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Introduction

1.1 The aim of a Supplementary Planning Document (SPD) is to add further detail to policies in a Local Plan. SPDs are used where they can help applicants make successful applications and should not be used to add unnecessarily to the financial burdens on development. This SPD is intended to aid the implementation of East Riding Local Plan Strategy Document policy C3 (providing public open space for leisure and recreation). Its primary purpose is to provide further supporting guidance for applicants on the delivery of open space through new residential development.

1.2 Residents should have access to open spaces that are of a good quality, well maintained, safe, planned and designed, and in the right location to meet their needs. Provision of high quality, accessible open space offers numerous benefits to members of the community including opportunities to participate in physical activity to improve public health. Policy C3 seeks to ensure open space within the East Riding is provided in accordance with the open space standards set out in policy C3.

1.3 Sections 2 and 3 of the SPD outline what is included within the definition of open space and the planning policy context. A significant evidence base has been published by the Council to support policy C3. This includes an Open Space Review (2012) and Playing Pitch Strategy (2012), which will be maintained and updated to ensure there is up to date evidence supporting the application of the policy. The evidence base supporting policy C3 is set out in section 4 of the SPD.

1.4 Section 5 outlines the role of the Council’s Open Space Consultation Group and the Planning and Development Management Service at the Council.

1.5 Section 6 sets out the delivery mechanisms for open space. Open space will be facilitated by a combination of Planning Obligations under Section 106 of the Planning Act (S106) and the Community Infrastructure Levy (CIL). The type and amount of development that will trigger the requirements of policy C3, and the calculations involved in arriving at the required amount of open space, are set out in sections 7 and 8.

1.6 Section 9 provides guidance on when off-site provision of open space may be considered acceptable by the Council. This section also explains how off-site commuted sums are calculated and provides information on how such money will be collected and spent by the Council.

1.7 Section 10 outlines the Council’s expectations regarding the design and delivery of open space. Guidance on the maintenance of open space, including commuted sums for maintenance is set out in section 11. Should responsibility for open space be transferred to the Council, the land transfer process, explained in section 12, is relevant. Important information in this SPD is highlighted in a green box. A glossary of key terms can be found in Appendix A.
Introduction
2 What is open space?

2.1 The National Planning Policy Framework (NPPF) defines open space as comprising:

"All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity."

2.2 National Planning Practice Guidance (PPG)\(^{(1)}\) provides more detailed guidance on the definition of open space. It states:

"Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development."

2.3 Open space includes all open space of public value, and can belong to the Council, a private organisation or an individual. The only condition is that the land must be safely accessible by the community.

2.4 Policy C3 (set out at paragraph 3.5) includes nine different types of open space. A description and examples of each open space type is set out in table 1. It is important to note that open space in the context of policy C3 is not just open space for children and young people, but also for adults and older people.

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**Table 1 Different types of open space covered by policy C3**

<table>
<thead>
<tr>
<th>Type of open space</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and ornamental gardens</td>
<td>Accessible, high quality opportunities for informal recreation and community events. Can help regenerate an area, enable healthy living and provide a sense of place.</td>
</tr>
<tr>
<td>Natural and semi-natural green space</td>
<td>Areas of water and informal less intensively maintained land. This type of open space is important for informal recreation as well as wildlife conservation and biodiversity and includes forests, grasslands, nature reserves, wetlands, woodlands, ponds, rivers, canals, lakes and reservoirs.</td>
</tr>
<tr>
<td>Green corridors</td>
<td>Linear features of open character used for leisure purposes and travel, and include opportunities for wildlife migration. This type of open space provides people with access to green space and open countryside and opportunities for recreation. For example, rail trails and towpaths along canals, riverbanks, verges, and disused railway lines. Public rights of way and cycle ways also form important features of green corridor networks.</td>
</tr>
<tr>
<td>Outdoor sports facilities/playing pitches</td>
<td>Land dedicated to competitive sport or training and/or participation in outdoor sports.</td>
</tr>
<tr>
<td>Amenity green space</td>
<td>Publicly accessible areas providing informal green space. They enhance the appearance of residential areas and form a link between green corridors, natural and semi natural space and other local community facilities. For example, incidental grassed areas, landscaped areas and buffer planting provided as part of a high quality, well designed development scheme.</td>
</tr>
<tr>
<td>Provision for children and young people</td>
<td>Provide opportunities for creative play using the natural environment and free play equipment such as swings or other fixed items of play.</td>
</tr>
<tr>
<td>Allotments</td>
<td>Land providing opportunities to grow produce.</td>
</tr>
<tr>
<td>Cemeteries and church yards</td>
<td>Provide a unique element of open space for the public to use and their primary purpose is for burial.</td>
</tr>
</tbody>
</table>

---

2 Works or structures in, under, over or within 8 metres of a 'main' river may require a permit under the Environment Permitting (England and Wales) Regulations 2010. Permits are separate to and in addition to any planning permission granted.

3 Highway land should not be classified as amenity green space. The adoption and maintenance of highway land (including new roads and associated infrastructure) is secured separately by the Council, as the Local Highways Authority, under Section 38 of the Highways Act (1980). Tree belts should only be classed as amenity green space if they are publically accessible and provide opportunities for informal activities.
### What is open space?

<table>
<thead>
<tr>
<th>Type of open space</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic spaces</td>
<td>Provide a setting for civic buildings, public demonstrations and community events. For example, war memorials, bandstands, market squares, other hard surfaced areas designed for civic or public ceremonies.</td>
</tr>
</tbody>
</table>
2 What is open space?
3 What does planning policy say about open space?

National Planning Policy Framework

3.1 The National Planning Policy Framework (NPPF) (2012) provides clarity on how the Council should plan for open space and is a material consideration in the determination of planning applications relating to such matters. It acknowledges the important role the planning system can play in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for leisure, sport and recreation can make an important contribution to the health and well-being of communities.

3.2 Local Plans should be based on robust and up to date assessments of open space, sports and recreation facilities and identify opportunities for new provision. Specific needs, including quantitative and qualitative assessments of open space, should be identified to inform the open space, sports and recreation provision required through new development.

3.3 To ensure Local Plans are deliverable, paragraph 173 of the NPPF states ‘the costs of any requirements likely to be applied to development..., should when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable’. The Council has produced a viability assessment to support the Local Plan and policy C3. This takes into account standards imposed on residential development in the Strategy Document, including the requirement to provide open space through residential development.

3.4 The PPG accompanying the NPPF clarifies that decision-taking on individual schemes does not normally require an assessment of viability. This is reflected in policy C1 of the Strategy Document which recognises that economic viability of development will be a relevant factor in determining the level of development contributions.

East Riding Local Plan

3.5 Policy C3 of the East Riding Local Plan Strategy Document (adopted April 2016) sets out the Council’s policy for providing open space. The need to provide new open space as part of development proposals is outlined in parts A and B of the policy, set out below:

A. Proposals should maintain and/or enhance the quantity, quality and accessibility of open space and address any shortfalls in provision, when measured against the standards set out in Table 12.

B. Development that increases demand for open space will be required to address this demand in line with Part A of this Policy. Where practicable, open space should be provided on-site and link in well with other green infrastructure features as described in Policy ENV5.
### Table 2 Open space standards

<table>
<thead>
<tr>
<th>Type of Open Space</th>
<th>Quantity Standard</th>
<th>Quality Standard</th>
<th>Accessibility Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and ornamental gardens</td>
<td>0.18 hectares per 1,000 people</td>
<td>Upper Quartile(4)</td>
<td>Within 10 kilometres</td>
</tr>
<tr>
<td>Natural and semi-natural green space</td>
<td>2 hectares of natural green space per 1,000 people and 1 hectare of local nature reserve per 1,000 people</td>
<td>Upper Quartile</td>
<td>Within 4 kilometres</td>
</tr>
<tr>
<td>Green corridors</td>
<td>-</td>
<td>Upper Quartile</td>
<td>-</td>
</tr>
<tr>
<td>Outdoor sports facilities/playing pitches</td>
<td>1.18 hectares per 1,000 people</td>
<td>Sport England's Pitch Quality Assessment. 'Good' rating (65% to 90%)</td>
<td>20 minutes travel time</td>
</tr>
<tr>
<td>Amenity green space</td>
<td>0.6 hectares per 1,000 people</td>
<td>Upper Quartile</td>
<td>Within 2 kilometres</td>
</tr>
<tr>
<td>Provision for children and young people</td>
<td>Provision of 11.6 m² (split 2.6m² equipped and 9m² recreation) per child in urban areas</td>
<td>Upper Quartile</td>
<td>No child should be living further than 100 metres from a small play area and all children should have access to three different types of space no further than 1,000 metres from home</td>
</tr>
<tr>
<td>Allotments</td>
<td>0.3 hectares per 1,000 people</td>
<td>Upper Quartile</td>
<td>-</td>
</tr>
</tbody>
</table>

The Council’s aim is to achieve quality scores of 71 percent or more (known as the 'Upper Quartile') for all open space types, with the exception of outdoor sports facilities/playing pitches.
In applying the standards set out in table 2, it should be noted that:

i. There are different quantity standards for equipped and recreation play areas. Equipped space comprises play areas that provide free play equipment such as swings, climbing frames, slides and or fixed items of play. Recreation spaces are unequipped and comprise informal play areas providing opportunities for creative play using the natural environment. Equipped and recreation play areas are normally combined together to form one play area.

ii. The accessibility (distance) standard for outdoor sports facilities/playing pitches (20 minutes travel time) will be applied using a distance of 1.6 kilometres (km), based on the distance covered at an average walking pace.

iii. The 1,000 metre (m) accessibility (distance) standard for children and young people refers to recreation provision for children and young people only.

iv. There is no effective way of defining quantity and accessibility (distance) standards for green corridors. This type of open space should be delivered through effective travel planning and the design of new development (see policies EC4, ENV1 and ENV5 of the Local Plan Strategy Document). Policy ENV5 supports development proposals which incorporate existing and/or new green infrastructure features, such as open recreational or amenity space, within their design.

v. There are no defined quantity and accessibility (distance) standards for civic spaces. Civic spaces are usually very specific to their locality and normally provided on an opportunistic and design led basis. For these reasons it is not considered practical to include quantity standards for civic spaces.

vi. Urban areas (relevant in the context of provision for children and young people) include the following Major Haltemprice Settlements, Principal Towns and Towns, defined in policy S3 of the Local Plan Strategy Document: Anlaby; Cottingham; Hessle; Kirk Ella; Willerby; Beverley; Bridlington; Driffield; Goole; Elloughton-cum Brough; Hedon; Hornsea; Howden; Market Weighton; Pocklington and Withernsea.

vii. Rural areas are those settlements not listed above.

viii. The Council will undertake a full review of births, deaths and burial rates to establish local demand for cemeteries and church yards. This means there are no quantity standards for cemeteries and church yards at this moment in time.
Bridlington Town Centre Area Action Plan

3.8 The Bridlington Town Centre Area Action Plan (AAP) (adopted January 2013) sets out planning policy for the town centre and harbour area of Bridlington. The AAP is used to determine planning applications within the town centre area of Bridlington. Policy TC5 requires new development adjoining the Strategic Public Realm, or sites which include elements of the Strategic Public Realm, to contribute appropriately to the delivery of the Strategic Public Realm.

3.9 In the AAP area, policy C3 is the principal policy used by the Council to determine whether there is a requirement for open space as a result of new development. If a requirement for open space is confirmed through policy C3, policy TC5 is applied to direct the spending of any commuted sums (calculated through this SPD) towards the Strategic Public Realm. This approach will be applied prior to the adoption of the Community Infrastructure Levy (CIL) and ensures development delivers open space in line with the overall vision and aspirations of the AAP.

3.10 The AAP and Policies Map, showing the AAP area, can be viewed here:


Other relevant documentation

3.11 The Council, as the Local Highway Authority, is required to prepare a Rights of Way Improvement Plan. This assesses the extent to which local rights of way meet the present and likely future needs of the public, which takes into account the opportunities provided by local rights of way for public enjoyment. It includes a commitment to work within the planning process to secure public rights of way improvements associated with development proposals. This could include creation of new routes and safeguarding and upgrading of existing routes.
4 What is the evidence base for policy C3?

4.1 The Open Space Review (2012), Playing Pitch Strategy (2012), Area Supply Reports (2016) and Quality Scores Database (2016) provide robust assessments and audits of open space, sports and recreation facilities in the East Riding. This evidence base underpins policy C3 of the Local Plan Strategy Document and is available to view on the Council's website at:

www.eastriding.gov.uk/openspaceguidance

Open Space Review

4.2 The Open Space Review considers different types, overall supply and quality of open space in the East Riding, as well as the relative accessibility of such open space to local people and communities. Local standards for the provision of open space in the East Riding are set out in policy C3 of the Local Plan Strategy Document. These standards are informed by the Open Space Review which took into account:

- an analysis of the current level of provision when compared to the population;
- the results of local community assessments, identifying need, average travel distances and the frequency of users; and

4.3 Separate Area Supply Reports and a Quality Scores Database accompany the Open Space Review and Playing Pitch Strategy, and are available to view on the above webpage. The Area Supply Reports compare the existing supply of open space against the open space standards set out in policy C3 to determine whether there is a current shortfall in different types of open space. The Area Supply Reports also note the average quality of existing open spaces, with the exception of outdoor sports facilities/playing pitches. These types of open space are considered separately through the Playing Pitch Strategy and review of the Playing Pitch Strategy (and accompanying pitch quality assessments).

4.4 The Area Supply Reports reflect parish boundaries, although in some cases development limit reports have been prepared. These reports should be applied when the built up extent of a town or village is larger or smaller than the corresponding parish boundary, for example, in Beverley.

4.5 The Quality Scores Database notes the existing quality of open space and whether there is currently a quality shortfall. The methodology used to determine the quality of open space considers the physical characteristics of an open space, the condition of the area with regards to maintenance (cleanliness, general appearance), the value of the space and the benefits of the open space to the wider environment. Where relevant, the assessment of quality takes into consideration risk of anti-social behaviour, crime and disorder.
4.6 The Open Space Review categorises provision for children and young people into different types of play area. These are described in Table 3 (below). The size of each area below includes the equipped play area and the surrounding (unequipped) recreational play area. In most cases these areas are combined to form one play area.

Table 3 Types of play areas for children and young people

<table>
<thead>
<tr>
<th>Type of play area</th>
<th>Description</th>
<th>Size (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doorstep (A)</td>
<td>Small local places for recreation, picnic areas, sitting out areas and nature conservation areas.</td>
<td>0 - 499</td>
</tr>
<tr>
<td>Local Area of Play (B)</td>
<td>Local areas providing places with a landscaping setting with natural features. Provide play areas for different age groups and informal recreational pursuits.</td>
<td>500-2,999</td>
</tr>
<tr>
<td>Neighbourhood Area of Play (C)</td>
<td>Medium areas of open space that are publicly accessible and provide a range of facilities and features offering play, recreation, ecological, landscape and cultural benefits.</td>
<td>3,000 - 8,999</td>
</tr>
</tbody>
</table>

4.7 There are several open space types recorded by the Council as offering opportunities for recreational based play for children and young people. For example, parks and gardens, natural and semi-natural green space and amenity green space also provide valuable opportunities for recreational based play.

Playing Pitch Strategy

4.8 The Playing Pitch Strategy (2012) considers the existing provision of outdoor sports facilities/playing pitches. It includes an assessment of all formal outdoor playing pitch facilities/playing pitches (including Artificial Grass Pitches) for the five main key pitch based sports, comprising:

- football;
- cricket;
- rugby union;
- rugby league; and
- hockey.

4.9 Local standards for the provision of outdoor sports facilities/playing pitches are set out in policy C3 of the Local Plan Strategy Document. These standards are informed by the Playing Pitch Strategy which took into account:

- the adequacy of current provision to meet demand;
- anticipated changes to demand based on current participation rates;
- anticipated changes to demand based on participation increases and demographic changes; and
- the current and desired quality of facilities.
4.10 In addition to the main pitch based sports considered through the Playing Pitch Strategy, the Council also records the supply and quality of non pitch based sports, for example, bowling facilities.

**Maintaining up to date evidence**

4.11 The Council is committed to maintaining an up to date evidence base in relation to all types of open space. The Area Supply Reports and Quality Scores Database are used by the Council to determine the open space provision required through new development. These data sources record up to date information on the supply and quality of open space.

4.12 When a new open space is delivered as part of a development proposal or commuted sums are used to provide new open space off-site (or improve the quality of an existing open space) the Council's data will be amended accordingly. This will ensure new development provides open space in line with up to date information on the specific quantitative and qualitative shortfalls in any particular local area, including recently provided or upgraded open space.

4.13 Information on the quality of open space is updated regularly. Outdoor sports facilities/playing pitches are updated through technical pitch assessments, the latest of which took place in 2015-16. The assessments are conducted for different sports at appropriate times in the calendar year, in line with Sport England's recent best practice. In addition, the Council’s Sport, Play and Arts Team engages with clubs, teams and the governing bodies on a regular basis to ensure their needs are reflected in the specific action plans for outdoor sports facilities.

4.14 The Council is committed to ensuring there is up to date evidence which will support the provision of open space. This will include updating the current Playing Pitch Strategy with the involvement of relevant stakeholders, organisations and Sport England. This will ensure the new strategy reflects changing circumstances in the way sport is played as well as Sport England best practice. Any new evidence prepared in relation to the new strategy is likely to be a material consideration in decision making through the planning application process.

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5 Available to view from: [http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/](http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/)
What is the evidence base for policy C3?
What is the role of the Open Space Consultation Group and the Planning and Development Management Service?

Open Space Consultation Group

5.1 The Open Space Consultation Group (OSCG) are consulted on planning applications and pre-application enquiries triggering the thresholds for open space (set out in section 7). They confirm the amount, design and method of provision of open space required on new developments against policy C3. The group comprises officers from relevant sections of the Council that are involved in the delivery, design and future maintenance of open space. This allows for all of the issues involved in the provision of open space to be discussed and resolved through the planning process. Appendix B lists the membership of the OSCG.

5.2 Recommendations from the OSCG take into account the outputs from the evidence base and the Open Space Calculator (explained in section 8). The Open Space Calculator and accompanying electronic tools, use information from the Open Space Review and Playing Pitch Strategy to calculate the level of open space required as a result of new development under policy C3. Where relevant, the outputs from the Open Space Calculator are supplemented by local knowledge and evidence from other Council policies, strategies and guidance. A comprehensive list of information used by the OSCG to determine open space requirements can be found in Appendix C.

5.3 A response from the OSCG to each application is based on the evidence available at that point in time. This may need to be updated if there is a significant passage of time between the advice and a revised proposal.

Planning and Development Management

5.4 It is recommended that applicants engage in early pre-application discussions with the Council’s Planning and Development Management Service in relation to the level and design of open space. Establishing open space requirements as early on in the planning process as possible is important, especially as it can affect the overall design and layout of a proposed development scheme.

5.5 Applicants can assist in the planning process by providing clear and specific details as part of the application or planning enquiry. They should set out what is being proposed, the number/mix of dwellings (where possible) and how the open space requirements are intended to be met. Details of how applicants can calculate the open space requirements arising from a development proposal can be found in section 8.

5.6 Where possible, the following points should be discussed with Planning and Development Management prior to the submission of a planning application:

- planning and environmental objectives for the site (for example, multi-use space, biodiversity and landscaping issues);
5.7 A summary (flowchart) of the process followed by the Council’s Planning and Development Management Service and OSCG in relation to open space is provided in Appendix D.
What mechanisms will be used to deliver open space?

6.1 New residential developments have previously contributed towards the provision of outdoor sports facilities/playing pitches and play areas through the use of S106 obligations. These are legal undertakings, which are negotiated on a site by site basis, and used to manage the transfer of land (if open space is provided on-site) and/or the payment of money to the Council in lieu of open space provision/improvements.

6.2 Part 11 of the Planning Act (2008) provides for the introduction of a Community Infrastructure Levy (CIL) that would be used to fund the provision of new infrastructure. The Local Plan Strategy Document confirms the Council has decided in principle to introduce CIL within the East Riding. However, prior to the introduction of CIL, planning obligations will remain the main mechanism for securing developer contributions for the provision of new infrastructure including open space.

6.3 The CIL Regulations (2010) and subsequent amendments, have three important repercussions for the use of S106 obligations:

- setting out statutory tests\(^6\) for the use of S106 obligations (Regulation 122);
- ensuring that there is no overlap in the use of CIL and S106 (Regulation 123); and
- limiting the use of ‘pooled’ S106 obligations post April 2015 to no more than five obligations for a particular project or type of infrastructure (Regulation 123). All relevant S106 obligations dating back to March 2010 are taken into account in applying this limitation.

6.4 Infrastructure provision that is necessary to mitigate the impact of a particular development can be secured through a S106 obligation. However, it should be used only for that specific purpose and the developer, or any other signatory to the S106, must be able to enforce such provision legally.

6.5 In light of the legislation, regulations and government planning policy (NPPF / PPG), it is proposed to manage the delivery of open space required by policy C3 using a combination of S106 obligations and (once adopted locally) CIL. Prior to the adoption of CIL, the Council will continue, where relevant, to use S106 obligations to deliver all open space.

6.6 Under policy C3, amenity green space, outdoor sports facilities/playing pitches and provision for children and young people will continue to be delivered through S106 obligations. These types of open space are normally delivered on-site as part of a specific development. It is preferable that this is secured through a S106 obligation to ensure appropriate open space is provided to meet the needs of people living in the development.

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6 A planning obligation may only constitute a reason for granting planning permission for development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
6.7 Once adopted, CIL will be used to deliver parks and ornamental gardens, natural and semi-natural green space, cemeteries and churchyards, and civic spaces. These open space types are normally delivered off-site and can serve a very wide catchment, which might not necessarily be within the local area of a development. Therefore, it would be preferable to use CIL contributions, which can be pooled and spent across a much wider area to deliver these types of open space.

6.8 Table 4 (below) sets out how each type of open space will be delivered, either through the use of S106 obligations or CIL contributions.

<table>
<thead>
<tr>
<th>Type of Open Space</th>
<th>S106</th>
<th>CIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and ornamental gardens</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Natural and semi-natural green space</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Outdoor sports facilities/playing pitches</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Amenity green space</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Provision for children and young people</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Allotments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemeteries and church yards</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Civic Spaces</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6.9 To ensure the delivery of high quality, well designed development schemes in line with Local Plan Strategy Document policy ENV1 (Integrating high quality design), amenity green space (for example accessible incidental grassed areas and landscaped areas) should be provided even in locations where no specific shortfall has been identified. Where there is a shortfall in amenity green space against the defined standards (determined through the assessment process set out in section 8), applicants should provide new amenity green space to meet the needs of residents in the new development.

6.10 Green corridors/features provide a wide range of environmental and quality of life benefits for local communities (for example, improved leisure, travel and wildlife opportunities). They are excluded from table 4 as they are expected to be provided as part of effective travel planning (for example footpath and cycle paths) and high quality, well designed development in line with policies ENV1 and ENV5 of the Local Plan Strategy Document.
S106 Obligations

6.11 As outlined above, the CIL Regulations set out specific tests that control the use of S106 obligations. These limitations, and how they relate to the provision of open space in line with policy C3, are set out below:

- **necessary to make the development acceptable in planning terms** - development is required to contribute towards new and/or improved open space to ensure open space is provided in accordance with the standards in table 2 of the SPD (see page 10). This is considered necessary to ensure residents have access to open spaces that are of a good quality, well maintained, planned and designed, and in the right location to meet their needs.

- **directly related to the development** - the provision of open space is required directly as a result of additional demand for new or improved open space, generated by each new individual development.

- **fairly and reasonably related in scale and kind to the proposed development** - the open space required from a new development is based on the anticipated increase in population in the local area resulting from each new development ensuring that it is reasonably related in scale and kind to the proposed development.

6.12 S106 obligations should not be used for infrastructure types/projects that would be funded through CIL. Amenity green space, outdoor sports facilities/playing pitches, and provision for children and young people will be secured through S106. The provision of these types of open space through S106 obligations would meet each of the three tests set out above. Therefore, CIL will not be used by the Council to contribute towards these types of open space.

6.13 The Council has a system in place to track and monitor the past and current use of S106 obligations. Each obligation is recorded against the specific infrastructure project to which the obligation relates. This will ensure that contributions are not pooled from more than five S106 obligations to fund a specific infrastructure project, such as a new play area or a playing pitch.

Community Infrastructure Levy

6.14 CIL is a standard charge that is payable on new housing development where the gross internal area (GIA) of the new build exceeds 100m² or creates one or more additional dwellings. As set out above, the Council has decided in principle to introduce CIL, which will involve the preparation of a Charging Schedule.

6.15 As part of the process of preparing the Charging Schedule, the Council must decide what broad infrastructure projects it intends to fund through CIL. This includes a number of projects listed within the East Riding Infrastructure Delivery Plan where developer contributions and/or CIL have been identified as a potential source of funding.
In addition, the Local Plan Strategy Document identifies that open space may be delivered through CIL. Unlike S106 obligations, any number of CIL contributions can be pooled for a particular infrastructure type or project.

6.16 Further detail on the delivery of open space through CIL, including instances where the levy can be paid in kind through the provision of land and/or infrastructure, will be set out as part of the Council's CIL Charging Schedule.
7 When is open space required on development sites?

7.1 Policy C3 seeks to ensure open space within the East Riding is provided in accordance with the open space standards set out in table 2 (page 10).

Amenity green space, outdoor sports facilities/playing pitches and provision for children and young people

7.2 As set out in table 4 (page 20), the Council intends to use S106 to provide new and/or improve amenity green space, outdoor sports facilities/playing pitches and provision for children and young people.

7.3 The supporting text to policy C3 confirms open space will only be sought via a planning obligation from developments of more than 10 housing units or more than 1,000m$^2$. This is illustrated at figure 1 below.

Figure 1 Determining whether open space is required

7.4 In determining whether a scheme of fewer than 11 dwellings would be exempt from open space contributions the Gross Internal Area (GIA) of the development will be considered. This is the area of the building measured to the internal face of the perimeter walls at each floor level.

7.5 The measurement of GIA should take into account the gross internal floor area of new dwellings, extensions, conversions, garages and any other buildings ancillary to residential use. Best practice guidance for measuring GIA is set out within the Royal Institute of Chartered Surveyors (RICS) Code of Measuring Practice(7).

7.6 For clarity, the measurement of gross internal floor area includes:

- all rooms;
- outbuildings and garages (if the projecting roof is enclosed on two sides);
- useable loft space (if shown as having stair access and/or being floored out);
- circulation and service space (including lifts, floorspace space devoted to corridors/toilets);
- ancillary floorspace (for example, underground parking); and
- communal entrances, landings and related internal parking (in flatted developments).

7.7 The following are excluded from the measurement of gross internal floor area:

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7 Available to view from: http://www.rics.org.uk/knowledge/professional-guidance/codes-of-practice
When is open space required on development sites?

- Car ports, porches and verandas with projecting roofs left open at 3 sides; and
- Open balconies, either projecting or on top of a flat roof, except for any part of the balcony that is roofed over and enclosed on two or more sides.

Exceptions to Policy C3

7.8 Certain types of development are unlikely to increase the demand for children and young people's play areas. The requirement to provide open space for children and young people does not apply to the following types of accommodation:

- specialist accommodation for older people within Use Class C2 and C3, for example, sheltered housing/retirement housing, extra care housing and residential care; and
- one bedroom dwellings.

7.9 The requirement to provide outdoor sports facilities/playing pitches does not apply to development under Use Class C2. Residents in residential care under Use Class C2 require a high level of care and are unlikely to increase the demand for outdoor sports facilities/playing pitches.

7.10 Amenity green space provided on-site should be publically accessible to the community and provide opportunities for informal activities. The only exception to this is specialist accommodation for older people within Use Class C2 and C3. This type of development may be provided within a secure/gated facility and may not necessarily be accessible to the wider community due to security/safety/site management reasons. In such cases the Council will accept private (resident only) amenity green spaces providing residents of the proposed development with opportunities for informal activity.

Small sites that are part of a wider site

7.11 Planning applications for sites that fall under the threshold, but are part of a wider allocation or site that would exceed the threshold, will be required to provide open space. For example, where the site is the first phase of a larger development, proportionate provision towards open space will be sought. Open space requirements should not simply be deferred and passed on to be provided in later phases. Where a site is not allocated it will be considered part of a wider site if:

- it could not be developed without an earlier phase of development which could reasonably be considered linked to the application site, for example by leaving access to the application site; or
- land is being brought forward in a piecemeal manner; and
- the earlier development was completed within a reasonably recent timescale\(^8\).

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\(^8\) Reasonably recent means the earlier development has a valid planning permission and/or is under construction. If the properties are fully occupied, the development will not usually be considered reasonably recent.
7.12 Other circumstances where a site could be considered part of a wider site will be considered on a case by case basis.

**Full, Reserved Matters and Outline Applications**

7.13 The Council's preferred approach is to deal with the details of open space provision on full or reserved matters applications. For phased developments, provision should be considered at the start of each phase.

7.14 Approved outline planning applications will include a condition which requires a detailed scheme of open space provision to be confirmed at the time the reserved matters application is determined. The model condition for open space applied by the Council at the outline planning application stage is set out in Appendix E. An exception to this could be when the description of an outline application details the number/mix of homes that will be acceptable. In such instances should any applicant wish to enter into a S106 agreement with the Council at the outline stage, and the number of dwellings and site layout is agreed, they may do so.

7.15 At outline planning application or pre-application stage, it is usually not possible to determine whether a proposal will exceed the thresholds for open space contributions. For example, the exact number/mix of dwellings and/or their combined gross internal area (GIA) (floorspace) may not yet have been determined and may be subject to approval at reserved matters stage. Therefore, it will be necessary for the applicant to estimate the total number of dwellings by applying an average of 30 dwellings per hectare (dph) as set out in policy H4 of the Local Plan Strategy Document. This will provide an initial guide of the likely open space requirements which can be revisited for the reserved matters application. It may also be necessary to make an assumption about housing mix, if this information is unknown. In such instances, the model condition (Appendix E) will also be attached to any approval to make it clear that any necessary open space contributions will be calculated at reserved matters stage.

7.16 Appendix E also sets out a condition to be used at full or reserved matters application stage. At this stage the Council will have a detailed layout for consideration and will know how the open space requirements are being met. This condition will only be applied if open space is not being adopted by the Council, or where the adoption has not yet been agreed. Further information about the adoption of open space is set out in section 12.

**Section 106 agreement**

7.17 A model S106 agreement/unilateral undertaking for securing open space is included in Appendix F. This template can be adapted to suit the specific circumstances of each case and should be treated as a starting point for negotiation with the Council.
7.18 Applications usually sign a S106 agreement for open space at full or reserved matters stage. This is the Council's preferred approach to ensure open space provision reflects the Local Plan policy and evidence available at that point in time. However, should any applicant wish to enter into a S106 agreement with the Council at outline stage, and the number of dwellings and site layout is agreed, they may do so.

Other types of open space

7.19 As set out in table 4, the Council intends to use CIL (where required) to provide and/or improve parks and ornamental gardens, natural and semi-natural green space, allotments, cemeteries and church yards and civic spaces. Prior to the adoption of CIL, the Council will continue, where relevant, to use S106 obligations to deliver all open space.

7.20 Under the CIL regulations (2010) (and subsequent amendments), some forms of new residential development are not liable for CIL. This means the requirement to contribute towards the provision of parks and ornamental gardens, natural and semi-natural green space, allotments, cemeteries and church yards and civic spaces will not apply to the following form of development:

- charitable development;
- social housing development;
- self-build development; and
- development involving less than 100m² (GIA) floorspace.

7.21 Further guidance on CIL is provided in the PPG(9) and will be set out in the Council's CIL charging schedule. Table 5 summarises the application of policy C3 to development proposals in respect of each type of open space.

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Table 5 Application of policy C3

<table>
<thead>
<tr>
<th>Type of Open Space</th>
<th>Policy C3 applies</th>
<th>Exceptions to Policy C3</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Amenity green space</td>
<td>All residential development comprising more than 10 housing units or more than 1,000 m³ gross internal area floorspace</td>
<td>The following types of development are not required to make provision for children and young people:</td>
</tr>
<tr>
<td>• Outdoor sports facilities/playing pitches</td>
<td></td>
<td>• specialist accommodation for older people within Use Class C2 and C3; and</td>
</tr>
<tr>
<td>• Provision for children and young people</td>
<td></td>
<td>• one bedroom dwellings.</td>
</tr>
<tr>
<td>• Parks and ornamental gardens</td>
<td>All CIL chargeable development as set out in the Council’s CIL Charging Schedule</td>
<td>All developments not subject to a CIL charge as set out in the Council’s CIL Charging Schedule</td>
</tr>
<tr>
<td>• Natural and semi-natural green space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Allotments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Cemeteries and churchyards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Civic spaces</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7 When is open space required on development sites?
8 How is the policy applied in practice?

8.1 This section explains how applicants should calculate their open space requirements to ensure open space is provided in accordance with the open space standards set out in table 2 (page 10).

8.2 The process set out in this section is only relevant for amenity green space, provision for children and young people and outdoor sports facilities/playing pitches. Further detail on the delivery of other types of open space will be set out as part of the Council’s CIL Charging Schedule. Prior to the adoption of CIL, the Council will continue, where relevant, to use S106 obligations to deliver all open space.

8.3 The standards set out in table 2 (page 10) relating to amenity green space, outdoor sports facilities/playing pitches and provision for children and young people will be applied to all residential development proposals comprising more than 10 housing units or more than 1,000m² (GIA) floorspace \(^{10}\) to determine whether there is a need for new open space and/or a contribution towards improving the quality of existing open space. There is a separate charge for the maintenance of open space. This is explained in section 11 of the SPD.

8.4 There are accessibility (distance), quantity and quality standards set out in policy C3. A three stage open space assessment is therefore required to answer the following questions:

- can all residents of the new development access existing open space within the required distance? (Stage A)
- is there an existing open space quantity shortfall in the local area? (Stage B)
- is there an existing open space quality shortfall in the local area? (Stage C)

8.5 Stages A-C of the open space assessment should be carried out by the applicant to determine their requirements for amenity green space, provision for children and young people and outdoor sports facilities/playing pitches. An example hypothetical planning application (23 dwellings in Swanland) is used to demonstrate how the Stages A-C should be carried out in practice. A flowchart summary of the open space assessment process is set out in Appendix G.

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\(^{10}\) With the exception of specialist accommodation for older people, residential care and one bedroom dwellings which do not generate a demand for certain types of open space (see Table 5).
The Geographical Information System (GIS) mapping tool (Open Space Maps), Area Supply Reports, Quality Scores Database and Open Space Calculator are the main tools to determine open space requirements under policy C3. These tools are available on the Council’s website:

www.eastriding.gov.uk/openspaceguidance

If you would like to discuss the open space requirements for new developments, please email openspace@eastriding.gov.uk

Stage A - Accessibility (distance) assessment

Can all residents of the new development access existing open space within the required distance?

Step 1 - Locate the development site and existing open space on the map

8.6 The applicant should use the Council's GIS mapping tool (Open Space Maps), available on the above website, to locate their development site on the map. The map shows:

- the location of existing amenity green space, outdoor sports facilities/playing pitches and provision for children and young people; and
- the relevant distance buffer (circle) around each existing open space, noting where residents can access existing open space in line with the accessibility (distance) standards set out in policy C3.

Step 2 - Consider if residents of the new development can access existing open space

8.7 With the whole proposed development site and distance buffers around existing open space shown on the map, the applicant should consider whether the development site:

- is located within 1.6km of an outdoor sports facility/playing pitch;
- is located within 100m of an equipped play area;
- provides access to three different types of recreation space within 1,000m; and
- is located within 2km of an amenity green space.

8.8 The accessibility (distance) standard is met if all the residents of the proposed development can access amenity green space, outdoor sports facilities/playing pitches and provision for children and young people within the required distance (noted in paragraph 8.7). If this is the case, there is no accessibility shortfall and the applicant should proceed to Stage B.
8.9 The accessibility (distance) standard is not met if the residents of the proposed development cannot access amenity green space, outdoor sports facilities/playing pitches and provision for children and young people within the required distance. **If this is the case, there is an accessibility shortfall and the applicant should proceed to calculate their open space requirements using the Council's Open Space Calculator (see Step 3, paragraph 8.17).**

**Example**

8.10 **Provision for children and young people:** Figure 2 shows the GIS mapping tool (Open Space Maps) with the distance buffer for children and young people's recreation play space. Figure 3 shows the open space maps with the distance buffer for children and young people's equipped play space.

8.11 The accessibility (distance) standard requires all children to be living within 100m from an equipped play area and all children and young people should have access to three types of recreation play areas within 1,000m. Equipped space comprises play areas that provide free play equipment such as swings, climbing frames, slides and or fixed items of play. Recreation spaces are unequipped and comprise informal play areas providing opportunities for creative play using the natural environment.

8.12 In the example, figure 2 indicates all residents of the proposed development site can access recreation spaces within the required distance. However, figure 3 indicates residents of the proposed development cannot access equipped spaces within the required distance. In this example, the accessibility (distance) standard is not met for children and young people's equipped provision and the assessment of equipped provision for children and young people proceeds to step 3 (see paragraph 8.17).

8.13 **Outdoor sports facilities/playing pitches:** Figure 4 shows the GIS mapping tool (Open Space Maps) with the distance buffer for outdoor sports facilities/playing pitches.

8.14 The accessibility (distance) standard requires all residents to be living within 1.6km of an outdoor sports facility/playing pitch. In this example figure 4 indicates all residents of the proposed development site can access at least one outdoor sports facility/playing pitch within 1.6km. The accessibility (distance) standard is therefore met for outdoor sports facilities/playing pitches and the assessment of this type of open space proceeds to Stage B (see paragraph 8.31).

8.15 **Amenity green space:** Figure 5 shows the GIS mapping tool (Open Space Maps) with the amenity green space distance buffer.

8.16 The accessibility (distance) standard requires all residents to be living within 2km of an amenity green space. In this example, figure 5 indicates all residents of the proposed development site can access at least one amenity green space within the required distance. The accessibility (distance) standard is therefore met for amenity green space and the assessment of this type of open space proceeds to Stage B (see paragraph 8.31).
Figure 2 Open Space Maps (Recreation space for children and young people)

How is the policy applied in practice?
How is the policy applied in practice?
How is the policy applied in practice?
Step 3 - Enter development details into the Open Space Calculator

8.17 If there is an accessibility (distance) shortfall in any open space type, identified through Steps 1 and 2, the applicant should calculate their open space requirements using the Council’s Open Space Calculator, available here:

www.eastriding.gov.uk/openspaceguidance

Example

8.18 **Provision for children and young people:** In the example there is an accessibility (distance) shortfall identified for equipped provision at Stage A. The applicant should enter details of the total number (and type) of proposed dwellings into the Open Space Calculator (shown in figure 6) to calculate the amount of equipped space required for children and young people as a result of their development. In the example there is no accessibility shortfall generated for recreation space for children and young people at Stage A.

8.19 **Outdoor sports facilities/playing pitches:** In the example there is no accessibility shortfall generated for outdoor sports facilities/playing pitches at Stage A.

8.20 **Amenity green space:** In the example there is no accessibility shortfall generated for amenity green space at Stage A.

8.21 The commuted sums shown in the Open Space Calculator are derived from figures set out in tables 10 and 11 (see page 50).
The Open Space Calculator (figure 6) determines the total number of people and children that could potentially occupy the development. This is based on the total number and size (number of bedrooms) of the proposed dwellings. Table 6 (below) shows the occupancy rates expected from new development. The total person occupancy rate is used to calculate the requirement for amenity green space and outdoor sports facilities/playing pitches. The child occupancy rate is used to calculate the requirement for children and young people.

**Table 6 Occupancy rates for new development**

<table>
<thead>
<tr>
<th>Size of dwelling</th>
<th>Total person occupancy rate</th>
<th>Child occupancy rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>1.0</td>
<td>0</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>2.0</td>
<td>0.5</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>3.0</td>
<td>1.0</td>
</tr>
<tr>
<td>4 or more bedrooms</td>
<td>4.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>
If the exact number (and size) of dwellings are unknown, applicants should estimate the total number of dwellings by applying an average density of 30 dwellings per hectare (dph) and approximate the size of the dwellings. This will provide an initial guide of the likely open space requirements which can be revisited for the reserved matters application.

Household size will vary over the East Riding Local Plan period. It will be necessary to review the occupancy rates set out in the SPD periodically to reflect future population trends and ensure the figures remain relevant. The need to update occupancy rates will be identified through the Council’s Annual Monitoring Report if it is necessary to amend them in advance of a review of the SPD.

**Step 4 - Calculate the amount of open space required**

The Open Space Calculator (figure 6) applies the total number of people and children expected from the proposed development (step 3) and the quantity standards set out in table 2 (page 10) to generate:

- the amount of open space required as a result of new development (m$^2$);
- the commuted sum equivalent (£), should it be acceptable to provide open space off-site; and
- the maintenance commuted sum (£) if applicable (see paragraph 11.4).

**Example**

The example development includes 8 two bedroom dwellings, 10 three bedroom dwellings and 5 dwellings with four or more bedrooms. This generates a combined need for 62.4 m$^2$ of equipped play space for children and young people.

**Step 5 - Determine if the open space will be delivered on-site**

It is important for applicants to know if they will be expected to deliver open space on-site, or if a commuted sum would be acceptable by the Council. Guidance on this issue is provided below.
Should the total amount of space required for children and young people (equipped and recreation combined) be 500m\(^2\) or more, the Council will normally expect provision to be made on-site. This is the amount of space generally required for a useable and useful play area.

Should the amount of space required for outdoor sports facilities/playing pitches be 7,400m\(^2\) or more, the Council will normally expect provision to be made on-site. This is the amount of space required for a useable and useful adult sized playing pitch.\(^{(11)}\)

Where there is a specific need for a junior pitch (under 11 years old), this will normally be requested on-site should the amount of space generated be 4,000m\(^2\) or more. This is the amount of space required for a useable and useful junior sized playing pitch.

Amenity green space should be delivered on-site. It should be sufficient to meet both the open space standard in policy C3 and satisfy the requirements of Local Plan Strategy Document policy ENV1, which supports development that is of a high quality design. Amenity green space will not contribute towards any requirement for equipped play space for children and young people and/or outdoor sports facilities/playing pitches.

Example

8.28 **Stage A conclusion (Provision for children and young people):** There is a requirement of 62.4m\(^2\) of equipped open space for children and young people. As the required amount of space falls below 500m\(^2\) the Council would normally expect a total commuted sum of £17,472 (shown in figure 6). There is no accessibility shortfall generated for recreation space for children and young people at Stage A. Applicants should proceed to Stage B for this type of open space.

8.29 **Stage A conclusion (Outdoor sports facilities/playing pitches):** There is no accessibility shortfall generated for outdoor sports facilities/playing pitches at Stage A. Applicants should proceed to Stage B for this type of open space.

8.30 **Stage A conclusion (Amenity green space):** There is no accessibility shortfall generated for amenity green space at Stage A. Applicants should proceed to Stage B for this type of open space.

\(^{(11)}\) 7,400m\(^2\) is the recommended area of an adult football pitch with runoff (set out in The FA Guide to Pitch and Goal Post Dimensions 2012, available to view from: [http://www.thefa.com/](http://www.thefa.com/)).
Stage B - Quantity assessment

Is there an existing open space quantity shortfall in the local area?

8.31 Should any type of open space pass the requirements of Stage A (i.e. there is no accessibility shortfall), applicants should carry out Stage B to determine if there is an existing quantity shortfall of the relevant type of open space.

Example

8.32 In the example there is no accessibility shortfall for recreation play space, amenity green space or outdoor sports facilities/playing pitches at Stage A. Stage B is therefore required to determine if there is an existing quantity shortfall in these types of open space against the quantity standards.

Step 6- Check the relevant Area Supply Report

8.33 The applicant should refer to the relevant Area Supply Report to determine whether there is an existing shortfall of a particular type of open space. This spreadsheet is available to view here:

www2.eastriding.gov.uk/council/plans-and-policies/other-plans-and-policies-information/open-space-review/

8.34 The relevant data will be for the parish boundary, or, for some settlements\(^{12}\), the development limits. Figure 7 shows the Area Supply Report Spreadsheet for Swanland.

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\(^{12}\) Settlements with a development limit report: Anlaby; Beverley; Bridlington; Cottingham; Driffield; Elloughton-cum-Brough; Goole; Hedon; Hessle; Hornsea; Howden; Kirk Ella; Leconfield; Market Weighton; Pocklington; Stamford Bridge; Walkington; Willerby; Withernsea.
Step 7- Determine if there is an existing quantity shortfall

8.35 The quantity standard is met when the Area Supply Report indicates there are no existing shortfalls in the type of open space under consideration. **If this is the case the applicant can proceed to Stage C.**

8.36 Where the spreadsheet indicates there is an existing shortfall in the type of open space under consideration, the quantity standard is not met. If this is the case the applicant should proceed to calculate their open space requirements using the Open Space Calculator (see Step 3, paragraph 8.17).

**Example**

8.37 In the example, there is a need to consider whether there is an existing shortfall in recreation play space, amenity green space and outdoor sports facilities/playing pitches. This is because there are no shortfalls against the accessibility standards for these types of open space at Stage A. Figure 7 indicates an existing shortfall of 1.42ha in amenity green space and 1.08ha in outdoor sports facilities/playing pitches in Swanland. In this example, the quantity standard is therefore not met for amenity green space and outdoor sports facilities/playing pitches and the assessment for these types of open space should proceed to step 8. There is no shortfall in recreation play space. The assessment of this type of open space therefore proceeds to Stage C.
Step 8 - Calculate the required amount of open space

8.38 The applicant should calculate their open space requirements using the Open Space Calculator following steps 3-5 of Stage A (see paragraph 8.17).

Example

8.39 Stage B conclusion (Amenity green space): There is a need for 396m$^2$ of amenity green space (see figure 6). This should be provided on-site. It is important to note that it may also be necessary to include additional amenity open space to satisfy the requirements of policy ENV1 for high quality development.

8.40 Stage B conclusion (Outdoor sports facilities/playing pitches): There is a need for 778.8m$^2$ of space for outdoor sports facilities/playing pitches (see figure 6). As the required amount is less than 7,400m$^2$ the Council would expect an off-site commuted sum. In this case, a total commuted sum of £36,603.60 for outdoor sports facilities/playing pitches (see figure 6) would be requested.

Stage C - Quality assessment

Is there an existing open space quality shortfall in the local area?

The applicant should carry out Stage C regardless of the outcome of Stages A and B.

8.41 The assessment at Stages A and B may conclude there is no requirement for new open space to be provided. In this case, Stage C is particularly important because a contribution towards improving the quality of existing open space may be required.

8.42 Quality standards refer to a rating of the quality of existing open space. The standards are expressed as a percentage based on the physical characteristics associated with the open space, value of the open space and benefits of the open space to the wider environment. A high percentage rating recognises that the open space is of a good quality.

8.43 The Council’s aim is to achieve quality scores of 71 percent or more (known as the 'Upper Quartile') for all open space types, with the exception of outdoor sports facilities/playing pitches. The Council will aim to achieve a 'Good' rating of 65 percent$^{13}$ and above for outdoor sports facilities/playing pitches.

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13 Based on Sport England's Pitch Quality Assessment.
Step 9 - Determine if any existing open space falls under the quality standard

8.44 This step involves determining whether any existing open space in the Quality Scores Database falls under the relevant quality standard. The quality score for each existing open space can be found on the spreadsheet available to view here:

www.eastriding.gov.uk/openspaceguidance

8.45 The GIS mapping tool (Open Space Maps) also show the quality of existing open spaces. If all open spaces within the area meet the quality standards, no contribution towards quality improvements will be required.

8.46 Should any type of open space in the area score 70 percent or less or, in the case of playing pitches, 64 percent or less, a contribution towards improving the quality of existing open space will be required by way of a commuted sum.

Example

8.47 Stage C conclusion: The spreadsheet will be used to determine whether there are quality shortfalls in amenity green space, outdoor sports facilities/playing pitches and provision for children and young people. In the Swanland example, table 7 (below) indicates two equipped/recreation play areas score below 70 percent. However, there is no identified quality shortfall in amenity green space or outdoor sports facilities/playing pitches.

Table 7 Quality Scores Database Swanland

<table>
<thead>
<tr>
<th>Ref No</th>
<th>Location Name</th>
<th>Site Name</th>
<th>Primary Purpose</th>
<th>Quality Score</th>
<th>Standard achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>2173</td>
<td>Swanland</td>
<td>The Green Play Area</td>
<td>Provision for children and young people</td>
<td>30</td>
<td>No</td>
</tr>
<tr>
<td>2173</td>
<td>Swanland</td>
<td>James Beckitt Memorial - Play Area</td>
<td>Provision for children and young people</td>
<td>61</td>
<td>No</td>
</tr>
<tr>
<td>1990</td>
<td>Swanland</td>
<td>Swanland Playing Fields - Play Area</td>
<td>Provision for children and young people</td>
<td>75</td>
<td>Yes</td>
</tr>
<tr>
<td>1899</td>
<td>Swanland</td>
<td>Swanland Playing Fields - Sport</td>
<td>Outdoor Sports - Community Use</td>
<td>69</td>
<td>Yes</td>
</tr>
</tbody>
</table>

8.48 In the example the Council could only request commuted sums to improve the quality of existing play areas. Figure 6 shows the Council could request £16,972.80 to improve equipped provision for children and young people and £1,080.00 to improve the existing recreation area.\(^{14}\)

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14 Some open spaces have a dual function and may act as a recreation area for children and young people and an amenity space. Where there is a need to improve the quality of both recreational and amenity spaces, only the quality commuted sums for recreation children space will be charged.
Stage D - Outcome

Step 10 - Determine the overall open space requirement

8.49 The three stage open space assessment process (Stage A-C) should be followed by the applicant using the various electronic tools available in the Council’s website. This will determine whether there is a need for new open space and/or a contribution towards improving the quality of an existing open space. As a result of this process, the applicant will be required to address open space provision in line with one of the following four scenarios shown in table 8 (below).

Table 8 Open space - possible outcomes

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Distance /Quantity (Stage A and B)</th>
<th>Quality (Stage C)</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No requirement for new open space identified.</td>
<td>No requirement to improve the quality of existing open space identified.</td>
<td>No new open space or contributions towards open space required.</td>
</tr>
<tr>
<td>2</td>
<td>No requirement for new open space identified.</td>
<td>Requirement to improve the quality of existing open space identified.</td>
<td>Applicant required to contribute towards improving existing open space through a commuted sum.</td>
</tr>
<tr>
<td>3</td>
<td>Requirement for new open space identified.</td>
<td>No requirement to improve the quality of existing open space identified.</td>
<td>Applicant required to contribute towards new open space, either on-site if practicable or through a commuted sum.</td>
</tr>
<tr>
<td>4</td>
<td>Requirement for new open space identified.</td>
<td>Requirement to improve the quality of existing open space identified.</td>
<td>Applicant will be required to either: • contribute towards new open space on-site if practicable or through a commuted sum; or • contribute towards improving the existing open space through a commuted sum.</td>
</tr>
</tbody>
</table>
8.50 The final contribution towards open space through new development may therefore include a:

- requirement for new amenity green space, outdoor sports facilities/playing pitches and/or provision for children and young people; or
- financial contribution towards improving the quality of amenity green space, outdoor sports facilities/playing pitches and/or provision for children and young people.

8.51 In some circumstances an off-site commuted sum in lieu of on-site provision may be considered acceptable over on-site provision. For example, the proposed development may be too small to generate a useful and useable area of open space on-site. Should this be the case, an off-site sum will be sought.

8.52 Section 9 of the SPD sets out how commuted sums for improving the quantity and quality of open space will be calculated (noted in figure 6). It also includes further information regarding how commuted sums will be spent.

**Example**

8.53 As table 8 suggests, the assessment process may reveal a need for new and improved quality open space of the same type. This is the case in the Swanland example. Table 9 (below) shows the outcome of this example, working through Stages A-C of the assessment.

Table 9 Swanland example outcome

<table>
<thead>
<tr>
<th>Stage</th>
<th>Amenity green space</th>
<th>Provision for children and young people (equipped)</th>
<th>Provision for children and young people (recreation)</th>
<th>Outdoor sports facilities/playing pitches</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Accessibility standard met (no requirement)</td>
<td>Accessibility standard not met</td>
<td>Accessibility standard met (no requirement)</td>
<td>Accessibility standard met (no requirement)</td>
</tr>
<tr>
<td>B</td>
<td>Quantity standard not met</td>
<td>N/A (requirement established at Stage A)</td>
<td>Quantity standard met (no requirement)</td>
<td>Quantity standard not met</td>
</tr>
<tr>
<td>C</td>
<td>Quality standard met (no requirement)</td>
<td>Quality standard not met</td>
<td>Quality standard not met</td>
<td>Quality standard met (no requirement)</td>
</tr>
</tbody>
</table>
8.54 In the Swanland example there is a need for new and improved quality equipped open space for children and young people. In this example it would be unreasonable to require applicants to provide new equipped open space on-site and contribute towards improvements to equipped open space elsewhere in the local area. This is because new open space provided on-site should always be provided to a high quality standard. Should the assessment reveal a need for new and improved open space of the same type, and it is practicable for the open space to be provided on-site, the developer will be required to provide open space on-site in preference to paying a commuted sum to improve the quality of existing open space.

8.55 In some cases, it may be appropriate for the Council to adopt a hybrid approach. This would enable part of the open space requirement to be delivered on-site and part provided through a commuted sum to improve the quality of existing open space.

8.56 To ensure the delivery of high quality, well designed development scheme in line with Local Plan Strategy Document policy ENV1 (Integrating high quality design), amenity green space (for example accessible incidental grassed areas and landscaped areas) should also be provided on-site even if no specific shortfall has been identified.

8.57 Where there is a shortfall in amenity green space against the defined standards (determined through the assessment process set out in this section), applicants should provide new amenity green space to meet the needs of residents in the new development. Amenity green space provided as a result of the assessment process should provide residents with opportunities for informal activity and be publically accessible. The Council may request amenity green space to be provided alongside an area of equipped children’s play space in order to deliver a useable area of open space for children and young people.

8.58 The Open Space Maps, Area Supply Reports, and Quality Scores Spreadsheet are vital sources of information that will be used in undertaking these assessments. However, they are a snapshot in time and will need to be kept up to date. Regular updates to the open space data sources will take into account the provision of new open space, improvements to the quality of existing open space and loss of open space.
9 When are off-site commuted sums acceptable and how are commuted sums calculated, collected and spent?

9.1 Policy C3 requires open space to be provided on-site where this is practicable. The Council will normally expect outdoor sports facilities/playing pitches and provision for and children and young people to be on-site where possible. However, it is recognised that there will be occasions where on-site provision is not the best or most appropriate solution. In such cases, a financial contribution in lieu of on-site provision would be considered. This is often referred to as an off-site commuted sum.

9.2 The circumstances where an off-site commuted sum (via S106) in lieu of on-site provision may be acceptable are as follows:

- the proposed development is too small to generate a sufficient amount of space for a useful and useable area to be provided on-site; and/or
- there may be a local initiative or opportunity that would provide additional or improved facilities off-site that could be usefully supported by (no more than five) financial contributions. This approach could result in equivalent or better provision than could reasonably be made available on-site.

9.3 Commuted sums in lieu of on-site provision via S106 (or monies collected via CIL) are different from, and additional to, any commuted sums paid in respect of the maintenance of any on-site facilities. Further information in respect of the calculation, collection and spending of commuted sums is set out below. Information on the maintenance of open space, including commuted sums for maintenance is provided in section 11.

9.4 The Council must ensure S106 contributions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the proposed development. Financial contributions collected via S106 obligations can be spent to provide open space off-site in lieu of on-site provision, or to improve the quality of existing open space. This means it is necessary to set out separate commuted sums for:

- open space provided in lieu of on-site provision to address shortfalls in accessibility and/or quantity standards generated as a result of the new development; and
- improvements to the quality of existing open space (for example, improving the cleanliness and general appearance of the open space, reducing the likely impact of anti-social behaviour, crime or disorder).

9.5 The Council must ensure S106 contributions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the proposed development.

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15 Guidance on minimum sizes for useable/useful on-site open space is provided in paragraph 8.27.
Through the introduction of CIL, the Council will have to specify those infrastructure projects or types of infrastructure that it would fund. This is commonly referred to as a 'regulation 123 list' and will be prepared alongside the CIL charging schedule. It is important to note that S106 contributions cannot also be sought on any projects that are within a generic type of infrastructure included on the regulation123 list.

Calculating commuted sums

The costs required to calculate the appropriate commuted sum are set out in tables 10 and 11 (below). These costs are derived from information provided by the Council’s Valuation and Estates, Infrastructure and Facilities and Environmental Services Teams and the Building Cost Information Service (BCIS). For outdoors sports facilities/playing pitches the costs take into account the type of sport, variety of grass, type of drainage and condition of the site. For children and young people’s play areas and amenity spaces, the costs take into account preliminary work, play equipment (if equipped), wet pour surfacing, paths, shrubs, signage and furniture. The commuted sums to provide new open space (table 10) also take into account the cost of land acquisition.

Table 10 Commuted sums to provide new open space (accessibility/quantity shortfall)

<table>
<thead>
<tr>
<th>Type of open space</th>
<th>Cost per m² (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor sports facility with a changing facility (includes: cost of purchasing land and construction/provision of the facility)</td>
<td>47</td>
</tr>
<tr>
<td>Equipped children’s play area (includes: cost of purchasing land and construction/provision of the facility)</td>
<td>280</td>
</tr>
<tr>
<td>Recreational play area (includes: cost of purchasing land and construction/provision of the facility)</td>
<td>13</td>
</tr>
<tr>
<td>Amenity green space</td>
<td>8</td>
</tr>
</tbody>
</table>

Table 11 Commuted sums to improve existing open space (quality shortfall)

<table>
<thead>
<tr>
<th>Type of open space</th>
<th>Cost per m² (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor sports facility including a changing facility</td>
<td>39</td>
</tr>
<tr>
<td>Equipped children’s play area</td>
<td>272</td>
</tr>
</tbody>
</table>

16 Regulation 123 of The Community Infrastructure Levy Regulations (2010)
17 available from: www.rics.org/uk/knowledge/bcis/
18 including preliminaries, play equipment, cushion surfacing, wet pour surfacing, reinstate ground works, paths, shrubs, fencing, signage and furniture.
Recreational play area | 5
Amenity green space | 8

9.8 The appropriateness of the commuted sums will be considered at least every three years. Commuted sums will be updated through the Council’s Annual Monitoring Report if it is necessary to amend them in advance of a full review of the SPD.

**Collecting and spending commuted sums**

9.9 Where commuted sums are provided in lieu of on-site provision, or to improve the quality of existing open space, monies received will be paid into a Council interest bearing account. The associated S106 obligation will clarify that any sum unused after a fixed period, will be repaid with interest.

9.10 Off-site projects funded through S106 may not, for a number of reasons, always be ready to commence on receipt of the relevant contribution. For example, it may require contributions from more than one, but no more than five, different developments. The following general principles will normally be applied to the use of S106 obligations:

- monies should only be spent on: the acquisition of land (potentially in combination with other funding) for amenity green space, outdoor sports facilities/playing pitches and provision for children and young people and the improvement of such existing facilities; the future maintenance of open space (see section 11 of the SPD); and the administration of the management and spending of such funds.

- monies collected in lieu of on-site provision should be spent within the accessibility (distance) standards set out in table 2 (page 10) of this SPD. If this is not achievable the funds will be spent within the parish boundary, ensuring money is spent in a way which still meets the needs of local residents.

- monies collected to improve the quality of existing open space will normally be used to improve the quality of the poorest quality open space within the accessibility (distance) standards set out in table 2 (page 10) of this SPD. If this is not achievable the funds will be spent within the parish boundary, ensuring money is spent in a way which still meets the needs of local residents.

9.11 There are no locational restrictions on the spending of financial contributions obtained through CIL. However, the local proportion of CIL could be spent on open space within the Town or Parish Council area within which the development takes place.

9.12 Once the amount, type and detailed design of the open space areas have been agreed through the planning application processes (with the involvement of the OSCG), arrangements will need to be put in place for its initial establishment and longer term future maintenance.
When are off-site commuted sums acceptable and how are commuted sums calculated, collected and spent?
10 What should open space look like?

10.1 All development schemes should set out clearly where the open space will be provided in accordance with policy C3 and ensure the open space is fully integrated into the design of the scheme. The OSCG will advise on the design and siting of open space on sites where the development comprises 11 units or more and has a maximum gross combined floor space of more than 1,000m² (GIA). Applicants can engage with the group at the pre-application enquiry or planning application stage.

It is essential that provision for open space within a development is considered early in the design process.

10.2 Understanding the nature of the open space required will assist in determining what form the new provision should take. It will also help to shape its design in order to complement and/or improve existing open spaces. The incorporation of open space into new development must take into account principals set out in Secured by Design(19), including the need to maintain natural surveillance. Other guidance, such as Play England’s Design for Play: A Guide to Creating Successful Play Spaces (2009)(20) may also be relevant.

10.3 Policy C3 should not be considered in isolation from other policies within the Local Plan Strategy Document. The following policies are particularly relevant to the provision of open space:

- ENV1 - Integrating high quality design;
- ENV4 - Conserving and enhancing biodiversity and geodiversity; and
- ENV5 - Strengthening green infrastructure.

10.4 To ensure the delivery of high quality, well designed development schemes in line with Local Plan Strategy Document policy ENV1 (Integrating high quality design), amenity green space (for example accessible incidental grassed areas and landscaped areas) should be provided even in locations where no specific shortfall has been identified.

10.5 Where there is a shortfall in amenity green space against the defined standards (determined through the assessment process set out in section 8), applicants should, as a minimum, provide new amenity green space to meet the needs of residents in the new development. Amenity green space provided as a result of the assessment process should provide residents with opportunities for informal activity and be publically accessible.

10.6 Where open space is to be provided on-site, the applicant should consider:

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19 Available to view from: [www.securedbydesign.com/professionals/guides.aspx](http://www.securedbydesign.com/professionals/guides.aspx)
20 Available to view from: [www.playengland.org.uk/resources/design-for-play.aspx](http://www.playengland.org.uk/resources/design-for-play.aspx)
• how the open space for the site is integrated into wider green infrastructure networks/features (which may extend beyond the authority boundary); and
• the role open space can play in improving and enhancing biodiversity value.

10.7 The East Riding Local Plan requires that masterplans be prepared for some of the larger allocations. Masterplans should be submitted and agreed by the Council prior to the commencement of development and should include the provision, layout and consideration of design of open space.

Provision for children and young people

10.8 The Council will seek to create an environment in which children have easy access to open space which fulfils their play needs at different stages within their development without unnecessary risk to their well being. This recognises that the quality of play facilities affects the quality of what children learn. The more complex and stimulating the environment the more children learn and benefit.

10.9 Open space designed for children and young people should be appropriate for the anticipated age ranges and ability levels of the users and accessible to people with disabilities to meet the requirements of the Disability Discrimination Act (1995). The design submitted must fit with the concept of an inclusive play area, i.e. a play area for everyone. "Everyone" includes children with neurological disabilities (such as autism) with intellectual (learning) disabilities, with physical or sensory disabilities (such as sight impairment), with social and emotional difficulties, and those who use wheelchairs or other medical equipment. It also includes everyone in the family and community who uses the play area, such as parents and teachers, who may have a limitation or a disability. This means that the overall design should consider everyone in respect of: layout, access, types of equipment and "play richness", i.e. as much variety and different play/activity opportunities as possible.

10.10 Play areas for children and young people should be designed and sited where they are easily accessible, well supervised and visible. They should also seek to maximise community benefit rather than merely utilising areas that are awkward to develop or unsuitable for other uses. No matter how well designed a play area is, if it is in the wrong location it will be neither used nor sustainable.

10.11 The OSCG consider the following checklist of points when advising on the location and shape of play areas. Play areas should:

• be next to a well used pedestrian route and visible from residential dwellings with no barriers to natural surveillance, including when any newly planted trees mature;
• be in a central location on the housing development (not near the site entrance);
• be located such that there is a balance between informal supervision and minimising nuisance to residents;
• not be near a busy road;
• have appropriate adjacent traffic calming measures and clear visibility for drivers (if near a road);
- have dangerous features removed/protected to maximise the safety of users;
- where practicable, have no overhead cables across any part of the play area;
- where practicable, have no sub-surface tanks or pipes without prior consent from Planning and Development Management;
- be on a well drained site; and
- have no Public Rights of Way through it.

10.12 Design for equipped play areas should be submitted to Planning and Development Management. These designs will then be assessed in consultation with the Sport Play and Art Section and Projects and Development Team. If the submitted design is considered unsuitable suggested changes will be sent to Planning and Development Management who will in turn inform the applicant. Contact details for the relevant officers at the Council can be found in Appendix H.

10.13 Applicants are reminded to consider carefully required buffer zones and restrictions relating to development on easements. Buffer zones should also be provided between any built development and play areas. The buffer zones set out in table 12 (below) reflect the minimum distance measured from the property located closest to the play area and the nearest piece of equipment on the play area itself.

Table 12 Buffer zone distances for play areas

<table>
<thead>
<tr>
<th>Type of play area</th>
<th>Buffer Zone distances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doorstep (A)</td>
<td>5 metres to dwellings</td>
</tr>
<tr>
<td>Local Area of Play (B)</td>
<td>15 metres to property boundaries</td>
</tr>
<tr>
<td>Neighbourhood Area of Play (C)</td>
<td>30 metres to property boundaries</td>
</tr>
</tbody>
</table>

10.14 Planning and Development Management will inform the applicant when the final plan has been agreed upon and retain a copy of the final plan on file.

10.15 Appendix I provides further guidance with regards to the following aspects of children’s and young people’s open space:

- children’s open space requirements post application stage;
- requirements for play equipment;
- specification for fencing to equipped play areas;
- specification for seats, benches, bins and signs installed in play areas; and
- equipment suppliers.

Outdoor sports facilities/playing pitches

10.16 On-site provision created for key pitch based sports (football, cricket, rugby union, rugby league, hockey) should be to the size and standard stipulated by the national governing body for the sport, or by Sport England. Details of the standards required for the individual sports can be found on the following websites:
10.17 All new pitches should be levelled, drained, orientated, marked out and equipped to the relevant governing bodies standards. The equipment should include any goal posts, nets and corner flags supplied to the correct British Standard.

10.18 The relevant national governing bodies and Sport England can provide details of the design for changing rooms. Changing facilities provided in association with playing pitches must be suitable for both male and female teams and accessible to disabled users.

10.19 The applicant should work with the Council to ensure drainage, changing accommodation and landscaping associated with outdoor sports facilities/playing pitches is satisfactorily provided through the planning process. This includes any car parking and access arrangements, which may be necessary to accommodate expected movement to and from a new playing pitch or sports facility. Appendix J provides further guidance with regards to the location, design and equipment associated with outdoor sports facilities/playing pitches.

Sustainable Drainage Systems

10.20 The Flood and Water Management Act (2010) creates the role of Lead Local Flood Authorities. As a unitary authority, the Council is the Lead Local Flood Authority as well as the Local Planning Authority. One of the duties of a Lead Local Flood Authority is to approve, adopt and maintain Sustainable Drainage Systems (SuDS) that meet national standards for development.

10.21 SuDS include a range of water management measures. These are designed to deal with surface water in a manner that is more in keeping with the natural process of water management rather than the conventional systems of routing surface water through a piped system to a watercourse. Common SuDS components include:

- permeable surfaces
- filter strips
- filter and infiltration trenches
- swales
- detention basins
- underground storage
What should open space look like?

- wetlands
- ponds

10.22 In order to fully integrate SuDS without excessively impacting the developable area of the site, consideration should be given to incorporating them within areas of open space such as planting and green corridors/features. It will not normally be acceptable to combine equipped play space with areas that are set aside for SuDS.

10.23 To determine the suitability of integrating SuDS with open space, and ensure all parties are satisfied with the proposals, the OSCG should be consulted where the developer is proposing to combine open space and SuDS within a development proposal. Consultation between the OSCG and the LLFA will be a two way process to ensure developers receive consistent advice.

10.24 The Council have prepared a supplementary note on SuDS and Surface Water Drainage Requirements for new development\(^\text{(21)}\). This covers the design and maintenance of SuDS systems and will assist developers in efficiently incorporating the required drainage, and open space elements of the site into a holistic overall development.

10.25 In certain circumstances the Council, as both the Lead Local Flood Authority and Local Planning Authority, may accept the dual use of certain types of open space. This would enable playing pitches/outdoor sports provision and amenity spaces to also be used as water detention areas, which are provided as part of a SuDS or surface water drainage system. However, it is important that any reduction in the availability of playing pitches/outdoor sports facilities or amenity space, as a result of detained water, should be minimised as far as practicable. As such, the detention areas should be designed to only flood in those instances where the exceedance rate is greater than a 1 in 30 year event.

10.26 The Council will not accept the dual use of children’s play space and water detention areas.

\(^{21}\) Available from: [www.eastriding.gov.uk/openspaceguidance](http://www.eastriding.gov.uk/openspaceguidance)
10 What should open space look like?
11 What will the Council charge for maintenance and who is responsible for maintenance?

11.1 Neither policy C3 nor this SPD makes it mandatory for the open space to be adopted by the Council. However this is one option to ensure the long term maintenance and public accessibility of the facilities. Details of any other maintenance option, including the means by which its long term maintenance and access will be secured, will need to be submitted in writing and agreed by the Council.

11.2 The maintenance of amenity green space, outdoors sports facilities/playing pitches and provision for children and young people will be achieved through S106. Maintenance of any of the other types of open space (with the exception of green corridors) will be achieved through CIL.

11.3 Where fenced play areas are created, applicants must apply to the Council for a Public Spaces Protection Order to cover the control and presence of dogs in the area. A fee for the Order (£500) is payable on the commencement of the development and will be included in the relevant S106 obligation accompanying the planning application. The Council’s Anti-Social Behaviour Team should be contacted for further information on Public Spaces Protection Orders (details can be found in Appendix H).

11.4 Commuted sums for maintenance are required where:

- new open space is provided on-site and this will be adopted by the Council;
- new open space is provided on-site and a third party will take over maintenance of the open space. In this case, the maintenance commuted sum will be passed directly to the third party; or
- quantity commuted sums are paid in lieu of provision on-site.

Commuted sums for maintenance are required as a separate charge from the commuted sums required to improve the quantity and quality of open space (set out in tables 10 and 11 of the SPD).

11.5 Commuted sums are required to ensure open space is maintained to the required standard and are used for ground maintenance, inspection, basic/major repairs and, where necessary, replacement of equipment.

11.6 Calculations for annual maintenance commuted sums are set out in table 13. These are based on current contract rates, including an allowance for inflation, and are seen as an annual charge payable in advance (at handover) for a ten year period. The costs take into account the Council’s average budget for the maintenance of play areas, including the costs of staff time, travel costs, basic repairs and weekly and annual inspections. Sport England best practice for playing pitch maintenance has also been considered.
Other costs, such as ground maintenance, major repairs, planned maintenance or full replacement costs are taken into account to ensure an accurate charge for maintenance is made.

11.7 The commuted sums only cover a ten year period. After the ten year maintenance period the Council will be required to absorb the cost of funding the ongoing long term maintenance of an open space as part of its budget. The OSCG consider the financial implications of maintenance when making recommendations on planning applications, and, where possible, encourage developers and Town/Parish Councils to take responsibility for the future long term maintenance of open space.

Table 13 Annual maintenance commuted sums

<table>
<thead>
<tr>
<th>Open space type</th>
<th>Cost per m² (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor sports facility including a changing facility</td>
<td>2.21</td>
</tr>
<tr>
<td>Equipped Play Area</td>
<td>2.20</td>
</tr>
<tr>
<td>Recreational Play Area</td>
<td>1.20</td>
</tr>
<tr>
<td>Amenity green space</td>
<td>1.20</td>
</tr>
</tbody>
</table>

11.8 The appropriateness of the maintenance commuted sums will be considered at least every three years. Commuted sums will be updated through the Council’s Annual Monitoring Report if it is necessary to amend them in advance of a review of the SPD.

11.9 There are several different options when providing for maintenance. This recognises that East Riding of Yorkshire Council will adopt suitable open spaces. However, it is also possible that developers may establish a private management entity, or Town and Parish Councils could take responsibility for maintaining an open space. Details on these various options are set out below.

**East Riding of Yorkshire Council**

11.10 Should amenity green space(22), outdoor sports facilities/playing pitches and open space for children and young people be adopted by the Council, a S106 obligation is necessary to deal with the transfer of the land to the Council and the payment of a commuted sum for its future maintenance.

11.11 The Council will not adopt any area of open space until all conditions have been discharged and the area meets Secured by Design guidelines.

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22 Highway land should not be classified as amenity green space. The adoption and maintenance of highway land (including new roads and associated infrastructure) is secured separately by the Council, as the Local Highways Authority, under Section 38 of the Highways Act (1980). Tree belts should only be classed as amenity green space if they are publicly accessible and provide opportunities for informal activities, as defined in the Open Space Review (2012)
Developers

11.12 Developers may wish to make their own arrangements for future maintenance. They could, for example, transfer responsibility for the maintenance of an open space facility to a private management entity which will be responsible for its long term maintenance. Through this option residents of the new development would make a financial contribution towards the cost of maintenance of the open space by the management company. Management plans prepared by developers must be agreed in writing by the Council to ensure that appropriate maintenance and safety inspections regimes are carried out and the facility remains safe for members of the public to use.

11.13 Please note that the employment of a private management entity may have implications for registered providers of affordable housing where there is a management charge. As such, these providers should be engaged early in the process.

11.14 Should a private company take over management of open space provided through new development, they will be required to maintain the open space in a reasonable condition. This would need to be in accordance with the principles of good horticulture and estate management. Play equipment should be regularly inspected and maintained in a safe condition in accordance with good practice as set out in The Play Inspection Companies Essential Guide to BS EN 1176/7. The company will be expected to keep records of inspections and maintenance.

Town and Parish Councils and residents

11.15 Town and Parish Councils, and residents associations or residents groups may wish to take over the management of open space from a developer or the Council. Should a third party take over maintenance of open space from the Council, the maintenance commuted sum will be passed directly to them.

Regardless of who is responsible for the maintenance of open space, in all circumstances public access to the facility must be maintained.
What will the Council charge for maintenance and who is responsible for maintenance?
12 How will the land transfer process work?

12.1 Should open space be adopted by the Council, the developer should notify the Council when the site is ready for inspection using the LT1 pro-forma (Appendix K). The open space to be adopted will then be inspected by officers from the grounds maintenance section and a report produced. This will detail any deficiencies and/or remediation works that may be required before the area can be regarded as complete. It will also include checks that the area complies with Secured by Design guidelines.

12.2 Requirements for play equipment and further detail on the Council’s requirements for fencing, seats, benches, bins and signs can be found in Appendix I. Developers should have regard to this list.

12.3 If the site has been laid out appropriately, meets Secured by Design guidelines, has a Public Spaces Protection Order in place and is landscaped in accordance with the approved details in the planning permission (or the S106 obligation), the Council will inform the developer that the open space passes the initial inspection.

12.4 Where remedial works are considered necessary following the initial inspection, the Council will inform the developer that work is required to bring the site up to an adoptable standard by issuing the LT2 pro-forma (Appendix L). This form must be signed by both the developer and the Council. There may be a further period of establishment and re-inspection before final adoption is agreed.

12.5 Following successful completion of the initial inspection, the developer will normally be expected to maintain the site at the required standard. Any repairs/replacement planting should be provided, where necessary, for an initial establishment period of twelve months. This will be specified in the initial inspection report. After the initial maintenance period, the site will be re-inspected and a further report prepared. This will detail any deficiencies and/or remediation works that may still be required before the area can be regarded as ready for adoption.

12.6 If the site is considered satisfactory for adoption, the Council will adopt the area(s) and take over responsibility for their future maintenance. The commuted sum for the future maintenance of the site, as set out in the S106 obligation, would then become payable. Appendix M summarises the land adoption process.
12 How will the land transfer process work?
Appendix A: Glossary of terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allotments</td>
<td>Land providing opportunities to grow produce as part of the long term promotion of wildlife conservation and biodiversity.</td>
</tr>
<tr>
<td>Amenity green space</td>
<td>Publicly accessible areas which provide informal green space, enhance the appearance of residential areas and form a link between green corridors/features, natural and semi natural space and other local community facilities.</td>
</tr>
<tr>
<td>Anti-social behaviour</td>
<td>Any aggressive, intimidating or destructive activity that damages or destroys another person’s quality of life. Examples include vandalism, nuisance by groups of people, littering and aggressive dogs.</td>
</tr>
<tr>
<td>Area Supply Reports</td>
<td>Compare the existing supply of open space against the open space standards set out in policy C3 to determine whether there is a current shortfall in different types of open space. These reports are updated on a regular basis.</td>
</tr>
<tr>
<td>Cemeteries and church yards</td>
<td>Provide a unique element of open space for the public to use and their primary purpose is for burial.</td>
</tr>
<tr>
<td>Civic spaces</td>
<td>Provide a setting for civic buildings, public demonstrations and community events.</td>
</tr>
<tr>
<td>Community Infrastructure Levy (CIL)</td>
<td>A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.</td>
</tr>
<tr>
<td>Doorstep Play Area</td>
<td>Small local areas providing places for recreation, picnic areas, sitting out areas and nature conservation areas.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>A self-contained building, or part of a building, used as residential accommodation, usually housing a single household (including flats).</td>
</tr>
<tr>
<td>Equipped play area</td>
<td>Play areas that provide free play equipment such as swings, climbing frames, slides and or fixed items of play.</td>
</tr>
<tr>
<td>Green corridors</td>
<td>Linear features of open character used for leisure purposes and travel. Provide opportunities for wildlife migration and provide people with access to green space and open countryside and</td>
</tr>
</tbody>
</table>

opportunities for recreation. Features such as public rights of way and cycle ways may also form an important part of the green corridor network.

**Gross Internal Area (GIA)**

The area of the building measured to the internal face of the perimeter walls at each floor level.

**Local Area of Play**

Local areas providing places with a landscaping setting with natural features. Provide children's play areas for different age groups and informal recreational pursuits.

**Local Plan**

The name for the collection of documents which together make up the plan for the future development of the East Riding. These form the Development Plan and are used to make decisions on planning applications.

**Local Planning Authority (LPA)**

The statutory authority whose duty it is to carry out the planning function for its area.

**Natural and semi-natural green space**

Informal less intensively maintained land, important for informal recreation as well as wildlife conservation and biodiversity.

**National Planning Policy Framework (NPPF)**

A national framework for planning made up of economic, social and environmental planning policies. The policies in the NPPF are considered in making decisions on planning applications.

**National Planning Practice Guidance (PPG)**

Policy guidance accompanying the NPPF is set out in the PPG.

**Neighbourhood Area of Play**

Medium areas of open space that are publically accessible and provide a range of facilities and features offering play, recreation, ecological, landscape and cultural benefits.

**Open Space**

All open space of public value, not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

**Open Space Review**

Considers the overall supply and quality of open space in the East Riding, and the relative accessibility of such open space to local people and communities.

**Parks and ornamental gardens**

Accessible, high quality opportunities for informal recreation and community events. Can help regenerate an area, enable healthy living and provide a sense of place.
<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space Maps</td>
<td>Electronic GIS mapping tool used to determine if residents of a new development can access existing open space within the accessibility standard set out in policy C3.</td>
</tr>
<tr>
<td>Playing Pitch Strategy</td>
<td>Assesses the existing provision of facilities for the five main pitch based sports and the quality of those facilities.</td>
</tr>
<tr>
<td>Public Spaces Protection Order</td>
<td>Referred to in the Anti-Social Behaviour, Crime and Policing Act (2014). Places restrictions on the presence and control of dogs, the consumption of alcohol or access to an area.</td>
</tr>
<tr>
<td>Quality Scores Database</td>
<td>Sets out the existing quality of open space. Updated on a regular basis.</td>
</tr>
<tr>
<td>Recreation play area</td>
<td>Informal (unequipped) play areas that provide opportunities for creative play using the natural environment.</td>
</tr>
<tr>
<td>Section 106 Obligation</td>
<td>Legal obligations entered into jointly by the LPA and a developer or unilateral undertakings offered by a developer that ensure certain extra works related to a development are undertaken.</td>
</tr>
<tr>
<td>Supplementary Planning Document (SPD)</td>
<td>A document used to elaborate on policies or proposals in the Local Plan. Used to provide further guidance for development on specific sites, or on particular issues. SPDs do not comprise part of the Development Plan.</td>
</tr>
</tbody>
</table>
Appendix B: Open Space Consultation Group membership

- Anti-social behaviour, safe communities (Housing Transport and Public Protection)
- Countryside Access Team (Culture and Information)
- Culture Tourism and Sustainable Development (Biodiversity and Green Infrastructure Specialism)
- Forward Planning (Asset Strategy)
- Grounds Maintenance, Environmental Services (Streetscene)
- Humberside Police
- Lead Local Flood Authority (where specific input is required with regards to Sustainable Drainage Systems)
- Open Space and Green Assets, Strategic Asset Management - Property (Asset Strategy)
- Planning and Development Management
- Projects and Development Environmental Services (Streetscene)
- Property Services, Legal and Democratic Services
- Sports and Development, Sport, Play and Arts (Culture and Information)
- Trees and Landscape
Appendix B: Open Space Consultation Group membership
## Appendix C: Information used by the Open Space Consultation Group

<table>
<thead>
<tr>
<th>Evidence</th>
<th>Source of information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Supply Reports (2016)</td>
<td><a href="http://www2.eastriding.gov.uk/council/plans-and-policies/other-plans-and-policies-information/open-space-review/">www2.eastriding.gov.uk/council/plans-and-policies/other-plans-and-policies-information/open-space-review/</a></td>
</tr>
<tr>
<td>Complaints and Anti-Social Behaviour Issues</td>
<td></td>
</tr>
<tr>
<td>Customer Surveys</td>
<td></td>
</tr>
<tr>
<td>East Riding of Yorkshire Council Officer Expertise</td>
<td></td>
</tr>
<tr>
<td>East Riding Local Plan (2016)</td>
<td><a href="http://www.eastriding.gov.uk/erlocalplan">www.eastriding.gov.uk/erlocalplan</a></td>
</tr>
<tr>
<td>Health and safety reports</td>
<td></td>
</tr>
<tr>
<td>Highways Traffic Reports</td>
<td></td>
</tr>
<tr>
<td>Heywoods</td>
<td><a href="http://www.heywoods.org.uk/">www.heywoods.org.uk/</a></td>
</tr>
</tbody>
</table>
## Appendix C: Information used by the Open Space Consultation Group

<table>
<thead>
<tr>
<th>Resource Details</th>
<th>Website/Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sport England Best Practice (2016)</td>
<td><a href="www.sportengland.org/facilities-planning/forward-planning/">www.sportengland.org/facilities-planning/forward-planning/</a></td>
</tr>
<tr>
<td>Sustainable Drainage Systems (SuDs) &amp; Surface Water Drainage Requirements For New Development. Design and Maintenance. Combined Planning Note and Standing Advice (September 2016)</td>
<td><a href="www.eastriding.gov.uk/spd">www.eastriding.gov.uk/spd</a></td>
</tr>
<tr>
<td>The Play Inspection Company (2008) - An essential guide to BS EN 1176/7 (Children's Playground equipment and surfacing)</td>
<td><a href="www.wicksteed.co.uk/pdfs/EN1176%20and%20EN1177.pdf">www.wicksteed.co.uk/pdfs/EN1176%20and%20EN1177.pdf</a></td>
</tr>
</tbody>
</table>
Appendix D: Open space and the planning process flowchart

Planning Application Submitted to Planning and Development Management:

Does the development comprise 11 units or more or have a maximum gross combined floor space of more than 1000m²?

No

Application determined through normal planning mechanism.

Yes - Applicant undertakes assessment of open space using the GIS mapping tool and Open Space Calculator.

Planning and Development Management consult the Open Space Consultation Group and provide the assessment prepared by the applicant.

Application Determined.

Refuse

Issue Notice of Decision

NB: Appeal possible

Open Space Consultation Group (OSCG):

1. Agree type of provision in line with SPD

2. Submit formal consultation response to Planning and Development Management, confirming open space requirements.

Where approved instructions to Legal Services to complete S106 agreement, which should include:

- Off site committed sum details (see SPD tables 10/11), or
- Details of transfer of on-site open space to the Council, maintenance committed sum (see SPD table 13) details and the Public Spaces Protection Order fee.

Planning permission granted with conditions requiring submission and approval of detailed design open space.

Details of provision for children and young people should be referred to OSCG by Planning and Development Management. Relevant officers (e.g. in Play and Early Years, Streetscene and Anti Social Behaviour) provide advice and recommend amendments as required.

Open space scheme

Development commenced. Development is completed.

Advice and recommended changes submitted to Planning and Development Management who then send them to the developer. Re-submission of scheme to OSCG for approval via Planning and Development Management.
Appendix D: Open space and the planning process flowchart
Appendix E: Model planning conditions for open space

Outline Planning Stage

The condition set out below will be applied to outline planning applications for residential development to ensure open space is provided in accordance with the policy in place at the time the reserved matters application is determined.

"The reserved matters details required under condition 2 shall include a scheme for the provision of open space as part of the development within the site in accordance with policy C3 of the East Riding Local Plan and the Open Space Supplementary Planning Document (unless the developers have previously entered into a binding agreement with the Council to secure the provision of the required open space elsewhere in the area has been submitted to and agreed by the Local Planning Authority). The scheme shall include details of the laying out and construction of the open space, the equipment to be provided on the open space, a timetable for its provision, and arrangements for its future maintenance.

The open space shall then be provided and maintained in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

This condition is imposed to ensure a satisfactory provision of open space is to be provided in the interests of the amenity of future residents as required by policy C3 of the East Riding Local Plan."

Full or Reserved Matters Stage

The condition set out below will be applied to full or reserved matters applications for residential development where the required open space will not be adopted by the Council, or where the adoption of open space has yet to be agreed.

"No dwelling shall be first occupied until a scheme for the provision of the open space within the approved site as shown on layout plan xxxxxxx (unless the developers have previously entered into a binding agreement with the Council to secure the adoption of the required open space) has been submitted to and agreed by the Local Planning Authority. The scheme shall include details of the laying out and construction of the open space, the equipment to be provided on the open space, a timetable for its provision, and arrangements for its future maintenance."

The open space shall then be provided and maintained in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning authority.

This condition is imposed to ensure a satisfactory provision of open space is to be provided in the interests of the amenity of future residents as required by policy C3 of the East Riding Local Plan."
Appendix E: Model planning conditions for open space
Appendix F: Model legal agreement for open space

A model (template) S106 Agreement/Unilateral Undertaking is shown on the following pages. This template is negotiable and can be adapted to suit the specific circumstances of each case. It should therefore be treated as a starting point for negotiations with the Council.
(STANDARD SECTION 106(2) OPEN SPACE AND COMMUTED SUM FOR RECREATIONAL FACILITIES)

DATED 200*

THE EAST RIDING OF YORKSHIRE COUNCIL

- and -

- *

- and -

- *

AGREEMENT

under Section 106 of the Town and Country Planning Act 1990 (as amended)
in respect of land at *
in the East Riding of Yorkshire

Application Reference: *

(*/*)
THIS AGREEMENT is made the day of 200*

BETWEEN

(1) THE EAST RIDING OF YORKSHIRE COUNCIL (“the Council”) and

(2) * (“the Owner”) and

(3) * (“the Mortgagee”)

DEFINITIONS AND INTERPRETATION

IN this Agreement the following words and expressions shall have the following meanings

“the Act” means the Town and Country Planning Act 1990 as amended

“the Application” means the application for planning permission received by the Council on the * and bearing the reference number * or as the same may have been amended prior to the date hereof

[“the Application Site” means the land situate at * in the East Riding of Yorkshire being the subject of the Application and shown for the purposes of identification edged * on the plan annexed hereto]

“Commencement of Development” means the carrying out of a material operation for the commencement of the Development as defined in section 56(4) of the Act

“the Development” means the development described in the Application

“the Director” means the Council’s Director of Planning and Economic Regeneration for the time being or his authorised nominee

“Dwelling” has the same meaning as in section 101 of the Housing Grants, Construction and Regeneration Act 1996
“the Land” means the land situate at * in the East Riding of Yorkshire being the subject of the Application and shown for the purposes of identification edged * on the Plan.

“Management Company” means [ ] a limited company or companies registered at Companies House which may already be in existence or which may be formed by the Owner for the purposes carrying out future maintenance of the Public Open Space and:

1. which is incorporated in England and Wales or Scotland;

2. which has its registered office in England or Scotland; and

3. whose primary objects permit it to maintain and review the Public Open Space.

“the Open Space Works” means the works to be carried out for the laying out of the Public Open Space in accordance with the conditions annexed to the Planning Permission.

“the Plan” means the plan annexed hereto.

“the Planning Permission” means the Planning Permission for the Development.

“the Public Open Space” means that part of the Land to be laid out as open space in accordance with the conditions annexed to the Planning Permission [and shown for the purpose of identification edged * on the Plan].
“the Recreational Facilities” may include any of the following namely open space recreational and sporting equipment and facilities public halls and other buildings landscaping and tree planting within the vicinity of the Land (as set out in the Accessibility Standards of the Council’s Supplementary Planning Document) together with professional fees and administrative costs

“the Recreational Facilities Contribution” means the sum of £ calculated as being due in lieu of the provision of [children’s/youth/adult] open space on the Land

WHEREAS

(A) The Council is the Local Planning Authority for the purposes of the Act for the area within which the Land is situated

(B) The Owner is seised in fee simple in possession of the Land free from incumbrances save as hereinafter mentioned and proposes to enter into the obligations contained in this Agreement in respect of the Land

(C) The Mortgagee is mortgagee of the Land under a Legal Charge dated * and made between the Owner of the one part and the Mortgagee of the other part

(D) The Owner has submitted the Application to the Council for planning permission to carry out the Development in accordance with plans specifications and particulars forming part of the Application

(E) At its meeting on the * the * Committee of the Council was satisfied that the Development disclosed by the Application was such as might be approved by the Council under the Act provided the parties hereto enter into an obligation of the type specified in Section 106 of the Act in the manner of this Agreement

NOW THIS DEED WITNESSES as follows:-
1. This Agreement is made in pursuance of the powers set out in Section 106 of the Act and all other powers enabling and is a planning obligation for the purposes of Section 106 of the Act and the Council is the Planning Authority by which the provisions of this Agreement shall be enforceable.

2. IT IS HEREBY AGREED AND DECLARED as follows:

2.1 Save where the context otherwise requires references to any party in this Agreement shall include their respective successors in title but to the intent that no party shall be liable for any breach of this Agreement occurring after the date on which they shall have parted with their interest in the Land or the part in respect of which such breach occurs.

2.2 The covenants contained in this Agreement shall come into effect only upon the grant of the Planning Permission.

2.3 This Agreement is a local land charge and shall be registered as such.

2.4 Nothing contained or implied in this Agreement shall prejudice or affect the rights, powers, duties and obligations of the Council in the exercise of its functions as Local Authority and its rights, powers, duties and obligations under all public and private statutes, bylaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

2.5 If any provision in this Agreement shall be held to be invalid, illegal or unenforceable the validity, legality and enforceability of the remaining provisions hereof shall not in any way be deemed thereby to be affected or impaired.

2.6 Covenants made hereunder if made by more than one person are made jointly and severally.

2.7 No waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the terms and conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent
the Council from enforcing any of the said terms or conditions or from acting upon any subsequent breach or default in respect thereof by the Owner.

2.8 The Owner shall pay to the Council on demand the sum of £1,000 as a contribution towards the Council's legal costs incurred in connection with the preparation and completion of this Agreement.

2.9 Any Notice or other information required or authorised by this Agreement to be given by any party may be given by hand or sent by first class pre-paid post and if sent by post shall be deemed to be served two days after being sent unless returned to the sender as undelivered mail by the Post Office.

2.10 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement and unless specifically provided no person other than the parties to this Agreement or their successors in title shall have any benefit or any right to enforce any term of this Agreement.

3. The Owner covenants with the Council so as to bind the Land and each and every part thereof:

(i) to observe and perform the covenants set out in the First Schedule hereto; and
(ii) that from the date of the Commencement of Development the Land will be permanently subject to the restrictions set out in the Third Schedule hereto.

4. The Council agrees to accept the Owners covenants set out in the First Schedule hereto and hereby covenants with the Owner to fulfil the covenants on its behalf contained in the Second Schedule hereto.

5. The Mortgagor hereby consents to the completion of this Agreement and acknowledges that (subject as hereinbefore provided) the Land shall be bound by the restrictions and obligations contained herein.

6. The Owner hereby covenants to indemnify the Mortgagor in respect of any liabilities, actions, demands, proceedings, costs and expenses arising directly or indirectly as a result of the Mortgagor having entered into this Agreement.
7. Any dispute arising between the parties with regard to their respective rights and obligations as to any matter or thing in any way arising out of or connected with this Agreement shall be referred to the decision of a single arbitrator to be agreed by the parties or failing agreement between them to be nominated by the President for the time being of the Law Society and any such reference shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1996 or any statutory modification or re-enactment for the time being in force.

IN WITNESS whereof the parties have executed these presents as a Deed the day and year first before written.

FIRST SCHEDULE

Covenants by the Owner

1. The Owner shall give to the Council no less than seven days notification in writing prior to the Commencement of Development.

2. The Owner shall pay to the Council the Recreational Facilities Contribution prior to the Commencement of Development [on the occupation of * Dwellings].

3. Public Open Space

3.1 Following the completion of the Open Space Works the Owner shall notify the Council by serving a notice in writing upon the Council who shall within 14 days or as soon as reasonably practicable arrange for the inspection of the Open Space Works and if the Open Space Works shall have been carried out to the satisfaction of the Council the Council shall issue a certificate of completion of the Open Space Works such certificate to bear the date of the inspection (“the Completion Date”).

3.2 If the Open Space Works have not been carried out to the satisfaction of the Council then following notification in writing by the Council of any defect in writing the Owner shall rectify the defect specified and invite further inspection by the Council in accordance with the procedures set out in Paragraph 3.1 above such procedures to be
repeated as necessary until the Council issues a certificate of completion of the Open Space Works

3.3 The Owner shall maintain and keep maintained the Public Open Space to the satisfaction of the Council for a period of twelve months from the Completion Date after which period the Council shall carry out a final inspection of the Public Open Space and if it shall have been properly maintained to the satisfaction of the Council the Council will issue a final certificate to that effect (“the Final Certificate”)

3.4 Upon receipt of a written request from the Council the Owner shall complete the transfer to the Council for the consideration of One Pound (£1) the freehold of the Public Open Space with full title guarantee and vacant possession free from any mortgage or charge or other third party interest subject to an obligation on the part of the Council restricting the use of the Public Open Space for the benefit of the public each party to bear their own costs in such transfer

3.5 The Owner shall pay to the Council on completion of the transfer of the Public Open Space or on the occupation of * Dwellings on the Land (whichever is the sooner) a commuted sum in lieu of ten years future maintenance of the Public Open Space (“the POS Maintenance Contribution”) such sum be calculated by the Council on the basis of (a) (i) £2.21 per square metre for outdoor sports facilities and changing facilities and (ii) £2.20 per square metre for equipped play areas and (iii) £1.20 per square metre for recreational play areas and (iv) £1.20 per square metre for amenity green space (“the Standard Formula”) or such other formula as shall be applied by the Council at the time of transfer (provided that any increase payable by the Owner will be restricted to no more than five per cent per annum on the Standard Formula); and (b) such sum or sums for the maintenance of hard standing and play equipment (if any) as may be applicable

3.1 Following the completion of the carrying out of the Open Space Works the Owner shall serve a notice in writing upon the Council inviting the Council to inspect the Public Open Space.
Space and if the Open Space Works shall have been carried out to the satisfaction of the Council (acting reasonably) the Owner shall invite the Council to issue a certificate of completion of the Open Space Works such certificate to bear the date of the inspection (“the Completion Date”).

3.2 Subject to the Council providing notification in writing that the Open Space Works have not been carried out to the reasonable satisfaction of the Council then the Owner shall rectify such defect(s) as may be specified in such notice and shall thereafter invite further inspection by the Council in accordance with the procedures set out in Paragraph 4.1 above such procedures to be repeated as necessary until the Council issues a certificate of completion of the Open Space Works.

3.3 The Owner shall maintain and keep maintained the Public Open Space to the satisfaction of the Council for a period of twelve months from the Completion Date after which period the Owner shall invite the Council to carry out a final inspection of the Public Open Space and if it shall have been properly maintained to the satisfaction of the Council the Council shall be invited to issue to the Owner a final certificate to that effect (“the Final Certificate”).

3.4 Upon the issue of the Final Certificate to the Owner, the Owner shall transfer title to the Public Open Space to the Management Company approved by the Council on terms to be agreed between the Owner, the Management Company and the Council and all further maintenance shall be thereafter carried out by the Management Company in perpetuity from the date of the transfer PROVIDED THAT

3.4.1 it shall be a term of the transfer that the Management Company will only allow the use of the Public Open Space for public use and no other purpose.

3.4.2 within the transfer the Management Company will covenant with the Council pursuant to section 33 of the Local Government (Miscellaneous Provisions) Act 1982 to maintain and manage in perpetuity the Public Open Space in
accordance with the principles of good horticultural and estate management. To install equipment and surfacing to meet standards set out in BS EN 1176 and BS EN 1177. To ensure that all equipped play areas within the Public Open Space are inspected on a quarterly basis by a competent person and a record of inspections are recorded. That an independent annual inspection is completed by a Register of Play Inspectors International (RPII) qualified inspector and any findings are addressed promptly to protect the safety of users; and

3.4.3 only allow the use of the Public Open Space for public access and recreation and for no other purpose.

3.5 The Owner hereby declares that pursuant to Section 31(6) Highways Act 1980 that the Public Open Space has not been dedicated to the public nor is any use by the public of any part of the Public Open Space to be taken in any way as an intention by the Owner to dedicate the same as highway.

3.6 The Owner will procure that public access is allowed to the Public Open Space but subject to the following provisions: -

3.6.1 access shall be subject to such other requirements and regulations as may from time to time be imposed by the Owner having regard to overriding reasons of safety, security and prudent building management PROVIDED THAT such requirements and regulations shall not be imposed without the Council’s prior written approval;

3.6.1 the Owner may erect notices on the Public Open Space and access to them will be denied by the Owner for one day each year in order to prevent public rights of way or common rights coming into being; and
3.6.2 access may be denied by the Owner for and during the maintenance, repair, cleansing or renewal of the Public Open Space or for and during the construction of any building or land abutting it subject to the Council’s prior approval.

3.7 The Owner may close the Public Open Space or any part thereof for reasonable periods by reason of:

3.7.1 emergency;

3.7.2 cleansing, maintenance and repair;

3.7.3 at the direction of the emergency services or other lawful authority; and / or

3.7.4 construction activities whilst the proposed development is being built.

3.8 Where a fenced play area is to be provided as part of the Public Open Space the Owner shall pay the sum of £500 to the Council for the making of a Public Spaces Protection Order pursuant to section 59 Anti-social Behaviour Crime and Policing Act 2014 or any statutory modification or re-enactment for the time being in force.

SECOND SCHEDULE

Covenants by the Council

1. The Council shall pay the Recreational Facilities Contribution when received into the Council’s interest earning Bank Account

2. The Council shall expend the Recreational Facilities Contribution and interest accruing thereon for the provision of the Recreational Facilities or for the purchase of land for the provision of the Recreational Facilities the nature of such payments being within the absolute discretion of the Council
3. The Council shall repay to the Owner on request such sum or sums remaining from the Recreational Facilities Contribution as have not been expended within ten years of the date of receipt by the Council [of the final instalment]

THIRD SCHEDULE
Restrictions on the Land

1. There shall be no works carried out for the Commencement of Development on the Land prior to the payment to the Council of the Recreational Facilities Contribution

2. No more than (*-1) Dwellings shall be occupied on the Land prior to the payment to the Council of the POS Maintenance Contribution in accordance with Paragraph 3.5 of the First Schedule.

THE COMMON SEAL of THE EAST RIDING OF YORK

YORKSHIRE COUNCIL, was hereunto affixed in the presence of:-

THE COMMON SEAL of *

was hereunto affixed in the presence of:-
THE COMMON SEAL of *

was hereunto affixed in the presence of:

SIGNED AND DELIVERED as a DEED by the said *
in the presence of:

SIGNED AND DELIVERED as a DEED by the said *
in the presence of:
Appendix G: Open space assessment process flowchart

Stage A
Accessibility
Use Open Space Maps to identify location of site and existing open space on map (See SPD step 1)

Is the existing open space accessible from the site? (See SPD step 2)

Yes  No

Stage B
Quantity
Does the relevant Area Supply Report indicate a shortfall in the quantity of existing open space? (see SPD step 6.7)

No  Yes

Stage C
Quality
Does the Quality Scores Database indicate a shortfall in the quality of existing open space? (see SPD step 9)

No  Yes

Outcome
Open space is **not required**

On-site or contribution? (see SPD step 5)
Use Open Space Calculator to identify requirements (see SPD step 3.4)

Open space is **required**

Open space is usually provided on-site if the amount required is more than:

- 500sqm - children and young people (equipped and recreation combined)
- 7,400sqm - playing pitches

Amenity green space should be provided on-site. If new open space and improvements to quality of open space are both required, the Council will normally require provision of new open space.
Appendix G: Open space assessment process flowchart
Appendix H: East Riding of Yorkshire Council contact details

Anti-Social Behaviour Team
Should be contacted for further information on Public Spaces Protection Orders.
Email: safe.communities@eastriding.gov.uk
Telephone Number: 01482 396019

Forward Planning Team
Should be contacted regarding general matters relevant to the interpretation of Local Plan Policy and/or the SPD.
Email: forward.planning@eastriding.gov.uk
Telephone Number: 01482 391738

Open Space and Green Assets team
Should be contacted for issues regarding the Open Space Review, Area Supply Reports and Playing Pitch Strategy.
Email: asset.strategy.consultations@eastriding.gov.uk
Telephone Number: 01482 393970

Open Space Consultation Group (OSCG)
Responsible for ensuring the provision of open space on new developments complies with the Council's policies, strategies and planning guidance.
Email: openspace@eastriding.gov.uk
Telephone Number: 01482 391676

Planning and Development Management
Should be contacted regarding specific planning applications and sites.
Email: beverley.dc@eastriding.gov.uk
Telephone Number: 01482 393647

Projects and Development Team (Streetscene)
Should be contacted regarding the maintenance of open space.
Email: streetscene.support@eastriding.gov.uk
Telephone Number: 01482 395864

Sports, Play and Arts section

Should be contacted regarding commuted sums for open space and the design of open space.

Email: sportplayarts@eastriding.gov.uk

Telephone Number: 01482 392520
Appendix I: Children and young people's open space requirements

There are four parts to this appendix:

- A - Children's Open Space Requirements Post Application Stage
- B - Requirements for Play Equipment
- C - Specification for Fencing to Equipped Play Areas
- D - Specification for Seats, Benches, Bins and Signs Installed in Play Areas

In the following table, “PiPA” indicates where a requirement relates to the Plan Inclusive Play Areas assessment tool.

A - Children's Open Space Requirements Post Application Stage

<table>
<thead>
<tr>
<th>Location of Children and young people's play area</th>
<th>Doorstep (A)</th>
<th>Local Area of Play (B)</th>
<th>Neighbourhood Area of Play (C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of Children and young people's play area</td>
<td>Where practicable to be located in the centre of the site. Sites to be assessed against Secure by Design. Dangerous features removed/protected. Prominent warning signs to motorists placed on each side of any adjacent roads. Accessible by walking routes with smooth surfaces, wide paths (min 1.2m), gentle slops (1:12 max), safe crossing points with dropped kerbs (PiPA).</td>
<td>Where practicable to be located in the centre of the site. Site to be assessed against Secure by Design. Dangerous features removed/protected. Prominent warning signs to motorists placed on each side of any adjacent roads. Accessible by walking routes with smooth surfaces, wide paths (min 1.2m), gentle slops (1:12 max), safe crossing points with dropped kerbs (PiPA).</td>
<td>To be discussed on a site by site basis. Site to be assessed against Secure by Design. Dangerous features removed/protected. Prominent warning signs to motorists placed on each side of any adjacent roads. Accessible by walking routes with smooth surfaces, wide paths (min 1.2m), gentle slops (1:12 max), safe crossing points with dropped kerbs (PiPA).</td>
</tr>
<tr>
<td>Safety Standards</td>
<td>All play equipment and fencing, gates, seating, safety surfacing and layout to conform to EN1176, EN1177, BS7188 and RoSAP guidance.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

East Riding of Yorkshire Council 93
## Appendix I: Children and young people’s open space requirements

<table>
<thead>
<tr>
<th></th>
<th>Doorstep (A)</th>
<th>Local Area of Play (B)</th>
<th>Neighbourhood Area of Play (C)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Amount and range of equipment</strong></td>
<td>Three types of equipment for children aged 0 - 12.</td>
<td>Five to eight types of equipment for children aged 0 - 12.</td>
<td>At least eight types of equipment for ages 0 - 16 including an informal games areas of at least 465m².</td>
</tr>
<tr>
<td></td>
<td>Fencing where appropriate.</td>
<td>Details of equipment to be forwarded for recommendations to member of OSWG.</td>
<td>Details of equipment to be forwarded for recommendations to member of OSWG.</td>
</tr>
<tr>
<td></td>
<td>Benches and Bins.</td>
<td>Landscaping</td>
<td>Landscaping</td>
</tr>
<tr>
<td><strong>Location of Children and young people’s play area</strong></td>
<td>Where practicable to be located in the centre of the site.</td>
<td>Where practicable to be located in the centre of the site.</td>
<td>To be discussed on a site by site basis.</td>
</tr>
<tr>
<td></td>
<td>Sites to be assessed against Secured by Design.</td>
<td>Site to be assessed against Secured by Design.</td>
<td>Site to be assessed against Secured by Design.</td>
</tr>
<tr>
<td></td>
<td>Prominent warning signs to motorists placed on each side of any adjacent roads.</td>
<td>Prominent warning signs to motorists placed on each side of any adjacent roads.</td>
<td>Prominent warning signs to motorists placed on each side of any adjacent roads.</td>
</tr>
<tr>
<td><strong>Safety Standards</strong></td>
<td>All play equipment and fencing, gates, seating, safety surfacing and layout to conform to EN1176, EN1177, BS7188 and RoSAP guidance.</td>
<td>Safety Standards</td>
<td>Safety Standards</td>
</tr>
<tr>
<td><strong>Play equipment installation and construction requirements</strong></td>
<td>Swing orientation must not be east-west (to avoid sun dazzle).</td>
<td>Swing orientation must not be east-west (to avoid sun dazzle).</td>
<td>Swing orientation must not be east-west (to avoid sun dazzle).</td>
</tr>
<tr>
<td></td>
<td>Slide orientation chute must not face south (heat level).</td>
<td>Slide orientation chute must not face south (heat level).</td>
<td>Slide orientation chute must not face south (heat level).</td>
</tr>
<tr>
<td></td>
<td>Balancing beams should not be more than 300mm above ground level (safety).</td>
<td>Balancing beams should not be more than 300mm above ground level (safety).</td>
<td>Balancing beams should not be more than 300mm above ground level (safety).</td>
</tr>
</tbody>
</table>
### Appendix I: Children and young people’s open space requirements

<table>
<thead>
<tr>
<th>Doorstep (A)</th>
<th>Local Area of Play (B)</th>
<th>Neighbourhood Area of Play (C)</th>
</tr>
</thead>
</table>
| Hand grips: in contrasting colour: e.g. bright yellow.  
Play structures should not enable children to overlook private gardens.  
Pitches to have 6m run off. | Hand grips: in contrasting colour: e.g. bright yellow.  
Play structures should not enable children to overlook private gardens.  
Pitches to have 6m run off. | Hand grips: in contrasting colour: e.g. bright yellow.  
Play structures should not enable children to overlook private gardens.  
Pitches to have 6m run off. |
| Access | Not applicable | Each access to be reached by asphalt path min 2.0m wide with appropriate falls to prevent ponding.  
Each access to be linked inside the play area by asphalt path min 1.5m wide to aid disabled access.  
2m width to be provided for first 2.5m inside each gate to assist access by prams, buggies and wheelchairs.  
Desirable maximum longitudinal gradient on paths to be 1 in 20, absolute maximum 1 in 12, crossfall 1 in 30.  
Where longitudinal gradient is steeper than 1 in 20 galvanised metal handrail to be provided on one side of path.  
Entrances and routes free of trip hazards, overhanging hazards and standing water.  
Maintenance access to be provided (min 2.4m, max 3.0m wide) with 150mm thick concrete hardstanding extending full width of entrance and 1.5m into play area. Route to access to be clear from obstructions, dropped kerbs maybe needed on adjacent road.  
Changes in slopes or pathway textures are clearly identified e.g. via colour or textural variations (PiPA). |
Appendix I: Children and young people’s open space requirements

<table>
<thead>
<tr>
<th></th>
<th>Doorstep (A)</th>
<th>Local Area of Play (B)</th>
<th>Neighbourhood Area of Play (C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fencing/Gates</td>
<td>Not applicable</td>
<td>Metal bow topped fencing shall be provided to fully enclose the play area. A full specification of the fencing and gates is contained below.</td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Not applicable</td>
<td>All footways and paved areas to be of adoptable highway standard with concrete edgings or kerbs. Timber spline is not permitted as an edge restraint.</td>
<td></td>
</tr>
</tbody>
</table>

**B - Requirements for Play Equipment**

**General Requirements**

- all play equipment must comply with BS EN 1176.
- all wheelchair accessible items, and items easily accessed by children who are physically disabled, to have a clear, solid, accessible pathway to them (PiPA).
- sensory play: at least three of the following accessible from a seated and a standing position: sight/visual (e.g. strong colour contrast), sound (e.g. sound maker), scent (planting), tactile (e.g. range of textures), movement and balance.
- imaginative, individual and social play: natural materials, space to play games, individual and co-operative activities, quieter spaces away from busy areas.
- timber should not be used in any part of the construction of play equipment.
- all structural elements should be metal with a minimum manufacturer’s warranty period against corrosion of twenty years.
- all decorative finishes should have a minimum manufacturer’s warranty period of five years.
- written confirmation from the manufacturer must be supplied confirming that the guarantee will be transferred to East Riding of Yorkshire Council when the installation is taken over.
- all fixings must as a minimum be electroplated with a corrosion warranty of twenty years. Stainless steel fixings are preferred.
- all fixings must be tamper resistant requiring the use of a special tool to remove them. Standard nuts with nylon insert are not considered to be tamper resistant.
- any ropes or nets used in play structures must be steel cored with a two year manufacturer’s warranty.
- written confirmation from the manufacturer must be provided confirming the availability and delivery period of spare parts. Consumable spares such as bearings, swing seats, fixings, chains, nets and ropes must have a delivery period not exceeding forty eight hours. All other spare parts must be available within two weeks.

A handover pack comprising of details of manufacture, guarantees, maintenance specifications, spares availability, must be sent to Environmental Services on transfer of the Play Area.
### Specific Requirements

The additional requirements for individual items of play equipment are detailed in the table below:

<table>
<thead>
<tr>
<th>Item of Equipment</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stepping Posts/Stones</td>
<td>• should have an integral anti slip surface.</td>
</tr>
<tr>
<td></td>
<td>• should have an integral construction, not a detachable top.</td>
</tr>
<tr>
<td>Balance Beams</td>
<td>• should have an integral anti slip surface.</td>
</tr>
<tr>
<td></td>
<td>• integral construction of support/beam preferred.</td>
</tr>
<tr>
<td>Springies</td>
<td>• panel type construction is not acceptable, i.e where panels form the</td>
</tr>
<tr>
<td></td>
<td>structure rather than just a decorative purpose.</td>
</tr>
<tr>
<td></td>
<td>• springies must have metal frame which allows replacement of individual parts.</td>
</tr>
<tr>
<td></td>
<td>• springs must be high tensile.</td>
</tr>
<tr>
<td></td>
<td>• fixings must allow spring replacement without disturbing safety surfacing.</td>
</tr>
<tr>
<td></td>
<td>• springies must be of a type that provides back support for less able children.</td>
</tr>
<tr>
<td>Swings</td>
<td>• seats must be replaceable independently without the need to replace the chains.</td>
</tr>
<tr>
<td></td>
<td>• chains must be galvanised and independently replaceable.</td>
</tr>
<tr>
<td></td>
<td>• bearings must be anti-wrap and independently replaceable without the need to remove the top bar or any part of the frame.</td>
</tr>
<tr>
<td></td>
<td>• all metal bearings preferred.</td>
</tr>
<tr>
<td></td>
<td>• the use of anti-wrap chains in lieu of anti wrap bearings is not acceptable.</td>
</tr>
<tr>
<td>Slides</td>
<td>• slide itself must be stainless steel and NOT south facing.</td>
</tr>
<tr>
<td></td>
<td>• steps and deck must have integral anti-slip surface.</td>
</tr>
<tr>
<td></td>
<td>• separate step treads should not provide structural support.</td>
</tr>
<tr>
<td></td>
<td>• slide must have safety bar at top.</td>
</tr>
<tr>
<td>Roundabouts/Rotators</td>
<td>• bearings must be metal and replaceable on-site.</td>
</tr>
<tr>
<td></td>
<td>• where roundabouts have seats these must be independently replaceable, integral seat construction preferred.</td>
</tr>
<tr>
<td>See-Saw</td>
<td>• all bearings must be robust and independently replaceable on-site.</td>
</tr>
<tr>
<td></td>
<td>• any seats must be independently replaceable, integral construction preferred.</td>
</tr>
</tbody>
</table>
Appendix I: Children and young people’s open space requirements

<table>
<thead>
<tr>
<th>Item of Equipment</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| **Multi-Play Units** | • panels must be individually replaceable without disturbing safety surfacing.  
• decks must be metal or polypropylene with integral anti-slip surface.  
• all slides to be stainless steel.  
• any nets/ropes must be replaceable without disturbing safety surfacing. |
| **Space Nets/Climbing Units** | • ropes to be steel cored polypropylene.  
• all cable clips/connectors to be corrosion resistant.  
• preference given to units allowing replacement of individual rope strands. |

**C - Specification for Fencing to Equipped Play Areas**

Fenced play areas for children and young people must be covered by a Public Spaces Protection Order to cover the control and presence of dogs in the area. The applicant must apply to the Council for the Public Spaces Protection Order and pay the appropriate fee (£500) as specified in the S106 obligation accompanying the planning application.

The Council will not adopt any fenced play area until the Order is in place. The Council’s Anti-Social Behaviour Team should be contacted for further information on Public Spaces Protection Orders (contact details in Appendix J).

Permanent fencing to equipped play areas shall comply with BSEN 1722 Part 9 and the following requirements:

**General**

- fencing shall be 1m minimum height “low” bow topped of fully welded construction.  
- the measured distance between the highest point of the bow and the top horizontal flat bar shall not exceed 85mm.  
- individual panels shall be 2.72 m long with 2No intermediate ground supports per panel at equal spacing.  
- vertical bars shall be Ø16mm at maximum 105mm centres.  
- construction of the fence shall be such that no gaps exceed 89mm and it is free from any neck entrapments.  
- horizontal rails shall be 40x10mm.  
- posts shall 50x50x3mm RHS with fully welded end caps.  
- construction of the fence shall be such that future replacement of individual panels can be carried out without the need to remove/reset posts.  
- the construction of the fence shall be such that deviations of line can be accommodated with standard components.
the ground beneath the fence line shall be trimmed as necessary to provide an even gap between the ground and the bottom rail.

where the layout of a site requires non-standard panel lengths these shall be manufactured as such. On-site modification of panels is not acceptable.

**Finish**

- all fencing, posts, maintenance gates and components shall be hot-dipped galvanised to BS EN 1461 and polyester powder coated in green, RAL 6005.
- pedestrian access gates shall be hot-dipped galvanised to BSEN 1461 and polyester powder coated in yellow, RAL 1016.
- the completed fence shall have no sharp or protruding edges.

**Fixings**

- bolts used for connecting post/panels shall be a minimum of Ø10mm and have a dome head. Nuts shall have a locking system and be of the shear off type or require a special tool to prevent unauthorised removal.
- projection of the bolt beyond the nut when fully tightened should not exceed one half of the bolt diameter.
- the fixings should be of a design that does not cause damage to the coating of components during installation.
- all fixing components, nuts bolts washers and the like, shall be hot-dipped galvanised to BS EN 1461 unless stainless steel.

**Gates - Pedestrian Access**

- pedestrian access gates shall provide a minimum of 1.0m and a maximum of 1.2m clear opening.
- gates should be arranged such that a minimum gap of 20mm is provided between the gate and each post in the closed position to prevent finger entrapment.
- a clearance of 75mm ± 5mm should be achieved beneath the gate.
- a shut plate of maximum length 50mm should be provided on the free end of the gate positioned a maximum of 300mm above ground level. A rubber stop a minimum of 10mm thick should be mechanically fixed to the shut plate.
- hinges shall be designed such that unauthorised removal of the gate is not possible in any position.
- systems for hinge adjustment shall be designed to prevent unauthorised adjustment.
- mechanical gate closers shall be fitted to each pedestrian gate providing the following features:
  - low resistance against opening;
  - a closure time of not less than 5 seconds or more than 10 seconds;
  - be adjustable for force and closure time;
  - be designed and fitted as to avoid finger entrapment;
  - be fully enclosed within the gate construction but removable for maintenance; and
  - be designed to prevent slamming.
NOTE: Coiled spring type gate closers are not permitted. Locking bars and drop bolts are not required on pedestrian access gates.

Gates - Maintenance

- maintenance access gates shall be double leaf and provide a minimum of 2.4m and a maximum of 3.0m clear opening.
- gates should be arranged such that a minimum gap of 20mm is provided between the gate and each post in the closed position to prevent finger entrapment.
- a clearance of 75mm ± 5mm should be achieved beneath the gates.
- hinges shall be designed such that unauthorised removal of the gate is not possible in any position.
- systems for hinge adjustment shall be designed to prevent unauthorised adjustment.
- drop bolts shall be provided on each leaf with corresponding sleeves for each gate in both the open and closed position.
- a locking bar shall be provided with a heavy duty padlock and three keys.

Installation

- all posts to have a minimum embedded length of 450mm.
- post foundations to be ST3 concrete a minimum of 450mm in any plan dimension and extend 75mm below the bottom of the post.
- intermediate support foundations to be ST3 concrete a minimum of 250mm in any plan dimension and extend 75mm below the bottom of the support.
- all foundations to have a minimum of 50mm and a maximum of 75mm ground cover.
- two sets of any special tools required to adjust or facilitate the replacement or adjustment of components shall be provided to the Client for each site where they are required.
- details of the proposed fencing supplier and product shall be provided one month prior to commencement of works on-site. The information provided should be sufficiently detailed to allow a proper evaluation of the proposal against the specification.

D - Specification for Seats, Benches, Bins and Signs Installed in Play Areas

Seats/Benches

- seats and benches shall be all steel construction, fully galvanised and powder coated. Seats shall have arms and be of a design that minimises graffiti, i.e perforated steel or steel bar.
- seats must be located where there is no barrier to natural surveillance, including when any trees mature.
Appendix I: Children and young people's open space requirements

- seats and benches to be sited adjacent to play equipment, with space for people who use mobility devices, including wheelchairs, to sit with other people, without blocking a path or feeling like an after-thought (PiPA).
- each seat or bench shall be installed in a hard paved area in accordance with the manufacturer's instructions. Where bolts or similar fixings are employed to fix the seat they should be of a tamper resistant type protected against corrosion. The type of fixing must be appropriate to the material to which the seat is being secured.
- tables (relevant for Neighbourhood Play Areas) to be usable by children and adults who use mobility devices, including wheelchairs (PiPA).
- a balance between shade and sun at the site (PiPA).

Litter Bins

Litter bins shall be LBV/6 Victoriana Glass Fibre Composite in black/gold by:

Wybone Ltd
Mason Way
Platts Common Industrial Estate
Hoyland
Barnsley
South Yorkshire
S74 9TF
Tel: (01226) 744010
Fax: (01226) 350105
E-mail: sales@wybone.co.uk

Each litter bin shall be sited on a 150mm thick ST4 concrete base of minimum plan dimensions 650mm x 400mm and secured with 2No Ø10mm 100mm long bolt type shield or sleeve anchors. Bolts shall be well greased to facilitate future replacement of the bin.

Signs

Signs shall be constructed in accordance with BS873 Part 6 and the following requirements:

- sign faces to be fabricated from a single sheet of 2.0mm thick aluminium with stiffeners.
- sign faces to be made from class 2 reflective material.
- sign to be mounted on two no 76mm diameter galvanised steel posts complying with BS873.
- sign to be mounted at wheelchair and child height i.e. 1 metre from ground (PiPA).
posts shall be fitted with 225 x 225 x 4.75mm steel base plates and post caps.

sign to be fixed to posts with corrosion resistant proprietary fittings.

sign to be constructed and installed in accordance with the sign face diagram below.

sign design to keep text to a minimum, with Braille and symbols/pictorial images as well as text (PiPA).

sign to provide contact information for maintenance of play area (PiPA).

the Council will erect signs where a Public Spaces Protection Order has been introduced, with costs met from the fee paid by the applicant.

a scale drawing of the proposed sign should be submitted for approval one month prior to fabrication.

**Equipment suppliers**

Equipment suppliers must be on the Eastern Shires Purchasing Organisation (ESPO) framework. The ESPO framework is used for the procurement of play areas in the East Riding.

Developers are encouraged to discuss their proposals at an early stage. Please contact Streetscene for technical advice on proposed equipment and Sport Play and Arts for information on types of equipment to be installed. Contact details for these teams can be found in Appendix H.
Appendix J: Outdoor sports facilities/playing pitches requirements

Applicants should have regard to the following points providing guidance on the location, design and equipment for outdoor sports facilities/playing pitches.

Location

- proximity to residential areas, guidance on buffer zones for facilities can be obtained from the relevant national governing body.
- proximity to busy roads should be considered and minimised if appropriate.
- direction of play for sports pitches should minimise the nuisance to neighbouring properties.
- retaining walls/fences may be required in smaller recreational kick-about areas.

Design

- buffer planting should be robust enough to withstand the impact of balls and use by young people.
- landscaping should seek to minimise visual and noise pollution and to blend the outdoor sports facility sensitively into the housing.
- fencing should be provided in appropriate situations, e.g. where the outdoor sports facility is in close proximity to the housing.
- changing facilities should be provided. Advice on design can be obtained from Sport England.
- where the land is linked to a Phase 2 development a clear management plan should be provided to demonstrate how the link would be made.
- lighting should be provided where appropriate.
Appendix K: LT1 Pro-forma

Should open space be adopted by the Council, the following LT1 form should be completed by the developer to notify the Council the site is ready for inspection.
LT 1 Form – Application for Site Inspection

1. Developer Name: ________________________________________________
   Address: _______________________________________________________
   __________________________________ Postcode _______________________
   Contact Person: _________________________________________________
   Telephone: _______________________
   Email: ___________________________

2. Site Name (As listed on the 106 obligation)
   __________________________________
   Site Name (e.g. street that the OPS is adjacent to) _______________________
   Site Name (The commercial site name)
   __________________________________
   Town/Village: ___________________________________________________
   Postcode: _______________________________________________________

3. Planning Reference No: ____________________________________________

4. Solicitor: _______________________________________________________
   Address: _______________________________________________________
   __________________________________ Postcode_______________________
   Contact Person: _________________________________________________
   Telephone: _______________________
   Email: ___________________________
One hard copy of the following must be enclosed if the adoption process is to progress. We also require the files to be submitted electronically to openspace@eastriding.gov.uk.

Checklist:

☐ Approved layout of the public open space
☐ Landscaping plan of the site
☐ Location plan
☐ Section 106 obligation where applicable
☐ Section 38 agreement where applicable
☐ Post-installation report
☐ Valid (e.g. in date) annual safety report (for sites that include equipped play areas)
☐ Handover pack comprising details of manufacture, guarantees, maintenance specifications and spares availability (for sites that include equipped play areas)

Please answer the following questions:

5. Is the site subject to a Section 106 obligation?

YES (1 copy enclosed)  
NO

6. Was an Section 38 agreement entered into?

(If a Section 38 agreement is being submitted, please ensure it is a coloured copy which shows the extent of the road abutting the land to be adopted by the Council.)

7. Does the site contain a play area and if so is this open and freely accessible to the public. If YES please tick what category of play area.

YES

NO

If YES please tick what category of play area.

Doorstep – Type A (Size: 0m² to 499m² inclusive of activity area and surrounding land)

Local Area of Play – Type B (Size: 500m² to 2999m² inclusive of activity area and surrounding land)

Neighbourhood Area of Play – Type C (3000m² to 8999 m² inclusive of...
activity area and surrounding land)

Please give details of equipment: ____________________________________________

* A valid (in date) post installation certificate must be included for equipped play areas.

8. Does the site provide youth and adult facilities (e.g. playing pitches, BMX track, trim trail, multi-use games area)?

Please give details of these facilities: ____________________________________________

9. Does the site have a grassed or shrubbed area? Please indicate below:

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grassed area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(size in m²)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shrubs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(size of area in m²)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please give any additional landscaping details: ____________________________________________

10. Does the site have the appropriate buffer zones around the play area?

<table>
<thead>
<tr>
<th>Play Area Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doorstep – Type A (Minimum size: 5m to dwellings)</td>
</tr>
<tr>
<td>Local Area of Play – Type B (Minimum size: 15m to property boundary)</td>
</tr>
<tr>
<td>Neighbourhood Area of Play – Type C (Minimum size: 30m to property boundary)</td>
</tr>
</tbody>
</table>

Please give details: ____________________________________________

11. Is there a woodland area on-site?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>NO</td>
<td></td>
</tr>
</tbody>
</table>
Please give details: ________________________________________________________

Please make sure all of the questions above are answered and the following documentation is provided.

Checklist:

- Approved layout of the public open space
- Landscaping plan of the site
- Location plan
- Section 106 obligation where applicable
- Section 38 agreement where applicable
- Post-installation report
- Valid (e.g. in date) annual safety report (for sites that include equipped play areas)
- Handover pack comprising details of manufacture, guarantees, maintenance specifications and spares availability (for sites that include equipped play areas)

LT1 submissions should be sent to: openspace@eastriding.gov.uk
Appendix L: LT2 Pro-forma

After the initial maintenance period, the Council will re-inspect the site and complete the following LT2 pro-forma to detail deficiencies and/or remediation works that may still be required before the area can be regarded as ready for adoption.

If remedial works are considered necessary following the initial inspection, the Council will inform the developer that landscaping work is required to bring the site up to an adoptable standard by issuing the LT2 pro-forma set out below. This form must be signed by both the developer and the Council. There may be a further period of establishment and re-inspection before final adoption is agreed.

Should a site be transferred to management company, the Certificate of Completion at the end of the LT2 form would be completed by the Council to confirm the site meets the required planning conditions.
1. Developer Name:  
   Address:  
   Postcode:  
   Contact Person:  
   Telephone:  
   Email:  

2. Site Name (As listed on the 106 agreement):  
   ______________________________  

   Site Name (The commercial site name):  
   ______________________________  

For agreement by ERYC & Developer
Site Name (The name of the street that the Open Play Space is adjacent to): ____________________________________________________________________________

Address: __________________________________________________________________________

________________________________________________________________________________________

Postcode: __________________________________________________________________________

3. Planning/Development Control Representative: ________________________________

Case Officer: ________________________________________________________________________

Planning Application Reference No: ________________________________________________________________________

4. Type of play area to be adopted (tick one):

<table>
<thead>
<tr>
<th>Type of Play Area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doorstep – Type A</td>
<td>(Size: 0m² to 499m² inclusive of activity area and surrounding land)</td>
</tr>
<tr>
<td>Local Area of Play – Type B</td>
<td>(Size: 500m² to 2999m² inclusive of activity area and surrounding land)</td>
</tr>
<tr>
<td>Neighbourhood Area of Play – Type C</td>
<td>(Size: 3000m² to 8999 m² inclusive of activity area and surrounding land)</td>
</tr>
<tr>
<td>Land/open space (non equipped play area)</td>
<td></td>
</tr>
</tbody>
</table>

5. Date of Inspection: ________________________________________________________________________

People Present: ____________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________
Does the site meet the requirements of the scheme, agreed as part of the planning application process?

YES  □  NO  □

Has the site been maintained by the developer for a 12 month period?

YES  □  NO  □

Is the site ready for adoption by the ERYC?

YES  □  NO  □

If yes, what commuted sum has been agreed on? £________________________

Measurements/Details: ________________________________________________
______________________________________________________________
______________________________________________________________
______________________________________________________________
______________________________________________________________

If no, please move to the next section (page 3) for notes/instructions on what further actions are required to make the site ready for adoption.
## Checklist of General Requirements

<table>
<thead>
<tr>
<th>FEATURE</th>
<th>DETAILS</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Risk from any dangerous or hazardous features has been mitigated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safety standards</td>
<td>All play equipment, fencing, gates, seating, safety surfacing and layout conform with BSEN requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Safety surfacing has been installed properly and with the correct edging</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access</td>
<td>Pedestrian accesses are suitable</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maintenance access is suitable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fencing</td>
<td>Appropriate fencing is in place</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping and Planting</td>
<td>Landscaping and planting have been carried according to the plan provided by the developer</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Paths are satisfactory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seats</td>
<td>Sufficient seating has been provided and is of a suitable quality</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Litter Bins</td>
<td>The appropriate number of litter bins has been provided and they have been installed correctly</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Other actions/issues:**

**Timescale for the above work:**

**When will the site be re-inspected? Date:**
This is to certify that Open Play Space and landscape planting of the site with Planning Application Reference Number:

__________________________________________________________________

has been laid out in accordance with the requirements of the planning consent.

SIGNATURES

1. Name: _________________________
   (on behalf of East Riding of Yorkshire Council)

   Position: _____________________________________________________________

   Date: ________________________________________________________________

2. Name: ______________________________
   (on behalf of Developer)

   Position: _____________________________________________________________
Appendix M: Land adoption process

Land Transfer Process – Initiated when open space completed. (Managed by the Land Adoption Group)

LT1 application for transfer of open space (in line with S106) submitted by the developer.

LT1 application for the site is vetted by Land Adoption Group. Target adoption date set for 12 months hence.

Decision Record is requested.

Transfer complete. Land now in the ownership of the Council. Streetscene are instructed to take on the formal maintenance of the open space.

LT1 application for the site is vetted by Land Adoption Group. Target adoption set for 12 months hence.

Site inspected by Streetscene within 2 weeks to confirm that the open space is laid out in accordance to approved scheme. Maintenance commuted sums are calculated.

Site enters 12-month maintenance period if it is up to standard. If not, remedial works must be completed within 3 months. If the site is not remediated to a satisfactory level within 3 months, adoption date may be set back beyond 12 months.

Streetscene provide comments and advice on open space to developer via LT2 reports.

Periodic inspections by Streetscene during the maintenance period and LT2s issued.

Legal proceedings for the transfer ongoing.
East Riding of Yorkshire Council will, on request provide this document in braille or large print.

If English is not your first language and you would like a translation of this document, please telephone 01482 393939.