

Appendix 1

Vale of White Horse District Council

Draft SPD on Open Space, Sport and Recreation Future Provision

Report on Responses to Consultation

Following approval of the draft SPD on Open Space, Sport and Recreation Future Provision by the Local Planning Advisory Group held on 22nd October, the Council invited comments on the draft from the Vale's residents, neighbouring local authorities and a range of other statutory and non-statutory organisations. This document summarises the comments received, provides a brief response to them and identifies how the Council has amended the SPD.

As a result of the consultation, the Council has added several new paragraphs to the SPD and this has obviously resulted in some changes to paragraph numbering. For the sake of simplicity, the paragraph numbers referred to in the second column below (headed "Number") are those in the original and not the amended version of the document.

Organisation	Number	Comment	Response	Proposed changes to SPD
South East Regional Assembly	1	Support the guidance and approach	Thank you	No change needed
South Oxfordshire District Council	2	Need to include provision for cross-boundary contributions in Section 4, particularly in relation to developments which occur close to the South Oxfordshire/Vale of White Horse boundary.	Excellent point; clear need for VoWHDC and SODC discussion and agreement	New paragraph at 1.12 as follows: “Large Scale and Cross-boundary Developments 1.12 For large scale developments the District Council will normally prepare a planning brief or expect developers to submit a design brief and/or masterplan to ensure developments are well designed, based on clear and consistent sustainable principles. This requirement is particularly important in relation to proposals that cross the local authority boundary, such as at Didcot. In such cases, the masterplan may suggest an alternative approach that will deliver the Council’s vision but does not apply the Council’s adopted provision standards in all respects. Once the Council has approved the design brief or masterplan, it will expect development proposals to conform to the principles and standards set out in it and therefore may not require individual developments to conform to all of its adopted provision standards. However, the Council will reserve the right to require developers to meet its adopted standards if particular proposals do not conform satisfactorily to the approved design brief or masterplan.”
Kemp and Kemp, Property	3	The status of the draft strategy is	It is not intended to be an SPD	The following sentence has been added to

Consultants, Oxford

not clear; it is not an SPD

Paragraph 1.2:

“However, neither the Strategy nor its related Background Document are part of the Council’s Local Development Framework.”

New paragraph added at 1.7 as follows:

“1.7 This SPD was adopted by the District Council at its meeting of the full Council held on 21 May 2008. The Council will monitor its effectiveness and review its content at regular intervals to ensure that it remains relevant and compliant with Government advice on the use of planning conditions and obligations and any future reviews of the Council’s adopted Open Space, Sport and Recreation Provision Strategy.”

4	Paragraph 2.4: Developers should not be required to bring existing quality standard.	See paragraph 2.3. Paragraph 33 of PPG17 is explicit on this point: used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreation provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs”	No change needed
5	Paragraph 2.11: Sheltered housing will not automatically increase the demand for amenity space if they accommodate existing residents.	Agreed, but because of the limited mobility of many residents of sheltered housing there will very often be a need for on-site	No change needed

		provision	
6	Paragraph 3.3: It should be possible for the District Council to hand over open space management to a Parish Council.	Agreed. However, the SPD does not preclude this.	Paragraph 3.3 first bullet point amended to read “The handing over of the spaces or facilities to the District Council or other appropriate body (such as the relevant town or parish council) for adoption, plus an appropriate ...” In addition, paragraph 3.5 amended to read “The Council or other appropriate body (such as the relevant town or parish council) may be willing to adopt and subsequently manage ...”
7	Paragraph 3.8: SUDS are a relatively new feature. It is clearly in the interests of all concerned for them to form an integral part of the overall management regime for open spaces.	Agreed. However, this does not mean that the Council should necessarily take on responsibility for their long term management and maintenance	No change needed
8	Paragraph 3.5–3.7: The requirement for a commuted maintenance sum to cover 25 years maintenance is excessive; it should be 10–15 years	Paragraph 3.3 of the SPD sets out an alternative approach for developers who are not willing to provide a 25–year commuted sum. However, the Council has also agreed to reduce the period for commuted sums to 20 years.	Paragraph 3.5: Period for commuted sums reduced from 25 to “20 years”. Paragraph 3.3 add note to end “This approach is designed to be compatible with paragraph B18 of DCLG Circular 5/2005, Planning Obligations, which indicates that Councils can require developers to make arrangements for the management and maintenance in perpetuity of spaces and facilities intended predominantly for the residents or users of a proposed development”
9	There should be scope to phase the payment of commuted sums rather	It will generally be much better for all payments to be made upfront in	New paragraphs 3.8 and 4.21 as follows:

than developers having to make the payment upfront.

case a developer ceases trading. Payment in instalments will be acceptable only (a) against defined trigger points for large developments (eg when 25%, 50%, 75% 100% of dwellings are completed) or (b) if developers are willing to provide a bond that will guarantee the payment of the commuted sums over a period.

“Large and Phased Developments – Payment of Commuted Sums

3.8 If the Council or another appropriate body (such as the relevant town or parish council) is to adopt on-site or other spaces or facilities, it is likely that they will be completed and ready for handover and adoption at different times during the construction of large or phased developments. When this will be the case, the Council is willing in principle to allow the payment of commuted sums on a phased basis which matches the points at which it or the other appropriate body adopts the spaces or facilities. However, this will always be conditional upon:

- The spaces or facilities being in a fully adoptable condition in all respects
- Any related commuted sums being index-linked from the date of the grant of planning permission to the date of payment
- The dates or other trigger point at which spaces or facilities are to be adopted being agreed in writing before the start of the development on site

Large and Phased Developments – Payment of Contributions

4.21 The need for infrastructure provision or enhancements funded by developer contributions arises as developments are built out and the new dwellings occupied. This means that it would be unreasonable to require

all contributions to be paid to the Council before commencement of large or phased developments on site. For developments of over 100 dwellings, or where the construction of a development is to be separated into clearly identified phases, the Council will be willing in principle to negotiate arrangements in the planning agreement to allow the payment of contributions in a way that matches the rate at which the need for the infrastructure will arise. It will normally do this by agreeing suitable and clearly identified trigger points, for example before the start of works on site and when 33% and 67% of the dwellings are complete. These percentages are purely illustrative and other triggers may be appropriate in relation to specific developments. The Council may also require the developer to provide a bond to guarantee payment of all phased contributions. This arrangement will comply with paragraph B17 of DCLG Circular 5/20005, *Planning Obligations*."

Indexation

4.22 Where contributions are to be phased the Council will require them to be index-linked from the date of the grant of planning permission to the date of payment. There are several published cost indices that the Council could use when indexing contributions. However, it will normally use the Department of Trade and Industry Tender Price Index of Public Sector Non-Housing (PUBSEC) Smoothed All-in-Index

As a consequence of adding paragraphs 3.8 and 3.9 it is necessary to add a paragraph relating to indexation

New paragraph 3.9 added as follows:

“Indexation

3.9 There are several published cost indices that the Council could use when indexing contributions or commuted sums. However, the indices that the Council will normally use are:

- For construction works: the Department of Trade and Industry Tender Price Index of Public Sector Non-Housing (PUBSEC) Smoothed All-in Index
- For commuted sums: the Index of Retail Prices”

10	Paragraph 4.8: It is unclear how the Council defines “the area”. Further clarification is required. A cross reference to the standards in Appendix A will aid clarity.	See the third bullet point of paragraph 4.8 and the Distance Thresholds in Appendix A	Paragraph 4.9 third bullet point amended to read: “However, the additional demands arising from the development must be met within a reasonable distance of it. This “reasonable distance” will vary with the nature of the infrastructure and is set out in the Council’s standards in an Appendix to this SPD.”
11	Paragraph 4.9, second sentence. This sentence is not necessary.	Agreed	Second sentence deleted
12	Paragraph 4.13: the Model should be available for comment.	Agreed and it will be	No change needed
13	Appendix A: the requirements differ slightly from the NPFA Six Acre Standard. They should be in	Why? Paragraph 6 of PPG17 states “The Government believes that open space standards are best set	No change needed

		accordance with the Standard.	locally. National standards cannot cater for local circumstances, such as different demographic profiles and the extent of existing built development in an area”	
Oxfordshire Playing Fields Association	14	Paragraph 2.8: what is the source of the occupancy rates?	Oxfordshire County Council provided the occupancy rates in the draft SPD. The County Council has confirmed the rates apart from that for dwellings of unknown size, which the District Council has reduced from 2.5 to 2.3	Paragraph 2.9 amend occupancy rate for dwellings of unknown size to 2.3 and note added to give the source of the figures plus a commitment to review them from time to time, as follows: “Note: these figures derive from a survey of new residential developments in Oxfordshire undertaken by the Demographic and Social Statistics Adviser in the County Council’s Strategic Policy and Economic Development Unit during 2005. The County Council intends to review the figures from time to time and the District Council will then amend the above occupancy levels as appropriate.”
	15	Table: question the omission of payments for allotments for hostels and special needs housing.	District Council has agreed to add a requirement that the developers of these types of dwelling may need to make or contribute to allotment provision	Table entitled “Types of residential development to which open space, sport and recreation provision standards will apply” amended to require allotment provision in relation to hostels and special needs housing
	16	Paragraph 4.24: there are inconsistencies in the document. Greenspace provision seems to be required for developments of more than one dwelling but paragraph 1.3 relates to more than 15 dwellings.	Paragraph 1.3 relates to current Local Plan policy H23. The SPD reflects the approach the Council is planning to take in its forthcoming LDF.	Paragraph 1.3 amended to set out the existing policy basis underpinning the SPD more clearly as follows: • “Local Plan Policies L1 and L4, which seek to protect existing outdoor play space and allotments but allow development of them for other uses where this will not

- exacerbate or create a local deficiency
- Local Plan Policy L2, which protects all urban open space defined on the proposals map
- Local Plan Policy L7, which protects local leisure facilities unless there is no longer a need for the facility or an alternative provision of equal or better quality is made available
- Local Plan Policy H23, which requires new housing developments of over 15 dwellings or 0.5 ha to provide 15% public open space and requires suitable arrangements for future management and maintenance of the open space to be in place
- Local Plan Policies H15 and H7, which set out a list of spaces and facilities to be provided in association with the proposed major developments at Didcot and Grove
- Local Plan Policy DC8, which aims to ensure an adequate and timely supply of social and physical infrastructure to meet the needs of the occupiers or users of new development”

New paragraph 1.4 added as follows:

“The Council’s forthcoming Local Development Framework will set out that the Council intends to seek planning obligations for all developments of one or more dwellings and not only 15 or more as set out in current Local Plan Policy H23.”

17 Formal Play Provision: need for evidence to back up the details of

Contained in the background report, available at public libraries

No change needed

	the recommended standards.	throughout the Vale	
18	Does “everyone” mean young people of all ages? Some walk faster than others.	“Everyone” means “all people” and therefore includes people of all ages, whether young or not. The distance thresholds are based on a typical walking speed. If it is necessary to use different speeds for different people, why not different speeds for walking uphill and downhill, in the rain or sunny weather and so on?	No change needed
19	The NPFA Six Acre Standard says that 400 m takes 5 minutes and 600 m takes 15 minutes. The current wording takes no account of different ages and the different times it takes different ages.	See response to comment 18. In passing, OPFA has misquoted the Six Acre Standard. Table 3 of the Standard gives the 5 minutes/400 m distance is a pedestrian route (or “on the ground”) threshold and the 15 minutes/600 m one as a straight line (or “as the crow flies”) one.	No change needed.
20	The quantity standard and minimum size (assumes a population of 1,000) seem to link to the standard for a LEAP.	Incorrect assumption.	No change needed.
21	Under General Characteristics the 30 m away seems to link to a larger than LEAP area –LEAP would normally have a 10 m buffer.	The proposed local standards do not relate to a LEAP	No change needed
22	Are the distances to the wall of the nearest building or to its boundary?	“From the nearest dwelling” implies the wall of the nearest dwelling”.	Appendix A, page 19, General characteristics, first bullet point amend to read:

	If suggesting a larger than Six Acre Standard buffer zone what is the evidence to suggest that 10m is not adequate.?	This is a policy decision by the District Council. What evidence is there than that 10 m is always adequate?	“Sited minimum of 10 m from the nearest dwelling boundary or 30 m from the nearest door or window of the nearest dwelling, whichever is less, and to include buffer planting to screen site without compromising passive surveillance”
23	The aim seems to be to achieve a composite of a LEAP and NEAP and this is not likely to be effective. There is a need to adopt a hierarchy of play spaces. If you do adopt a hierarchy approach, there will be a need to have a reference to the Six Acre Standard re rural provision which does not point to a composite because a hierarchy is not practical.	The aim is to achieve appropriate provision for the Vale, not comply with the Six Acre Standard. See also response to comment 23.	No change needed.
24	Bullet Point 6 under General Characteristics: we do not favour this over prescriptive approach by ruling out these types of surfacing.	Presumably this is a comment on the fifth bullet point. It is up to the Vale to specify which surfaces it regards as acceptable and those it does not.	No change needed.
25	Bullet point 8: gates should not necessarily open out if site is near a danger point. The size of site may not be large enough to accommodate ball games – this is something for a NEAP but not a LEAP.	Presumably this is a comment on the seventh bullet point. Outward opening gates do not allow dogs to enter the play area by pushing open the gate and become trapped inside	No change needed
26	Bullet point 1 is a mixture of a LEAP and a NEAP – 5 items of equipment = LEAP but design for all ages =	LEAPs and NEAPs are outmoded concepts.	No change needed

NEAP.

27	We cannot endorse a policy of separate provision for disabled children. Suggest merging of bullet points 1 and 2 to say “Not less than 5 types of equipment, some of which should be accessible to disabled users”.	There is no suggestion in the SPD or proposed standards of separate provision for children with disabilities but desirable to amend SPD to clarify this	Appendix A, page 19, Facilities and features, first bullet point: “Not less than 5 types of equipment to provide a variety of challenges and experiences designed for a range of ages, at least some of which should be suitable for disabled users” Second bullet point deleted
28	ATPs: on what evidence is the accessibility standard based? Is the quantity standard derived from background studies?	Contained in the background report, available at public libraries throughout the Vale	No change needed
29	Grass sports pitches: on what evidence is the quantity standard based?	Contained in the background report, available at public libraries throughout the Vale	No change needed
30	Minimum size – one pitch would also need changing facilities	Agreed	Appendix A, page 27 top bullet point amended to read: “Two pitches with changing accommodation and parking in Abingdon, Botley (as defined on the Local plan proposals map), Faringdon, Grove and Wantage; one pitch with changing accommodation in all other areas”
31	Pitches, practice areas and other facilities, bullet point 4: this would not be suitable for cricket.	Agreed	Appendix A, page 28, Pitches, Practice Areas and other Facilities, 4 th bullet point amend to read: “No end to end slope on football, hockey, lacrosse or rugby or other winter season pitches

greater than 1:40 (1:80 preferable); no side to side slope greater than 1:40 (1:60 preferable)”

Home Builders Federation

32 Summarises various points from DCLG Circular 5/2005, particularly regarding the tests of reasonableness for a planning obligation. The SPD seems to be starting from a presumption that there is no existing open space in the District and that all new developments will need to make full provision.

The SPD includes a summary of the relevant points from Circular 5/2005. There is no presumption that there is no existing open space in the District and the “Line of Thinking” after paragraph 2.6 makes this clear.

No change needed

33 The SPD must be amended to recognise that the nature and extent of any planning obligation sought will take account of existing surpluses and deficiencies in provision.

By following the Line of Thinking in the diagram following paragraph 2.6 the Council will take full account of the location, size and quality of existing provision.

No change needed

34 Paragraph 2.8: the occupancy rates seem very high. The SPD should provide the source and justification for them and a commitment to review them as new information becomes available.

Oxfordshire County Council provided the occupancy rates in the draft SPD. The County Council has confirmed the rates apart from that for dwellings of unknown size, which the District Council has reduced from 2.5 to 2.3

See comment to 14 above.

35 A maintenance period of 25 years is excessive and unreasonable.

See response to point 8

Period for commuted sums changed to 20 years.

Stanford in the Vale Parish Council

36 No further dwellings without addressing our present needs

Not a matter for the SPD

No change needed

37 Closer meaningful partnership

Welcome, but not a matter for the

No change needed

		between the PC and VoWHDC required	SPD	
	38	Assistance from DC and CC for at least 12 acres of open space	This is a matter for the LDF	No change needed
RPS Planning and Development Ltd	39	Paragraph 2.8: the SPD should clearly set out how the Council has determined the quoted occupancy rates, including that for dwellings of unknown size	Oxfordshire County Council provided the occupancy rates in the draft SPD. The County Council has confirmed the rates apart from that for dwellings of unknown size, which the District Council has reduced from 2.5 to 2.3	See comment to response 14 above.
Natural England (NE)	40	NE wishes to see a clear emphasis on conserving and enhancing biodiversity within the open space strategy	This is a comment on the strategy rather than the SPD. However, the standards set out in the SPD refer repeatedly to nature conservation and biodiversity.	No change needed
	41	The green infrastructure should incorporate established sites of national, regional and local importance and protect them from the potentially adverse impacts of development.	This will be done through LDF policy	No change needed
	42	Would like to see a clear focus on using native species in any future planting of open areas.	With climate change, some native species may be increasingly inappropriate	No change needed
	43	Important to promote the appropriate type and level of recreational uses with sensitive habitats protected against overuse.	Agreed, but policy issue for the LDF and not the SPD	No change needed

44	NE reminds the Council of its duties to take full account of important areas for nature conservation, including SSSIs, SACs, and avoid damage to these sites when considering where to place mineral development and waste management facilities.	Acknowledged. However, this relates to development management and not the SPD. In addition, mineral development is a County Council responsibility.	No change needed
45	Recommend that the Council seeks to advice of the County's landscape and wildlife teams, in conjunction with the Berks, Bucks and Oxon Wildlife Trust in developing strategies and considering individual development proposals.	Accepted. However, this relates to development management and not the SPD	No change needed
46	The presence of protected species is a material consideration in any planning decision.	Agreed. However, this relates to development management and not the SPD. It will be covered by appropriate Local Development Framework policies.	No change needed
47	NE recommends the use of its Accessible Natural Greenspace Standard (ANGSt).	Not accepted. Paragraph 6 of PPG17 states "The Government believes that open space standards are best set locally. National standards cannot cater for local circumstances, such as different demographic profiles and the extent of existing built development in an area". Just as the NPFA Six Acre Standard cannot reflect local circumstance, neither can ANGSt.	No change needed

Cumnor Parish Council

48	Cumnor PC has not seen the background report.	Contained in the background report, available at public libraries throughout the Vale	No change needed
49	Will the accessibility standard be as set out in Appendix A?	Yes	No change needed
50	Are there different standards for urban and rural areas? Is Cumnor rural or urban?	The provision standards identify the “urban” areas of the Vale; it follows that other areas are “rural”. However, Cumnor is different in nature from other parishes in that part of it is “urban” and part “rural”. Given this, the District Council has decided to classify Cumnor as an “urban” parish.	Appendix A amended to include Botley (as defined on the local plan proposals map) as one of the Vale’s urban areas
51	Is compliance with only the driving distance threshold acceptable in all cases where driving is mentioned as a means of access in Appendix A?	The main use for driving thresholds is in relation to major sports facilities such as sports halls, pools and artificial turf pitches. The level of provision of these facilities required in order that all residents of the District could walk or cycle to them would be unrealistic, unaffordable and unsustainable. However, in the rural areas of the Vale it will often be the case that residents of one parish will have to drive to another to make use of certain types of provision. Therefore the Appendix to the SPD also includes driving thresholds for some other forms of provision such as allotments and parks.	Appendix A, page 2 add new paragraph as follows: “Accessibility Standards/Distance Thresholds The Council’s accessibility standards are expressed as distance thresholds: the maximum time and distance that potential users should have to travel. Different forms of provision can have any combination of walking, cycling and driving thresholds. Where a particular form of provision has more than one type of threshold, the Council will normally apply the most onerous in the urban areas of the District and the least onerous in the rural areas. However, in the urban areas if it is not practicable to have the required provision within the most onerous threshold – for example because the land that would be

				required is not available – it will apply the next most onerous.”
Buckland Parish Council	52	The Parish Council welcomes and agrees with this SPD.	No comment needed	No change needed
Harwell Parish Council	53	Where the District Council is to seek contributions towards enhancing existing facilities that it does not own, it should say more about how it will ensure that the enhancements are carried out if the developer is providing only a proportion of the costs.	Agreed	New paragraph 4.19 added to read: “The contributions received from a development will not always be sufficient fully to fund the required enhancements of existing spaces or facilities. In these circumstances the District Council will seek to aggregate contributions from other developments in the same area so that the required enhancements are affordable. If this is unlikely to be achievable within an acceptable timescale, the Council will seek to fund the balance of costs from other sources such as grant aid, other external funding, from its own resources or, for sites that it does not own, the site owner.”
Berks, Bucks and Oxon Wildlife Trust (BBOWT)	54	SPD does not sufficiently address the potential of the local authority to contribute to biodiversity conservation through the provision and management of open spaces	Valid point	Appendix A, page 3 Design Objectives, bullet point 8 amended to read: “ Sustainability : the design and management of greenspaces should actively promote environmental sustainability and nature conservation, for example by protecting, restoring or creating new habitats ...”
Oxfordshire County Council: Environment and Economy	55	Suggest mention of Structure Plan G3	Agreed	Paragraph 1.3 amended to refer to the Development Plan rather than the Local Plan and include the following as bullet point one: “Structure Plan Policy G3, <i>Infrastructure and</i>

			<i>Service Provision</i> , which states that proposals will not be permitted unless the relevant planning authority is satisfied that the necessary infrastructure is available or will be provided”
56	Paragraph 1.3: suggest change to “enter into a planning obligation”	Sub-clause (iii) of Local Plan Policy DC8 specifically states “an appropriate financial contribution”	No change needed.
57	Paragraph 1.3: welcome a sentence defining recreation provision. SPD does not cover museums, Libraries and rights of way.	Paragraph 1.9 sets out the types of provision to which the SPD relates.	No change needed
58	Paragraph 1.3: add statement that the document will be reviewed and updated as appropriate	Agreed	See response to comment 3 above.
59	Paragraph 1.9: make clear that youth facilities are distinct from Youth Service Provision	Agreed	Paragraph 1.11 amended to define youth facilities as follows: “Youth facilities (this relates to physical infrastructure for informal use by young people, such as skateboard areas and shelters, and does not include County Council Youth Service provision)”
60	Paragraph 2.8: source of average occupancy figures data should be included	Oxfordshire County Council provided the occupancy rates in the draft SPD. The County Council has confirmed the rates apart from that for dwellings of unknown size, which the District Council has reduced from 2.5 to 2.3	See response to 14 above.

61	Paragraph 2.9: paragraph speaks of net change in dwellings but actually refers to net change in population	Good point	Paragraph 2.10 amended to read: "If the proposed development site includes existing temporary or permanent dwellings that have been occupied within one year before the date of receipt of the planning application , the Council will normally use the anticipated net change in the number of residents."
62	Page 8 table: significant impact if a 1-bedroom flat is replaced by a 5 bedroom house	Replacing a 1-bedroom flat with a 5-bedroom house will require will require considerable ingenuity ... particularly if it is not on the ground floor	No change needed
63	Page 8 table: what if temporary dwellings (eg caravans) are being replaced?	This has never been a significant issue in the Vale to date.	No change needed
64	Paragraph 4.1 explain planning obligations, planning agreements and unilateral undertakings	The SPD is intended for developers, who are likely to be familiar with these terms. Para 4.1 does give a brief explanation of why a proposed development can give rise to a planning obligation.	Paragraph 4.1 amended to include a summary of the differences between planning agreements and unilateral undertaking as follows: "The difference between them is simple. In a planning agreement, the developer and/or land owner(s) and the relevant local authority, both "covenant" (a legal term which effectively means "undertake" or "promise") to do certain things. For example, the developer might covenant to pay an amount of money (a "contribution") to the local authority, which in turn enters into a "reciprocal covenant" to use that money for the purpose or in the way set out in the agreement. Unilateral undertakings, on the other hand, are effectively one-sided planning agreements: the

developer/land owner covenants to do something that will make the development acceptable to the local authority (for example, to pay a contribution of £X to the local authority for it to use to enhance local greenspace), but the local authority does not enter into any reciprocal covenants. In this context, the term “local authority” can have a wide meaning; it frequently includes the District Council, as the local planning authority, and the County Council in several distinct roles, for example as the Highways Authority, the Education Authority and the Library Authority.”

65	Paragraph 4.2: change wording to “one or both of two reasons”	Wording of paragraph is a little clumsy	Para 4.3 amended to read “In most instances, the need for a planning agreement will arise because: – The development will result in additional pressures on existing open spaces, sport and recreation facilities which cannot reasonably be sustained – It would not be realistic, or sensible in land use terms, for the Council to require the developer to mitigate these pressures on land in the developer’s ownership”
66	Paragraph 4.8: change to “the Council will not ask developers to fund a greater amount of infrastructure than that needed to satisfactorily accommodate the additional pressures or any loss of facilities created by their development”	“Satisfactorily” is not needed	Paragraph 4.9: “that” omitted so the fourth bullet now reads: “The proposed mitigation must be fairly and reasonably related in scale and kind to the proposed development: the Council will not ask developers to fund a greater amount of infrastructure than needed to accommodate the

			additional pressures created by their development”
67	Paragraph 4.11: should not assume development will produce a net increased in population; there may be a net decrease	There are very few instances of developers reducing the density of development on a site and if they do the Model will not suggest a need for additional infrastructure	Paragraph 4.12 first bullet point amend to read: “Calculates the likely on-site population of the proposed development and the net increase or decrease in the local population”
68	Paragraph 4.14: mention monitoring cost if not included in 10% on-cost	This was an oversight and the Council has decided to increase the figure to 15%. However, the Council will monitor the costs associated with negotiating, monitoring and if necessary enforcing planning agreements and will amend the SPD from time to time in accordance with its findings on this issue.	Paragraph 4.15 sixth bullet point amended to read: “A 15% on-cost, to cover monitoring, project procurement and management by the Council”
69	Paragraph 4.18: phased payments should be index linked	Valid point	New paragraphs 3.8 and 3.9 added to read as follows: “Large and Phased Developments – Payment of Commuted Sums 3.8 If the Council or another appropriate body (such as the relevant town or parish council) is to adopt on-site or other spaces or facilities, it is likely that they will be completed and ready for handover and adoption at different times during the construction of large or phased developments. When this will be the case, the Council is willing in principle to allow the payment of commuted sums on a phased basis which matches the points at which it or

the other appropriate body adopts the spaces or facilities. However, this will always be conditional upon:

- The spaces or facilities being in a fully adoptable condition in all respects
- Any related commuted sums being index-linked from the date of the grant of planning permission to the date of payment
- The dates or other trigger point at which spaces or facilities are to be adopted being agreed in writing before the start of the development on site”

Indexation

3.9 There are several published cost indices that the Council could use when indexing contributions or commuted sums. However, the indices that the Council will normally use is for construction works the Department of Trade and Industry Tender Price Index of Public Sector Non-Housing (PUBSEC) Smoothed All-in Index and for commuted sums, the Index of Retail Price.

Paragraph 4.23 first sentence amended to read:

“The District Council is well aware that there is potentially a long list of forms of community infrastructure provision towards which it and the County Council will wish to seek contributions.”

Paragraph 23 add new sentence at end as

70	Paragraph 4.19: the term “shopping list” could be misconstrued as indicating the measures are not all necessary in accordance with circular 5/2005.	Accepted
71	Paragraph 4.19: if there is a	Agreed

		significant County requirement the confidentiality should include County staff		follows: "The County Council will give a similar undertaking if it is party to the viability information as a result of having a significant infrastructure requirement that the developer regards as unaffordable."
Oxfordshire County Council: Rights of Way	72	Paragraph 1.7, Vision: reword to "... open spaces, green linking routes, and indoor ..."	The vision has been approved by the Council	No change needed
	73	Paragraph 1.9: typology includes green corridors but they are not included in the assessments. Danger that green corridors (which should include public rights of way) will not be sought from developers	This is a District document. Rights of way are a County function – as confirmed by later County comments. If rights of way are to be included, why not highways, so should schools, libraries, fire and rescue etc.	Para 1.11 amend to give definition of green corridor as follows: "Green corridors within urban areas (excluding rights of way, which are a County Council responsibility)"
	74	Appendix A: add "All measures for public rights of way must first be agreed with Oxfordshire County Council"	This is a District document. Rights of way are a County function.	Appendix A, page 4 first bullet point under General Design Principles add: "Green spaces should be linked to local pedestrian and cycle path systems wherever possible, including rights of way, bridlepaths and quiet lanes (note: rights of way and other means of access to the countryside are a County Council function and any proposed changes to existing path systems in the countryside must be agreed with it)"
	75	Appendix A, Natural Greenspace Standards: the Council should adopt and then apply ANGST. It should increase the amount of NGS available to its residents and the	See response to Comment 47	No change needed

linkages to them along green corridors including public rights of way.

76	Appendix A, Green Corridors: add more detail (specific suggestions included in County comment)	Good suggestions from the County	Appendix A, page 14 under General Characteristics add following bullet points: <ul style="list-style-type: none">• Clear signposted links to the wider network of cycling and pedestrian routes where appropriate in order to integrate developments with their surroundings and, where possible, public rights of way• Where possible, extending public rights of way and access to the countryside for informal recreation. (Note: any measures relating to public rights of way must be agreed with the Countryside Service of Oxfordshire County Council)• Surface treatments, landscaping and infrastructure items (eg gates, signage, information and lighting) to be appropriate to the use of the paths and character of the local area Appendix A, page 15 under Accessibility add: <ul style="list-style-type: none">• All routes through developments to be based on historical routes or existing desire lines and use landscape features as much as possible
77	General characteristics: add "All measures for public rights of way must first be agreed with the Countryside Services, Oxfordshire County Council, to ensure they are	This is a District document. Rights of way are a County function – as confirmed by later County comments. If rights of way are to be included, why not highways, so	Appendix A, page 4 under General Design Principles first bullet point amend to read: "Green spaces should be linked to local pedestrian and cycle path systems wherever

		appropriate to the user type, character and location of the area”	should schools, libraries, fire and rescue etc.	possible, including rights of way, bridlepaths and quiet lanes (note: rights of way and other means of access to the countryside are a County Council function and any proposed changes to existing path systems in the countryside must be agreed with it).”
Oxfordshire County Council: Biodiversity and Landscape Resources	78	Design objectives: biodiversity should be an over-arching theme in all planning policy documents and must be taken into account in the management of all open spaces	Valid point	Appendix A, page 3 under Design Objectives bullet point 8 amend to read: “ Sustainability : the design and management of greenspaces should actively promote environmental sustainability and nature conservation, for example by protecting, restoring or creating new habitats ...”
	79	The Vale should see greenspace as an opportunity to improve the landscape of the Vale	This is beyond the scope of this SPD	No change needed
	80	Link greenspaces and minimise fragmentation to maximise sustainability	Valid point	Appendix A, page 3 Design Objectives bullet point 4 amend to read: “ Ease of movement : it should be easy to get to and move through spaces and individual public spaces should be linked with one another as much as possible and designers should not propose fragmented greenspace provision if it is avoidable. In residential areas, people should generally have priority over vehicles.”
	81	Managing spaces with biodiversity in mind will ensure the Vale meets its duty under the NERC Act to “have regard to the purpose of conserving biodiversity” by “restoring or	Valid point	See response to comment 78 above.

		enhancing habitat”		
	82	In accordance with Structure Plan policy EN2, the Vale should manage natural greenspace in a way that “safeguards, maintains and expands UK BAP priority habitat”	Valid point; will be covered by changes above	See response to comment 78 above.
	83	Highways supports the accessibility standards and would expect to be consulted on individual planning applications	This is normal practice	No change needed
Oxfordshire County Council: Social and Community Services	84	The documents lack reference to facilities for disabled people	Appendix A includes several paragraphs in the section on “Accessibility” that set out the importance of ensuring that spaces and facilities are accessible to people with disabilities	No change needed
		Vale offices	Additional changes introduced by the Council	Paragraph 4.28 amend to read: “In order to aid transparency, reduce legal costs and speed up their preparation, the Council has prepared a standard form of draft planning agreement relating to greenspace, sport and recreation provision. Copies are available from the Council’s Offices or can be downloaded from its website www.whitehorsedc.gov.uk . In addition, and in order to help the Council determine planning applications as quickly as possible, it will require draft heads of terms for a planning agreement or unilateral undertaking alongside any planning application for developments of 10 or more dwellings before it will validate the application. This new

requirement is specified in the guidance notes relating to the validation checklist which are required to accompany the new national standard planning application forms which become statutory on 6th April 2008.

Kit Campbell Associates
Open Space, Sport and Recreation Consultants
Chuckie Pend
24A Morrison Street
Edinburgh EH3 8BJ

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