

**Summary of consultations received to Dudley MBC's  
draft Open Space, Sport and Recreation Provision  
Supplementary Planning Document (SPD)  
(November 2006) and the Council's proposed  
responses to the consultations**

**Summary of consultations received to Dudley MBC's draft Open Space, Sport and Recreation Provision Supplementary Planning Document (SPD) (November 2006) and the Council's proposed responses to the consultations.**

<b>Main issues raised by consultee:</b>	<b>Council's response to consultee comment:</b>	<b>Proposed modifications:</b>
<p><b>Issue 1</b> (Representation by Dudley MBC Planning Obligations Officer Development Control Section/ Landscape/ and Parks Sections)</p> <p>The proposed trigger point for when the guidance applies (e.g. 5 units and above) should be lowered downwards from the current proposed 5 units (five residential dwellings) down to 1 unit (one residential dwelling).</p>	<p>The Council does not propose to modify its approach on this particular issue within the draft SPD. The Council proposes to maintain the "trigger point threshold" for when this SPD applies to 5 units (5 residential dwelling houses, flats or bungalows).</p>	<p>No change.</p>
<p><b>Issue 2</b> (Representation by Dudley MBC Development Control Section)</p> <p>The proposed trigger point</p>	<p>It is considered that raising the trigger level threshold point from 5 units to 10 units (10 residential dwelling houses, bungalows or flats) would have an adverse impact as there would be no new monies coming forward from new residential development proposals to enhance, maintain and improve existing, nearby off-</p>	<p>No change.</p>

<p>for when the SPD guidance applies (e.g. for residential planning applications of 5 units (5 dwelling houses, bungalows or flats) and above) should be increased from the current proposed 5 units to 10 units. The current proposed trigger point of 5 units is considered to be far too low and far too onerous and therefore needs to be raised upwards to 10 units.</p>	<p>site public open space areas for schemes below 10 units. The additional occupiers (additional people) generated by the new residential proposal (below 10 units) would still be actively using off-site public open space areas to pursue outdoor recreation, causing an additional wear and tear impact on nearby public open space and requiring enhanced and upgraded open space facilities.</p> <p>The Council proposes to maintain the trigger point threshold level at 5 units (5 residential dwelling houses, flats or bungalows).</p>	
<p><b>Issue 3</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments).</p> <p>In the absence of a Planning Policy Guidance Note 17 (PPG17) (July 2002) "Planning for Open Space, Sport and Recreation" compliant Open Space Needs Assessment the draft SPD guidance should be amended to acknowledge</p>	<p>In the absence of having an adopted, robust and comprehensive PPG17 compliant Green Space Strategy in place, advice set out in paragraph 10 of PPG17 (2002) would be relevant and would be considered by the Council at the Development Control Planning Application stage. Paragraph 10 of PPG17 states: <i>"...In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them."</i> Having assessed the evidence, the Council does not however consider it necessary to adjust the draft SPD in the way suggested in this representation.</p>	<p>No change</p>

<p>that if a developer can demonstrate that an open space is no longer needed, it is appropriate for it to be developed for alternative purposes. As such, paragraph 5.3 of the draft SPD should be amended to refer to the NPFA standard of 2.4ha per 1,000 population as an indicative open space standard. The SPD should also state that open space will be protected from development unless it can be demonstrated that it is no longer needed for such purpose. Section 5 of the SPD should make specific reference to open space provision being the subject of negotiation between the developer and the Council.</p>	<p>The Council does not consider it necessary for it to amend draft SPD paragraph 5.3 in the way suggested by this representation. The Council maintains its view that it is currently using NPFA nationally driven open space standards until it has in place an adopted, robust and comprehensive, PPG17 compliant Green Space Strategy. The Council recognises that it is impossible to identify robust and accurate, locally-derived open space standards without an up-to-date, robust and comprehensive PPG17 compliant adopted Green Space Strategy first being in place. This Green Space Strategy would help provide the required robust evidence base in order to identify local standards that closely mirror local circumstances here in Dudley.</p> <p>The Council does not consider that draft SPD Section .5. (Definitions and Clarification of Terms) needs to be adjusted as suggested in this representation. Having carefully assessed the position, the Council considers that its existing approach is in accordance with and satisfies guidance reinforced in Circular 05/2005 "Planning Obligations."</p>	
<p><b>Issue 4</b> (Representation by Barton Wilmore on behalf of Taylor</p>	<p>As already reinforced in draft SPD paragraph 5.1, the Council is currently using National Playing Field Association (NPFA)</p>	<p>No change.</p>

<p>Woodrow Developments).</p> <p>The draft SPD is based upon the National Playing Fields Association (NPFA) open space standards as the Council does not have a Planning Policy Guidance Note 17 (PPG17) (July 2002) "Planning for Open Space, Sport and Recreation" compliant Open Space Needs Assessment. These NPFA standards are not included within the Council's Adopted Unitary Development Plan (UDP) (October 2005). As such they have not been the subject of public consultation. Paragraph 10 of PPG17 requires local standards to be included in development plans as opposed to SPD's. Objector questions whether it is appropriate therefore to set local standards within an SPD which will not be</p>	<p>national open space standards within this SPD given that the Council does not currently have in place an adopted PPG17 compliant Parks and Green Space Strategy (Open Space Needs Assessment). Without an adopted PPG17 compliant Green Space Strategy in place, it is not possible for the Council to identify robust locally-based open space access standards which closely mirror local circumstances. Therefore, NPFA standards are currently being used by the Council.</p> <p>Work is currently underway by Council officers on the emerging draft Parks and Green Space Strategy. On its future adoption, this Parks and Green Space Strategy will be used to form the required robust evidence base from which to identify locally-derived open space access standards. This SPD will be subsequently updated when the Council has an adopted, robust and comprehensive PPG17 compliant Parks and Green Space Strategy in place.</p> <p>The open space accessibility standards based on NPFA standards did go through a period of public consultation as part of the Council's Unitary Development Plan review which took place during 2002 and 2003. The open space access standards based on National Playing Field Association (NPFA) standards were consulted upon during the First Deposit Draft Stage (June 2000) and the Revised Deposit draft stage (February 2002) of the earlier UDP review. The figures were previously included within the then Revised Deposit Unitary Development Plan (UDP) (February 2002) (now formed into the Adopted UDP (October 2005). However, following advice received in the Public Local Inquiry (PLI) Inspectors Report which was received by the</p>	
--	--	--

the subject of independent examination, particularly as it is not based upon a PPG17 compliant open space assessment.	Council in late January 2004, the Council proceeded with including the standards referred to above into Supplementary Planning Guidance (SPG). Now titled SPD's in accordance with the new planning system introduced by the 2004 Planning and Compulsory Purchase Act.	
<p><b>Issue 5</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments).</p> <p>The 400 metres approximate catchment radius assessment proposed under paragraph 7.1 of the SPD is inappropriate. As catchment distances are dependent upon the type of open space. For example, whilst it may be appropriate to require children's play space in relatively close proximity to the development site, it is not necessary to have playing fields or parks within 400 metres of all developments. Playing fields and parks can cater for a much larger</p>	<p>The Council accepts the view that areas of green space such as urban parks can have a larger catchment area than just 400 metres as people often travel further distances to visit these important key recreational areas to pursue outdoor recreation. The Council therefore proposes to replace reference to the catchment distance of "400 metres" and replace this with 1,500 metres.</p> <p>To clarify the position, as already reinforced in SPD paragraph 3.13 (now paragraph 3.31) the Council will only seek to secure planning obligations where they are in accordance with national planning guidance tests set out in Circular 05/2005 "<i>Planning Obligations</i>". For example, where they are relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; reasonable in all other aspects"</p> <p>However, in order to provide further clarification, it is proposed to add further additional text before the first bullet point of paragraph 8.1 in order to reinforce linkages to Circular 05/2005 guidance yet further within the draft SPD.</p>	<p>Add further clarification under draft SPD paragraph 8.1 under the heading "Criteria used by the Council to help identify where to spend a particular Section 106 (S106) commuted sum for off-site existing public open space improvements." Add following additional new text before the first bullet point: <b>"The Council will only seek to secure planning obligations under circumstances where they are in full accordance with tests set out in DCLG Circular 05/2005 "Planning Obligations". Notably, they have to be</b></p>

<p>catchment area with people willing to commute greater distances to use their facilities.</p>	<p>The Council will only seek open space contributions where they mirror and address the key, up-to-date, overriding public open space improvement needs within each particular local area of the proposal site in accordance with Department for Communities and Local Government (DCLG) Circular 05/2005 guidance. However, it is proposed to add further additional text after paragraph 10.1 (now after paragraph 11.1) of the draft SPD to provide further clarity on this issue.</p> <p>The Council does not expect new development proposals to provide new parks or new playing fields within a 400 metres catchment radius of every proposal site. To do so would be far too onerous on developers and would conflict with Circular 05/2005 advice and national planning guidance in PPG17 (2002). The Council will only pursue open space planning contributions where they are directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, necessary to make the proposed development acceptable in planning terms, and reasonable in all other respects - strictly in accordance with Circular 05/2005 advice.</p>	<p><b>relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects.”</b></p> <p>Delete references to distance “400 metres” in draft SPD paragraphs 7.1, 8.1 (indent two). Replace with the distance “<b>1,500 metres</b>”</p> <p>Include additional clarification under draft SPD paragraph 10.1 (now paragraph 11.2) under the heading “Calculation of commuted sum payments for cost of set-up and maintenance.”</p>
---	---	--

		<p>Add following additional new text after paragraph 10.1 (now paragraph 11.2): <b>“With regard to the costings set out in the table below under paragraph 11.3, please note that it is unlikely that all of these costings would be used simultaneously together for one single proposal site (e.g. public open space, children’s play, playing fields, and public realm). The costing(s) used by the Council when assessing a particular development proposal at the Development Control planning application stage will depend solely on what the overriding and current lead public open space priorities are within each particular local area within the vicinity</b></p>
--	--	---



		<p>of the proposal site. For example, when pursuing off-site contributions, if the lead priority within the vicinity of the proposal site is for public open space improvements then quite simply the public open space costing figure will be pursued by the Council. If the lead priority is for both public open space and children's play improvements then these costings will be pursued. Please refer to Section .8. of this SPD which explains the process used by the Council in more detail."</p>
<b>Issue 6</b>		Add further clarification

<p>(Representation by Barton Wilmore on behalf of Taylor Woodrow Developments).</p> <p>Draft SPD paragraph 7.4 requires all schemes below 50 residential units and 5 units and above, to provide a commuted sum for off-site public open space or hard landscape public realm communal areas improvements. It is considered that the provision of open space should be subject of negotiation between the developer and the Council. It is inappropriate to require commuted sums in all instances as it may be more appropriate to provide the open space on-site. The requirement should be removed from the SPD.</p>	<p>The Council maintains its view that it will only seek to secure planning obligations for the maintenance and enhancement of public open space under circumstances where the contribution is in full accordance with tests set out in DCLG Circular 05/2005 <i>"Planning Obligations"</i>.</p> <p>The Council will only pursue new on-site recreational public open space (POS) provision as part of major new residential developments involving 80 units and above (80 residential dwellings and above) in circumstances where the proposal site is poorly served and isolated from existing off-site POS. The Council does not consider it practical to include new on-site recreational public open space provision on new-build residential development sites below 80 residential units (below 80 houses, flats, or bungalows) because past experience suggests that the overall proposal site land parcel area is likely to be of an insufficient overall size to practically accommodate new recreational public open space provision which has a useable and worthwhile informal recreational role serving the outdoor recreational needs of the new residents of the estate. Small, under-sized, fragmented new public open space areas within a new residential estate may have visual amenity value but would possess no worthwhile or beneficial recreational value serving the community given their limited size. Such areas would not be sustainable or practical for outdoor informal recreation purposes. See response to Issue .31. which addresses this issue.</p>	<p>under draft SPD paragraph 8.1 under the heading "Criteria used by the Council to help identify where to spend a particular Section 106 (S106) commuted sum for off-site existing public open space improvements" Add following additional new text before the first bullet point: <b>"The Council will only seek to secure planning obligations under circumstances where they are in full accordance with tests set out in DCLG Circular 05/2005 "Planning Obligations". Notably, they have to be relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly</b></p>
---	--	---

		and reasonably related in scale and kind to the proposed development; and reasonable in all other respects.”
<p><b>Issue 7</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments).</p> <p>Paragraph 6.10 of the SPD states that there are no open space standards identified for commercial developments. In the absence of national guidance, the Council “estimates” that demand per person for recreation facilities in non-residential development will be a third of the requirements established for residential developments. We have concerns that this statement in its self is ambiguous. The SPD states that the Council</p>	<p>The Council reinforces the view that it is appropriate to seek contributions from commercial developments (larger scale shops, larger scale offices and larger scale industrial development) for public open space improvements as this approach is supported in PPG17 (2002) guidance. For example, within the “Assessing Needs and Opportunities: A Companion Guide to PPG17 (2002)” document, under the heading “Civic Spaces”, in paragraph 6.7 the guidance is clear that: <i>“...In principle, if it is not realistic to make on-site provision, and the development will result in a quantitative or qualitative deficiency in provision, authorities can also require developers of commercial premises such as shops or offices, to contribute to civic spaces or local green spaces, such as parks, in the vicinity of their developments and likely to be used by their staff or customers.”</i></p> <p>The Council maintains its view that the level of contribution being sought for larger scale commercial developments within the draft SPD is sufficiently robust and the thrust of its policy approach on this issue is supported in the PPG17 guidance as referred to above as well as by Circular 05/2005 advice. The Council does not therefore propose to adjust the open space standards identified for commercial developments as suggested in this</p>	<p>Add the following additional new text under draft SPD paragraph 3.14 under the heading “National Planning Policy Context” in Section 3. <b><i>“...In principle, if it is not realistic to make on-site provision, and the development will result in a quantitative or qualitative deficiency in provision, authorities can also require developers of commercial premises such as shops or offices, to contribute to civic spaces or local green spaces, such as parks, in the vicinity of their developments</i></b></p>

<p>intend to maintain a minimum standard of 2.4 hectares of open space per 1,000 population. As such the level of contribution required will vary depending upon the amount of open space that already exists within the locality. In addition, the amount of open space sought must relate directly to the impacts of the proposed development. As such it is not clear as to how a third of this standard can be applied to commercial developments. In addition, the SPD effectively acknowledges that there is not a sound evidence base for this requirement. Unless a justification can be provided for the level of open space required with commercial developments it is inappropriate to include this threshold within the SPD.</p>	<p>representation.</p> <p>The Council proposes to add new additional text under paragraph 3.14 under the heading “National Planning Policy Context” in Section 3 in order to reinforce linkages to PPG17 guidance in respect of commercial developments.</p>	<p><b><i>and likely to be used by their staff or customers.”</i></b></p>
---	--	--

<p><b>Issue 8</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments).</p> <p>Concerns that Section 8 “Criteria used by the Council to help identify where to spend particular section 106 (S106) commuted sum for off-site existing public open space improvements” aims to establish where developer contributions should be spent once they have been collected. Circular 05/2005 “Planning Obligations” provides detail on the use of planning obligations. A developer contribution should be used to address the open space requirements generated by the development. As such, in order to require a developer contribution it is first necessary to establish what open space demands</p>	<p>The Council considers that its approach is already clear on this matter. The Council will only seek to secure planning obligations for open space maintenance and enhancements under circumstances where the contribution is in full accordance with tests set out in DCLG Circular 05/2005 “<i>Planning Obligations</i>”. The Council maintains its view that its approach set out under Section 8 titled “Criteria used by the Council to help identify where to spend a particular Section 106 (S106) commuted sum for off-site existing public open space improvements” is clear, robust and satisfies policy requirements reinforced in Circular 05/2005 and PPG17. However, in order to provide further clarification, it is proposed to add further additional text before the first bullet point of paragraph 8.1 in order to further reinforce linkages to Circular 05/2005: “Planning Obligations.”</p>	<p>Add further clarification under draft SPD paragraph 8.1. See proposed modification relating to Issue .6. above which addresses this matter.</p>
---	--	--

<p>will be generated by a development, how these demands can be addressed, and the cost of addressing the identified demands. The developer contribution should then be spent on addressing these open space requirements. The approach being proposed within the SPD (section 8) would suggest that developer contributions will be required prior to it being established the level of contribution required to offset the effects of the development. The objector considers that the approach proposed could potentially fail a number of the tests for planning obligations set out in Circular 05/2005. Circular 05/2005 requires planning obligations to be: (i) relevant to planning; (ii) necessary to make the proposed development acceptable in planning</p>		
--	--	--

terms; (iii) directly related to the proposed development;(iv) fairly and reasonably related in scale and kind to the proposed development; and (v) reasonable in all other respects.		
<b>Issue 9</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments).  There are a number of flaws in the proposed methodology within Section 10 of the draft SPD. In particular paragraphs 10.2, and 10.5 to 10.11.	The Council maintains its view that it has used a robust approach under Section 10 (now section 11) under the heading: "Calculation of commuted sum payments for cost of set-up and maintenance" (paragraphs 10.2, and 10.5 to 10.11) (now paragraphs 11.3, 11.5 to 11.17). The costing figures being used under draft SPD Section 10 (now section 11) have been based upon average costing figures experienced as part of construction landscape projects recently completed in the Dudley Metropolitan Borough. The Council has been very careful to base the costing figures used in the SPD on local landscape construction projects recently completed in the Borough. Therefore, the Council maintains its view that the costings figures remain robust as they have been locally derived and tailored to reflect local circumstances.	No change.
<b>Issue 10</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments)	The Council recognises that there will be differing levels of open space provision throughout the Borough on a local area-by-local area basis. However, even in areas where there is a surplus (an	No change

<p>The draft SPD fails to acknowledge that there will be differing levels of open space through the Borough. The location of the development and consequently its access to open space facilities will have a direct effect on the amount of open space that should be provided by the developer. The Council aim to maintain a minimum standard of 2.6 hectares per 1,000 population. As such, in areas of surplus open space a developer contribution should not be sought. In addition, the amount of open space required will depend on the extent of the deficit in a particular area, and consequently the level of developer contribution will vary. However, the SPD sets a blanket costs for all dwellings failing to reflect local circumstances and</p>	<p>over-supply) of certain types of publicly accessible open space within specific geographic parts of the Borough, it is still appropriate for the Council to seek developer contributions as part of new development proposals in circumstances where the quality of provision is inadequate or under threat, or where new development increases local needs as a direct result of the increased number of people generated by a new development proposal.</p> <p>The Council recognises the importance of the need to have in place an adopted, robust and comprehensive PPG17 compliant Green Space Strategy in order to help the Council identify locally-based open space accessibility standards which are closely tailored to reflect local circumstances here in Dudley and in order to identify specific needs and quantitative (the quantity of open space in an area) or qualitative (the quality of open space in an area) deficits (open space under-supply) or surpluses (open space over-supply), outdoor sports and recreational facilities in the Borough.</p> <p>The Council is continuing work on this PPG17 compliant Green Space Strategy and this SPD will be updated when the Council has a PPG17 compliant adopted Green Space Strategy in place.</p>	
--	--	--



<p>open space catchment areas. The approach proposed is unworkable unless it relates to catchments as it fails to relate to existing levels of provision. As such, it is not possible to ensure that the developer contribution will be directly related to the effects of the development.</p>		
<p><b>Issue 11</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments)</p> <p>There are a number of flaws in the proposed approach being taken in paragraph 10.4 of the draft SPD. In establishing a cost of provision the average cost of six Dudley MBC landscape projects was determined. An average cost of provision per square metre of provision has then been established. This figure was then used in</p>	<p>The Council maintains its view that it has used a robust approach under Section 10 (now section 11) under the heading: "Calculation of commuted sum payments for cost of set-up and maintenance" (paragraph 10.4 – set-up costs for Public Open Space) (now paragraph 11.5) as the costing figures being used under draft SPD Section 10 (now section 11) have been based upon average costing figures experienced as part of construction landscape projects recently completed in the Dudley Metropolitan Borough. The Council has been very careful to base the costing figures used in the SPD on local landscape construction projects recently completed in the Borough. Therefore, the Council maintains its view that the costings figures remain robust as they have been locally-derived and are tailored to reflect local circumstances.</p> <p>1). As reinforced in paragraph 5.1 of the draft SPD, the Council is currently using National Playing Field Association (NPFA)</p>	<p>No Change</p>

<p>order to establish how much it would cost to provide 2.4 hectares of open space. This cost of the provision of 2.4 hectares of open space is then divided by 1,000 in order to establish a cost per person (as the Council are seeking to provide 2.4 hectares of open space per 1,000 population). The objector considers that there are a number of flaws with this approach. Notably:-</p> <p>1). The 2.4 hectare of open space per 1,000 population requirement is not based upon a PPG17 compliant assessment of open space. As such there is no evidence base to support this level of provision and it has not been tested through a Development Plan Document (DPD) or Unitary Development Plan (UDP) inquiry.</p> <p>2). The approach of taking</p>	<p>national open space access standards within the SPD. The Council recognises the importance and need to use local access standards which are tailored to closely reflect and mirror on-the-ground local circumstances present within the Dudley Metropolitan Borough in accordance with PPG 17 guidance. However, at this present time, the Council does not have in place a PPG 17 compliant adopted, Borough-wide Parks and Green Space Strategy which would provide a robust evidence base and platform from which to help the Council identify local open space access standards which closely mirror local circumstances. Work is currently being completed by Council officers on the emerging draft Parks and Green Space Strategy, and once adopted, this Parks and Green Space Strategy will be used to form the required robust evidence base in which to identify local open space access standards. On the basis of the above information, NPFA standards are currently being used within this SPD. This SPD will be updated when the Council has an adopted PPG17 compliant Parks and Green Space Strategy.</p> <p>The open space accessibility standards based on NPFA standards did go through a period of public consultation as part of the Council's Unitary Development Plan review which took place during 2002 and 2003. Please see response to Issue .4. which addresses this issue.</p> <p>2). The Council maintains its view that it has used a robust approach in order to identify locally-derived costing figures for set-up costs for Public Open Space (draft SPD paragraph 10.4, now paragraph 11.5) for reasons previously stated above.</p>	
---	---	--

<p>the average cost per square metre of past public open space projects has significant limitations. Only six past projects were assessed. A greater number of projects should have been used to ensure a robust evidence base. As no detail is provided on the six schemes used, it is not possible to determine if there were any unusual costs associated within the scheme or significant remediation costs that may skew the cost of provision.</p> <p>3). The cost of public open space will vary depending upon the kind of public open space, i.e. woodland, parks and gardens, etc. As such the cost of provision will relate directly to the type of public open space required.</p>	<p>3). The Council considers that its approach to the cost of public open space being used within the SPD is sufficiently robust and does not therefore propose to modify its approach.</p>	
<p><b>Issue 12</b> (Representation by Barton Wilmore on behalf of Taylor</p>	<p>The Council considers that its approach to the cost of public open space, children's play and playing fields being used within the</p>	<p>No change.</p>

<p>Woodrow Developments)</p> <p>Set-up and maintenance costs for children's play place facilities are based upon the figures included within the extant 1993 Unitary Development Plan (UDP) subject to annual inflation multipliers (paragraph 10.6 SPD). Have concerns that the robustness of these figures, which were originally established in excess of 13 years ago, is insufficient upon which to base this SPD.</p>	<p>SPD is sufficiently robust and does not therefore propose to modify its approach. The costs being used in the draft SPD are based upon real costs.</p>	
---	---	--

<p><b>Issue 13</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments)</p> <p>A similar approach (to that raised in issue 12) has been used in establishing the set-up costs for playing fields as was used to establish set-up costs for public open space. The cost of provision is based upon the average cost of two recent playing fields projects delivered by the Council. As such, the four criticisms made to the approach to establishing a cost for public open space are relevant to the approach for establishing a cost for playing fields. However, as only two examples were used to establish on average costs significant concern is expressed over the robustness of the evidence for the proposed figures.</p>	<p>The matter raised in this representation has already been addressed as part of the response to Issue 12 above (please refer to Issue 12 response)</p>	<p>No change</p>
--	--	------------------

--	--	--

<p><b>Issue 14</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments)</p> <p>Concerns that paragraph 10.3 of the draft SPD fails to pass the test for planning obligations set out in Circular 05/2005 “Planning Obligations”. Paragraph 10.3 states that developer contributions will be used to “provide appropriate facilities, based on deficiencies, needs, requirements and priorities identified”. Developer contributions can only be collected to address the open space requirements related directly to the proposed development. It is entirely inappropriate to use developer contributions to offset existing open space deficiencies.</p>	<p>The Council considers that it is appropriate to pool commuted sums from developers into a “ring fenced” fund. The monies will only be spent on off-site public open space (POS) improvements in circumstances where the spend robustly satisfies tests set out in Circular 05/2005 “<i>Planning Obligations</i>”. The Council will always be very careful to ensure that the commuted sum monies will always be targeted to off-site POS areas local to the proposal site where the off-site POS area in question directly relates back to the proposal site in accordance with Circular 05/2005 and PPG17 guidance. For example, the off-site POS area is nearby to the proposal site and therefore will be used for outdoor recreation purposes by the new occupiers (the new residents) of the new residential development.</p> <p>However, the Council considers that “ring fencing” commuted sum monies for a period of “5 years” is an insufficient timescale as some open space improvement projects such as town centre new public realm construction projects can take a significant timescale to complete. Having carefully assessed the position and evidence on this issue, the Council therefore proposes to delete reference to 5 years and replace this with 7 years as the Council considers that this new timescale would be a more realistic and practical timescale to operate with within the Borough, and it would strongly relate to local circumstances.</p> <p>In order to provide further clarification, it is proposed to add further additional text before the first bullet point of paragraph 8.1 in order to reinforce linkages to Circular 05/2005 guidance yet further within the draft SPD. See response to Issue 5 which addresses this issue.</p>	<p>In draft SPD paragraph 10.3 (now paragraph 11.4) delete reference to “5 year period” and replace with “<b>7 year period</b>”.</p> <p>Add further additional clarification text under draft SPD paragraph 8.1 under the heading “Criteria used by the Council to help identify where to spend, etc...” Please see response to issue 5 which addresses this matter.</p>
---	---	--

<p><b>Issue 15</b> (Representation by Dudley MBC Landscape Division)</p> <p>It would be beneficial and help if a standard form of wording for Unilateral Undertakings was included either within the Draft Open Space, Sport and Recreation Provision SPD or the separate document - the emerging draft Planning Obligations SPD which the</p>	<p>Comment noted. The Council is not pursuing this option at present, but this is an issue which may be considered in the future.</p>	<p>No change.</p>



<p>Council is also currently preparing.</p>		
<p><b>Issue 16</b> (Representation by Barton Wilmore on behalf of Taylor Woodrow Developments)</p> <p>Considered that the draft SPD contains no clear reference to a detailed assessment of needs or audits of existing facilities, nor a commitment to future work. As PPG17 states, this assessment/audit work is essential if the local authority is to justify planning obligations sought. We therefore suggest that the draft SPD would better accord with PPG17 (2002) if clear reference and/or commitments in this regard are included.</p>	<p>As reinforced in paragraph 5.1 of the draft SPD, the Council recognises the importance of having in place an adopted, PPG17 compliant and comprehensive Green Space Strategy. However, the Council does not currently have in place an adopted PPG17 compliant Green Space Strategy in place at the time of generating this draft SPD. Work is currently under way by Council officers on the emerging PPG17 compliant Parks and Green Space Strategy. This SPD will be updated when the Council has an adopted PPG17 compliant Parks and green Space Strategy in place.</p> <p>The Council reinforces the view that it remains committed to producing a PPG17 compliant Green Space Strategy.</p>	<p>No change</p>

<p><b>Issue 17</b> (Representation by Nathaniel Lichfield &amp; Partners on behalf of Tesco Stores Limited.)</p> <p>At paragraphs 2.2 and 3.7 the draft SPD refers to references to the use of planning obligations in national planning policy guidance (PPG17). The objector considers however, in both cases, and notably paragraph 3.7, the draft SPD does not present the guidance in full. Whilst the guidance states that “Local authorities will be justified in seeking planning obligations where the quality of quantity of provision is inadequate or under threat or where new development increases local needs...” (PPG17 paragraph 33 in draft SPD paragraph 3.7), PPG17 paragraph 33 continues “...it is essential that local</p>	<p>It is not for the Council to repeat national planning guidance in its full entirety within the SPD guidance. The Council is only able to provide a short and concise summary of national guidance in order to produce a concise SPD document. Readers can later refer to the full PPG17 guidance in its entirety and study the overall PPG17 guidance.</p> <p>The Council has already made its position clear in draft SPD paragraph 5.1 in respect of its position with regards to the PPG17 compliant Green Space Strategy. The Council remains committed to producing a PPG17 compliant Green Space Strategy. The matter of the PPG17 Green Space Strategy has been addressed as part of the response to Issue 16 above. Please refer to Issue 16 response.</p>	<p>No change</p>
--	---	------------------

<p>authorities have undertaken detailed assessments of needs and audits of existing facilities, and set appropriate local standards in order to justify planning obligations.” The objector considers that the draft SPD contains no clear reference to a detailed assessment of needs or audits of existing facilities, nor a commitment to future work.</p>		
---	--	--

<p><b>Issue 18</b>          (Representation by Nathaniel Lichfield &amp; Partners on behalf of Tesco Stores Limited.)</p> <p>PPG17 reinforces that assessment /audit work (a Green Space Strategy) is essential if the Local Authority is to justify planning obligations sought. We would therefore suggest that the draft SPD would better accord with PPG 17 if clear references and/or</p>	<p>Comment noted. The matter raised in this representation has already been addressed as part of the response to Issue 16 above (please refer to Issue 16 response).</p>	<p>No Change</p>

<p>commitments in this regard are included.</p>		
<p><b>Issue 19</b> (Representation by Nathaniel Lichfield &amp; Partners on behalf of Tesco Stores Limited.)</p> <p>It is helpful that the draft SPD includes reference to the tests for planning obligations set out in Circular 05/2005 “Planning Obligations” at draft SPD paragraph 3.13. However,</p>	<p>Comment noted. Amend paragraph 3.14 (now paragraph 3.32).</p>	<p>Amend paragraph 3.14 (now paragraph 3.32) to read: <b>“It is important to note that “necessary” may extend beyond what is physically needed to make the development go ahead and could include broader issues of planning policy.”</b></p>

<p>we question, whether the local authority's clarification of the necessity test at paragraph 3.14 of the draft SPD is necessary. It is considered that the clarification within the tests that obligations must be "necessary to make the proposed development acceptable in planning terms" is quite clear enough without requiring paragraph 3.14. Draft SPD paragraph 3.14 states that : "It is important to note that "necessary" extends well beyond what is physically needed to make the development go ahead, and clearly includes broader issues of planning policy." If paragraph 3.14 is retained it could helpfully be re-worked to read "It is important to note that "necessary" may extend beyond what is physically needed to make the development go ahead and</p>		
---	--	--

<p>could include broader issues of planning policy.” It is considered that it could also assist developers if clarification of the phrase “broader issues of planning policy” is included.</p>		
<p><b>Issue 20</b> (Representation by Nathaniel Lichfield &amp; Partners on behalf of Tesco Stores Limited).</p> <p>At draft SPD paragraph 6.8, the local authority refers to “non-residential” and “commercial” development. It is considered that it does not follow that all “non-residential development” is “commercial development” and the local authority could therefore helpfully clarify the uses to which this supplementary policy will apply. Concerned that there is no clear justification for seeking</p>	<p>The Council maintains its view that there is clear justification for seeking provision in “non-residential” development. The Council considers that its position on this matter is supported in the document titled: “Assessing Needs and Opportunities: A Companion Guide to PPG17 (2002)” under paragraph 6.7 of the above document. The matter raised in this representation has already been addressed as part of the response to Issue 7 above (please refer to Issue 7 response).</p> <p>Accept. Under draft SPD paragraph 6.8 the Council proposes to include the additional new text “larger scale shops, larger scale offices and larger scale industrial development” after the existing words “commercial development”.</p>	<p>Add the following additional new text under draft SPD paragraph 3.12 under the heading “National Planning Policy Context” in Section 3. (See response to issue 7).</p> <p>Under the existing heading “Non-Residential Development” in draft SPD paragraph 6.8 include the following additional text after the existing words commercial development: <b>“larger scale shops, larger scale offices and</b></p>

<p>provision in “non-residential” development and we consider that there is no basis for the assumptions and thresholds set out in draft SPD paragraphs 6.8 to 6.13. The objectors concerns over the local authority’s approach to “non-residential” development extend to the draft sections which follow. If the local authority retain the requirement for provision from “non-residential” development then Sections 7 to 10 should also address both residential and non-residential development and provide clear guidance on the approach to each.</p>		<p><b>larger scale industrial development”</b></p> <p>Include clarification under a new page titled “Summary of key issues” at the front of the document. Include the following new text: <b>“The SPD is also triggered for new commercial development (larger scale shops, larger scale offices and larger scale industrial development) planning applications which are likely to generate 50 potential users per day. (See paragraphs 3.14 and 6.8 to 6.13).”</b></p>
<p><b>Issue 21</b> (Representation by Nathaniel Lichfield &amp; Partners on behalf of Tesco Stores Limited).</p>	<p>The Council considers that draft SPD paragraph 11.1 (now paragraph 12.1) does accord with Adopted UDP (October 2005) Policy LR1 “Open Space” and PPG17 guidance. Given that the Council does not currently have in place a adopted PPG17 compliant robust and comprehensive Green Space Strategy, the</p>	<p>No change.</p>



<p>The requirement for “full replacement” suggested at paragraph 11.1 (now paragraph 12.1) of the draft SPD is not fully in accordance with local planning policy (in particular Adopted Unitary Development Plan (UDP) (October 2005) Policy LR1 “Open Space” nor with national planning guidance set out in paragraph 10 of PPG17 (2002). The draft SPD would better accord with existing policy if it recognises that there may be circumstances in which development affecting open space (which could include schemes resulting in a loss) can be allowed, for example where development will provide for the enhancement or improvement of the remaining open space provision or recreational facilities.</p>	<p>developer would need to robustly satisfy the last two sentences in paragraph 10 of PPG17 (July 2002). The PPG17 sentences in question state that: “...<i>In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them.</i>”</p>	
---	---	--

<p><b>Issue 22</b> (Representation by Nathaniel Lichfield &amp; Partners on behalf of Tesco Stores Limited).</p> <p>Paragraph 14.2 of the draft SPD introduces a requirement for a landscape design and method statement, with details of the scope of this statement set out in Appendix 1. We suggest that this requirement is apparently in addition to the recently introduced mandatory requirement for a Design and Access Statement. The draft SPD should clearly state the circumstances in which landscape design and method statements will be required, as the requirement for a landscape design and method statement could be unnecessary and too onerous for some</p>	<p>Each proposal site is carefully assessed on a case-by-case and site-by-site basis on its own individual planning merits at the Development Control Planning Application stage. In accordance with national planning guidance, via pre-application discussions, the Council encourages applicants to discuss landscaping requirements with Council officers at the earliest opportunity prior to the submission of detailed plans so the applicant is clear on what the landscaping requirements are for each proposal site.</p> <p>The Council reinforces the view that appropriate landscaping schemes are fundamental particularly as part of major development proposals in order to soften and reduce the impacts of the new built development proposal on neighbouring land uses by providing sufficient urban greenery and in order to achieve high quality, sustainable and visually attractive development. Landscaped green space areas within new developments can also provide habitats for wildlife and provide green corridors and stepping stones allowing movement of wildlife species. This is critical for maintaining levels of biodiversity.</p> <p>The provision of new landscaping as part of new development proposals is also important in order to address severe environmental concerns such as future climate change. For example, the Council maintains its view that the provision of urban green space and new landscaping can help to reduce flood risk from localised flash flooding caused by intense rainfall by slowing down the rate at which rainfall runs off land into watercourses and sewers. Green spaces within heavily built up areas can absorb and retain more water than hard landscaping.</p>	<p>No change.</p>
---	---	-------------------

<p>developments. The draft SPD could helpfully clarify the requirements for outline planning application submissions, as detailed landscape design and method statements may not always be necessary at this stage.</p>	<p>The importance of urban green spaces and vegetated landscaped areas for helping to reduce flood risk is reinforced in national planning guidance set out in Planning Policy Statement 25 (PPS25) (2006) “Development and Flood Risk” and within the draft supplement to Planning Policy Statement 1 (PPS1) on climate change titled: “Planning and Climate Change” (2006).</p> <p>The presence of urban green spaces and vegetated landscaped areas can also help to reduce the overheating of urban environments (referred to as the urban heat island affect). Typical urban surfaces such as concrete and asphalt get much hotter than vegetated green space surfaces during the day, particularly during hotter summer months. Preserving and creating pockets of urban green space and vegetation can help to cool areas naturally. This is caused by the cooling effect of water as it evaporates into the air from leaves and vegetation through the process called transpiration. As water evaporates from the leaves of plants and trees it cools the surrounding air. The “urban heat island” effect causes increased air conditioning usage in buildings (which in turn requires more combustion of fossil fuels to generate more electricity), as well as being directly related to increased ozone formation, a major pollutant in our cities.</p> <p>The Council does not consider that its approach set out in the draft SPD is too onerous in respect of this issue and does not therefore propose to modify its approach on this issue.</p>	
---	---	--

--	--	--

<p><b>Issue 23</b> (Representation by Nathaniel Lichfield &amp; Partners on behalf of Tesco Stores Limited).</p> <p>Focusing on the proposed Location Map showing key open space, outdoor sport and outdoor recreation sites located within the Dudley Borough contained under Section 16 of the draft SPD, the objector recognises that it may not be possible to provide a fully complete or exhaustive list of all the sites within the Borough. The objector considers that it should be possible to rely upon the location map as a source of reference for key</p>	<p>The Council maintains its view that its approach with regards to the “Location Map of Key Sites” set out in draft SPD paragraph 16.1 is already sufficiently clear. The Council does not therefore propose to modify its approach in respect of this issue.</p> <p>The matter of the PPG17 compliant Green Space Strategy has been addressed as part of the response to Issue 16 (please refer to Issue 16 response).</p>	<p>No change.</p>

<p>open space, outdoor sport and outdoor recreation sites on the basis that the Map should be informed by a PPG17 (July 2002) compliant detailed assessment of need and audits of existing facilities. The objector goes on to suggest that it may however be helpful to attach a caveat to the Map which clarifies that it does not include all small spaces which provide facilities in addition to the key sites identified.</p>		
---	--	--

<p><b>Issue 24</b> (Representation by Peacock &amp; Smith Chartered Town Planners/Development Consultants on behalf of Wm. Morrison Supermarkets Plc).</p> <p>Paragraph 6.8 of the draft SPD states that “The Council recognises that</p>	<p>The Council reinforces the view that it will only seek planning obligations from developers when the planning obligation is in full accordance with tests set out in Circular 05/2005. The Council maintains its view that its proposed approach within the draft SPD is perfectly clear on this issue. However, in order to add further clarification on this aspect, additional text has been included within the SPD document under paragraph 8.1.</p> <p>The Council maintains its view that there is clear justification for seeking provision in “non-residential” development – e.g. seeking open space contributions as part of larger scale new commercial</p>	<p>Add further clarification under draft SPD paragraph 8.1 under the heading “Criteria used by the Council to help identify where to spend a particular Section 106 (S106), etc. Please refer to response to Issue 6 which addresses this matter.</p>

<p>commercial development generates the potential demand for additional opportunities for participation in leisure activities during lunch time or after work, which differ from residential demand”. We reinforce the view that in relation to planning obligations, Circular 05/2005 “Planning Obligations” is clear and states that:</p> <p>“A planning obligation must be</p> <ul style="list-style-type: none"> <li>i. relevant to planning;</li> <li>ii. necessary to make the proposed development acceptable in planning terms;</li> <li>iii. directly related to the proposed development;</li> <li>iv. fairly and reasonably related in scale and kind to the proposed development; and</li> <li>v. reasonable in all</li> </ul>	<p>developments. The Council considers that its position on this matter is supported in the document titled: “Assessing Needs and Opportunities: A Companion Guide to PPG17 (2002)” under paragraph 6.7 of the above document. The matter raised in this representation in respect of commercial developments has already been addressed as part of the response to Issue 20 above (please refer to Issue 20 response).</p>	
--	---	--



<p>other respects.” Whilst it may be appropriate to require contributions to open space, sport and recreation in some non-residential development any such requirements must meet the tests set out in Circular 05/2005. If it cannot be demonstrated that a development will directly generate a need/requirement for such facilities, then it would fail test (iii) of Circular 05/2005. The SPD should reflect this”.</p>		
<p><b>Issue 25</b> (Representation by RPS Planning Consultants on behalf of Barratt Homes (West Midlands)).</p> <p>The draft SPD should now cross-refer to Planning Policy Statement 3 (PPS3) (2006) “Housing” and not Planning Policy Guidance Note 3 (PPG3) (2000)</p>	<p>Accept. All references to Planning Policy Guidance Note 3 (PPG3) (2000) “Housing” have been deleted from the draft SPD. New text has been included within draft SPD paragraphs 3.3 to 3.5 which refers to the new recently introduced Planning Policy Statement 3 (PPS3) (2006) “Housing”.</p>	<p>Include the following new text referring to PPS3 (2006) under draft SPD paragraphs 3.3 to 3.5.</p> <p><b>“National planning guidance on new housing development is set out in Planning Policy Statement 3 (PPS3) (2006)”</b></p>

<p>“Housing” in draft SPD paragraphs 3.3 to 3.5 under Section 3 Policy Context.</p>		<p>“Housing”. PPS3 sets out the national planning policies for housing which regional planning bodies and local authorities should take into account in developing regional spatial strategies and Local Development Frameworks (LDFs), required under the new planning system. Under the heading “<i>Achieving high quality housing,</i>” paragraph 16 (indents two and seven) state that: “<i>Matters to consider when assessing design quality include the extent to which the proposed development: Provides, or enables good access to, community and green and open amenity and</i></p>
---	--	---

		<p><i>recreational space (including play space)....Provides for the retention or re-establishment of the biodiversity within residential environments...”</i></p> <p><i>“PPS3 confirms an emphasis on good design, mixed communities that incorporate more family homes and a requirement to consider the needs of children by providing green space. This aspect is reinforced in paragraph 17 which states that: “Particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of</i></p>
--	--	---

		<p><i>recreational areas, including private gardens, play areas and informal play space. These should be well-designed, safe, secure and stimulating areas with safe pedestrian access...”</i></p> <p>In paragraph 13 the guidance is clear in its view that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.</p> <p>PPS3 refers to the need for local planning authorities to provide sufficient housing land, but attaches considerable weight and importance to giving priority to re-</p>
--	--	--

		using previously-developed land within urban areas, bringing empty homes back in to use and converting existing buildings, in preference to the development of green field sites.”
<p><b>Issue 26</b> (Representation by RPS Planning Consultants on behalf of Barratt Homes (West Midlands)).</p> <p>Draft SPD paragraph 3.19 (now paragraph 3.37), under the heading “Review of RSS for the West Midlands (2004)”, the objector considers that the Black Country as “Urban Park” is an appropriate objective, but will be delivered most effectively through a development led strategy where new</p>	<p>Comments noted. The principle of new development contributing to new or improved open space is supported throughout the draft SPD.</p>	<p>No change</p>

<p>development can contribute in appropriate circumstances to new or improved open space.</p>		
<p><b>Issue 27</b> (Representation by RPS Planning Consultants on behalf of Barratt Homes (West Midlands).</p> <p>Referring to paragraph 5.3 of the draft SPD under the heading “Minimum Standards”, we consider that there should be recognition that all weather provision should count for a least three times the area of grass pitch/court provision, and this would be enhanced further where floodlights are provided.</p>	<p>The Council maintains its view that grassed sports pitches (playing fields) are just as important as all weather provision such as astro-turf and other forms of artificial outdoor sports pitch surfaces. Grassed sports pitches (Playing Fields) provide important formal recreation open space areas and remain strictly protected by PPG17 (2002) national planning guidance, Sport England and National Playing Field Association (NPFA) guidance, and at the local level, by the Council’s Adopted UDP (2005) Policy LR5 “Playing Fields”.</p> <p>Grassed sports pitches (playing fields) are also recognised as offering important habitats for wildlife in the Birmingham and Black Country Biodiversity Action Plan – A Framework for Action. Paragraph 8.8 of the above document confirms that: “...<i>Formal parks, playing fields, public open space, cemeteries, and all land managed chiefly for use by the public as an amenity are a major land use in our area....The dominant habitat of this land use is closely mown grass, but other important components are individual trees, shrubberies, scrub, pools and lakes, flower beds and ornamental planting areas. By definition such areas are well used and generally valued by the public. In more built up parts of</i></p>	<p>No change</p>

	<p><i>Birmingham and the Black Country, these sites represent the only large areas of accessible green space to local people, and the only way in which nature and wildlife can be seen and experienced close at home...”</i></p> <p>Grassed sports pitches (Playing Fields) can also be important for helping to mitigate against the impacts of climate change. For example, Playing Fields and other urban green spaces can help to reduce flood risk from localised flash flooding caused by intense rainfall by slowing down the rate at which rainfall runs off land into watercourses and sewers. Green spaces within built up areas can absorb and retain more water than hard landscaping. The importance of urban green spaces for helping to reduce flood risk is reinforced in national planning guidance set out in Planning Policy Statement 25 (PPS25) (2006) “Development and Flood Risk” and within the draft supplement to Planning Policy Statement 1 (PPS1) on climate change titled: “Planning and Climate Change” (2006).</p> <p>The presence of urban green spaces and Playing Fields can also help to reduce the overheating of urban environments (referred to as the urban heat island affect). Typical urban surfaces such as concrete and asphalt get much hotter than vegetated green space surfaces during the day, particularly during hotter summer months. Preserving and creating pockets of urban green space and vegetation can help to cool areas naturally. This is caused by the cooling effect of water as it evaporates into the air from leaves and vegetation through the process called transpiration. As water evaporates from the leaves of plants and trees it cools the surrounding air. The “urban heat island” effect causes</p>	
--	--	--

	<p>increased air conditioning usage in buildings (which in turn requires more combustion of fossil fuels to generate more electricity), as well as being directly related to increased ozone formation, a major pollutant in our cities.</p> <p>Grassed sports pitches can also help to significantly enhance the visual amenity value and landscape setting of otherwise heavily urbanised areas by providing areas of attractive green space.</p>	
<p><b>Issue 28</b> (Representation by RPS Planning Consultants on behalf of Barratt Homes (West Midlands).</p> <p>With regard to Section 6 “Provision of Public Open Space, and Sport and Recreation facilities in Residential and Non-Residential development”, under draft SPD paragraphs 6.1 to 6.3, and 6.6. We consider that Adopted UDP (October 2005) Policy DD8</p>	<p>The Council considers that its approach to Policy DD8 “Provision of Open Space, Sport and Recreation Provision” in the draft SPD paragraph 6.1 is sufficiently clear and does not therefore propose to modify its approach within the draft SPD. Furthermore, Adopted UDP (2005) Policy DD8 is already referred to in its entirety under draft SPD Appendix 2.</p> <p>The Council will only seek to secure open space planning obligations where they are in full accordance with tests set out in DCLG Circular 05/2005. See response to Issues 5 and 8 which addresses this matter in more detail.</p> <p>The Council maintains its view that its approach within the draft SPD is in accordance with PPG17 guidance which indicates that local authorities may seek developer contributions for open space where the quantity or quality of provision is inadequate or under</p>	<p>No change.</p>



<p>“Provision of Open Space, Sport and Recreation facilities” is oversimplified in paragraph 6.1. The paragraph should be amended to accurately reflect the Adopted UDP Policy DD8. Under the headings “Provision in Residential Development”, (paragraphs 6.2 and 6.3) and the heading “Providing new or upgrading existing facilities” (paragraph 6.6), it is considered that these paragraphs should include the qualification that contributions will be sought as new provision or off-site payments where there will be unmet need as a result of development that is attributable to that development. Existing capacity or “over provision” should be taken into account.</p>	<p>threat, or where new development increases local needs.</p>	
<p><b>Issue 29</b> (Representation by RPS</p>	<p>The Council does accept that in the case of an elderly person’s</p>	<p>Add additional new text in a new paragraph</p>

<p>Planning Consultants on behalf of Barratt Homes (West Midlands).</p> <p>Focusing on draft SPD paragraph 6.7 under the heading “Children’s Play”, it is considered that the draft SPD should state that no contribution towards children’s play facilities will be sought or secured from elderly person’s housing schemes. Further, the contributions sought relate only to net increases in dwellings.</p>	<p>sheltered housing proposal, provision for children’s play is unlikely to be pursued. It is likely that costings for public open space and public realm would be more appropriate for this type of proposal. However, to reinforce, this would be a matter which would be more closely assessed and considered at the Development Control Planning Application stage as every proposal site is carefully assessed by the Council on a case-by-case and site-by-site basis, on its own individual planning merits and individual circumstances.</p> <p>The Council considers that it is important to note that well-maintained and designed public green spaces, urban parks and town centre public realm areas are still very important for elderly people as such areas provide opportunities for the elderly to relax, take exercise, and meet friends and neighbours. Well-maintained urban green space areas and urban parks are also important for helping to combat common health conditions which can effect the wider community, such as obesity, heart disease and stroke. The Council therefore proposes to include an additional paragraph within the draft SPD to reinforce the importance of urban green space and town centre public realm areas for the elderly population.</p>	<p>under existing draft SPD paragraph 9.2 which reinforces the value of urban green space and town centre public realm areas for the elderly.</p> <p>Insert additional new text under SPD paragraphs 10.1 to 10.2.</p> <p><b>“Good quality and well-maintained urban parks, other green spaces and town centre public realm areas make a vital contribution to the quality of urban life for all age groups, including the elderly. Urban green spaces and town centre public realm areas help to make neighbourhoods more attractive to live in and provide</b></p>
--	--	--

		<p>opportunities for urban dwellers to relax, take exercise, and meet friends and neighbours. Well-maintained urban parks and other publicly accessible green spaces also make a vital contribution to the achievement of a range of Government objectives. For example, access to green space is a powerful weapon in the fight against common health conditions.</p> <p>It is important to note that urban green space does not just benefit young people, but also benefits a range of age groups including the elderly. It is critical therefore that the needs of the elderly</p>
--	--	--

		are considered alongside the needs of the wider community when considering public open space provision as part of new development proposals.”
<p><b>Issue 30</b> (Representation by RPS Planning Consultants on behalf of Barratt Homes (West Midlands)).</p> <p>We consider that there is no basis for requiring contributions for non-residential development with regards to draft SPD paragraphs 6.8 to 6.13 under the heading “Provision in Non-Residential Development”. This approach is not based upon Adopted UDP (October 2005) Policy and contravenes the advice accepted at national level</p>	<p>The Council maintains its view that commercial developments such as larger scale offices, larger scale industrial development and larger scale shops can generate potential demand for additional opportunities for participation in leisure activities during lunch time or after work or as a result of high numbers of customers visiting a particular premises (e.g. shoppers visiting a large scale retail outlet and the subsequent wear and tear impact this will have on existing nearby public realm areas located within the town centre). This aspect is supported in national planning guidance in the document titled “Assessing Needs and Opportunities: A Companion Guide to PPG17 (2002)” (in paragraph 6.7 of this national planning guidance). Please refer to responses to Issues 7 and 20 which address this matter.</p>	<p>Add additional new text under draft SPD paragraph 3.7 (now paragraph 3.12).</p> <p>Please refer to responses to Issues 7 and 20 which address this matter.</p>

<p>(e.g. within PPS12), referred to under Section 3 (Policy Context – National Planning Guidance) of the draft which reinforces that SPDs can only supplement existing policies and they cannot introduce new policy.</p> <p><b>Issue 31</b> (Representation by RPS Planning Consultants on behalf of Barratt Homes (West Midlands)).</p> <p>Focusing on draft SPD paragraph 7.4 (now paragraph 7.6) under Section 7 “consideration of whether an on-site or off-site contribution is</p>	<p>The Council does not consider it practical to include new on-site recreational public open space on new-build residential development sites below 80 residential units (below 80 houses, flats, or bungalows) because past experience suggests that the overall proposal site land parcel area is likely to be of an insufficient overall size to practically accommodate new</p>	<p>Adjust threshold level from 50 units to 80 units in draft SPD paragraph 7.4 (now paragraph 7.6) to read: <b>“For schemes <u>below</u> 80 residential units (80 dwelling houses, flats or bungalows) and of 5 or more units which are</b></p>
---	--	---

<p>required”, we consider that the option of on-site provision for sites less than 50 dwellings should be precluded as a matter of policy. We reinforce the view that it will be appropriate to have both options in such cases.</p>	<p>recreational public open space provision which has a useable and worthwhile informal recreational role serving the outdoor recreational needs of the new residents of the estate. Small, under-sized, fragmented new open space areas within a new residential estate may have visual amenity value but would possess no worthwhile or beneficial recreational value serving the community given their limited size. Such areas would not be sustainable or practical for outdoor informal recreation purposes.</p> <p>Given that even higher residential densities (the number of dwelling houses being accommodated on a single proposal site) are now being achieved on ever tighter and ever smaller site land parcels (new national planning guidance set out in PPS3 expects local planning authorities to achieve higher housing densities on previously-developed land in order to promote more sustainable forms of development and achieve more efficient land use), the Council proposes to raise the current trigger threshold point from when new on-site recreational public open space will not be required from the current 50 units trigger point to 80 units. Please see response to Issue .6. which addresses this issue.</p> <p>Essentially therefore, new on-site recreational public open space and equipped new-build children’s play areas will now not be required for residential schemes falling below 80 residential units. New on-site recreational public open space provision will now only be required for schemes of 80 units and above in circumstances where the proposal site is severed from and poorly served to existing nearby off-site public recreational open space provision.</p>	<p><b>not considered by the Council as major residential sites in terms of requiring new on-site recreational public open space provision....”</b></p> <p>Include a new page at the front of the draft SPD document titled “Summary of Key Issues”. Include the following new text at sixth bullet point: <b>“New on-site recreational public open space (POS) provision will be explored by the Council on new housing developments containing 80 units and above (80 or more dwelling houses, flats, or bungalows). For schemes below 80 units on-site</b></p>
--	--	--

	Please see response to Issue .6. which addresses this issue.	<b>recreational POS provision <u>will not</u> be required. However, a commuted sum will still be required by the Council for off-site public open space maintenance and enhancements for schemes below 80 units.”</b>
<p><b>Issue 32</b> (Representation by RPS Planning Consultants on behalf of Barratt Homes (West Midlands).</p> <p>Focusing on draft SPD paragraphs 10.1 and 10.2 under the heading “Calculation of commuted sum payments for cost of set-up and maintenance” (Section 10), we consider that 2.43 persons per dwelling will not be the long term average household</p>	<p>The 2.43 persons per dwelling has been robustly based upon DoE 2001 Household Projections for the Dudley Borough. The Council considers that its approach on this issue is robust and does not therefore propose to modify its approach on this issue. The Council refutes the assumptions made on affordable housing within this representation, and again, the Council does not propose to modify it’s approach within the SPD in respect of this issue.</p>	No change.

<p>size in the Dudley Metropolitan Borough. This figure is too high and it is not supported by current projections to the year 2026. There should also be a recognition that affordable housing does not add to the Borough's population as it is meeting the needs of the existing population already located in the area. This should be reflected in the draft SPD.</p>		
<p><b>Issue 33</b> (Representation by RPS Planning Consultants on behalf of Barratt Homes (West Midlands)).</p> <p>Referring to draft SPD paragraphs 10.6 "set-up costs for children's play" and paragraph 10.8 "Maintenance of children's play areas", we reinforce the view that the 1993 UDP is not "extant".</p>	<p>Draft SPD paragraph 10.6 sets out the history of the figures. Essentially, the provenance of the costing figures – e.g. the historic basis and evidence trail to support and reinforce where the costing figures have been derived from. The Council maintains its view that its approach on this issue is transparent and robust and does not therefore propose to modify its approach.</p>	<p>No change.</p>



<p><b>Issue 34</b> (Representation by British Waterways).</p> <p>PPG17 (July 2002) in its Annex on definitions refers to open space as defined in the Town &amp; Country Planning Act 1990 as land laid out as public garden, or used for the purposes of public recreation or land which is a disused burial ground. However, when applying the policies within the draft SPD, open space should be taken to refer to open space of public value, including land and the waterway itself, for example, canals, reservoirs, rivers and water courses, which can offer significant opportunities for formal and informal leisure and recreational uses. We reinforce the view that waterways/canals including the canal towpaths and the adjacent environs offer</p>	<p>Accept. Include new paragraph 3.24 within the draft SPD which contains a sentence which makes specific reference to the value of canal corridor networks for promoting greener travel modes and their overall outdoor recreational value.</p> <p>Reinforce further linkages to canal networks within the draft SPD by including reference to Adopted UDP (2005) Policy HE7 “Canals” under draft SPD paragraph 3.16 (now paragraph 3.34). Include full reference to Policy HE7 “Canals” under Appendix 2 of the draft SPD.</p>	<p>Include new paragraph within paragraph 3.24 which states: “...<b>The provision of sufficient, well-planned and designed public green space, outdoor sports and recreational facilities, canal corridor networks, close to where people live, shop and work can also help to reduce vehicular congestion and associated resultant air pollution by encouraging greener travel modes...</b>”</p> <p>Add reference to Adopted UDP (2005) Policy HE7 “Canals” under list of relevant policies contained under SPD paragraph 3.36 (now paragraph 3.34).</p> <p>Include full reference to Adopted UDP (2005)</p>
---	--	---

<p>opportunities as open space and its value and importance should be recognised within the draft SPD.</p> <p><b>Issue 35</b> (Representation by British Waterways).</p> <p>Canal networks and towpaths can provide for example occupiers of residential development, (particularly where they are near to the waterway) with the opportunity for leisure and recreational use and offer sustainable walking and cycling routes. Reference to this should be made more specific in paragraphs 7.1 to 7.4 of the draft SPD, under the section titled “consideration of whether an on-site or off-site contribution is required (Section 7).</p>	<p>The Council recognises the importance of canal networks for providing outdoor recreation. However, the Council considers that the changes made within Issue 33 are sufficient.</p>	<p>Policy HE7 “Canals” under draft SPD Appendix 2.</p> <p>Please see Issue 34 response which addresses this issue.</p>
--	---	--

<p><b>Issue 36</b> (Representation by British Waterways).</p> <p>Focusing on planning obligations, we consider that the waterways infrastructure, facilities and environs including the towing paths should be recognised as an integral part of the local open space, sports and recreations assets, for which planning obligations (Section 106 agreements) for the enhancement and improvement of the canals could be sought to ensure suitable and satisfactory open space is provided, particularly for the residents</p>	<p>See response to issue 34 above which applies to this representation.</p> <p>The Council maintains its view that each proposal site is very carefully assessed on a site-by-site and case-by-case basis on its own individual planning merits. Commuted sums for off-site public open space enhancements and maintenance works will be spent in locations where the improvements are most needed in order to address local open space priorities and to ensure that the commuted sum is directed to areas where it would be in accordance with Circular 05/2005 guidance. Where appropriate, robustly justified and where the open space improvement works would satisfy Circular 05/2005 guidance, this may include enhancement works to canal areas and their towpaths.</p>	<p>No change.</p>

<p>of waterside residential developments. Specific reference within Section 8 of the draft SPD, under the heading “criteria used by the Council to help identify where to spend a particular Section 106 (S106) commuted sum for off-site existing public open space improvements” should be made to include canals/waterways within the criteria for existing off-site open space improvements.</p> <p><b>Issue .37.</b> (Representation by British Waterways).</p> <p>The objector welcomes the reference in draft SPD paragraph 4.8 under the heading “Protection of Sport and Recreation</p>	<p>See response to Issues 34 and 35 above which address this matter.</p>	
--	--	--

<p>Facilities" in relation to cross referencing the Adopted UDP (October 2005) Canal Policy HE7 to the draft SPD. In view of the canal policy (Policy HE7) within the UDP the objector would welcome reference to the canals/waterways being strengthened in relation to open space, sports and recreational use and that developer contributions will be sought by the Council to secure the provision of appropriate enhancements to the canal/waterways to enhance and provide suitable open space, sports and recreational facilities.</p>		
<p><b>Issue 38</b> (Representation by Dudley Primary Care Trust).</p> <p>The draft SPD document relies quite heavily on reader knowledge. Could the document content in</p>	<p>Comment noted.</p> <p>The Council has adjusted the document to simplify areas where it can. However, this is a technical document, principally geared towards property developers and planning consultants, so a minimum amount of technical detail has to be included.</p>	<p>Provide a new summary page at the front of the SPD document which provides a concise list key main issues involved with the draft SPD.</p> <p>Simplify technical terms</p>

any way be more simplified to make it more user friendly to the general public?	However, in order to provide additional clarity, the Council has included a new "Summary of key issues" page at the front of the draft SPD document which provides a concise summary of the key overriding issues for the SPD. Technical terms such as "residential units" have also been explained throughout the document where the wording "units" appears. Please see response to issue 63 which addresses this matter.	where necessary throughout draft SPD.
<p><b>Issue 39</b> (Representation by Dudley Primary Care Trust).</p> <p>The draft SPD document supports the targets in the multi-agency obesity framework titled "Talking Obesity a Framework for Action in Dudley July 2005". The relationship to the Framework should be formally recognised within the draft SPD.</p>	<p>Comments noted. The Council recognises the importance of open space and the health benefits that open space can provide to the community. This aspect has been reinforced throughout the draft SPD.</p> <p>The Council proposes to add additional new text under draft SPD paragraph 8.1 under bullet point five (now bullet point six) referring to "relevant health promotion plans and strategies"</p>	<p>Add new text under draft SPD paragraph 8.1 under bullet point five (now bullet point six) referring to:</p> <ul style="list-style-type: none"> <li>• <b>"relevant health promotion plans and strategies."</b></li> </ul>
<p><b>Issue 40</b> (Representation by Dudley Primary Care Trust).</p> <p>It would be useful if the draft SPD contained a</p>	<p>Comments noted. The Council maintains its view that the approach within the draft SPD is sufficiently clear on this issue and does not therefore propose to adjust the document as the change suggested may introduce unnecessary complexity to the draft SPD.</p>	No change.

<p>cross referencing table section that highlighted the areas that each document in the Appendices covered. This would be a quick checklist/ pre-planning guide.</p>		
<p><b>Issue 41</b> (Representation by Sport England (West Midlands)).</p> <p>Concerned that the draft SPD does not appear to set standards for indoor sport and recreation facilities. We query whether this will be covered by Dudley MBC's future Sport and Recreation Strategy (PPG17 compliant Parks and Greenspace Strategy) and the information will then be used to update the SPD when this Green Space Strategy is adopted.</p>	<p>Comments noted. The primary focus of the draft SPD document is on publicly accessible open space and facilities for outdoor sport and outdoor recreation opposed to built indoor recreational facilities. However, paragraph 6.8 of the draft SPD recognises that commercial development can generate demand for gyms and swimming halls. When assessing recreational improvement needs as part of new residential (housing) or larger scale commercial development proposals, at the Development Control Planning Application stage, each proposal would be carefully assessed on a site-by-site and case-by-case basis, on its own individual planning merits and individual set of circumstances. The Council maintains its view that it will seek recreational planning obligations where appropriate and where they can be robustly and directly related to the proposal site in accordance with Circular 05/2005 guidance. On occasions, where necessary and robustly justified and carefully evidenced, this may include improvements to publicly accessible built indoor recreational facilities. In circumstances where this is the overriding recreation improvement need required in the local area of the proposal site and where there would be a direct benefit to the new occupiers and users of the of the new development proposal.</p>	<p>No change</p>

	<p>It is unlikely that the Council's emerging draft Green Space Strategy will encompass build indoor sport and recreation facilities, as again this document is likely to focus on outdoor green space areas of value for outdoor sport and recreation. The particular issue of indoor facilities would be more appropriately covered as part of the joint Black Country Core Strategy.</p>	
<p><b>Issue 42</b> (Representation by Sport England (West Midlands)).</p> <p>If Dudley MBCs future Parks and Green Space Strategy does not intend to later include set standards for indoor facilities on its future adoption, then we recommend that the Council should use Sport England's "Sports Facility Calculator" as a means of calculating the amount and cost of demand generated by development within the draft SPD.</p>	<p>The Council is unlikely to include standards for indoor facilities in its emerging draft PPG17 compliant Green Space Strategy.</p> <p>The Council maintains its view that its existing approach set out in the draft SPD is sufficient and does not therefore propose to modify its approach in respect of indoor facilities.</p>	No change.
<p><b>Issue 43</b> (Representation by Sport</p>	<p>Accept. The Council considers that the proposed 10 year</p>	<p>Replace 10 years with <b>"15 years"</b> in draft SPD</p>



<p>England (West Midlands)).</p> <p>Referring to paragraph 6.1 of the draft SPD, we reinforce the view that the requirement to maintain open space, sport and recreational facilities for 10 years is an insufficient timescale and should therefore be increased/extended. Sport England is aware of examples (at other Local Authorities) where 20 years maintenance is required.</p>	<p>maintenance period stated under paragraph 6.1 of the draft SPD is an insufficient maintenance period to effectively maintain publicly accessible recreational open space areas throughout the Borough for the benefit of the local community. Having assessed the evidence, the Council therefore proposes to raise the maintenance period from the existing 10 years to “15 years” in draft SPD paragraph 6.1.</p>	<p>paragraph 6.1.</p>
<p><b>Issue 44</b> (Representation by Sport England (West Midlands)).</p> <p>Paragraph 6.2 of the draft SPD sets out that adequate provision must be provided as part of any new residential development containing five or more units. We consider that the basis for using this trigger threshold is unclear and</p>	<p>Please see response to Issue 1 which addresses this matter.</p>	<p>No change</p>

could be altered to count every dwelling.		
<p><b>Issue 45</b> (Representation by Sport England (West Midlands)).</p> <p>Paragraph 6.4 could be clarified to set out the amount and range of provision required, based on up-to-date information from the PPG17 compliant assessment (e.g. Parks and Green Space Strategy), when this future Green Space Strategy has been adopted by the Council.</p>	<p>The Council maintains its view that the approach set out in draft SPD paragraph 6.4 is sufficiently clear. The Council recognises that matters of quality and quantity for recreational open space will be addressed as part of the Council's future PPG17 compliant Green Space Strategy on its adoption. This SPD will be updated when the Council has an adopted PPG17 Compliant Green Space Strategy in place.</p>	No change.
<p><b>Issue 46</b> (Representation by Sport England (West Midlands)).</p> <p>Paragraph 6.11 sets out that developer contributions will be required primarily as part of new housing developments, but also</p>	<p>Accept the principle that retail developments should be referred to under commercial developments as this approach accords with PPG17 guidance. See Council response to Issues 7 and 20 which address this aspect.</p> <p>The 50 potential users per day threshold has been identified by the Council as a realistic and reasonable threshold which would generate an impact (wear and tear impact on existing publicly</p>	No change.

including commercial developments which generate 50 potential users per day. The clarification that, in addition to new housing, commercial developments will also require consideration of developer contributions is welcomed. However, it is suggested that the reference to “commercial” is expanded to include reference to retail and industrial development. We would also encourage justification of the threshold of 50 potential users per day as, in our view a lower threshold of for example 25 could be employed within the draft SPD.	accessible open space and town centre public realm areas) as part of a larger scale commercial developments. Having assessed the evidence, the Council considers that its threshold is sufficient, appropriate and robust and does not therefore propose to lower the threshold any further.	
<b>Issue 47</b> (Representation by Sport England (West Midlands)).  Focusing on the consideration of whether an “on-site or off-site	The Council considers that it is unlikely that a new playing field could be provided within a new residential layout as the site areas typically coming forward in the Dudley Metropolitan Borough are of an insufficient land parcel size to accommodate a full sized playing field within the curtilage of the proposal site.	No change

<p>contribution is required” set out in Section 7 of the draft SPD, it is unclear how playing pitches for formal sport will be provided for. Reference is made to public open space, but this does not normally include formal playing pitch provision.</p>	<p>The Council has a playing field maintenance and set up costing within paragraph 10.2 of the draft SPD (now paragraph 11.3) and will rigorously pursue improvement and enhancement works to playing fields where this is required and it can be robustly justified (e.g. where local priorities indicate the need for such improvements) and the improvements would be in accordance with Circular 05/2005 guidance.</p>	
<p><b>Issue 48</b> (Representation by Sport England (West Midlands)).</p> <p>The 5<sup>th</sup> bullet point under paragraph 8.1 (now paragraph 8.1 bullet point six) contains a list of Plans and Strategies to be consulted when identifying where to spend a particular Section 106 (S106) commuted sum for off-site public open space (POS) improvements. We reinforce the view that The Black Country Sports Strategy could be referenced here as an</p>	<p>Accept. New text be added to draft SPD paragraph 8.1 (indent five) now paragraph 8.1 (indent six) referring to “The Black Country Sports Strategy.”</p>	<p>Insert the following new additional text “<b>The Black Country Sports Strategy</b>” under paragraph 8.1 (indent five) now paragraph 8.1 (indent six).</p>

important future consideration.		
<p><b>Issue 49</b> (Representation by Sandwell MBC Planning Policy Section).</p> <p>The representation states that the draft SPD seeks a contribution from any development. The current policy Sandwell MBC uses is related to residential developments only however this may change in the future. The basis of Dudley MBC's draft SPD calculation of commuted sum payments for "cost of set-up and maintenance" is based upon costs at February 2001 and the SPD states that these costing figures will be updated annually. We query why Dudley MBC is not using more up-to-date costing figures reflecting the 2007 position, opposed</p>	<p>The Council does not expect all types of developments to make a contribution to recreational public open space provision via a planning obligations. The Council only seeks contributions in terms of this specific SPD from residential development (of five units and above) and for larger scale commercial developments (such as larger scale offices, shops and industrial development).</p> <p>Accept. The 2001 figures for cost of set-up and maintenance are now long out of date. Therefore, under Section 10 (now Section 11) "Calculation of commuted sum payments for cost of set-up and maintenance", the Council has included more up-to-date costings which reflect the June 2007 position.</p>	<p><b>Include up-to-date public open space/ playing fields/ children's play and public realm costings within the draft SPD to reflect the June 2007 position under Section 10 (now Section 11).</b></p>

<p>to the now long out of date 2001 figures – under draft SPD Section 10 (Calculation of Commuted sum Payments for the cost of Set-Up and Maintenance) (now Section 11).</p>		
<p><b>Issue 50</b> (Representation by Sandwell MBC Planning Policy Section).</p> <p>The representation states that Sandwell MBC has a 400 metres walking distance in Sandwell MBC's Adopted UDP for children's play, although Sandwell MBC also spend sums on parks at greater distances from the target site. On the face of it, 400 metres could be interpreted as a maximum distance, which would restrict use of monies. This may cause difficulties in restricting use of off-site commuted sum</p>	<p>Accept. The 400 metres catchment distance from the edge of the proposal site to the nearest off-site recreational public open space area is considered to be too short a distance by the Council. Particularly given that urban parks, for example, are likely to have a much greater catchment area well beyond 400 metres distance. Essentially, people are likely to travel further distances (well beyond 400 metres) to visit urban parks and other key recreational facilities in order to pursue outdoor recreation. On this basis therefore, in paragraphs 7.1 and 8.1 indent two (now paragraph 8.1 indent three) the Council proposes to replace the distance 400 metres with a new distance of "1,500 metres".</p> <p>The Council reinforces the view that the new 1,500 metres distance would be more practical and more sensitive and relevant to local circumstances, given the greater catchment distances (well beyond 400 metres) people are typically prepared travel to visit key recreational assets such as urban parks here within the Dudley Metropolitan Borough.</p>	<p>In draft SPD paragraphs 7.1 and 8.1 indent two (now paragraph 8.1 indent three) replace the distance "400 metres" with a new distance of <b>"1,500 metres"</b>.</p>

monies.		
<p><b>Issue 51</b> (Representation by Birmingham &amp; Black Country Wildlife Trust).</p> <p>We welcome the framework put forward in draft SPD Section 2 (Purpose), especially references to nature conservation, local distinctiveness and landscape. However, there are some important omissions from the draft SPD which require inclusion. Increased emphasis on “Climate Change” and the vital role open space has to play in providing mitigation and adaptation against Climate Change should be included within the draft SPD. The draft SPD should also include reference to the emerging work relating to the Regional Spatial</p>	<p>The Council accepts the suggestion that reference to climate change should be made within the draft SPD. The Council therefore proposes to include new additional text under Section 3 (Policy Context) which reinforces the crucial role of urban green space for helping provide mitigation and adaptation against future climate change.</p> <p>The Council also proposes to reinforce links between Urban Green Space and nature conservation by including reference to Planning Policy Statement 9 (PPS9) (2005) “Biodiversity and Geological Conservation” under Section 3 (Policy Context) of the draft SPD.</p> <p>Refute. It is not the role of this SPD to deliver and implement outcomes, actions and targets relating to the Regional Spatial Strategy (RSS) Phase 1 Revision (Black Country Study) and the Black Country as Urban Park Concept. To do so would conflict with national planning guidance set out in Planning Policy Statement 12 (PPS12) (2004) “Local Development Frameworks” as it would be going outside the intended role of this SPD which is merely to supplement existing plan policies already contained in the Council’s Adopted UDP (2005). Most notably, providing additional detail to Adopted UDP (2005) Policy DD8. Furthermore, this issue would be addressed as part of the Core Strategy.</p>	<p>Include new text under draft SPD Section 3 (Policy Context) referring to “<b>climate change</b>.” Given the volume of new text being added as part of this issue please refer to SPD new paragraphs 3.20 to 3.27 directly.</p> <p>Add new text under draft SPD Section 3 (Policy Context) referring to “<b>PPS9</b>.” Given the volume of new text being added as part of this issue please refer to SPD Section 3 directly, new paragraphs 3.6 to 3.7.</p>

<p>Strategy (RSS) Phase 1 Revision (Black Country Study) and the Black Country as Urban Park concept, from which is derived the objective of environmental transformation within the Black Country. We reinforce the view that the proposed draft SPD provides a significant opportunity to help drive and guide local implementation and delivery in Dudley across the above policy areas mentioned in draft SPD Section 2 (Purpose). The draft SPD has the potential to deliver and implement outcomes, actions and targets relating to the above plan which should be explained in the SPD. The above aspects should all be included under draft SPD Section 4 (the Council's approach to open space, etc).</p>		
--	--	--



<p><b>Issue 52</b> (Representation by Birmingham &amp; Black Country Wildlife Trust).</p> <p>Wider strategies and action plans are relevant to draft SPD Section 3 (Policy Context) and should be included under this section. For example, reference to the “Birmingham and Black Country Biodiversity Action Plan” which incorporates a Habitat Action Plan for Gardens, Allotments, Parks and Open Space, and the Black Country Geodiversity Action Plan should be included within the draft SPD.</p>	<p>Accept. The Council proposes to include additional new text under paragraph 3.19 (now paragraph 3.38) under the heading “Regional Policy Context” referring to the Birmingham and The Black Country Biodiversity Action Plan - A Framework for Action (July 2000).</p>	<p>Include the following new additional text under draft SPD paragraph 3.19 (now under paragraph 3.38) referring to the Birmingham and The Black Country Biodiversity Action Plan:  <b>“This document reinforces the important role of urban green space for providing an important recreational resource for providing sites for wildlife. Under paragraph 8.8 the document states:-</b>  <b>“Formal parks, playing fields, public open space, cemeteries, and all land managed chiefly for use by the public as an amenity are a major land use in our area. Cultural history and social</b></p>

		<p>factors have given us these sites and they are all managed for the benefit of the public. The dominant habitat of this land use is closely mown grass, but other important components are individual trees, shrubberies, scrub, pools and lakes, flower beds and ornamental planting areas.</p> <p>By definition such areas are well used and generally valued by the public. In more built up parts of Birmingham and the Black Country, these sites represent the only large areas of accessible greenspace to local people, and the only way in which nature and wildlife can be seen and experienced close at</p>
--	--	--

		home.”
<p><b>Issue 53</b> (Representation by Birmingham &amp; Black Country Wildlife Trust).</p> <p>Reference to Planning Policy Statement 9 (PPS9) (2005) “<i>Biodiversity and Geological Conservation</i>” should be included under draft SPD Section 3 (Policy Context).</p>	<p>Accept. Add additional new text under Section 3 (National Planning Policy Context) referring to PPS9. See response to issue 51 above which addresses this matter.</p>	<p><b>Add new text under draft SPD Section 3 (Policy Context) referring to PPS9.</b></p>
<p><b>Issue 54</b> (Representation by Birmingham &amp; Black Country Wildlife Trust).</p> <p>Under draft SPD Section 4 (The Council’s Approach to Open Space, etc.), in its approach to Open Space, Dudley MBC should make a commitment to audit the Open Space, Sport and Recreation Provision (a PPG17 compliant Green</p>	<p>Please see response to Issue 16 which addresses this matter.</p>	<p>No change</p>

<p>Space Strategy) in terms of the functions that this open space resource has. We consider that this is important because the draft SPD does not appear to be informed by a PPG17 compliant Green Space audit.</p>		
<p><b>Issue 55</b> (Representation by Birmingham &amp; Black Country Wildlife Trust).</p> <p>Under draft SPD Section 6 (Provision of Public Open Space, and Sport and Recreation facilities in Residential and Non-Residential Development), the provision of the biodiversity and geodiversity components of open space should be identified in the draft SPD. For example, the role of open space and its potential for the protection, management,</p>	<p>Comments noted. The Council proposes to add additional new text under Section 3 (National Planning Policy Context) referring to PPS9. Please see response to Issue 51 above which addresses this matter.</p>	<p><b>Add new text under draft SPD Section 3 (Policy Context) referring to PPS9.</b></p>

<p>enhancement, restoration or creation of such resources. In particular, these requirements for Accessible Natural Greenspace, Local Nature Reserves and the implementation of the Biodiversity and Geodiversity Action Plans could be identified as relevant provision.</p>		
<p><b>Issue 56</b> (Representation by Birmingham &amp; Black Country Wildlife Trust).</p> <p>The draft SPD does not contain provisions for monitoring and review. It is considered that such provisions would be helpful, especially once a PPG17 compliant Green Space Strategy audit has been carried out by the Council, so that progress can be checked and appropriate amendments could be</p>	<p>Refute. Under the heading “Definitions and Clarification of Terms” (paragraph 5.1), the SPD document states that: “...This SPD will be updated when the Council has an adopted Parks and Green Space Strategy...”</p>	<p>No change.</p>

made.		
<p><b>Issue 57</b> (Representation by Hagley Parish Council).</p> <p>Draft SPD Section 6 (Provision of Public Open Space, and Sport and Recreation Facilities in Residential and Non-Residential Development) does not appear to make adequate provision that open space provided by developers should be of a kind that members of the public can actually make some practical use of. The open space areas provided on certain Council estates within the Borough has to be labelled “No Ball Games” or “No Skateboarding”. New housing estates should be designed in a way whereby the above prohibitions/restrictions are not necessary.</p>	<p>Agree. Under Section 7 (Consideration of whether an on-site or off-site contribution is required) add new additional text under paragraphs 7.1, 7.3 and 7.5 which reinforce that new public open space areas must be useable for recreation purposes.</p>	<p>Add the following new text under draft SPD paragraph 7.1 (changes shown in bold print): “...the Council will explore, <b>where it is practical to do so</b>, the requirement for <b>new on-site recreational</b> public open space provision (<b>a well-maintained, useable, publicly accessible, on-site amenity grassed public open space area suitable for informal recreation purposes</b> and well-observed informal <b>safe</b> children’s play) within the residential layout ...”</p> <p>Add the following new text under draft SPD as part of new paragraph 7.3: <b>“New public open space areas located</b></p>

		<p><b>within major new-build residential layouts should be sited where they are well-overlooked, safe, useable and accessible to all residents ...”</b></p> <p>Under draft SPD paragraph 7.2 (now paragraph 7.4) add additional new text (changes shown in bold print): “...on-site recreational public open space provision will be required <b>(a well-maintained, useable, publicly accessible amenity grassed informal recreation open space area....”</b></p>
<p><b>Issue 58</b> (Representation by Hagley Parish Council).</p> <p>In Hagley, we have an estate where some of the open space is an area</p>	<p>The Council maintains its view that proposals to extend residential (housing) garden curtilages (extend the boundary of the garden) into open space areas will be considered at the Development Control planning application stage, on a site-by-site and case-by-case basis. Where the open space site is of value as recreational public open space serving the outdoor</p>	<p>No change.</p>

<p>which is impossible to develop because it is at a road junction, a most unsafe place for children to play. The land in question ought to have been included in the sale of the adjacent houses. This would have helped secure its on-going maintenance without further expense to the developers or to any local Council, since it would have become part of one's garden.</p>	<p>recreational needs of nearby residents or where the site is a designated nature conservation site or within a designated Park, etc within the Council's Adopted UDP (2005), such garden extension proposals will not be supported by the Council.</p>	
<p><b>Issue 59</b> (Representation by Hagley Parish Council).</p> <p>It is important that children should be provided with outdoor space where they are allowed to play near where they live. Sometimes this may cause annoyance to other residents, but in crowded urban environments that sometimes cannot be</p>	<p>Agree. The Council recognises the importance of new residential developments having access to nearby recreational public open space where the residents can participate in outdoor sport and informal recreation. This aspect is reinforced throughout the SPD and supported by national planning guidance.</p>	<p>No change.</p>



<p>avoided. However, their ability to play football in a public space is likely to make it less likely that they will engage in rather more anti-social behaviour.</p>		
<p><b>Issue 60</b> (Representation by Billingham &amp; Kite Limited).</p> <p>The draft SPD should include a model Section 106 agreement to provide greater clarity for developers and so developers can see what is fully required of them from a legal point of view. This would also speed up the legal process from a time point of view.</p>	<p>Comments noted. The Council is not pursuing this option at present, but it is an issue that may be considered in the future.</p> <p>Furthermore, the wording of a particular S106 Agreement will differ and vary on a site-by-site basis.</p>	<p>No change</p>
<p><b>Issue 61</b> (Representation by Environment Agency (Shrewsbury)).</p> <p>Reference to "Hydrology"</p>	<p>Agree. Under SPD Appendix 1, under the heading "Provision of information on and seeking the Council's approval of identification and mitigation of any risks with respect to", add additional bullet point "flood risk and water resource protection".</p>	<p>Add new bullet point under Appendix 1 stating:</p> <ul style="list-style-type: none"> <li>• <b>"flood risk and water resource"</b></li> </ul>

<p>under Appendix 1 (Layout of Open Space to be provided by the developer) is supported and welcomed. However, it is considered that this draft SPD Section (Appendix 1) should also cover flood risk and water resource protection. The latter includes both quantity (from recharge of water resources in aquifers and the ground) and quality (the need to avoid contamination of resources).</p>	<p>In addition, the value of urban green spaces in helping to reduce flood risk has also been reinforced under Section 3 Policy Context as part of a new section covering climate change. Please refer to responses to Issues 22, 27 and 51 which address the climate change matter.</p>	<p><b>protection”.</b></p>
<p><b>Issue 62</b> (Representation by Springfield Neighbourhood Tenants &amp; Residents Association).</p> <p>The draft SPD guidance and its application for day-to-day planning purposes could be improved by Dudley MBC establishing a Liaison Team to work</p>	<p>Comments noted. The Council does already work very closely with community groups such as locally-based Friends of Parks Groups in order to help identify open space spend improvements within each local area. This aspect is reinforced under Section 8 (Criteria used by the Council to help identify, etc...) of the draft SPD.</p>	<p>No change.</p>

<p>alongside local community leaders/project leads. This approach would help to alleviate problems and “smooth the progression of an idea to a workable viable project.” More projects potentially could be developed into meaningful plans with the necessary robustness and planning considerations already identified and, if possible resolved prior to submission. This would have benefits in achieving positive outcomes, new open space and recreation areas.</p>		
<p><b>Issue 63</b> (Representation by Dudley Borough Local Access Forum Group).</p> <p>The wording “unit” and “units” needs to be further clarified throughout the draft SPD guidance. Eg. “...development containing</p>	<p>Accept. Include additional clarification after the existing words “units” throughout the draft SPD.</p> <p>The SPD and the word “units” relates to existing buildings that are converted to flats (e.g. larger existing buildings that are subdivided and converted into apartments) or new-builds (new-build houses or bungalows). The word “units” relates to single flats as well as houses or bungalows. For example, if there are 20 flats within a converted large building which has been converted</p>	<p>Include the following new text under bullet point one under a new page titled “Summary of Key Issues” at the front of the SPD document: “ <b>...five or more units (five or more dwelling houses, flats, or bungalows)...</b>”</p>

<p>five or more units ...". The term "unit" is considered too confusing and needs to be clarified. Using the words "houses" or "flats" is considered clearer and needs to be included in brackets alongside the wording "unit (s)". Does the word "unit" apply to sub-divided flats, blocks of flats (conversion of existing large houses into new apartments), etc.</p>	<p>to apartments, then this would equate to 20 units.</p>	<p>After the existing word "units" in the Executive Summary section include the following new text: <b>"... (five or more dwelling houses, flats or bungalows ...."</b></p> <p>Under draft SPD Section 7 (Consideration of whether an on-site or off-site contribution is required) after the existing word "units" include the following additional clarification under paragraphs 7.1, 7.2 and 7.6: <b>"...80 dwelling houses, flats or bungalows..."</b></p> <p>Include the following additional new clarification text under a new page titled "Summary of key issues" at the front of the draft</p>
--	---	--

		<p>SPD document: <b>“This SPD is triggered for residential planning applications of five or more units (five or more dwelling houses, flats, or bungalows). The SPD relates to residential conversions (e.g. existing buildings that are converted to residential apartments) as well as new-builds. (See paragraphs 6.2 and 7.6).”</b></p>
<p><b>Issue 64</b> (Representation by Dudley Borough Local Access Forum Group).</p> <p>Greater transparency is required in paragraph 5.4 of the draft SPD, under the heading “Access to Public</p>	<p>Refute. With regard to safe pedestrian access, the Council considers that the position is already clear on this issue under Section 7 of the draft SPD.</p> <p>Draft SPD paragraph 7.1 is considered to clarify this issue as it states that: “...severance effects (which would restrict safe pedestrian access) caused by busy highway networks, canal corridors, rail networks, etc. will all be taken into account by the</p>	<p>No change</p>

<p>Open Space and Children's Play", under Section 5. (Definitions and Clarification of Terms). Does safe access relate to busy highway networks which already have pelican crossings in place? E.g. Pelican crossings situated between the proposal site and off-site existing public open space areas. Clarification is required.</p>	<p>Council..."</p>	
<p><b>Issue 65</b> (Representation by Halesowen Abbey Trust).</p> <p>The Trust is supportive of the draft SPD guidance and hopes that public open space et al will be a very serious issue in respect of Council planning applications in the future and that there will be further policy initiatives from the Council to meet the shortfalls that exist in certain parts of the</p>	<p>Comments noted.</p>	<p>No change.</p>

Borough. We cannot have too much open space.		
<p><b>Issue 66</b>          (Representation by C.R.A.S.H –Cradley Raising Aid Saving Heathens) (speedway pressure group)</p> <p>C.R.A.S.H have been campaigning for the last 12 years to restore speedway to the Dudley Metropolitan Borough following the sale of the Dudley Wood Speedway Stadium/ track site and it is possible that this draft SPD has been generated, at least in part, as a response to our own experiences. It is good to see that the Council appreciates the positive impact that sport can have on community cohesion and the quality of life for residents.</p> <p>The importance of</p>	Comments noted.	No change.

<p>celebrating our heritage and achieving some local distinctiveness are also recognised. These are all factors that we feel should support our efforts to get the Borough's best supported and most successful sports team back on track. The concept of housing and industrial developers having to provide alternative recreational facilities is very welcome and should prevent the situation C.R.A.S.H had at Dudley Wood, where the Stadium was lost and no alternative provision or contribution made by the developer towards finding a replacement site. We hope that this draft SPD may be a positive step in protecting sporting provision in the Borough and may actually support C.R.A.S.H's efforts in trying to redress what happened at Dudley Wood</p>		
--	--	--



all those years ago.		
<p><b>Issue 67</b> (Representation by Dudley Borough Local Access Forum).</p> <p>Open space within urban areas, in all its forms is exceptionally important to the local environment and the people who live within those areas. As pressure increases upon Local Planning Authorities to produce ever-denser development the provision of adequate open space and recreational facilities is often neglected. Whilst policies at the national and local level appear to recognise open space there is not the imperative to meet those deficiencies and this is in sharp contrast to the compulsion, exerted by Central Government, to create ever more built development.</p>	<p>Comments noted. The Council maintains its view that the draft SPD will have a positive impact in helping to ensure that all sections of the community within the Borough have access to a better supply of publicly accessible open space areas, outdoor sport and recreational facilities, that are of a good quality, well-maintained and designed, and in the right location to meet the outdoor recreational needs of the community.</p>	<p>No change.</p>

<p>The draft SPD guidance is welcome – particularly if it means that the Council are going to pursue adequate provision of open space and recreational facilities.</p> <p><b>Issue 68</b> (Representation by Dudley Borough Local Access Forum).</p> <p>In the 1980s Dudley MBC produced a ‘Recreation and Open Space Subject Plan’ (ROSS Plan) titled “A Place for Leisure.” The existence of this Plan, and the background documents for it, are now almost totally forgotten and yet it provided much useful information that could have been the basis for future policies, proposals and expenditure.</p>	<p>Comments noted. These issues would be covered as part of the Council’s future Parks and Green Space Strategy which will be PPG17 (2002) compliant and amongst other issues would focus on the up-to-date position in respect of the quantitative (e.g. the amount of open space) and the qualitative (e.g. the quality of open space) elements of open space, outdoor sports and recreational facilities across the Dudley Metropolitan Borough. The Strategy would also help identify locally derived standards for the provision of open space, sports and recreational facilities across the Borough.</p>	<p>No change</p>
--	---	------------------

<p>The shortfalls in public open space, sports pitches and children's play areas identified in the Borough in the 1980's via the ROSS Plan were not addressed.</p>		
<p><b>Issue 69</b> (Representation by Dudley Borough Local Access Forum).</p> <p>The following points need to be clarified in the draft SPD:-</p> <ul style="list-style-type: none"> <li>• The word "unit" requires clear and unambiguous definition.</li> <li>• If there is already sufficient public open space in a specific area would funding still be raised and spent elsewhere?</li> <li>• Is the guidance related to conversions as well</li> </ul>	<p>The Council has provided additional clarification in respect of the word "units." See response to issue 63 above which addresses this issue.</p> <p>In accordance with Circular 05/2005 "Planning Obligations" guidance, the Council reinforces the view that it will always target spend improvements to nearby (nearby to the proposal site) public open space areas where the improvements are most needed in order to address key and current local open space priorities. The Council maintains its view that its position on this issue is clear, robust, transparent, accords with Circular 05/2005 and PPG17 guidance and the Council considers that its approach in respect of this matter has already been clearly and carefully explained and addressed under draft SPD Section 8 (Criteria used by the Council to help identify where to spend, etc...).</p> <ul style="list-style-type: none"> <li>• The SPD does relate to conversions as well as newly built residential dwellings. To add further clarity, the Council proposes to include additional new wording to provide further clarification under a "Summary of key issues" page at the front of the SPD document. Please see response to issue 63 which addresses the matter of "units" in further</li> </ul>	<p>Include the following new text under bullet point one under a new page titled "Summary of Key Issues" at the front of the SPD document: <b>"...The SPD relates to residential conversions (e.g. existing buildings that are converted to residential apartments) as well as new-builds..."</b></p> <p>Add new text under under draft SPD paragraph 3.16 (now paragraph 3.34) and 4.8, and under Appendix 2 which makes specific reference to <b>Adopted UDP (2005) Policy</b></p>

<ul style="list-style-type: none"> <li>as new builds?</li> <li>Funds raised should not be used on routine maintenance but should be directed to improvements and dealing with pressures on open space.</li> <li>Funds raised should be ring fenced with transparency and monitoring of expenditure.</li> <li>Policy references in the guidance need to relate to those in the Adopted UDP (October 2005) in respect of "Rights of Way"</li> <li>Access along the River Stour was a Dudley MBC policy but has not been included in recent approvals</li> <li>Canalside</li> </ul>	<p>issue 63 which addresses the matter of "units" in further detail.</p> <ul style="list-style-type: none"> <li>Where appropriate, funds will be ring fenced for a period of 7 years, and spent to address key and overriding public open space improvement needs within each local area. The process will always be transparent, related to local open space improvement priorities and robust in accordance with Circular 05/2005 and PPG17 guidance.</li> <li>Agree. New text will be added under paragraphs 3.16 (now paragraph 3.34) and 4.8, and under Appendix 2 which makes specific reference to Policy AM13 "Public Rights of Way."</li> <li>Comments regarding access along the River Stour Corridor have been noted. The Council maintains its view that this SPD will have a positive impact in helping to ensure that publicly accessible areas such as the River Stour network will be appropriately and sensitively maintained and enhanced in order to improve their recreational offer to the community whilst at the same time safeguarding their nature conservation value.</li> <li>The comments on "canalside developments" have been noted by the Council. In addition, the Council proposes to further reinforce the importance of canals within the draft SPD guidance. See response to Issue 34 which addresses this matter.</li> </ul>	<p><b>AM13 "Public Rights of Way".</b></p>
--	---	--

<p>developments need to include appropriate buffers to protect the quality of this important open space.</p> <ul style="list-style-type: none"> <li>• In general the Local Access Forum welcomes and supports the draft SPD guidance document and trusts that its observations will be given due consideration.</li> </ul>		
<p><b>Issue 70</b> (Representation by Dudley MBC Traffic and Road Safety Section, MSP)</p> <p>There seems to be a lack of reference to Pedestrians/Public Rights of Way policies – Adopted UDP (October 2005) Policies AM12</p>	<p>Accept. See response to Issues 64 and 69 which addresses this matter.</p> <p>The Council does not consider it necessary to make reference to adopted UDP (2005) Policy AM12 “Pedestrians” as it is considered that reference already made to Policy AM13 “Public Rights of Way” will be sufficient for the purposes of this draft SPD.</p>	<p>Add new text under draft SPD paragraph 3.16 (now paragraph 3.34) and 4.8 and Appendix 2 which makes reference to Adopted UDP (2005) <b>Policy AM13 “Rights of Way”</b>.</p>

<p>“Pedestrians” and Policy AM13 “Public Rights of Way”. Their importance should be woven into Section 4 (The Council’s approach to Open Space, Sport and Recreation Provision) of the draft SPD. They are mentioned in Section 9 (Children’s play areas and Young Persons Outdoor Recreational Facilities) and Appendix 1, but should be given higher profile in the general document.</p>		
<p><b>Issue 71</b> (Representation by Dudley MBC Traffic and Road Safety Section, MSP).</p> <p>Focusing on “Design Standards” the standards for highway adoption on new developments are:</p> <ul style="list-style-type: none"> <li>• 4 metres for a public footpaths; and,</li> </ul>	<p>Agree. Add new text under draft SPD Appendix 1, under the existing sub-headings “Footpaths” and “Cycle Parking”.</p>	<p>Under draft SPD Appendix 1, under the heading “Footpaths” delete 1.8 metre wide and replace with <b>4 metres wide</b>. Add new text under draft SPD Appendix 1 under the heading “Footpaths” <b>“...Widths of less than the above are with the agreement of the highway authority. If</b></p>

<ul style="list-style-type: none"> <li>• 4.25 metres for a cycleway</li> </ul> <p>Widths of less than the above are with the agreement of the highway authority. It is suggested that we keep the same specifications, however if paths are to remain private or under the maintenance of "Leisure" a lesser specification may be permissible.</p>		<p><b>paths are to remain private or under the maintenance of the Council's Leisure Department, a less specification may be permissible..."</b></p> <p>Under Appendix 1, under the heading cycle parking add new text:  <b>"...Cycle ways should be of a minimum of 4.25 metres wide. Widths of less than the above are with the agreement of the highway authority. If the cycle way are to remain private or under the maintenance of the Council's Leisure Department a lesser specification may be permissible..."</b></p>
<p><b>Issue 72</b>          (Representation by Dudley MBC Planning Obligations Officer, Development Control Section).</p>	<p>Having considered the evidence it is considered that the 50 units threshold is too low and therefore needs to be increased. The reasons for this have been explained in the response to Issues 6 and 31. Therefore, within the draft SPD it is proposed to raise the</p>	<p>Trigger point threshold for when new on-site recreational public open space will be required has been increased from</p>

<p>The requirement to explore the need for new on-site public open space provision as part of major housing proposals involving 50 dwellings and above is too high. On-site provision should be sought on new housing sites below 50 dwellings.</p> <p><b>Issue 73</b> (Representation by Dudley MBC Planning Obligations Officer, Development Control Section).</p> <p>Monies for off-site enhancement of existing recreational open space are necessary for small residential schemes. However, it is vital that there is nearby publicly accessible recreational open space where the monies can be spent. Any</p>	<p>trigger point threshold for when the Council will seek new on-site recreational public open space provision within new-build residential layouts from the current 50 residential units up to a new trigger point threshold of “80 units and above” (e.g. 80 dwelling houses, flats or bungalows).</p> <p>Please see response to Issues 6 and 31 which address this matter.</p> <p>Agree. The Council reinforces the view that monies for off-site public open space enhancements will always be spent in nearby locations where they are most needed in accordance with Circular 05/2005 and PPG17 national planning guidance and in accordance with up-to-date, robustly justified and carefully evidenced local public open space improvement and enhancement priorities. Ring fencing monies is also important as monies can be pooled from smaller sites of 5 dwellings into a</p>	<p>50 units and above to 80 units and above. Please see response to Issues 6 and 31 which address this matter.</p> <p>See responses to Issues 5, 14 and 69 which address this matter.</p>
---	---	---



monies obtained need to be “ring fenced” for spending on the identified recreational open space.	central fund where the monies can then be used to help improve existing public open space areas and public realm sites that are located nearby to the proposal sites. See responses to Issues 5, 14 and 69 which address this matter.	
<p><b>Issue 74</b> (Representation by Dudley MBC Planning Obligations Officer, Development Control Section).</p> <p>For maintenance of the recreational public open space within residential developments many developers will set up a “resident’s management company” to retain ownership and maintain such recreational open space within a housing estate. If the developer or Residents Management Company subsequently ask the Council to take on the future maintenance of the recreational open space then a Section 106 agreement or other legal undertaking can be drawn</p>	<p>Comments noted. Paragraph 5.7 of the draft SPD does refer to management companies in respect of maintaining new on-site public open space provision. However, the preferred Council approach, by agreement, is for the developer to offer an area for public open space within the development site to the Borough Council at no cost, together with a “lump sum” contribution to cover the design, implementation and a contribution towards future maintenance costs. This aspect has been reinforced in new additional text included under paragraph 6.1 of the draft SPD.</p>	<p>Include the following additional new text under draft SPD paragraph 6.1 to provide further clarification on the Council’s approach for new on-site recreational public open space provision and the approach to its maintenance:</p> <p><b>“...As part of major developments of 80 dwellings and above (see Section 7) the developer may wish to design and lay out the new public open space themselves within the development site, in which case, the developer will be liable for all design and layout to the standard</b></p>

up with the appropriate commuted sums. Use of "Residents Management Companies" set up by developers should be explored within the draft SPD.		required by the local authority. However, alternatively, the preferred Council option, by agreement, is for the developer to offer an area for public open space within the development to the Borough Council at no cost, together with a "lump sum" contribution to cover the design, implementation and a contribution towards future maintenance costs..."
<b>Issue 75</b>  (Representation by Dudley MBC Development Control Section).  How does the draft Open Space, Sport and Recreation Provision SPD relate to the Council's	The emerging draft Planning Obligations SPD provides wider guidance, not just on recreational public open space contribution matters, but also on highway infrastructure, economic well-being, environmental protection, historic environment, library facilities, nature conservation, public realm, transport infrastructure improvements, travel plan policies, affordable housing, and educational contributions. Essentially, it has a much wider remit than the draft Open Space, Sport and Recreation Provision SPD as clearly it addresses a wider range of topic areas where	No change

emerging draft Planning Obligations SPD which is currently being prepared by the Council? Essentially, the linkages between both separate SPD documents and how they will both operate alongside each other. Clarification required.	<p>planning obligations will be sought by the Council.</p> <p>The draft Open Space, Sport and Recreation Provision SPD will provide greater detail purely on public realm and public open space, outdoor sport and recreation contributions and will have important linkages and a key supporting role to the Planning Obligations SPD as it will simply provide more in-depth detail on the topic area of open space contributions. Cross-referencing to the draft Planning Obligations SPD is important and has already been completed within the draft Open Space, Sport and Recreation Provision SPD so readers can cross-refer to the draft Planning Obligations SPD document.</p>	
<p><b>Issue 76</b></p> <p>(Representation by Dudley MBC Development Control Section).</p> <p>How are “commercial developments” defined – offices/retail and employment uses similarly viewed?</p>	<p>Additional clarification has been provided in the draft SPD with regard to commercial developments. Please refer to responses to issues 7, 20 and 30 which address this matter.</p>	<p>Please refer to responses to issues 7, 20 and 30.</p>
<p><b>Issue 77</b></p> <p>(Representation by Dudley MBC Development Control</p>	<p>The Council maintains its view that its approach is robust in respect of this issue and its approach accords with Circular 05/2005 “Planning Obligations” and PPG17 guidance.</p>	<p>No change.</p>

<p>Section).</p> <p>Would the apparent reliance on internal consultations between different officers based within different Council Departments on where money will be spent be sufficiently robust to withstand potential challenges? Is the approach being proposed within the draft SPD sufficiently transparent enough?</p>		
<p><b>Issue 78</b></p> <p>(Representation by Dudley MBC Development Control Section).</p> <p>Where do the Landscape Design and Method Statements sit with the developer as part of a Design and Access Statement?</p>	<p>These provide further additional detail for developers on landscaping requirements.</p>	<p>No change.</p>

<p><b>Issue 79</b></p> <p>(Representation by Dudley MBC Development Control Section).</p> <p>Is the “Landscape Design and Method Statement” set out in draft SPD Appendix 1 unreasonably onerous on developers? For example, there could be very few sites within the Borough of such a scale on which a new-build equipped children’s play area could be realistically accommodated while achieving economic development and to meet the design criteria set out in the draft SPD document.</p>	<p>The Council does not believe that they are too onerous. The information contained in draft SPD Appendix 1 are necessary in order to help deliver high quality and useable new recreational public open space areas that are designed to a high standard.</p>	<p>No change.</p>
<p><b>Issue 80</b></p> <p>(Representation by Dudley MBC Development Control Section).</p> <p>The formulae for</p>	<p>Agree. Under Section 10 (calculation of commuted sum payments for cost of set-up and maintenance) (now Section 11) the costings have been presented within a table form. An example calculation based on 20 residential dwellings for the public open space costings has also been included under paragraph 10.2 (now paragraph 11.3) in order to add further</p>	<p>Present the calculations in paragraph 10.2 (now paragraph 11.3) in <b>tabular form</b>.</p> <p>Provide an example calculation based on 20</p>

<p>calculating contributions (set out under Section 10: Calculation of commuted sum payments, etc) (now Section 11) could be more clearly set out. For example, within a simple table form. This would improve clarity and make the calculations information more accessible for planning consultants, developers and the public.</p>	<p>clarification.</p> <p>Additional new supporting text has also been included in paragraph 10.2 (now paragraph 11.2) to provide further clarification on the Council's approach when seeking open space contributions.</p>	<p>residential units for the "public open space costing" under paragraph 10.2 (now paragraph 11.3).</p> <p>Include the following new text under paragraph 10.2 (now paragraph 11.2) to provide further clarification on the Council's approach: <b>"...With regard to the costings set out in the table below under paragraph 11.3, please note that it is unlikely that all of these costings would be used simultaneously together for one single proposal site (e.g. public open space, children's play, playing fields, and public realm). The costing(s) used by the Council when assessing a particular development</b></p>
---	---	---

		<p>proposal at the Development Control planning application stage will depend solely on what the overriding and current lead public open space priorities are within each particular local area within the vicinity of the proposal site. For example, when pursuing off-site contributions, if the lead priority within the vicinity of the proposal site is for public open space improvements then quite simply the public open space costing figure will be pursued by the Council. If the lead priority is for both public open space and children's play improvements, then both these costings will be pursued. Please refer to Section .8. of</p>
--	--	---

		<b>this SPD which explains the process used by the Council in more detail...”</b>
<b>Issue 81</b>  (Representation by Dudley MBC Development Control Section).  Where are the areas within the Borough that are deficient in open space?	This issue would be considered as part of the Council's future Parks and Green Space Strategy (PPG17 Compliant Strategy). The Council is currently working on this document.	No change.
<b>Issue 82</b>  (Representation by Dudley MBC Development Control Section).  How can Section 106 (S106) contributions be used for the Local Planning Authority (LPA) to be proactive and imaginative in its delivery of more	<p>The Council will support the delivery of S106 contributions which are proactive and imaginative where the contribution would help address key and up-to-date public open space priorities within each particular local area which have been robustly identified and where they are directly related in scale and kind to the proposed development site. Strictly in accordance with tests set out in Circular 05/2005 “Planning Obligations” guidance.</p> <p>The Regional Spatial Strategy (RSS) Black Country Study “Urban Park” concept will be addressed as part of the Core Strategy. Please see response to Issue 51 which addresses this matter.</p>	No change



<p>strategic landscape initiatives, e.g:-</p> <ul style="list-style-type: none"> <li>• To realise the Regional Spatial Strategy (RSS) Black Country Study “Urban Park” concept;</li> <li>• The Black Country Urban Forest (does this still exist?);</li> <li>• Latent demand for recreation;</li> <li>• Public art;</li> <li>• Boulevarding;</li> <li>• The transformation of vacant (uneconomic) Council owned land;</li> <li>• The Adopted Unitary Development Plan</li> </ul>	<p>The Council will support the provision and improvements to public art, boulevarding, vacant (uneconomic land), Linear Open Space where the S106 enhancements help address key open space priorities within each particular local area and the improvements would be in accordance with Circular 05/2005 advice.</p>	
--	--	--

(UDP) (October 2005) Linear Open Space network (Policy S02 – Adopted UDP)		
<b>Issue 83</b>  (Representation by Dudley MBC Development Control Section).  Is there any scope for cross border working? For example, working with neighbouring Black Country authorities.	Comments noted. Cross border working takes place at regional level in respect of the Core Strategy. The Council is also keen to share best practice in terms of SPD's where necessary and appropriate.	No change.
<b>Issue 84</b>  (Representation by Dudley MBC Development Control Section).  What mechanisms are there for the local community to become more involved, especially	The Council already works very closely with the local community. An example of this is through the locally-based Friends of Parks Groups working as part of the Liveability proposals.	No change.

on the form of landscape enhancement? For example, choices on the split between formal and informal open space provision being provided.		
<b>Issue 85</b>  (Representation by Dudley MBC Development Control Section).  The draft SPD could be embellished with photographs/schemes/sketches of Section 106 (S106) success stories within the Borough.	Comments noted. However, the Council does not propose to modify its approach within this draft SPD, but it is an issue that may be considered in the future.	No change.`