL compliant contributions.</p> <p>The Council is satisfied its evidence is robust but accepts that the process for calculating contributions needs to be explained more clearly in the SPD. As such the SPD has been restructured so there is a more logical order. Section 4 explains how to apply the SPD and Section 5 explains how to assess contributions. Section 5.7 is particularly relevant as it includes flow chart(s) for decision processes for built facilities,</p>	<p>Restructure SPD as outlined in the proposed modification document.</p> <p>Insert new section 5.7, including flow charts (figures 2-4)</p>

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				playing pitches and open space typologies.	
87- Turley on behalf of Ptarmigan	Section 4.2 Standards of Provision, para. 4.12	Object	<p>Paragraph 4.12 states that standards of provision should not be used in isolation, but instead 'must be used in tandem with actual assessed need and other robust evidence'. Paragraph 4.12 states that where there is current assessed surplus of a facility then a contribution should be directed towards the quality improvement of that facility.</p> <p>This will not be appropriate in every case, as where there is sufficient capacity, the required quality enhancement provided by the developer may simply serve to subsidise an existing profit-making organisation. In addition, the CIL test of being necessary to make the development acceptable is unlikely to be justifiable where the capacity of a given facility is not at issue, unless the quality enhancements required for the facility are essential to allow the potential</p>	<p>When there is a surplus, new facilities may not be required, but an improvement to the quality of existing facilities might be required. The quality of a facility can have a major impact on its attractiveness e.g. in relation to swimming pools or sports halls, as evidenced by Sport England's Facilities Planning Model. Investment into quality will therefore effectively increase capacity.</p> <p>In relation to grass pitches, for example, poor drainage reduces the effective capacity of a site, as well as making it unattractive. Investment into quality is therefore justified. This principle also applies to other facilities.</p> <p>A lack of ancillary facilities supporting sports and</p>	<p>Amend paragraph 4.12 (5.17) as follows</p> <p><u>It should be noted that NB: S standards of provision should not be used in isolation, but must be used in tandem with actual assessed need and other robust evidence. For example, there may be an assessed potential if there is a current and future assessed surplus of a facility or specific open space typology which has secure community use and is accessible during the peak period (evenings and weekends), then a contribution should be directed towards the quality improvements of that facility. (within the catchments given in Table 1 and accessible as defined by Section 5.2), but its quality is poor. In this situation contributions may be towards investment in the quality of the facility or open space in order to increase its capacity, so that it can meet the development's assessed demand.</u></p> <p>Amend paragraph 4.13 (5.16) as follows</p> <p>The standards for Provision are set out in table-1. They are referred to in the flow charts in Section 5. The quantity standards underpin</p>

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			<p>capacity to be fully utilised.</p>	<p>recreation facilities also impacts on quality (e.g. a lack of changing for junior girls football).</p> <p>Draft SPD paragraph 4.12 amended to clarify.</p> <p>S106 can be used in relation to a profit-distributing body so long as this is formally tied to a Community Use Agreement based on the Sport England model or similar, which ensures the long term security of community use, the hours available, the use price etc., Such bodies might for instance, include independent schools.</p> <p>New paragraph added to Section 2.12 (section 4.6).</p>	<p><u>the Calculators available on the East Herts Council's website. Examples of their application are given in the 'Worked Examples' in Section 6.</u></p> <p>Amend paragraph 4.15 (5.13) as follows</p> <p><u>The facilities that are provided should reflect current best practice in design layout and specification, including current specification and design and quality must meet Sport England or the relevant National Governing Body of Sport guidance from Sport England, National Governing Bodies of Sport, Fields in Trusts, as relevant.¹¹ This should apply to refurbishments, extensions and new build proposals.</u></p> <p>Decision flow charts added in section 5</p> <p>Insert a new paragraph after paragraph 2.41 (4.25): <u>If an existing organisation such as a sports club or school is proposed to receive money from contributions towards specific facility provision, then the recipients should usually be expected to enter into a binding</u></p>

¹¹ Published facility design guidance notes are regularly produced and updated, including by Sport England and the National Governing Bodies for Sports. Developers should check that they are using the latest available guidance relevant to their proposals.

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					<u>agreement with the Council securing appropriate community use. Where a new facility is proposed, then the requirement for a Community Use Agreement should one of the planning conditions relating to the facility. For schools, the terms of the agreement and as appropriate, the planning condition, should be based on the Sport England recommended models.¹²</u>
59- Ethos Environmental Planning on behalf of Pigeon Investment Management Ltd.	Section 4.2 Standards of Provision, para 4.16		The statement in para 4.12 that standards of provision should not be used in isolation, but must be used in tandem with actual assessed need and other robust evidence is welcomed. Our previous comments in respect of a decision making flowchart/process for considering quality, quantity and access to determine where facilities are required on or off-site is also relevant to this paragraph.	Approval welcome and the Council agrees decision making flow charts should be included,	Insert decision making flow charts (figures2-4) into Section 5.7 of the final SPD. See proposed modification document.
60- Ethos Environmental Planning Ltd on behalf of	Section 4.2 Standards of Provision, para 4.16 and Table 1		The clear setting out of the different standards in one table is useful, although the Council may wish to consider whether	The Green Flag standards are for Parks and Gardens, Amenity Green Space and Natural and Semi Natural	Table 1 amended- below this schedule

¹² Sport England CUA Template Full Agreement, Sport England Model Planning Conditions March 2017, <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-use-agreements>

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Pigeon Investment Management Ltd.			reference to 'Green Flag Standards' is appropriate for all of the typologies. For example, the creation of amenity space for informal play/visual amenity would be unlikely to meet many of the criteria set out in the Green Flag Standards. It is therefore suggested that the reference to the Green Flag Standards is removed and reference is instead made to paragraph 4.19.	<p>Green Space, as in the Open Spaces Assessment (2017). The 2017 report notes that some but not all of the Green Flag elements standards will be appropriate for N&SNGS and AGS.</p> <p>The Allotments are incorrectly identified needing to reach Green Flag requirements.</p> <p>Table 1 amended to include the quality standards for each facility and open space, from the relevant strategies</p>	
88-Turley on behalf of Ptarmigan	Section 4.2 Standards of Provision, Table 1	Object	Table 1, sets out the required standards of provision for different types of facility in East Herts and footnote 15 of the SPD explains where the standards have been derived. However with regard to 'Amenity Green Space, Parks and Gardens', Ptarmigan considers it very important that there is recognition within the SPD of the clear potential for the SuDs provision on strategic scale developments to meet some of	In principle some SuDS can be used/count as semi-natural open space, and occasionally amenity greenspace. However the Local Authority will need to be persuaded that design of such areas (e.g. accessibility, attractiveness, safety) and the amount and regularity of flooding, do not significantly impact on its ability to operate as such open space.	<p>Amend paragraph 4.18 (5.62):</p> <p>The following land uses do not count towards public open space: SUDS⁷, structural and peripheral landscaping, footpaths and cycleways, 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.</p> <p>Delete footnote 7:</p>

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			<p>the 1.4ha per 1,000 population standard. This is particularly relevant to existing usable semi-natural greenspace, which is also able to be used for SuDs provision (see objection to para 4.18)</p>	<p>It is agreed that footnote 17 referring to SUDs being considered as open space for 90% of the time is overly prescriptive.</p>	<p>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.</p> <p>Insert a new paragraph following 4.18 (5.66):</p> <p><u>(5.67) In relation to sustainable urban drainage (SUDS) areas, some of these areas may be possible to use as Natural and Semi-Natural Green Space or even Amenity Green Space. However, the Council will need to be persuaded that the design of such SUDS is safe, attractive to use for informal recreation, and easily accessible. Furthermore, the area of the SUDS to be counted as public open space, should be dry and usable for a significant majority of the time.</u></p>

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75- David Lock Associates on behalf of Tarmac	Section 4.2 Standards of Provision, Table 1	Support	Tarmac supports the proposed 'Children and Young People Provision' standard of 0.25 hectares/1,000 population and associated accessibility standards, as set out in Table 1. This standard is consistent with the benchmark guideline for equipped/designated play areas set out in the Fields in Trust guidance; Outdoor Sport and Play: Beyond the Six Acre Standard (2018). The Fields in Trust guidance provides recognised best practice on open space provision.	Support noted	No amendment in response to this issue.
17- Sport England	Section 4.2 Standards of provision Table 1	Object	Concern is made about the reference to 'standards' in relation to sports facilities. The individual quantity per 1000 figures in table 1 for the sports facilities are considered robust for the purposes of calculating demand as they are taken from the Council's Open Spaces and Sports Facilities Assessment Technical Study (Built Facilities Strategy) which Sport England supported.	The term "standards" is used in the SPD because of the need to encompass all built sports facilities as well as open space typologies. The concerns of Sport England are acknowledged, but there is no appropriate alternative word that is widely understood. The word "standard" provides a clear starting	Paragraph 3.5 (5.3) 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 <u>for built facilities and open space, and the quantity standards for each built facility type⁶ and open space are summarised in Table 1. The quantity of demand for pitch sports is more complex and Sport England has therefore developed a</u>

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			<p>However, there is a concern about the terminology because the NPPF does not advocate the use of local 'standards' for assessing the needs or providing for sporting provision (unlike PPG17 (2002) which it replaced). Sport England's generic concerns about the use of standards for this purpose are set out in Sport England's CIL and Planning Obligations Advice Note. Chapter 13 of the Built Facilities Strategy which covered this matter intentionally did not refer to 'standards'.</p> <p>It should be emphasised that the approach to quantifying the need for sports facilities in the SPD is supported; it is just the terminology in this section which is of concern. For consistency with the evidence base, it is therefore requested the terminology is reviewed.</p>	<p>point for negotiations for developers' contributions. The other sections of the SPD require the contributions to be CIL compliant, set within the wider context, and justified.</p> <p>The derivation of the "standards" in Table 1 is needed to ensure consistency with the Built Facilities Strategy.</p> <p>Draft SPD paragraph 3.5 amended to acknowledge Sport England concerns and to explain why the term "standard" has been used in the SPD, via accompanying footnote.</p>	<p><u>Pitch Calculator to help assess the demand for these sports.</u>⁷</p> <p><u>Ftnote 6: In relation to the Built Facilities Strategy (2017) the "standards" in Table 1 are the same as the "Provision Guide for new developments (Fig 48). The term "standards" has been used in this SPD because of the need to encompass all sport, recreation and open space developers' contributions and the terminology is most easily understood.</u></p> <p><u>Ftnote 7: Sport England Active Places Power website https://www.activeplacespower.com/</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
90 -Turley on behalf of Ptarmigan	Section 4.3 Calculating contributions- Open Space and Play, para 4.18		<p>SPD makes reference to the need for public open spaces and play, including combined typologies, to be publicly accessible at all times.</p> <p>However, facilities such as MUGA's and Skate Parks are not particularly good neighbours and so will need very careful siting if they are to be made publicly accessible at all times. In some instances, these facilities will not be suitable.</p>	<p>Provision for teenagers and young people should follow current best practice and be designed following local consultation, including with young people and local residents. The recommended buffer zones for these types of facility are given in the FIT guidance and this is the same as for a NEAP.</p> <p>All play and teenage provision will require careful siting to ensure that they are suitably accessible and sited.</p> <p>There is some scope for flexibility as set out in the draft SPD. If there is a genuine local issue (e.g. use of a skateboard park late at night that affects local residents, or where vandalism occurs) then sensible and reasonable time restrictions may be applied.</p>	See response to comment ID 32 for the expanded flexibility text in section 5.5 (4.7)

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
89- Turley on behalf of Ptarmigan	Section 4.3 Calculating contributions for open space and play – para 4.19	Object	<p>The general use of SuDs for public open space is expressly excluded under paragraph 4.18 of the SPD, although footnote 17 does infer that, exceptionally, where a semi-natural greenspace 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. However, there is no supporting evidence in the SPD to qualify where this prescription comes from and we are not aware of any other LPA's who operate such an onerous formula, given that significant storm events generally only occur up to 3% of the time.</p> <p>Suggest that Paragraph 4.18 is reworded to remove reference to SuDs as part of the list of exclusions and for SuDs use to be incorporated within a revised paragraph 4.18 as follows:</p> <p>'Where land proposed for SuDs is proposed for open space provision, such as semi-natural</p>	<p>See response to comment ID 88.</p> <p>The Council agrees a less prescriptive approach to SuDs is more appropriate.</p>	Amend paragraph 4.18 (5.66) in accordance with amendments proposed in response to comment ID 88:

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			greenspace, the Council will allow this to count as open space provided that the land is usable for most of the time and is not liable to flood under normal expected conditions’.		
74- David Lock on behalf of Tarmac	Section 4.3 Calculating contributions for open space and play – para 4.18	Object	<p>Tarmac has concerns in relation to paragraph 4.18 of the Draft Open Space, Sport and Recreation SPD and the proposed exclusion of SuDS, footpaths and cycleways from the calculation of public open space provision.</p> <p>In the case of Outline planning applications, it would not be practical to calculate open space provision in this way, without the benefit of detailed layouts. Tarmac has concerns about footnote 17 and its prescription that SUDs can’t be included in open space provision. This undermines the many benefits which SuDS provide, including those related to enhanced biodiversity and habitat creation. It is contrary to the definition of ‘Natural and Semi-Natural Green</p>	<p>See response to comment ID 88.</p> <p>The Council agrees a less prescriptive approach to SuDs is more appropriate.</p> <p>Biodiversity benefits can be part of the benefits of a scheme, but where areas do not qualify as public open space they cannot be counted towards this requirement.</p> <p>Footpaths and cycleway may be included within Open Spaces except where there is effectively just a very narrow cycle/path corridor that really only serves a transport function. In this event, these routes are not considered to</p>	See response to Comment ID 88 and amend paragraph 4.18 (5.66).

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>Space' within the Fields in Trust Guidance: "Natural and semi-natural greenspaces: Woodland, scrub, grassland, wetlands, open and running water and open access land" (Outdoor Sport and Play: Beyond the Six Acre Standard (2018), Annexe A: Glossary). Therefore, the proposed standard of 3.2 hectares/1,000 population for 'natural and semi-natural green space' should be amended to include SuDS, footpaths and cycleways.</p>	<p>be public open space meeting the requirements of this SPD.</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
107 - Hertfordshire County Council	Section 4.3 Calculating contributions for open space and play – 4.19		Would like to see secure cycle parking and secure parking for other sustainable modes of transport (e.g. scooters) included in the list of public open spaces infrastructure. This is to encourage active travel as a means of transport to the open spaces in line with Hertfordshire County Council Local Transport Plan 4 (LTP4).	<p>Secure cycle and similar parking would seem to be appropriate for parks and gardens, country parks and possibly the largest amenity greenspace areas depending upon their location and anticipated use. Draft SPD amended to add in cycle parking.</p> <p>There are currently about 140 amenity green space sites in East Herts. Research from other local authorities show that almost all visits to amenity green spaces are by foot as they are very close to home. The accessibility standard is 480m. It seems unlikely that more people would travel by cycle to these spaces even if parking was provided. Additionally, the capital and revenue costs of cycling parking can be high and it is not realistic to provide this at most open space sites.</p>	<p>Amend paragraph 4.19 (5.69) as follows:</p> <p>Public open space will also need to be laid out with appropriate infrastructure, which typically will include: good walking access and/or parking, paths, fences, benches, signage, dog and waste bins, <u>cycle parking</u>, watering points and car parking. Parks <u>and</u> 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, and communal shed. It will be the Council's decision as to what is reasonable and relevant to be required for open space facilities provision.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
62- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	4.3 Calculating contributions for open space and play, para 4.19		The summary of the types of infrastructure expected within open space is welcomed. However, it would be useful to have more detailed guidance provided as an appendix which developers could use in designing open space. The Council may wish to consider including this within the SPD.	The Council references quality guidelines in the SPD but does not think it is necessary to provide detailed guidance, when there is specialist advice from industry experts. The Council will cross reference good practice.	Insert a new footnote to paragraph 4.16 (5.13) to cross reference guidance: Footnote 8: Published facility guidance notes are regularly produced and updated, including by Sport England and the National Governing Bodies for sports. Developers should check that they are using the latest available guidance to their proposals.
63 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	4.3 Calculating contributions for open space and play, para 4.20		Considers a commuted management sum period of not less than 20 years is onerous and without justification. The commuted management sum is intended to cover the initial establishment of a facility and should not be used as an alternative to revenue that will be generated by Council tax receipts once new homes are fully occupied and new facilities are established. It is considered that if the Council intend to prescribe a minimum period, then 5 years would be more appropriate. It should also be clear that in many instances facilities will be transferred to a management	The maintenance cost is to cover the lifespan of the facility. Where there is a management company approach the request is “in perpetuity”, where a Local Authority manages the site the request is for 20 years.	No amendment in response to this issue.

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			company the sum will not be required.		
91 -Turley on behalf of Ptarmigan (Ware2)	Section 4.3 Calculating contributions for open space and play -4.23- Calculations	Object	<p>Concerned that a predominant reliance upon Spon's for calculating costs does not necessarily reflect prevailing local market conditions for materials and labour. Generally speaking, Spon's calculations are considered to be a conservative reference by the industry and not necessarily reflective of actual tenders received under competitive conditions.</p> <p>The latest 2019 edition of the Spon's Landscape Price Book acknowledges that work construction output has been on a falling trend since 2017. Spon's also identifies that whilst higher level contractors 'are generally busy, middle tier contractors are 'working hard to win work on very competitive rates.' With regard to products, Spon's has updated its</p>	<p>Spons costs are industry standard costs and reasonable to use as a basis, and based on 'real world' prices.</p> <p>However, to allow flexibility, other local costs can be used, but where used, need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.</p> <p>Paragraph 4.1 makes this clear but additional text added to clarify that alternative costs can be used.</p>	<p>Amend paragraph 4.1 (5.26) as follows:</p> <p>The facility costs identified in this SPD sports built facility costs set out in appendix D c and incorporated into the Built Facilities Calculator available on the council's web site and used in the in the worked examples in this SPD (Section 6) are based on: Sport England's latest facility costs guidance¹³; costs from National Governing Bodies of Sport (NGBs) and, where relevant, other latest industry figures, including sourced from SPONS Construction and Landscape Price Books¹⁴. These costs calculate automatically on inputting of the number of dwellings or anticipated population. The costs will be indexed (see Section 4.10). Should robust local costs be available, e.g. from a project cost identified by an architect, these can provide useful accurate figures.</p> <p>Insert new paragraphs after 4.1 (5.26):</p> <p><u>(5.27) The playing pitch contribution costs, both capital and lifecycle, for a given</u></p>

¹³ Sport England Facility Costs Q2/2018/2019, Life cycle costs (2012 costs, but expressed as percentages of capital costs)

¹⁴ SPONS External Works and Landscaping Costs 2019

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			<p>database by indexation but acknowledges that prices are 'often negotiable at the price of purchase'.</p> <p>Accordingly, it is quite clear that the Spon's approach alone is not sufficient to make a robust assessment of the required level of developer contributions for a given facility and that 'real world' pricing should also be used by way of essential cross reference to ensure that open space obligations have been fairly and reasonably calculated.</p>		<p><u>population are generated automatically in the Sport England Playing Pitch Calculator, and these are regularly updated by Sport England.</u></p> <p><u>(5.28) For open space, the capital costs per area of each typology (see appendix D) are based on relevant and up to date cost sources. This includes SPONS External Works and Landscape Price Book (2019). An open space calculator is available on the website to assist calculations.</u></p> <p><u>(5.29) Alternatively, locally assessed capital costs can be used, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
64- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.3 Calculating contributions for open space and play, para 4.24		This approach is welcomed again it would be useful if the Council set out priority sites for where these contributions are most needed, this would provide transparency to demonstrate that contributions are relevant to a particular scheme.	<p>Developers are expected to undertake local consultation including with the relevant town or parish council. It will be the findings from this consultation which will need to be taken into account in the consideration of provision on-site or off-site for the open space typologies, set within the wider context of the strategy.</p> <p>The need for local consultation is confirmed in draft SPD paragraph 3.2 (5.1) and included in the new decision flow charts in section 5.7.</p>	Decision flow charts inserted in section 5.7- see proposed modification document.
65- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.3 Calculating contributions for open space and play, para 4.25		Sets out thresholds for provision for play. It is considered that these provide a useful starting point to inform master planning. However, a more flexible approach would allow site specific matters to be addressed. For example, a development of 10 units (generating 23 people), would require an onsite LEAP.	<p>Table 2 formatting became corrupted when the SPD was printed and was therefore incorrect. Table 2 is now correct.</p> <p>The Council accepts that the thresholds were inconsistent with the standard of 0.25ha/1000, so has revised</p>	<p>Table 2 replaced with revised table 2- see below this schedule or the proposed modification document.</p> <p>Amend paragraph 4.25 (5.77) as follows: In some cases, such as play provision, there Play provision has is a trigger based on the number of houses, so as to provide an appropriate level of facility(ies) for the development, see Table 2. This is as follows:.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>Using the standard of 0.25ha/1000 this would result in a play area of 57.5 square metres. This raises questions over the proposed thresholds as applying this rigidly could result in proliferation of small play areas, which may not be desirable and potentially contradicts other parts of the SPD (paragraph 2.20). The Council may therefore wish to reconsider the thresholds at table 2 and re-word this paragraph to allow a more flexible approach.</p>	<p>the on-site requirements for LEAPS on smaller developments.</p> <p>The Council has also revised the table to apply the 67% approach that is also relevant to other facilities and pitches. For example, this means that a development of 47 dwellings which does not have access to a LEAP within the accessibility catchment, need to provide on-site.</p> <p>Supporting text to table 2 revised.</p>	<p><u>The 67% approach set out in Section 4.5 also applies to play provision. For example, this means that a development of 47 dwellings which does not have access to a LEAP within the accessibility catchment, needs to provide sufficient land on-site plus the population-related proportion of the capital, maintenance and life cycle costs. The 67% threshold for NEAP and teenage provision is 269 dwellings.</u></p> <p>Insert new paragraphs subsequent to 4.25 (5.77):</p> <p><u>(5.78) Any variations to this approach will need to be adequately justified by the applicant and agreed by the Council.</u></p> <p><u>(5.79) The Council will only consider the provision of a Local Area for Play (LAP) in exceptional circumstances, such as for development of 10-46 houses where there is no appropriate accessible play provision.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
2 - Hertfordshire County Council,	Section 4.3 Calculating contributions, paragraph 4.26 maintenance costs	Support	Whilst we support the inclusion of natural / semi-natural Greenspace within the maintenance costs, we would like to point out that these fixed costs may in fact vary depending upon the nature of the Greenspace created / managed and the management aspirations – such as the difference between woodland and semi-natural grassland. Not all natural greenspace is the same and different habitats / circumstances will generate different costs.	<p>It is not practical to cost every type of natural/semi-natural space. Should a specific local habitat type be offered (e.g. a woodland) then a local cost can be used, but where used, needs to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.</p> <p>Addressed by amendment to draft SPD paragraph 4.23</p>	See response to comment ID 91 for amendment to paragraph 4.1 (5.26).

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
66- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd. (East of Stevenage, ES01)	Section 4.3 Calculating contributions for open space and play, para 4.26		<p>As per the issues raised at 4.1, it is unclear how the maintenance costs in table 3 have been derived. The Council may wish to consider publishing worked costings for each typology to provide transparency. In the context of Maintenance Contributions.</p> <p>The SPD states a reasonable contribution can be required to cover the cost of setting the specifications and monitoring them. It would be helpful if the SPD clarified what specifications/monitoring are.</p>	<p>In January 2020 the Council signed a new grounds maintenance contract. Given this new evidence available it is considered prudent to take it into account. Therefore, locally derived maintenance figures based on the contract have been included in the SPD.</p> <p>These replace the nationally derived figures and are more competitive so costs have reduced.</p>	Delete Table 3 and replace with Appendix C- see Proposed modification document.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
67- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	4.3 Calculating contributions for open space and play, para 4.27 Figure 2		Figure 2 shows worked examples of how to calculate Open Space Contributions. The inclusion of these examples is welcomed and provides a useful tool to enable developers to understand the contributions that are likely to be required. However, the Council may need to revisit these worked examples in light of our comments in respect of paragraphs 4.1 and 4.26.	<p>Note the support for the use of worked examples.</p> <p>As noted above maintenance costs are now locally derived. However, for capital costs, SPONS costs are industry standard costs and reasonable to use as a basis, and based on 'real world' prices.</p> <p>Other local costs can be used, but where used, need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.</p> <p>Worked example amended to include 2019 SPONS costs and revised maintenance costs.</p>	<p>See amendments proposed in response to comment ID 91.</p> <p>See revised worked example (figure 8) in proposed modification document.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
76 - David Lock on behalf of Tarmac	Section 4.3 Calculating contributions for Built Facilities . para 4.28, Figure 2	Object	<p>Tarmac has concerns in relation to paragraph 4.28 of the Draft Open Space, Sport and Recreation SPD and the high contributions sought towards the provision of built facilities, particularly in relation to the following:</p> <ul style="list-style-type: none"> • Swimming pools at £15,792/sqm (plus costs towards lifecycle/replacement and maintenance) • Gyms at £11,122/sqm (plus costs towards lifecycle/replacement and maintenance) • Outdoor tennis at £155,000/1 tennis court (plus costs towards lifecycle/replacement and maintenance). <p>These proposed contributions are particularly onerous and not considered to be fairly and reasonably related in scale to new development, which could jeopardise the implementation of the District Plan allocations, contrary to Policy DEL2 of the adopted District Plan (2018).</p>	<p>Developments need to contribute to mitigate the relevant costs they cause, in a manner that is compliant with CIL regulations. All costs are directly based on the development's estimated population.</p> <p>The SPD is based on the three strategies listed in the draft SPD paragraph 2.12 and Council is satisfied that the strategies provide a robust evidence base. The methodology followed the guidance set out by Sport England in relation to the Built Facilities Strategy and Playing Pitch Strategy. Each of the strategies were widely consulted upon including with clubs, local facility providers, national governing bodies of sport and parish and town councils.</p> <p>However, as set out in section 5, the calculations are the starting point and need</p>	No amendments in response to this issue.

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				<p>to be applied to the local context using the flow charts. Not every contribution may be applicable or relevant.</p> <p>Equally as set out above local derived costs can be applied if agreed by the Council and the SPD includes flexibility to take account of site specific issues and viability.</p>	
16, Sport England	Section 4.3 Calculating contributions for open space and play, figure 3- Built facilities calculation worked example		<p>In the worked example in figure 3, the following comments are made:</p> <ul style="list-style-type: none"> • The source of the facility costings for each of the facilities should be identified for transparency. The table identifies that sports halls and swimming pool costs derive from Sport England costs but it is unclear where the costings for the other facilities derive from i.e. SPONS or Sport England? • The demand for 3G artificial 	<p>In relation to the capital and lifecycle costs for which Sport England publishes information, the latest costs should be used, access via the web link https://www.sportengland.org/facilities-and-planning/design-and-cost-guidance/cost-guidance/</p> <p>Other costs sources have been added as footnotes.</p>	<p>Figure 3 AGP calculations deleted. Added to Playing Pitch Figure 4 (6)</p> <p>3G_AGP (Artificial Grass Pitch)</p> <ul style="list-style-type: none"> • 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 people¹⁵. • The need from the development is 0.42 AGPs • The capital cost is £965,000 per AGP; • The contribution will be £405,268;

¹⁵ 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 AGPs/1,000.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>grass pitches should now be calculated by using the Playing Pitch Calculator. Since 2017 when the Council's Playing Pitch Strategy was completed, Sport England have refined the Playing Pitch Calculator so that it can now calculate the demand for 3G AGPs using the team data in a local PPS. This is considered more robust than using a 0.26 AGP per 1000 standard which derives from Sport England's Sports Facility Calculator which uses national demand parameters. It is therefore suggested that 3G AGPs are removed from figure 3 and included in section 4.5 of the SPD.</p>	<p>3G AGP pitches will be removed from the built facilities example (figure 3) and assessed using the playing pitch model</p> <p>Figure 4 (6) replaced based on output of latest Sport England Playing Pitch Calculator.</p>	<ul style="list-style-type: none"> • 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 <p>Paragraphs 4.43-4.43 deleted as relate to previous version of the playing pitch model: Typical costs for football facilities improvements¹⁶ 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 for an average youth pitch (5,542sqm); and £5,700 for an average mini pitch (1,200sqm). Cost for new pitch and pavilion provision 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</p>

¹⁶ SpE Q2/2017 costs for all football, rugby, cricket improvements

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>(£4,592 for a 7,420sqm adult pitch) to maintain.</p> <p>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.</p> <p>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).</p> <p>Cost for new pitch and pavilion provision are:</p> <p>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.</p> <p>Example costs for cricket facilities are: Improved cricket square: £22,974 Piped drainage (outfield): £67,390. Regrading and improvement of outfield:</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
					<p>£44,963.</p> <p>A new pitch (13,543sqm outfield + 619sqm) will cost about £199,500 to provide. Cost for new pitch and pavilion provision are:</p> <p>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.</p> <p>Hockey Hockey is based on the costs for a hockey compliant AGP, for example a mat replacement at about £200,000</p> <p>Figures 3 (5) and 4 (6) amended to reflect revised costs and changes to the assessment of artificial pitches- see proposed modification document</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
15 Sport England	Section 4.4. - Sports halls, swimming pools, gyms and studios, outdoor bowls, outdoor tennis and community halls		It should be made explicit to avoid potential misinterpretations that if a development is located in one of the sub-areas it does not mean that any required contribution has to be spent in the same sub-area as there will be strategic facilities (located in another sub-area) that serve the whole district that a development may need to contribute to or it may be appropriate for the contribution to be used towards a project at a facility in a neighbouring sub-area because this is the closest facility of its type to the development site or the closest facility that has the capacity to expand if additional facilities were provided.	<p>Table 1 of the SPD provides the relevant catchment distances for each sport and recreation facility. These should be used to determine whether a facility can be funded from a development. Strategic sites (listed in draft SPD paragraph 4.7 as amended) should however be able to attract funds from across the whole district.</p> <p>Draft SPD paragraphs 4.3 (3.4-) amended for clarity.</p>	<p>Amend paragraph 4.3 (3.4) as follows:</p> <p>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 sections below. Updates of all, or part, of the relevant strategies may identify a need for other facilities. Strategy sub areas were designed to take account of the current main centres of population, housing growth and drive times across the district. They were used to inform the built facilities and playing pitch strategies to help identify where strategic facilities are located in relation to new housing and what the future facility needs are, both at the district wide (strategic) and sub area level. This means that contributions from housing for the strategic, satellite and local facilities can then be directed appropriately. The sub-areas are illustrated in Figure 1 and are:</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
68- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	Section 4.4. - Sports halls, swimming pools, gyms and studios, outdoor bowls, outdoor tennis and community halls		Whilst these worked examples are helpful, on the sports and facilities side, there are no reference sources for several of the unit costs. For example, community/village halls, outdoor tennis courts, health and fitness gyms, studios etc. The Council may wish to consider setting out justification for these costs to provide transparency.	Schedule of costs outlined in appendix D. Further information can be sourced from Sport England as relevant.	Include a schedule of costs in Appendix D

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
92 -Turley on behalf of Ptarmigan	Section 4.5 Calculating contributions for playing pitches, para 4.32	Object	<p>Paragraph 4.32 states that demand for new pitches generated by development is best calculated using Sport England’s Playing Pitch Calculator. In this regard we concur and Ptarmigan accepts, in principle, that new pitches also require ancillary areas to support their provision.</p> <p>However Paragraph 4.33 sets a highly unrealistic prescription for the total land area to be provided as being 150% of the area of the new pitch required. The net playing pitch area is therefore expected to be expanded to include the playing fields within which the pitches are located. This is not a reasonable requirement and is unsubstantiated by any robust evidence and so needs to be reviewed.</p> <p>Ptarmigan agrees that reasonable ancillary areas do need to be provided. However the SPD does not provide any clear guidance on the requirements for pavilions or</p>	<p>A discussion with Sport England concluded that a 150% approach is not unreasonable.</p> <p>The area required for ancillary facilities will depend on the particular site, but 150% is a good rule of thumb and can be used, for example, for high-level masterplanning of a new site. If later, detailed masterplanning shows that the pitches club house access and other required ancillary facilities can be achieved in less space (or possibly requires a larger space) then that can be agreed on a site specific basis. This is already allowed in the SPD by the wording “normally need to be” in draft SPD paragraph 4.33 (5.56). No amendment is required on this point.</p> <p>The SPD (and the Playing Pitch and the Built Sport Facilities Strategies) refer to</p>	No amendment in response to this issue

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>changing facilities, nor does it provide any clarity on the required level of parking, both of which would be beneficial to those from whom obligations are to be sought.</p> <p>Therefore an amendment to Paragraph 4.32 is required and we suggest the entire deletion of the last sentence, to be replaced by: 'The land area to be provided will also need to make adequate provision for access, parking, landscaping, spectator and pavilion space'.</p>	<p>Sport England, National Governing Body of Sport and other detailed guidance on the requirements for ancillary facilities for pitch sites.</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
18 Sport England	Section 4.5 Calculating contributions for playing pitches , para 4.34 Off-site playing pitch provision.	Object	<p>The advice in paragraph 4.34 that usually an off-site contribution would be sought where the calculated pitch amount is less than 67% of two adult football pitches etc. is considered to be too crude and it is unclear what the justification is for setting the threshold at two adult football pitches, two adult rugby pitches and one 8-wicket cricket pitch. Sport England is supportive of off-site contributions being made from most developments where the demand generated would not be sufficient to justify a sustainable playing pitch facility being provided on-site within a development.</p> <p>However, based on the example calculation scenario in Appendix C for instance you would need a development of around 2,000 homes before on-site provision could be considered which would rule out the majority of the residential allocations in the local</p>	<p>Issue has since been discussed directly with Sport England</p> <p>The key issue for Sport England is that there may be occasions where, for example, a smaller pitch area is justified, so some flexibility in response to local circumstances should be enabled, for example where a pitch could be developed which would adjoin an existing (or planned) playing field area or where there is insufficient (reasonably potential) capacity at existing sites within the acceptable catchment distance of the development.</p> <p>Sport England's general policy is to favour multi-pitch and preferably multi-sport hub sites.</p> <p>The principle of 4.34 (5.58) is</p>	<p>Paragraph 4.34 (5.62)</p> <p>If the calculated pitch amount is less than 67%¹⁷ 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.</p> <p><u>However, this is dependent upon demonstration to the Council's satisfaction, that there is sufficient accessible capacity elsewhere to meet the new demand arising from the development.</u></p> <p>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.</p> <p>New paragraph below 4.34 (5.62)</p> <p><u>(5.63) Sport England advises that developers should contact them for early advice about playing pitch provision proposals, whether this is on-site or off-site.</u></p> <p>Table 1 - Accessibility times for pitch sports added (see</p>

¹⁷ 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.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>plan from making any on-site provision which may be undesirable in practice. Furthermore, in relation to football, even if a development generated demand for less than 67% of two adult football pitches, it may generate a need for at least one junior and mini football pitches on site</p> <p>Whilst no Sport England guidance on on-site provision considers that any development which generated a demand for less than one junior and one mini football pitch (i.e. two football pitches of different sizes) would not usually be suitable for making on-site provision. Any development not generating this demand would not generate demand for a whole pitch for the other sports. Also recommends consulting Sport England.</p>	<p>acceptable with an appropriate caveat. Need to demonstrate capacity of existing sites within accessibility criteria for each pitch sport. Table 1 amended to add pitch catchments.</p> <p>The offer of early advice by Sport England is welcomed and has been added as a new paragraph.</p>	<p>back of this document)</p> <p>For clarity also add a paragraph about seeking advice from Sport England in Section 2.13 (4.8) Is there early advice available for developers?</p> <p><u>(4.31) It is further recommended that early guidance about the provision, design and delivery of open space, sport and recreation should be sought from the relevant agencies, such as Council's Environment team, Sport England, the national governing bodies of sport and Hertfordshire County Council.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	4.3 Calculating contributions for playing pitches, para 4.35 Figure 4		Whilst Sport England references are included, these should be set out as a guide so that in each circumstance there is an opportunity to demonstrate if provision of an acceptable specification can be delivered for lesser cost than some of the unit costs used in the draft SPD would suggest.	Schedule of costs outlined in appendix D. Further information can be sourced from Sport England as relevant.	Include a table of costs in appendix D – see proposed modification document.
19- Sport England	Figure 4- playing pitch provision calculation example	Object	<p>The worked example in figure 4 is welcomed in principle as this transparently shows how the demand for pitches can be calculated.</p> <p>However, uses the 2017 version of Sport England’s Playing Pitch Calculator and therefore have the following omissions:</p> <ul style="list-style-type: none"> • The demand and costs for 3G pitches is omitted (see comments on section 4.4) 	Sport England confirmed that the new Playing Pitch Calculator is available in April 2020. Figure 3 has been updated by deletion of 3G AGP. This is because this provision is now better addressed under Section 4.5 (section 5.13) (playing pitches) since the new Sport England calculator provides a 3G pitch figure.	<p>Paragraph 4.32 (5.59) amended as follows:</p> <p><u>The decision flow chart (see section 5.7) refers to Sport England Playing Pitch Calculator which is hosted on their Active Places Power website. This uses the District’s local population profile, team numbers and sports club membership information and is pro rata for the population of the proposed new development. the Team Generation Rates (TGRs) from the PPS, and is pro rata for the population of the proposed new development.</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<ul style="list-style-type: none"> • The demand and costs for pavilions is omitted. This is pertinent in view of the preceding paragraphs 4.44-4.48 setting out the costs of providing pavilions for the different sports but the costs not being included in the worked example. • The hockey data inputs have been refined in relation to the inclusion of junior hockey member data. <p>To address these matters, it is advocated that the current (2019) version of Sport England's Playing Pitch Calculator is used as a basis for the worked example in figure 4 and appendix C in the adopted version of the SPD.</p> <p>It is also unclear why reference has been made in figure 4 to the Playing Pitch Calculator not correctly calculating hockey demand, this is not the case.</p>	<p>Figure 4 has been replaced based on output of latest Sport England Playing Pitch Calculator (now April 2020).</p> <p>Draft SPD paragraph 4.32 (5.59) amended for clarification.</p>	<p>Figure 4 amended, see proposed modification document.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
5. Other Calculation Information					
93- Turley on behalf of Ptarmigan	How are contributions costed for upgrades and extensions to existing facilities? Para 5.1	Object	<p>Paragraph 5.1 makes reference to the various sources of other calculation information and again, there is a reference to the use of Spon's, which we consider should not be treated as being definitive or determinative for the reasons given previously. Welcome however the recognition that local market estimates or quotes can be treated as 'other' robust costs, but further emphasis needs to be placed on these real world assessments for the reasons given at 4.9 above.</p> <p>With specific regard to WARE2 a high number of playing pitches are required on land which, due to the topography, will require grading works to facilitate the standards necessary. In addition, the locations for the playing pitches may require more complex drainage provision. These exceptional costs are however not reflected in the standard templates used for the</p>	<p>SPONS costs are a real-world, market tested and yearly updated, nationally approved basis of costs.</p> <p>Other local costs can be used, but where used, need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them. Draft SPD paragraph 5.1 amended.</p> <p>The costs do not consider the required on-site cost of provision by a developer, which in this case is set in Local Plan Policy for the site and detailed in the relevant strategies.</p> <p>As noted by the various strategies and the SPD, sport</p>	<p>No amendment to the use of national costs but for additional clarity paragraph 5.1 (5.52) amended as follows:</p> <p><u>In addition to new facilities, where a whole new facility is not required but an assessed need for an extension or major refurbishment of an existing facility has been identified, other robust costs can be used from various sources including: Sport England's Facilities Cost Guidance, Sport England's Playing Pitch Calculator, National Governing Bodies of Sport, Spons SPONS 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.</u></p> <p>New paragraphs added after paragraph 5.1 (5.52):</p> <p><u>(5.53) The Built Facilities and Playing Pitch Calculator both use the cost of new provision to estimate the costs of meeting demand from a development. The costs of meeting and maintaining different open space typologies is based on SPONS External Work</u></p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>worked examples in Section 4 of the SPD. We therefore do not accept the standard cost assumptions made in Figures 2, 3 and 4, by reason of the formulaic source of the materials and labour costs used and the presumption that full lifecycle and maintenance costs will be required in every case (see our 2.6 – 2.7 above).</p>	<p>and recreation facilities are vitally important to the health and well-being of the population.</p> <p>Should the total cost of all required infrastructure be robustly proven to the Council's satisfaction as affecting scheme viability, then negotiations around all contributions would be appropriate and flexibility is provided in the draft SPD Section 5.5 (4.7)</p>	<p><u>sand Landscape Price Book (2019) and locally derived maintenance costs from contract prices.</u></p> <p><u>Alternatively local costs can be used, for example on a £ per sqm basis, but these need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them.</u></p>
70 -Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	5.1 How are contributions costed for upgrades and extensions to existing facilities?		<p>Refers to the assessed needs for extensions or refurbishment of facilities and maintenance and sinking funds. However, as already identified at paragraphs 4.1, 4.26, 4.30 and 4.35, these paragraphs may need to be revised.</p>	<p>See response to comment ID 93.</p>	<p>See response to comment ID 93</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
71 – Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	5.3 Appropriate Land, para 5.8		Provides land provision examples. Our comments in respect of paragraph 2.37 above are applicable.	<p>The wording of draft SPD paragraph 2.37 (4.17) provides a clear steer on the provision requirements and is the starting point for the consideration of whether on-site or off-site investment is likely to be required for each development. However, the SPD recognises that each site must be assessed on its own merits and there is flexibility in the process, as set out in the draft SPD section 5.5 (section 4.7).</p> <p>Decision flow charts have been added in section 5.7 to aid the decision making process at the site level, including whether on-site or off-site provision may be required.</p>	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
72- Ethos Environmental Planning Ltd on behalf of Pigeon Investment Management Ltd.	5.4 How is inflation dealt with? Para 5.11		Makes reference to Spons and Landscape Costs. The Council may wish to re-word paragraph 5.11 to reflect our comments at paragraph 4.23.	<p>Where Sport England costs are proposed these are updated by Sport England on a regular basis. The latest costs should be used.</p> <p>Local costs, where used, need to be robust and confirmed by an independent and appropriately qualified person. This work may be undertaken on the behalf of a developer and proposed to the Council, which should properly consider them. However these would also need to be subject to an appropriate inflation index.</p>	No amendment in response to this issue.
94- Turley on behalf of Ptarmigan	Appropriate Land, paras -5.3-5.5	Object	The text provided in this section reflects typical good practice. However the reality is that some provision in the form of Multi-Use Games Areas, floodlit Artificial Grass Pitches and Skate Parks etc. will require enlarged areas within which residential development would not be appropriate as such land uses are not complementary with each other.	Provision for teenagers and young people should follow current best practice and be designed following local consultation, including with young people and local residents. The recommended buffer zones for these types of facility are given in the FiT guidance and this is the same as for a	See response to comment ID 32 for the expanded flexibility text in section 5.5 (4.7)

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>Accordingly a careful balance needs to be struck in terms of the public interest, when assessing land use priorities, with the sensitive siting of any recreational uses with the potential to adversely impact upon residential amenity. Where noise generating uses are overly prioritised this may negatively impact upon the remaining net developable area available to deliver other required public objectives, including affordable housing.</p>	<p>NEAP.</p> <p>All play and teenage provision will require careful siting to ensure that they are suitably accessible and sited. This can be considered using masterplanning.</p> <p>There is some scope for flexibility as set out in the draft SPD. If there is a genuine local issue (e.g. use of a skateboard park late at night that affects local residents, or where vandalism occurs) then sensible and reasonable time restrictions may be applied.</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
20 - Sport England,	Appropriate land- paras 5.4	Object	It is requested that paragraph 5.4 specifically refer to ball strike as an issue to be considered as the siting of cricket grounds in new residential development is increasingly becoming an issue where new cricket grounds are in close proximity to new or existing residential.	<p>It needs noting that if there is a requirement to have a facility on-site (e.g. a cricket pitch) then the buffer zones need to be planned in such that housing doesn't encroach on the use of the facility (e.g. it is planned outside the ball-strike zone, or has an acceptable ball-stop net in mitigation. Nor must it offer opportunity for justified objection from a new house owner due to poor master planning.</p> <p>Equally new housing adjacent to an existing facility (e.g. a cricket pitch) needs to be master planned far enough away to avoid ball-strike.</p> <p>Draft SPD paragraphs 5.4 and 5.5 amended.</p>	<p>Paragraph 5.4 (5.46) and 5.5 (5.47) amended as follows:</p> <p>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, <u>cricket ball strike</u>, etc.).</p> <p>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, <u>for example by leaving a sufficient area around a cricket pitch to prevent ball strike issues.</u> There is case law on this matter.¹⁴</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
21 – Sport England	Section 5.5, paragraph 5.12 Flexibility	Object	<p>As the example in Appendix C demonstrates, in scenarios where all or most of the demand for built facilities, open space and playing pitches has to be met by the development, the total costs of making contributions are likely to be significant. While paragraph 5.12 advises that housing scheme viability may reduce the amount being requested, as this scenario is likely to be relatively common, the SPD should provide some generic guidance about the approach taken to securing contributions. For example, assuming viability constraints can be satisfactorily demonstrated it may be appropriate to:</p> <ul style="list-style-type: none"> • Reduce all of the contributions by a pro rata amount; or • Only secure contributions for facilities that are determined by the Council as being high priority in the local area accounting for the evidence base conclusions; or • Only secure contributions towards off-site projects that are the most accessible to the 	<p>The Council is satisfied its approach to viability in the SPD is in line with national guidance and robust.</p> <p>The Council don't consider it necessary to set out a rigid framework for flexibility the approach will depend on the site specific context. The SPD makes it clear contributions should be CIL compliant. The new flow charts in section 5 will help developers and applicants</p> <p>Flexibility has been moved upfront in the SPD. Addressed in Introduction and in Section 5.5 (4.7), which has been amended to add more detail.</p>	Section 5.5 (4.7) amended as set out in response to comment ID 96.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>development site. Providing such guidance would provide more transparency about how the Council will approach the matter where viability is a genuine consideration.</p>		
95-Turley on behalf of Ptarmigan	Section 5.3, paragraph 5.8 Land Provision	Object	<p>This requirement for developments to provide all land associated with a new facility, at zero cost, will only be justifiable and CIL compliant (in terms of scale and kind) if the generated need is close to 100%. In practical terms this requirement for zero cost land would also still be reasonable at levels of generated need close to and over 90%.</p> <p>However there can be no</p>	<p>It is considered reasonable for the land to be provided at no cost if the development generates 67% or more of the justified demand. However, the SPD recognises that each site must be assessed on its own merits and there is flexibility in the process, as set out in the draft SPD section 5.5 (section 4.7).</p>	<p>No amendment in response to this issue.</p> <p>Decision flow charts have been added in section 5.7 to aid the decision making process at the site level, including whether on-site or off-site provision may be required.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>justification for the entirety of the land to be provided at zero cost, when the demand generated by the development may in some instances be only two thirds (67%) of that actually required. This is particularly relevant as the population-related costs are not similarly rounded up and are chargeable on a pro-rata basis.</p> <p>The intention of seeking 100% free land provision against an assessed need of less than 90% will have the net effect of a)Developments being required to provide considerably more land than policy requires (in some instances up to 50% more) and b)Creating an over provision of recreational space.</p>	<p>The actual construction contribution will be pro-rata to the facility need with additional funding from other developments/other sources.</p> <p>If viability is an issue then the Council will take that into account.</p> <p>It is to be noted that the Local Plan Evidence Base Playing Pitch Strategy which has been through the Local Plan process and not challenged (para 6.14) states that if the demand is for 50% of the facility, all the land should be provided at no cost. This SPD reduces the requirement to 67%.</p>	

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
96- Turley on behalf of Ptarmigan	Section 5.5, paragraph 5.14- Flexibility	Object	<p>Paragraph 5.12 sets out three principal scenarios where the Council may choose to be flexible in how it applies the relevant policies. These relate to the how partial needs may be dealt with, whether or not to seek a sinking fund and a broader recognition of housing viability. However no detail of the Council's approach to these matters is provided in the SPD.</p> <p>The final two-line (Paragraph 5.14) of the document simply ends with a commitment to flexibility, but only allowing variations where they 'fit into a wider planned approach that ensures deliverability and is CIL compliant'. In addition to the required policy amendments the commitment to broader flexibility needs to be better explained, with appropriate detail provided. This will ensure that all strategic developments are assessed on a site-specific, case by case, basis taking into account the need to create a sustainable community,</p>	<p>The Council don't consider it necessary to set out a rigid framework for flexibility the approach will depend on the site specific context. The SPD makes it clear contributions should be CIL compliant. The new flow charts in section 5 will help developers and applicants</p> <p>Flexibility has been moved upfront in the SPD. Addressed in Introduction and in Section 5.5 (4.7), which has been amended to add more detail.</p>	<p>Section 5.5 (4.7) amended to provide more detail and examples:</p> <p><u>(4.26) The contributions outlined in this document provide consistency and transparency in the planning obligation process. However, as each application is considered on its own merits, there may be variations in requirements for similar developments, taking into account the local context and specifics at the time the planning application is considered. The provision and cost calculations are the starting point for negotiations, but need to be used in conjunction with the local evidence base to ensure the site specific context is taken into account.</u></p> <p>(4.27) In all cases, there may be reasons for the Council to choose to be flexible in how it applies this guidance these policies. As examples:</p> <ul style="list-style-type: none"> • 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

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
			<p>rather than applying a mandatory district-wide prescription in every case.</p> <p>The SPD should therefore provide an overarching framework to assist in delivering this flexibility with the following additional wording to the concluding paragraph (5.14) of the SPD below: 'Notwithstanding the general provisions of this SPD the Council will be flexible in its approach to obligations for open space, sport and recreation and variations will be acceptable where they are supported by evidence and are reasonably necessary to ensure high quality place-making, viability and deliverability. All obligations sought by the Council will be necessary and proportionate to the needs generated by the development and fully compliant with the CIL Regulations.'</p>		<p>life cycle costs.</p> <ul style="list-style-type: none"> • <u>Where the nature of the recipient of the funds means that a request for life cycle and maintenance costs would not be appropriate, for example where the funds are to be used towards a facility which is owned/managed by a profit-distributing body.</u> • <u>Where a new village hall or community centre is built to support a new community, life cycle and maintenance costs may be appropriate up until the time that the new community is fully established, but thereafter the facility is expected to be financially self-sustaining.</u> • <u>Where new provision is proposed but there is very significant local concern about the times that a new facility may be used, then reasonable time restrictions may be considered.</u> • Housing scheme viability may reduce the amount being requested. <p>(4.28) The Council may include a clause in a Planning Condition or Obligation agreement</p>

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					<p>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 <u>either the facility is subsequently funded by other sources ahead of the time that the contribution is due to be paid, or the club ceases to operate, then the alternative may be required to be provided. In these situations, an appropriate alternative facility that can deliver the same or similar sports, recreation and/open space outcomes should be substituted.</u> This would still need to be CIL compliant provision.</p>

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
22- Sport England	Section 5.5, paragraph 5.14- Flexibility -Annual Infrastructure Funding Statements	Object	In line with the new CIL Regulations, can section 5 of the SPD or another section provide advice on how the Council will use the proposed annual Infrastructure Funding Statements (that will come into place from the end of 2020) to publish information on developer contributions that are secured and how contributions have been spent. This will provide the community with transparency on how the developer contributions collected as a result of the application in practice of the SPD will be used in their local areas.	<p>The Council accepts this is a legal requirement so will include reference to infrastructure funding statements in the SPD.</p> <p>To provide more transparency and clarity about monitoring, a new section 4.11 has been added to the SPD.</p>	<p>Insert a new section 4.11 Monitoring and Enforcement into the SPD (see proposed modification document), including the following wording:</p> <p><u>(4.39) The Council will monitor and report annually on the section 106 contributions received in the Authority Monitoring Report and Infrastructure funding statements.</u></p>
Appendix B					
7- Ramblers Association	Appendix B	Support	Refers to the 10 principles of Active Design but omits a key reference to NPPF para 98 relating to walkable communities. Suggests adding reference to this paragraph because many of the connections between the open spaces are via a public right of way, so their protection is important.	This is not directly relevant and is not critical to the SPD.	No amendment in response to this issue.

Rep No.	Topic/Section/para. Number	Support or Object	Issue	Officer Response	Proposed modification
23- Hertfordshire Garden Trust	Appendix B	Object	Should include policies where sports and recreation facilities affect historic landscapes. NPPF, Section 16, has policies regarding harm to, or loss of significance of a designated heritage asset (194). Provision of infrastructure can cause such harm within a designed landscape. This needs to be highlighted in this document as many of the developments proposed in the Local Plan affect historic parks and gardens or their setting, and therefore their significance, contrary to NPPF Section 16.	<p>This issue relates to land allocation, rather than the provision of open space, sport and recreation contributions from new development</p> <p>District Plan Policy HA8 Historic Parks and Gardens, seeks to protect historic parks and gardens within the planning application process.</p>	No amendment in response to this issue.

Table 1: standards of provision

Facility	Measurement		Accessibility	Quality	Source
Sports halls	0.29	Badminton courts per 1,000 people	About 20 mins drive time, fully available at peak time	<u>Design and quality to meet Sport England or the relevant national governing body guidance</u>	<u>BFS</u>
Swimming pools	11.31	sqm of water space per 1,000 people	About 20 mins drive time, fully available at peak time	<u>Design and quality to meet Sport England or the relevant national governing body guidance</u>	<u>BFS</u>
Gyms	7.17	Fitness stations per 1,000 people	Up to 15 mins drive time fully available at peak time	<u>Design and quality to meet Sport England guidance</u>	<u>BFS</u>
Studios	0.13	Studios (140sqm) per 1,000 people	Up to 15 mins drive time, fully available at peak time	<u>Design and quality to meet Sport England guidance</u>	<u>BFS</u>
Outdoor tennis	0.32	Courts per 1,000 people	Up to 10 mins by car, available at all times	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>BFS</u>
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	<u>Design and quality to meet Sport England or the relevant national governing body guidance</u>	<u>BFS</u>
Village/community halls	120	Sqm/1,000 people	Up to 800m walk	<u>Design to be agreed with Council.</u>	<u>BFS1</u>
<u>Football grass pitch</u>	<u>Quantity of demand generated by Sport England Playing Pitch Calculator</u>		<u>About 15 mins drive time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Football 3G artificial grass pitch (3G-AGP)</u>			<u>About 20 mins drive time, fully available at peak time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Rugby grass pitch</u>			<u>About 20 mins drive time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Cricket pitch</u>			<u>About 15 mins drive time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
<u>Hockey artificial grass pitch</u>			<u>About 20 mins drive time, fully available at peak time</u>	<u>Design and quality to meet Sport England and national governing body guidance</u>	<u>PPS</u>
Children’s play and provision for teenagers	0.25	Ha of designated equipped playing space	100m for LAPs; 400m for LEAPs; 1000m for NEAPs and youth/teenage	<u>New LEAPs and NEAPs should meet FiT guidelines.</u> <u>Teenage provision should follow best practice and be designed following consultation with young people.</u>	<u>OSS</u>

		per 1,000 people ¹⁸			
Amenity green space, parks & gardens	1.4	Ha per 1,000 people	710m for parks & gardens and 480m for either parks and garden or amenity green space	<p>Parks: Green Flag Award Sites should be kept well maintained with well-kept grass, planting and vegetation. High quality and appropriate ancillary facilities should be provided.</p> <p>AGS: Green Flag standard</p> <p>Sites should be well maintained with appropriate vegetation and planting. Appropriate ancillary facilities, such as litter bins and seating should be provided.</p>	<u>OSS</u>
Natural/ semi-natural greenspace	3.2	Ha per 1,000 people	720m	<p><u>Green Flag standard</u></p> <p><u>Natural and semi-natural green spaces should have natural features (including water where appropriate). If provided, Public Rights of Way, footways and cycle paths should be clear and unrestricted and conservation areas should be identified. Sites should be maintained to an appropriate conservation standard.</u></p>	<u>OSS</u>
Allotments	0.30	Ha per 1,000 people	1000m	<u>Allotments should, where appropriate, have parking, toilets, a water supply, access pathways and good signage.</u>	<u>OSS</u>

¹⁸ 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.

Table 2:

On-site provision required for:	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Youth Sport (MUGA; Skate park; adventure play)
Scale of development			
1-9 Dwellings	No contribution		
10-90 Dwellings	✓		Contribution
91-330 Dwellings	✓	Contribution	✓
331+ Dwellings	✓	✓	✓
✓ means a required provision on-site to F.I.T. specifications			

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

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

On-site provision required for:	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Provision for Teenagers e.g. (MUGA; Skatepark; adventure play)
Scale of development			
<p><u>67% threshold for LEAP: 47 dwellings</u></p> <p><u>67% threshold for NEAP and teenage provision: 269 dwellings</u></p> <p><u>On larger sites, where a number of LEAPs and possibly NEAPs are needed, consideration should be given to the best mix of LEAPs and NEAPS, taking into account the required accessibility. For example, if the demand is for say, 4 LEAPS, but three LEAPs can fill the catchment needs, then one or more of the LEAPs or the NEAP may have a larger equipped area to compensate.</u></p>			

Additional minor changes

Para. ref (draft SPD)	Proposed change	Reason for change
1.1	<u>The provision of accessible, safe and attractive public open space and facilities for sport and recreation underpins people's quality of life and helps create sustainable communities</u>	To add context about the benefits of open space and sports facilities in the introduction to the SPD
1.2	Draft Supplementary Planning Document	Delete the word draft
1.8	The Government has already introduced changes by reforming the approach to viability	Unnecessary wording
3.3	Other factors such as the District's <u>overall</u> aging population are also relevant <u>as set out in the Part 1 Background and Context report which underpins each of the strategies (see Section 3).</u> At a District level, t There is <u>expected</u> to be a decrease..... However at a more local level, <u>new housing developments, particularly strategic sites, bring in young families. The evidence for this is provided within the Part 1 Background and Context report, and justifies the provision of play and facilities for teenagers, such as skate parks, multi-use games areas and other facilities</u>	Revise paragraph 3.3 to provide more context about the conclusions of the evidence base.
1.15 and	This document sets out local facilities'	Paragraphs replaced with clear

1.16	<p>requirements and, where appropriate, the standards for the provision for open space, play, 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.</p> <p>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.</p> <p>NP <u>Section 1: is an introduction to the open space, sport and recreation supplementary planning document (SPD).</u></p> <p>NP <u>Section 2: provides a summary of the justification and planning policy context for the SPD</u></p> <p>NP <u>Section 3: Provides an overview of the strategies that form the evidence base for the SPD and the requirements of developers</u></p> <p>NP <u>Section 4: Sets out how to apply this SPD by outlining the process to follow when assessing the required provision of open space, sport and recreation for new development. This includes where appropriate, standards of provision relating to quantity, accessibility and quality, cost bases and further details about how the policies will be interpreted</u></p> <p>NP <u>Section 5: Provides worked examples of the demonstrating how the calculations should be undertaken for different open space typologies, built sport and recreation facilities and playing pitches.</u></p>	overview of the structure of document inserted for clarity
Section 2.3	<p>2.3 4.1 Does the SPD cover everything? What is the scope of this SPD?</p>	Reworded for clarity.

2.9	the SPD will need to be updated	Unnecessary wordings
Section 2.4	2.4.4.3 When will the SPD be used? When will we require open space, sport and recreation contributions?	Reworded for clarity
2.12	The latest Council endorsed strategies include: Open Spaces and Sports Facilities Assessment Technical Study Part 1: Background and Context (June 2017) Part 2: Built Facilities Strategy (July 2017) Part 3: Playing Pitch Strategy (August 2017) Part 4: Open Spaces Assessment (July 2017). (The Open Spaces and Sports Facilities Assessment Technical Study	Repetition- addressed by new section 3.
2.13	and other relevant Local Development Plan Documents.	No other relevant LDP 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 District Plan that precede this SPD, then the strategies and policies in this SPD as the most recent policy base, supersede them.	Confusing sentence as SPD content supplements District Plan policy, it doesn't supersede, it provides more detail.
Section 2.8	2.8 5.8 Is it just the provision and/or enhancement of a facility that will be required? What costs are justified in relation to maintenance and life cycle	Reworded for clarity
Section 2.9	New sub-headings inserted	Added for clarity, to aid navigation of document
Added after 2.35	<u>Provision on-site will generally be required where the development itself generates the whole or the majority of demand for an open space typology, sports facility or playing field. The process for determining the expected provision on-site and the demand generated by the development is set out in Section 5.</u>	To add more clarity about on-site provision, reiterates section 4.5
2.41	The operator (including a school or a club) will need to be supportive of this and comfortable <u>both</u> with the timescales for payment of contributions, and on delivering the outputs required.	Grammatical correction
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	Replicates para 5.13 (4.28 in final SPD)
2.45	Following any decision to grant planning permission, that is subject to the finalisation of a <u>Section 106 deed, whether a S106 agreement</u>	Additional clarity about how the Council's legal requirements/ processes.

	<p><u>or a unilateral undertaking 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, and the originator of the planning obligation will be required to advise the Council if a site is sold on with the benefit of the planning permission and obligation. The Council will charge for the cost of any subsequent Deed of Variation, or discharge of an obligation when agreed by all parties, and will agreed on an individual basis, and is not to be used as a means to backtrack on agreed obligations where needs as a result of the development still arise.</u></p>	
3.1	<p>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.</p> <p><u>In addition to the facility priorities identified in the action plans of the relevant strategies (Section 3 and East Herts Council website).</u></p>	<p>Wording replicates previous text. New wording more sufficient reference to the evidence base.</p>
Section 3.2	<p>3.2.5.2 What assessment is made to ensure the contributions are needed by a development? What demand will there be for facilities and open spaces from residents of a new development; quantity, accessibility, quality?</p>	<p>Reworded for clarity</p>
3.9	<p>. This won't apply to pPublic open spaces and play facilities etc, which will should be available at all times, unless exceptional circumstances are agreed with the relevant Council (see also paragraph 4.17)</p>	<p>Simplified sentence</p>
3.14	<p>the fFacilities that are provided should reflect current best practice in design, layout and specification, including current quality guidance</p>	<p>Grammatical changes</p>

3.14	Insert new footnote 8; <u>England and the National Governing Bodies for sports. Developers should check that they are using the latest available guidance relevant to their proposals</u>	Signposting good practice design guidance
Section 3.3	3.3-5.4-What assessment is made to ensure the contributions are fair and justified?population figure should be used in assessment of demand?	Reworded for clarity
3.19	<p>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:</p> <ul style="list-style-type: none"> 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. 	More clearly explained using the flowcharts in section 5.7
Section 3.4	3.4 How is the need arising from a development, and the cost of that demand, calculated? 5.5-What is the process for assessing demand	Reworded for clarity
4.5/4.6	<p>New housing developments in each sub-area will usually be required to contribute to the identified strategic, satellite and local facilities as follows: (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).</p> <p>Whilst all developments are expected to pay towards all facilities (where there is an</p>	Restructured sentences to simplify and explain more succinctly.

	<p>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:</p>	
Section 4.2	<p>4.2 <u>5.3</u> What are the standards of provision</p>	Additional wording for clarity
4.16	<p>How these standards are applied is shown in both the 'Worked Examples' below, and in the Calculation Example in Appendix 3.</p>	<p>Repetition of reference to the worked examples. Calculators no longer in appendix 3. This was for consultation purposes. The calculators are not part of the SPD but help people calculate more efficiently. They are available on the website.</p>
4.26	<p>As well as the provision of open space and play facilities, their maintenance and life cycle costs will be required to be met. 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</p>	<p>Sentence re-worded and incorporated into</p>
Figure 2	<p>Revision of open space worked example- see proposed modification document: Capital cost of play provision reduced from £158 per sqm to £148</p>	<p>To reflect a split between LEAP and NEAPs- Capital costs assume the 2,500 sqm of equipped play space is split 1,500sqm of LEAP provision and 1000sqm of NEAP provision. Total weighted cost for 2,500sqm of play equipment is £371,250, giving a cost per sqm of £148.50.</p>
Section 4.3	<p>4.3 <u>5.12</u> How will Calculating contributions for built sports facilities be used? Sports Halls, Swimming Pools, Gyms and Studios, Outdoor Bowls, Outdoor Tennis, and Community Halls</p>	<p>Section title shortened for clarity.</p>
4.28-4.30	<p>The standards of provision for sports hall, 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</p>	<p>Repetition of text now included in new sections 3, 5 and 6. New text in Section 5.12 cross-referencing flowcharts in section 5.7</p>

	<p>Sports Facilities Assessment Technical Study (2018)</p> <p>In most circumstances maintenance costs and lifecycle costs are also required. The calculations for these are set out in worked examples.</p> <p>Figure 3 shows worked examples of how swimming pools, sports halls and gym/studios contributions are calculated</p> <p><i>Sports hall, swimming pools, gyms and studios</i></p> <p><u>The contributions will be towards strategic and satellite facilities. East Herts Council will decide which facility will be funded, guided by the Built Facilities Strategy action plan latest version, which is available on the EHC web site.</u></p> <p><i>Outdoor tennis, outdoor bowls and community/village halls</i></p> <p><u>The Built Facilities Strategy action plan latest version, which is available on the EHC web site, will provide some guidance about requirements, but this should be supplemented by local consultation to identify local needs and how these should be met.</u></p>	
4.31	<p>The justification for contributions need for playing pitches is identified in the Playing Pitch Strategy (PPS 2017) and its key strategic actions plan sections. The PPS identifies five sub areas, the same sub areas as identified in this SPD (Figure 1). For each of the sub areas the PPS has a detailed strategic action plan covering football, cricket, rugby, hockey and artificial grass pitches (AGPs). It The PPS was undertaken in line with Sport England's guidelines and t. The needs are as set out in the PPS and include quality improvements to current facilities, as well as significant new provision¹⁹. There is a particularly large need for 3G-AGPs (football specification artificial grass pitches) and for Strategic Football Hubs. The PPS's action plan will be updated, including the investment</p>	New text cross-referencing strategy action plans

¹⁹In the worked examples (Figure 4) the Sport England Playing Pitch Calculator (PPC) is the advised method of calculating need (and 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.

	<u>priorities and updated costs for specific projects. The update will be available on the Council's website and will ensure the list of projects requiring s106 contributions is up to date so the most appropriate way of meeting the demand from the new development can be met.</u>	
4.33	approximately 150% of the area of the new pitch space required <u>needed</u>	Replacement word
4.35-4.41	Summary of Playing Pitch Strategy findings, moved to section 3, see proposed modification document.	Collate all strategy information into section 3 for clarity
4.41-4.48	2017 cost information deleted, see proposed modification.	Replaced by more up to date costs as set out in the worked example, section 6.
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.	Unnecessary sentence, addressed by additional detail in section 5.5 (4.7)
Section 4.5	4.5 <u>5.13 How will contributions be calculated</u> Calculating Contributions for playing Pitches fields	Reworded for clarity
Section 5.2	5.2 <u>5.9 How are maintenance and life cycle, sinking funds and land costs calculated</u>	Reworded for clarity
Section 5.3	5.3 <u>5.10-What is meant by the term 'Appropriate Land' and how will the costs be calculated?</u>	Reworded for clarity
Section 5.5	5.5 <u>4.7-What is there flexibility is there in requesting contributions?</u>	Reworded for clarity
Section 5.12		New text cross-referencing flowcharts in section 5.7
	Delete footnote 22	Refers to the Built Facility sub areas, which are not relevant to calculations now AGP calculations have been moved to the Built Facilities calculator.
Appendix B	24 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.	Amendment to reflect changed to the CIL regulations 2019.
Appendix C	Removed example calculators	Calculators are available on the website to assist in calculations, but they are not part of SPD.

		Examples only included in consultation document to enable comments.
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APPENDIX A: CONSULTEES

The following organisations were directly notified of the draft Retail Frontages: Design and Signage SPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It should be noted that individuals on the planning policy consultation database were also consulted, but are not listed.

Specific Consultation Bodies and/or Duty to Cooperate Bodies

- Affinity Water
- Anglian Water
- The Civil Aviation Authority
- Communication Operators
- EDF Energy Networks
- Environment Agency
- Essex County Council
- Great Anglia
- Hertfordshire Constabulary
- Hertfordshire County Council
- Highways England
- Hertfordshire Local Enterprise Partnership
- Historic England
- Homes and Communities Agency
- Lee Valley Regional Park Authority
- National Grid
- Natural England
- Network Rail
- NHS East and North Hertfordshire CCG
- NHS West Essex
- Neighbouring Authorities: Broxbourne Borough Council, Epping Forest District Council, Harlow District Council, North Hertfordshire District Council, Stevenage Borough Council, Uttlesford District Council

- Police and Crime Commissioner
- Stansted Airport
- Thames Water
- The Coal Authority
- The Princess Alexandra Hospital NHS Trust
- Veolia Water

East Herts Town and Parish Councils	
Bishop's Stortford Town Council	Hertford Heath Parish Council
Buntingford Town Council	Hertingfordbury Parish Council
Hertford Town Council	High Wych Parish Council
Sawbridgeworth Town Council	Hormead Parish Council
Ware Town Council	Hunsdon Parish Council
Albury Parish Council	Little Berkhamsted Parish Council
Anstey Parish Council	Little Hadham Parish Council
Ardeley Parish Council	Little Munden Parish Council
Aspenden Parish Council	Much Hadham Parish Council
Aston Parish Council	Sacombe Parish Meeting
Bayford Parish Council	Standon Parish Council
Bengeo Rural Parish Council	Stanstead Abbots Parish Council
Benington Parish Council	Stanstead St Margarets Parish Council
Bramfield Parish Council	Stapleford Parish Council
Braughing Parish Council	Stocking Pelham Parish Council
Brent Pelham and Meesden Parish Council	Tewin Parish Council
Brickendon Liberty Parish Council	Thorley Parish Council
Buckland and Chipping Parish Council	Thundridge Parish Council
Cottered Parish Council	Walkern Parish Council
Datchworth Parish Council	Wareside Parish Council
Eastwick and Gilston Parish Council	Watton-at-Stone Parish Council
Furneux Pelham Parish Council	Westmill Parish Council
Great Amwell Parish Council	Widford Parish Council
Great Munden Parish Council	Wyddial Parish Meeting
28 Other Parish Councils outside of East Herts	

General Consultation Bodies and Other Organisations	
Aldwyck Housing Group Ltd	Hertfordshire Community Health Services
Bat Conservation Trust	Hertfordshire Gardens Trust
Bellway homes	Hunsdon Eastwick and Gilston Neighbourhood Plan Group
Beds and Herts Local Medical Committee	Hutchinson 3G UK Limited
Bishops Stortford Methodist Church	Ian Baseley Associates
Bishop's Stortford District Footpath	Jarvis Homes Ltd

Association	
Bishop's Stortford Chamber Of Commerce	Labour Party
Bishop's Stortford Liberal Democrats	Layston Pre-School and Nursery
Bishop's Stortford Mencap	Leach Homes
Bishop's Stortford Town Centre Management Partnership	Leaside Church
British Horse Society	Leaside Under 5's Kindergarten
British Telecommunications plc	Lee Valley Regional Park Authority
British Waterways	Linden Homes
Building Research Establishment	Linden Homes Eastern
Buntingford Chamber of Commerce	McMullen & Sons Ltd
Buntingford Civic Society	Mobile Operators Association
Buntingford Town Partnership	Molewood Residents Association
CABE	National Express East Anglia
Canal & River Trust	National Farmers Union
Carers in Hertfordshire	National Federation of Gypsy Liaison Groups
CBI East of England	Network Homes
CDA for Herts	North East Herts Labour Party
Chaldean Estate	North Hertfordshire Homes
Christ Church C of E (VA) Primary & Nursery School	Openreach Newsites
Church Commissioners	Orange Personal Communications Services
Circle Anglia	Origin Housing Association
Coke Gearing Consulting	PACE
Community Safety & Crime Reduction Department, Herts Constabulary	Paradigm Housing Group
Countryside Management Service	Paradise Wildlife Park
CPRE Hertfordshire	Parsonage Residents Association
Croudace Homes	Parsonage Surgery
Department for Transport Rail Group	Pelham Structures Ltd
Diocese of St Albans	Persimmon Homes
DPDS Consulting Group	Pigeon Investment Management Ltd
East Herts Ramblers	Plainview Planning Ltd
East of England Ambulance Service NHS Trust	Planning Potential
East of England Development Agency	RSPB
East of England Local Government Association	Salvation Army Bishop's Stortford Corps
Essex County Cricket Board	Sanctuary Carr-Gomm
Fairview New Homes	Sanctuary Hereward
Fields In Trust	Savills
First Capital Connect	Shelter
Forebury Estates Ltd	South Anglia Housing Association
Forewind Ltd	Sport England

Framptons	St Joseph's RC Primary School
Freight Transport Association	St Michaels Church
Friends, Families and Travellers and Traveller Law Reform Project	Standon and Puckeridge Surgery
Garden History Society	STANDonA120 campaign
Gascoyne Cecil Estates	Stevenage Liberal Democrats
Gladman Developments	Stewart Ross Associates
Good Architecture/ Transition Hertford	STOP Harlow North
Grange Builders	Strategic Planning Research Unit, DLP Planning Ltd
Granta Housing Society Ltd	Strutt & Parker
Hanover Housing Association	Sustrans
Hastoe Housing Association Ltd (East)	Telefonica O2 UK Ltd
Hatfield Town Council	Tesni Properties Limited
Haymeads Residents' Association	Thakeham Homes
Hazel End Farm	The Bishop's Stortford High School
Hertford Disability Support Group	The Canal and River Trust
Hertford Heath Primary School	The Gallery at Parndon Mill
Hertfordshire Action on Disability	The Georgian Group
Hertfordshire Association of Parish and Town Councils	The Gypsy Council
Hertingfordbury Conservation Society	The Lawn Tennis Association
Herts & Middlesex Badger Group	The Princess Alexandra Hospital NHS Trust
Herts & Middlesex Wildlife Trust	The Theatres Trust
Hertfordshire Building Preservation Trust	The Traveller Law Reform Project
Hertfordshire Chamber of Commerce & Industry	The Ware Society
Hertfordshire Community Health Services	The Woodland Trust
Hertfordshire Gardens Trust	Theatres Trust
Hertfordshire Police Authority	Wallace House Surgery
Herts & North Middlesex Area of the Ramblers	Ware Town Partnership
Herts Sports Partnership	Wareside C of E Primary School
Hightown Praetorian and Churches Housing Association	Watermill Estate Residents' Association
Hill Residential	Wates Developments
Hockerill Residents Association	Wattsdown Development Limited
Home Builders Federation	Welwyn Garden City Society
Home Farm Trust Herts & Essex	Wodson Park Sports Centre
Housing 21	Woodhall Estate
Hertfordshire Building Preservation Trust	Hertfordshire Football Association
Hertfordshire Chamber of Commerce & Industry	Hertfordshire Cricket
Hockey England	Rugby Football Union

