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**Open Space Provision and Commuted Sum  
Payments**

**Consultation Statement July 2019**

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## 1.0 Introduction

This document has been prepared to comply with the requirements of Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 12(a) requires that before a local planning authority adopts a supplementary planning document (SPD), it must prepare a consultation statement setting out i) the persons consulted when preparing the SPD, ii) a summary of the main issues raised by those persons, and iii) how those issues have been addressed in the SPD.

### Statement of community involvement

The Council's statement of community involvement (SCI) was formally approved on 29 October 2015. The SCI aims to increase public involvement in planning processes. It sets out who will be involved, by what method and at what point in the process of document production or in the determination of planning applications. It gives more certainty to those wishing to get involved in the planning process. The SCI sets the Council's policy for community engagement in the production of formal planning documents. Below is a summary of the SCI guidance in respect of consultation at the different stages of SPD production.

**Table 1: The Supplementary Planning Process**

Stage	Type of Involvement
<b>Pre- Production</b>	
Survey and evidence gathering. SPD screened to determine whether Strategic Environmental Assessment is required Regulation 5 (6) The Environmental Assessment of Plans and Programmes Regulations 2004.	Informal engagement and discussions with specific and general consultation bodies and other consultees
<b>Production</b>	
Preparation and publication of draft SPD. Preparation of Sustainability Appraisal (only in cases where there are issues that have not been covered in the appraisal of the relevant DPD or an assessment is required by the SEA Directive.) (Regulations 12 & 13 (Local Planning Regulations 2012) and Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.	Formal public participation for a minimum 4 week period.
Revision of Draft SPD	Ongoing discussions, as required
<b>Adoption</b>	
Adoption of document (Regulation 14 (Local Planning Regulations 2012)	Notification of adoption of document to all interested parties

## 2.0 Consultation on draft SPD

The Council consulted on a draft 'Open Space provision and Commuted Payments' SPD between 6 February 2019 and 22 March 2019, and again between 15 May 2019 and 28 June 2019, as part of its review of the approach to securing planning obligations and delivering open space assets in the Borough.

The draft SPD was consulted on using a wide variety of different methods in an attempt to raise awareness, including newspaper advertisements within the Stockport Express, circulation through Area Committees, deposition at the Council libraries and consultation with those registered on the local plan consultation mailing list. The Council consulted 2089 consultees registered on its planning consultee database, including all statutory consultation bodies together with other consultees who the Council considered may have an interest in the production of this document.

The documents were accessible for viewing online via the Council's website and in all public libraries. Representations could be submitted in a variety of ways, including via an online platform, written postal submission and email. We strongly encouraged online submissions as this is the most efficient method for representations to be made but more importantly it is also the most effective process for the Council to collate and consider all representations. A total of 18 representations were received in total.

A copy of the consultation letter which was sent to the consultees is set out at Annex B

A schedule of all representations received together with the Council's response and how this has informed the draft SPD are set out at Annex A.

A summary of the main issues raised by representations submitted to the consultation is set out below.

The majority of comments were supportive of the Draft SPD. Three comments were received in relation to the importance of aftercare and maintenance of open space facilities. One comment referenced the town centre and the need for more greenery. Two comments referenced the need for more tree planting as part of new development and one comment made a suggestion for wildflower meadows to be incorporated within play spaces.

One comment referenced the need for demographic-appropriate provision and having a well costed maintenance plan. One comment referenced the need for safe access to play areas and TFGM emphasised the need for highway safety to be a design consideration.

The following organisations responded to confirm that they had no comments to make on the consultation:

- The Belarus Fund
- Historic England

The following consultants raised concerns over viability and supporting evidence base. A summary of the comments raised and the Council's response is set out below:

- Jones Homes
- NJL
- Turleys

**Table 2**

<b>Issue raised - Viability</b>
<ol style="list-style-type: none"><li>1. Concern over the viability of the SPD not being tested and of its impact on delivery of housing in the Borough and conformity with the NPPF. One comment noted that the Council's most recent viability assessment was commissioned in July 2009 and delivered in July 2010.</li><li>2. The NPPF was reiterated to emphasise that the role for viability assessment is primarily at the plan making stage, concerns over onus on the developer having to provide viability assessment. It was suggested that the policy should include an ability to seek a reduction in the sums payable if a viability appraisal is submitted which demonstrates that a development cannot provide at that level and remain viable.</li><li>3. There was concern that the draft SPD had been undertaken in isolation to any other policy update whilst the current Development Plan is out of date.</li></ol>
<b>Council response</b>
<ol style="list-style-type: none"><li>1. New housing development will create additional demand on open space facilities, and therefore appropriate provision for formal and informal open space will be required, together with its ongoing maintenance. In some instances the most effective means of achieving this will be through providing some open space on-site. In other instances a financial contribution will be sought towards off-site provision. It is considered that since the SPD will be supplementing policies that are contained within an up-to-date plan and justified by an up-to-date evidence base, a revised viability assessment is not needed.</li><li>2. Section 2 of the draft SPD refers to negotiating reduced contributions and details the procedure for this process. This section of the SPD also references paragraph 57 of the NPPF which states that "<i>It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage</i>". For clarity, the SPD is not proposing new policy, it is supplementing the existing policies relating to open space provision.</li><li>3. Work is underway to develop the Stockport Local Plan and as part of this process, the approach to developer contributions on a variety of planning matters is being reviewed. In the interim period, before a new Local Plan is adopted, it is considered that the figures from the existing 2006 SPG are significantly outdated and do not reflect the true costs associated with providing and maintaining play and recreational facilities. Consequently, it is necessary to refresh the existing SPG and consult on a revised SPD, which takes account of legislative changes and up-to-date costs associated with maintaining and providing recreational facilities. The approach to assessing costs is set out in the next section.</li></ol> <p>As set out in the Supplementary Planning Document, the guidance supplements and relates to the following policies relating to but not limited to open space, design and amenity:</p> <ul style="list-style-type: none"><li>• Development Management Policy SIE 2 - Provision of Recreation and Amenity Open Space in New Developments</li></ul>

- Core Policy CS8 Safeguarding and Improving the Environment

The Council considers the current Development Plan to be up to date and the policies referenced above to be consistent with the February 2019 NPPF. As stated under paragraph 213 of the NPPF:

*“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”*

Paragraph 91 of the NPPF encourages planning policies to achieve healthy, inclusive and safe places which is achievable by the provision of high quality public space created through green infrastructure and sport facilities. It is considered that the aforementioned policies are consistent with the NPPF in this regard.

#### **Issue raised- Proposed Costs**

1. There is some acceptance that there has been some costs increase since the SPG was last published in 2006 but there were concerns that the proposed increase in costs are not proportionate. One of the responses quoted that the proposed contributions for children’s play will increase contributions by 238% above current levels, with formal sport increasing by 225% and total costs averaging a 230% increase, exceeding those of any other Greater Manchester borough.
2. Tables 1 and 2 of Appendix 1 from the SPD are challenged in relation to the true cost of providing play equipment.
3. Recommendations for transitional arrangements of between 6 and 12 months should be arranged before the costs are put in place.
4. Retirement living /over 55s should be included as an exception

#### **Council response**

1. For clarity, the proposed increase in costs shall be in the region of 130 %, based on the figures referenced in Appendix 1 of the draft SPD. In deriving the figures for the purpose of the draft SPD, a review was undertaken of the typical costs associated with providing and installing play equipment, which meet 'Play England' design principles. A benchmarking exercise was also undertaken with three other Greater Manchester Authorities listed in Appendix 2 of the draft SPD; these authorities were chosen due to their similar approach towards calculating open space costs. At the time the benchmarking exercise was undertaken a close comparison was made with Salford City Council's commuted sum rates. This demonstrated a difference of £57 in the amount charged per capita, whereby Salford City Council currently charge £1,439 per capita compared to Stockport's proposed rate of £1,496. Salford City Council went out to consultation on a draft 'Developer Contributions' SPD between 25 January 2019 and 22 March 2019. The proposed figures for open space commuted sums as part of this consultation were £1,555 per capita compared with £1,496; a difference of £59.
2. In order to establish a fair commuted sums contribution, the Council has attributed an asset value per metre square to its open space provision. This is detailed in Table 3 of Appendix 2 of the draft SPD. For comparison, Table 1 from Appendix 1 of the SPD illustrates a typical cost per sqm for providing and installing play equipment to be £326 per sqm and the rate being proposed as part of the draft SPD is £125 per sqm. The proposed rates for commuted sums within the draft SPD are therefore considered proportionate and in comparison significantly less than the actual real life costs.

In order to provide high quality play improvements to equipped play space that can be maintained and sustained throughout their useable life an increase in the commuted sum is required. Stockport Council use a range of approved suppliers and installers to ensure that all play area improvement works are of the highest quality. Cost effectiveness and quality is ensured through line with the Councils procurement policy. Some further real life examples will be inserted into the SPD when adopted.

3. A note was been inserted on the relevant planning pages of the Stockport Council website, since the SPD was out for consultation, this provides the details of the necessary transitional arrangements for utilising the proposed figures as part of the draft SPD for Section 106 agreements.
4. Policy SIE 2 from the Core Strategy already gives an exception to Sheltered Housing and Special Needs Housing for Elderly People. Although it can be envisaged that accommodation for over 55s will not place a demand for children's facilities, there would still be a requirement to cater for the recreational needs from the occupants of the development.

**Issue raised: Evidence base**

1. The supporting evidence base which underpins the draft SPD is not up to date.

2. One response recommended that a Sustainability Appraisal be undertaken to fully appraise the proposition of the SPD.

**Council response**

1. A comprehensive Open Space Assessment was completed in August 2017, which included an assessment of play areas and outdoor sports facilities. The assessment indicated a significant deficit in children's play areas and shortages of quality provision of outdoor sports facilities. In terms of formal recreation provisions, the current Development plan adopts the Fields in Trust/ NPFA 6 acre minimum standard (formal 1.7 ha per 1000 pop). The Council have completed an audit against this standard and Stockport has some 1.3ha per 1000 pop; establishing a Borough wide shortfall in the region of 105 ha. In terms of the reference to there being no up to date Playing Pitch Strategy; work is underway on an emerging strategy which has so far demonstrated there to be a severe shortage in supply of playing pitches, particularly for football and cricket.
2. Appendix 3 of the draft SPD provides a comprehensive justification for why a Sustainability Appraisal and Strategic Environmental Assessment has been screened out at this stage in the process. As quoted in the National Planning Guidance:

“Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan. A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects’. (Paragraph: 008 Reference ID: 11-008-20140306).”

The Statutory Consultees were consulted on the draft SPD and none of them raised any concerns with the approach taken by the Council with regards to Sustainability Appraisal.

## Annex A – A summary of the representations

Respondent	Respondents main points	The Council's answer	Implications for draft SPD
Resident	More care need to be given to maintenance and aftercare of children's play equipment	Noted. The Open Space and Commuted Sums SPD will be an important mechanism for securing the necessary funds to maintain and re-provide play and recreational facilities.	
Resident	More green space is needed in the Town centre, in particularly more tree planting. Mersey way could be tree lined.	Noted. The current Development plan provides the policy framework for ensuring a strategic approach to green infrastructure in line with national guidance, this will be strengthened through work on the Local Plan. Due to the structural bridge upon which Merseyway sits, options for tree planting are limited. However, a report to Cabinet (Nov'18) highlighting the Council's Strategy for Merseyway placed a focus on 'creating a place people want to be' and the council has a commitment to achieving the aspirations of The Stockport Town Centre Green Infrastructure enhancement strategy 2015. The Strategy identifies a series of aspirational regeneration projects to improve the appearance and viability of the town centre. As proposals come forward for both	



		Merseyway and Mersey Square, the value of introducing appropriate greenery is recognised. Indeed, steps have already commenced with the opening of the Parklet on Bridgefield Street (across from the Light Cinema) and the green wall (across from Redrock).	
Resident	In support. Developers should be made to plant trees when maximising development.	Noted. As above.	
The Belarus Fund	No comment.	Noted.	
Friends of High Lane and Brookside Parks	In support but do not agree with requirement for new facilities due to limitation of space, developers should be encouraged to create safe pedestrianised routes to these parks and contributions from sites help towards improving existing facilities within them contributions should be given to existing facilities which need improvements.	Noted. The SPD provides guidance on ensuring amenity considerations are fully considered in the event new open space is provided on site and supports seeking offsite contributions where are nearby facilities. Contributions for cycleway and rights of way are taken through a different mechanism.	
Marple resident	Marple recreation ground and Brabyns park in need of financial investment	Noted. These parks will receive commuted sum payments in the event there is development in close enough proximity to meet the direct relationship test.	
TFGM	Supportive provides suggestion to consider highway safety as a design consideration safe routes should be provided to parks	Noted.	Will revise text to incorporate suggestion.

PNFS	More emphasis on providing good paths and cycleways to the recreational/play areas	Noted. The policies in the current development plan support the enhancement of rights of way and strategic recreation routes. New routes to be assessed through work on the Local Plan.	
	Costs maybe too high for small developers	Noted . See section on viability	
Resident	Supportive	Noted	
	Demographic-appropriate provision	Noted . Different types of open space provision will be reviewed through the Local Plan.	
	Facilities should be well planned and have costed maintenance plan	Noted . The Open Space and Commuted sums SPD will be a useful tool do this.	
Historic England	No comment	Noted	
Resident	Wildflower meadows should be created within play spaces	Noted	Section 6 to be amended to encourage wildflower planting.
Resident	Need for improvements to paths in Heaton Mersey Common	Noted	
Resident	Supportive. Appreciation of the high cost of play and recreation equipment plus the cost of maintaining that equipment.	Noted	
	Council should choose where the monies are spent	Noted. The Council decide where monies are spent in line with CIL Regulation and Council priorities	SPD to be updated to make clear how expenditure of commuted sums is prioritised
	Costs of needing to improve play areas should not be passed onto voluntary groups, Council tax payers and the Council.	Noted	

Sport England	Supportive; SPD needs to reflect latest legislation regarding developer contributions	Noted	Section 2 to be amended.
Jones Homes	The SPD should seek to encourage the multiple benefits from urban and rural land.	Noted. Section 4 references the importance of Green Infrastructure.	
Jones Homes	Viability	Noted. Justification for the increased costs is provided in section ...	
Turleys on behalf BDW Trading Ltd ('BDW')	Viability	Noted . Justification for the increased costs is provided in section ...	
NJL (on behalf of Seashell trust)	Viability	Noted . Justification for the increased costs is provided in section ...	
	Lack of supporting evidence	Noted. The evidence supporting the SPD is explained under section ...	
NJL (on behalf of Kirklands developments)	As above		

## Annex B – Consultation Email

This is a courtesy copy of an email bulletin sent by Vincent McIntyre.

This bulletin was sent to the following groups of people:

Subscribers of Stockport Local Plan (1481 recipients)

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### Open Space Provision and Commuted Payments' Supplementary Planning Document (SPD) Consultation.

In accordance with Stockport Council's Statement of Community Involvement, Stockport Council hereby gives notice of consultation of the Recreational Open Space Provision and Commuted Payments' Supplementary Planning Document (SPD) prepared by the Council.

The SPD has been issued for public consultation from 15th May 2019 up to and including 28th June 2019.

There are several ways to have your say on the plans. We encourage the submission of comments electronically online.

- Comments can be submitted online via the councils [consultation portal](#)

Alternatively, comments can be made:

- By email to: [planning.policy@stockport.gov.uk](mailto:planning.policy@stockport.gov.uk)
- By post to Planning Policy, 4th Floor, Fred Perry House, Edward Street, Stockport SK1 3XE

The Draft SPD will be available to view online at <https://consultation.stockport.gov.uk/>, at the Council's main reception at Fred Perry House on Edward Street (between 8.30am and 5pm Monday to Thursday and between 8.30am and 4.30pm Fridays) and at all libraries in Stockport during their regular opening hours.

All comments will need to be received no later than 28th June 2019.

The Council must comply with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. Further details on the Council's privacy policy are available at <https://www.stockport.gov.uk/privacy-notice>



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