

**Open Space and Play supplementary planning document
Town and Country Planning (Local Development) Regulations 2012
Consultation Statement in accordance with regulation 12(a).**

1. The Town and Country Planning (Local Development) regulations 2012 stipulate in regulation 12(a) that before adopting a supplementary planning document, the local planning authority must prepare a statement setting out:
 - i) the persons the local planning authority consulted when preparing the supplementary planning document;
 - ii) a summary of the main issues raised by those persons, and;
 - iii) how those issues have been addressed in the supplementary planning document.
2. In accordance with regulation 12(a), this statement lists the persons and organisations consulted in preparing the *Open space and play supplementary planning document* (see Appendix A) and sets out the responses received to the consultation and how the issues raised have been addressed in the final version of the document (see Appendix B).
3. A pre-consultation draft version of the SPD was considered by Norwich city council's sustainable development panel at their meeting of 24 June 2015. Members approved the document for consultation, subject to the addition of:
 - text to explain the definition of "child bedspaces";
 - additional text to reinforce the requirement for level access to open spaces and play areas.
4. The draft consultation document, incorporating the above two changes recommended by the panel, was published on the council's website and placed on public deposit at the council's main offices at City Hall, St Peters Street, Norwich and at the Forum Library, Millennium Plain, Norwich, on 8 July 2015. The period of public consultation ran for six weeks between 8 July and 18 August 2015. Persons and organisations listed in Appendix A were informed of the consultation by email. Details of the consultation can be found here:

<http://www.norwich.gov.uk/YourCouncil/Consultations/Pages/OpenSpaceAndPlaySPD.aspx>

5. The consultation has followed the protocol for SPDs as set out in Norwich city council's *Statement of community involvement* (SCI), adopted in July 2013, which can be found here:

<http://www.norwich.gov.uk/Planning/PlanningPolicy/Pages/DocumentsSupportingTheLocalPlan.aspx>

Appendix A: List of those consulted

Agents, developers, architects

Anglia Design Associates
Art Architecture Ltd
Barton Willmore
Bidwells
Chaplin Farrant
Code Development Planning
Cornerstone Planning
Crispin Lambert Architecture
David Futter Associates Ltd
Dencora
Dove Jeffery Homes Ltd
DTZ
Durban Associates
EJW Planning Limited
Emery Planning Partnership
Firstplan
FW Properties Ltd
GL Hearn Limited
Hopkins Homes
Indigo Planning Limited
Ingleton Wood
Jarrold & Sons Ltd
JB Planning
Lanpro Services
Les Brown Associates
Lovell Partnerships Ltd
Lucas Hickman Smith
McArthur Tring Associates LLP
Mike Haslam Associates
NPS Property Consultants Ltd
Persimmon PLC
Places for People Group
Planning Potential Ltd
Plansurv Ltd
Planware Limited
Richard Jackson Engineering Consultants
Richard Pike Associates
Savills (L & P) Limited
SSA Planning Limited
Targetfollow
TaylorWimpey Strategic Land
The Landscape Partnership
Turnberry Planning
WYG

Other Councils

Broadland District Council
South Norfolk Council

Norfolk County Council (Strategic Planning)
Norfolk County Council (NP Law)
Broads Authority

National and local organisations and associations

Anglian Water
The Landscape Institute
Design Council
Play England
Fields In Trust (formerly the National Playing Fields Association)
Association of Play Industries

In addition, the following services within the city council were re-consulted and invited to comment
Parks and open spaces manager and officers
Neighbourhoods manager and area teams
Planning obligations officer
Natural areas officer

Appendix B: Consultation responses to draft Open space and play SPD and the Council's response.

Rep Ref	Name	Organisation	Date of response	Nature of Rep	Summary	Council's response
5127-1	Sue Bull	Anglian Water	14/07/2015	Comment	No comments to make or issues to raise	Noted
6949-1	Laura Waters	Norfolk County Council	13/08/2015	Comment	The proposed Open Space and Play SPD refers to Green Infrastructure, and draws out and defines strategic GI specifically within Section 2 and Appendix 7. Although the SPD sets out that strategic GI is to be funded through the Community Infrastructure Levy (CIL), it is however still important that developments offer and enhance connections to strategic GI assets outside of CIL; without network connections the wider benefits of strategic infrastructure, including new development, can be limited.	Accepted in part. Planning obligations must meet a number of legal tests as set out in Regulation 22 of the 2010 CIL regulations and referred to in national planning practice guidance. Unless such a connection is a reasonable requirement and necessary for development to proceed it may not always be justifiable to seek this kind of one-off improvement through a planning obligation particularly if it is not part of a site specific policy. However, such measures are already strongly encouraged: adopted DM policy DM3 requires all new development to make provision for enhanced green infrastructure including linking new areas of wildlife habitat to the existing network of habitats and policy DM28 requires development to maximise opportunities for sustainable transport by integrating and incorporating links to the cycle and pedestrian network where practicable Reference added at Paragraph 30 to the requirement of policy DM3 for scheme design to integrate new (and connect to existing) green infrastructure and policy DM28 requiring sustainable transport links to be incorporated.
5509-1	Carole Baker	South Norfolk Council	13/08/2015	Comment	Support the general approach to funding open space and playspace – distinction between s106 and CIL is clearly explained.	Support noted and welcomed.

Rep Ref	Name	Organisation	Date of response	Nature of Rep	Summary	Council's response
					<p>Considers the procedural examples generally clear although some comments offered on the detail:</p> <ul style="list-style-type: none"> a) Are there any minimum standards for the provision of open space and playspace that could aid developers? Are such standards set out in local plan policies or site specific allocations or will negotiations be entirely flexible? b) Are developers required to contribute to ongoing maintenance of on-site open space and playspace? If so how much is a payment and how is it secured? c) In example B would it be helpful to reiterate paragraph 18, referring to matters such as reservation of land, layout and maintenance to be secured through S106 agreement? 	<p>The city council would comment as follows:</p> <ul style="list-style-type: none"> a) Although suggested city-wide minimum standards are set out in the Open Space Needs Assessment, a deliberate decision was made not to include those standards in Norwich's local plan or require them to be enforced through policy. This is because Norwich is generally well provided with open space in qualitative and quantitative terms and significant deficiencies have been identified only in playspace provision. Accordingly the local plan focuses in the main on this aspect and seeks opportunities to enhance local playspace provision in new development case by case. Where appropriate, more detailed open space requirements and design parameters will be set out in briefs and masterplans to supplement site specific policies for larger sites, with further advice in the Trees and Landscape SPD. No change. b) It is expected that in cases where open space and playspace is provided on site, the responsibility for ongoing maintenance would be transferred to a management company and the costs met directly from residents. A bespoke s106 agreement would secure these arrangements. In the rare cases where an off-site maintenance payment is required this would need to be negotiated case by case taking account

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						of the play area(s) involved and the increased usage anticipated as a result of new development. No change. c) Accepted. Points reiterated in the example text at paragraph 21.
5509-1	Carole Baker	South Norfolk Council (continued)	13/08/2015	Comment	<p>The Local Plan approach as set out in Policy DM8 could be made clearer in the text, perhaps in the introductory paragraph to the procedural examples (paragraph 16). The City Council's threshold of 100 dwellings is much greater than the approach that South Norfolk is intending to apply in their revised Open Space SPD (10 dwelling threshold).</p> <p>South Norfolk Council has no strong opinion either way about whether a flexible or fixed approach [to negotiation] should be used by Norwich City Council in their Open Space SPD.</p> <p>It is considered that a flexible approach has its benefits but it doesn't give the certainty or clarity afforded by a fixed [tariff-based] approach. South Norfolk Council is currently preparing a new Open Space SPD and is likely to go down the fixed approach route. This is because South Norfolk is likely to adopt a threshold of 10 units as opposed to the 100 units adopted by the City Council, this will mean that more schemes will be covered and it will not be effective to negotiate individually on each scheme. Due to the higher threshold adopted by the City</p>	<p>Noted. The city council has adopted a more streamlined approach to SPD in the context of the newly adopted local plan, generally avoiding extraneous detail or unnecessarily repeating material which is already included in parent local plan policies or supporting text. We consider that the approach to be taken is adequately explained elsewhere without needing to repeat it in the SPD. No change.</p> <p>Noted. A tariff-based approach was appropriate in the previous 2004 local plan but this is no longer so, as a significant proportion of both strategic and local open space provision is now expected to be funded through CIL and not by means of site specific obligations secured through s106. Should that situation change, or if it becomes clear that the proposed approach implemented through SPD is not delivering the open space and play improvements envisaged, the SPD may need to be reviewed.</p> <p>We acknowledge that CIL is also in operation in South Norfolk, but with a broader range of development opportunities (and an emerging policy requiring the provision of open space and playspace on much smaller sites) there may be a wider role for planning obligations, and hence</p>

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					Council it is understood that a flexible approach may be much more practicable and this may ultimately lead to a better solution for the City Council in terms of open space and play provision.	a tariff based approach may be judged more suitable in South Norfolk than it is in Norwich.
					Definitions in the SPD are generally clear, albeit meaning of "strategic" may need to be further expanded.	We consider that the Glossary explains what "strategic" means as far as is practicable. No change.
					Additional issues raised by other services within the Council during consultation are considered and responded to in the covering reports to sustainable development panel dated 23 September 2015 and Cabinet dated 7 October 2015.	Additional commentary to clarify the mechanisms for identifying local open space and playspace projects for potential CIL funding is added at paragraph 8-10.