

Open Space	
Summary of Comments Received (respondent ref in brackets)	Council's Response
<p>Object to the use of "Spon's External Price Book". Spon's does not provide detailed maintenance costs and sets out prices in excess of that which can be secured through competitive tendering. (24) SPG should apply average maintenance charges rather than Spon's price book to ensure fairness to developers in the maintenance contributions for different landscape types. (3)</p>	<p>Spon's Landscape and External Works Price Book provides industry standard costs for grounds maintenance and is based on surveys from over 150 companies and organisations involved in providing landscape work. It is an appropriate source of information from which to base maintenance costs for grounds maintenance. In recognition that Spon's does not necessarily cover all landscape and maintenance costs the topic paper has been amended to further clarify that the Council's in-house costs will be used in cases where the grounds maintenance figure cannot be calculated using Spon's .</p> <p>The Council has evidence to suggest that the rates set out within Spon's tend to be lower than the Council's maintenance costs or those achieved through competitive tender. Accordingly the Council is satisfied that the approach taken by the topic paper is reasonable.</p> <p>The Council accepts that costs for grounds maintenance may vary as a result of factors such as local labour rates which may not be reflected in Spon's The topic paper has therefore been amended to clarify that lower maintenance costs than those set out within Spon's may be applied where there is clear evidence that the required grounds maintenance can be provided at a lower cost than that calculated using Spon's and conversely that in exceptional circumstances the Council may apply maintenance costs that exceed those set out in Spon's.</p>
<p>Council's in house costs methodology should be explained within the document to show developers are being fairly charged. (24)</p>	<p>The Council's in-house maintenance costs have been established through competitive tender in 2003 as required under a Best Value regime. The Council therefore considers the costs to be fair. The topic paper has been amended to set out costs, broken down by open space type. However, the Council does not consider it appropriate to include full details of all its landscaping and</p>

Open Space	
Summary of Comments Received (respondent ref in brackets)	Council's Response
	maintenance costs within the SPG for reasons of confidentiality.
Support for allowance for open space to be commuted off-site (24)	The Council notes the support
The option to enhance existing open space should be clearly itemised as an addition to paragraph 4.1 (24)	No amendment proposed. Paragraph 4.1 reflects adopted policy as set out within the West Berkshire Local Plan, and includes the option to enhance existing open space.
SPG should be explicit that contributions towards the purchase of land at an assumed price is a "last resort" option as a result of the uncertainties of land being available and other such factors (24)	The purchase of land at an assumed rate is not a "last resort" option. For developments of 10 or more dwellings, the Council will seek to ensure open space is provided as part of the development and would prefer to see open space provided on site. However, where off-site provision is considered acceptable, the Council is satisfied that the inclusion of a land cost element within the contribution methodology is necessary in order to help ensure that land can be purchased to meet the open space requirement arising from the development. The Council recognises that the land cost rate may be reviewed in the light of local circumstances and the availability of suitable land, however, paragraph 4.1 makes clear that in circumstances where the open space requirements arising from a development is provided off-site and met through the improvement to an existing public recreational facility, the Council may agree to a lower land cost contribution.
Object to a blanket approach to standards of provision since some types of accommodation should be "zero rated" such as retirement and small starter homes (24)	The Council considers that all developments will place demands on the existing open space provision within the district although it accepts that such demands may vary according to the type of development proposed. The Council recognises in Policy RL.1 of the local plan, for example, that in respect of sheltered and other special needs housing flexibility may be applied in the application of the standard of provision. The topic paper has been amended (see paragraphs 5.11 and 5.12) to clarify the exemptions that will apply to one bedroom dwellings, sheltered accommodations and other special needs housing.

Open Space	
Summary of Comments Received (respondent ref in brackets)	Council's Response
<p>Document should be clear what types of landscape count towards the provision standard (24)</p> <p>Document should be clear whether individual components of open space eg: children's play areas, formal sports areas etc, are required in strict proportions of total provision or whether such provision is negotiable (24)</p> <p>Contributions based on a variable standard of provision offers the potential for the variable to be applied differently in different parishes. SPG should clarify the application of the variable standard of provision. (3)</p>	<p>The topic paper has been amended by the including a breakdown of the individual components that make up the open space standard (see paragraph 1.4). Otherwise the Council is satisfied that the topic paper is clear that the type(s) of open space provided is determined through negotiation based on identified needs on a site by site basis and taking into account the definition of open space set out within the West Berkshire Local Plan and paragraphs 1.2, 1.3 and 1.4 of the topic paper.</p>
<p>SPG should make it clear whether the Council would allow other parties to adopt land in place of the Council.(24)</p> <p>SPG should recognise the role of local councils in the maintenance of open space and clarify the arrangements for maintenance contributions to be passed to such local councils (2)</p>	<p>The Council recognises that open space may be owned by parties other than itself and it recognises the role of town and parish councils. The Council will wish to ensure however, that subsequent maintenance of the open space is secured and will assess any proposed arrangements for future maintenance against the methodology set out within the SPG. However, the responsibility for owning and maintaining open space is a process and organisational issue, and the topic paper is not the appropriate vehicle to address such arrangements. Accordingly no amendment is proposed</p>
<p>SPG should be clear to distinguish that open space does not necessarily mean local authority owned land. Para 3.1 should properly reflect the requirements of the local plan policy that implies alternatives are available. (3, 12)</p>	<p>Agreed. The topic paper has been amended to say that the Council will "seek the transfer" of public open space to properly reflect local plan policy.</p>
<p>Average occupancy rate per dwelling of 2.54 is excessively high. 2001 census figure of 2.46 should be used (19)</p>	<p>The average occupancy rate was taken from the 2000 based population projections for West Berkshire. Information on occupancy rates will be kept under review.</p>
<p>Contribution for open space on brownfield development is excessive and unreasonable. (27)</p>	<p>No amendment proposed. The Council considers the redevelopment of brownfield land for either residential or commercial development is</p>

Open Space	
Summary of Comments Received (respondent ref in brackets)	Council's Response
	unlikely to provide adequate on-site open space. In such circumstances the development would result in an increased demand on existing open space areas.
General support, subject to ensuring existing provision is retained (2)	The Council notes the support.
<p>SPG does not provide sufficient clarity that the council would take into account the relevant tests of Circular 1/97 when assessing the need for open space contributions. SPG should reflect government guidance which notes that some types of development (such as sheltered housing) may justify exceptions to policy. (11)</p> <p>Object to requirement for open space within sheltered housing. Such a requirement would undermine security, appeal and ethos of sheltered housing. (11)</p> <p>Majority of occupants of sheltered housing schemes originate from local area and therefore do not generate a need for additional recreational facilities (11)</p> <p>Amendment proposed to be added to text to read "In respect of new development providing specialised accommodation for the elderly such as sheltered housing, the Council will only require the provision of amenity space as part of the scheme." (11)</p>	<p>The Core Guidance recognises that contributions will be sought in accordance with Circular 1/97 and case law. The Council considers that all developments will place demands on the existing open space provision within the district although it accepts that such demands may vary according to the type of development proposed. The Council recognises in Policy RL.1 of the local plan, for example, that in respect of sheltered and other special needs housing flexibility may be applied in the application of the standard of provision and the topic paper has been amended to clarify that contributions towards playing fields and equipped play space will not be sought from such development</p> <p>Additionally, the topic paper has been amended to clarify that contributions towards equipped play space provision will not be sought from sheltered housing and other housing types.</p>
Document confuses private amenity space provided on-site at commercial locations with public open space (ref. to para.6.7) (3)	<p>Paragraph 6.7 does not refer to private amenity space, rather it refers to open space. The intention of the paragraph is to exempt commercial contributions where there is an undertaking from commercial developers to provide appropriate open space, as the open space requirements resulting from the development would be met by the open space on-site provision. Providing private amenity space within commercial developments would not meet any open space requirement.</p> <p>In order to ensure the topic paper is sufficiently clear the relevant paragraph has been amended to refer to "public open space".</p>

Open Space	
Summary of Comments Received (respondent ref in brackets)	Council's Response
Topic paper lacks clarity and sections should be reordered (23)	This is a presentational consideration. Amendments have been made to the topic paper to provide greater clarity.
SPG should recognise that indices other than the Retail Price Index may be more relevant. (23)	No amendment proposed. The use of the Retail Price Index is preferable to other potential indices because the RPI is commonly available and more widely understood.
No adequate justification for seeking contributions from commercial developments. (23) Contributions from commercial development are a 'double count' and should be excluded (3) Contributions from commercial development fails to recognise that many employees will be living within the district. Justification for contributions based on total employees is too simplistic. Research into number of employees travelling from outside the district and the potential for these employees to use facilities within the district is required (4)	The Council considers that commercial developments place demands on the existing open space provision through the use of such open space during, for example, employee lunch and other break times or through the use of green travel routes through open space areas. It accepts that such demands may vary according to the type of development proposed. The Council recognises that flexibility may be applied in the application of the standard of provision and this is reflected in the topic paper. Additionally, the topic paper has been amended to clarify that contributions towards equipped play space provision will not be sought from commercial development as such development is unlikely place significant demands on such open space
Seeking funding into a general pot would not be fairly and reasonably related in scale and kind to the proposed development and is unacceptable (4)	No amendment proposed. Contributions are required to be related to the proposed development. It is envisaged that a central fund will be established into which contributions will be paid, but the individual contribution will be targeted at open space provision directly associated with the proposed development.
Paragraph 4.6 should recognise that landscaping details and management plans can be secured by condition to the benefit of expediting the planning process and it is unreasonable to require a developer to commission a comprehensive landscape scheme prior to granting planning permission .(14)	Paragraph 3.3 of the topic paper is clear that for on-site provision the approval of a landscaping plan would normally be dealt with by way of a condition. The Council agrees that landscaping should be able to be secured via a condition, where it is proposed on site and under the control of the developer. The Council will look to secure landscaping and

Open Space	
Summary of Comments Received (respondent ref in brackets)	Council's Response
	<p>management arrangements through conditions wherever possible in line with the advice given within Circ 1/97, and paragraph 4.5 (as renumbered) is amended to clarify this point.</p> <p>The Council recognises, however, that a legal agreement may still be needed to ensure future maintenance of the open space where the open space is transferred to the local authority or another body.</p>
<p>Commutated maintenance sums should be in line with para B14 of Circ 1/97. (14)</p> <p>20 year commuted maintenance payment is considered to be “in perpetuity” and fails to comply with Circ 1/97 (para B14). Reference to 20 years should be deleted and replaced with 5 years which would be acceptable under the terms of Circ 1/97 (para C4) (1)</p> <p>The methodology for calculating commuted maintenance sums both on and off-site fails to take into account discount rate which allows for the fact that a commuted sum will attract interest on the reducing balance during the years over which it lasts (12)</p>	<p>No amendment proposed. The Council considers it is important to secure the on-going maintenance of open space established through S106 agreements and developer contributions to ensure that the impact of the development is mitigated for the life of the development without placing undue demands on the public purse. Without appropriate arrangements to ensure on-going future maintenance the Council considers the impact of the development will be merely delayed rather than met.</p> <p>The Council recognises the advice provided within Circ 1/97, and notes that Circ 1/97 states that planning obligations “ can provide a means ...to meet the costs imposed as a result of the development – eg the full cost of essential community facilities required as a direct result of a proposed development Where development will create a need for extra facilities - ... - it may be reasonable for developers to meetthe cost of providing such facilities”</p> <p>Additionally, the Council notes that the examples of paragraph B14 of Circ 1/97 include open space and recognises that the advice given within the Circular is not legally binding on the local authority.</p> <p>The Council considers the inclusion of a discount rate within the methodology would preclude the on-going maintenance of the provided open space other than through additional demands placed on the public purse, and considers that to be unacceptable in</p>

Open Space	
Summary of Comments Received (respondent ref in brackets)	Council's Response
Support for the methodology for obtaining commuted sums for maintenance over a twenty-year period. (29)	principle. The Council notes the support
Support the commitment to ensure the guidance is regularly updated (29)	The Council notes the support
SPG is unclear whether it also relates to the provision of built sport and recreational facilities. such as sports halls. SPG should require the contribution to such facilities from all forms of development, as required by PPG17, and such facilities should be specifically referred to within the core guidance.(29)	The Council recognises that the SPG does not specifically address contributions towards built sport and indoor recreational provision. However, types of open space provided are determined through negotiation based on identified needs on a site by site basis and taking into account the definition of open space set out within the West Berkshire Local Plan and paragraphs 1.2 and 1.3 of the topic paper. This definition includes sport and recreation provision where such provision is primarily outdoor in nature, eg. playing fields. The Council intends to carry out an open space audit and assessment to inform preparation of its Local Development Framework. This will include built sport and recreational facilities. The council intends to use the results of the audit and assessment in future reviews of the topic paper.
Thresholds	
A fixed ratio applicable to all sizes of B8 and B2 results in a higher contribution than the number of employees on the site. (27)	No amendment proposed. The topic paper seeks contributions from commercial development on a contribution per employee basis. The topic paper is clear that the contribution per employee will be applied to the number of employees resulting from the commercial development and the floorspace to employee ratio is a guide to inform negotiation and agreement with developers.
Contribution requirement placed on commercial development is onerous and will result in a lower quality on-site landscaping to the detriment of the development. (27)	No amendment proposed. The Council does not consider expectations placed on commercial development through this SPG are unreasonable or onerous. The contributions sought are considered to be related to the proposed development and required in order to properly mitigate the impact of developments on existing

Open Space	
Summary of Comments Received (respondent ref in brackets)	Council's Response
	<p>the open space provision.</p> <p>As regards the quality of on-site landscaping, the Council recognises that Policy OVS.2 of the West Berkshire Local Plan requires all development proposals to show a high standard of design including landscape treatment. The Council does not expect the topic paper to impact on the quality of landscaping and will continue to expect developments to meet the requirements of Policy OVS.2</p>
<p>Object to the “arbitrary tax” on development for sites of less than 10 dwellings which is contrary to Circ 1/97 (1)</p>	<p>The Council considers that all developments will place demands on the existing open space provision within the district and the topic paper has been amended to set out the methodology applied in seeking contributions from developments of less than 10 dwellings.</p>
<p>For developments of less than 10 dwellings (section 5) more clarity is needed as regards the thresholds for provision of on or off site open space taking into account the need to treat individual sites on their merits (23)</p>	<p>The Council is satisfied that the amended topic paper is clear that for developments of less than 10 dwellings it will generally consider on-site provision of open space inappropriate and will therefore seek contributions towards new or existing open space provision and maintenance.</p>
Processes	
<p>SPG is premature ahead of the audit of open space.(12) SPG fails to acknowledge the extent to which the needs of the population are already met. Prudent to delay guidance on open space provision until after open space audit has been completed. (23)</p>	<p>No amendment proposed. The Council intends to review the topic paper in the light of the findings of the open space audit. The Council does not consider the SPG to be premature, in that it considers that all developments will place demands on the existing open space provision within the district.</p>