



PROVISION for OPEN SPACE

in connection with new housing development

Adopted as a Supplementary Planning Document to the LDF



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1. Introduction

- 1.1 Open spaces, sport and recreation all underpin people's quality of life. Reflecting this, the Government's *Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation* aims to achieve three long term outcomes:
- Networks of accessible, high quality open space, sport and recreation facilities in both urban and rural areas, which meet the needs of residents and visitors, are fit for purpose and economically and environmentally sustainable;
 - An appropriate balance between new provision and the enhancement of existing provision; and
 - Clarity and reasonable certainty for developers and landowners in relation to the requirements and expectations of local planning authorities, in respect of open space, sport and recreation provision.
- 1.2 To help achieve these aims, PPG17 advises that local authorities should set their own standards of provision for a range of open space, sport and recreation facilities and include these within their Local Development Frameworks (LDF). These standards should be used to ensure that the occupants of new houses have access to sufficient, good quality open space to meet their recreational needs.
- 1.3 This leaflet sets out the **local** standards for the provision of open space in connection with new housing development in the District. It provides information on the level of open space contributions that will be sought from new residential developments, together with other explanatory advice. The level of contributions will be updated annually.
- 1.4 The leaflet is a Supplementary Planning Document (SPD) to the Harrogate District Core Strategy Policy C1: Inclusive Communities, the last paragraph of which states that:
"The Borough Council will expect developers to provide for and/or contribute towards the provision of community and other infrastructure needs generated directly by their development where this is necessary to make a scheme acceptable in planning terms."

- 1.5 The SPD forms part of the LDF. Preparation of the SPD has been undertaken in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004, involving an Issues and Options consultation with developers and parish councils in June/July 2005 and a Preferred Options consultation with all LDF consultees in February/March/April 2006.
- 1.6 The Government requires SPDs to be subject to Sustainability Appraisal at all stages of preparation. This is to assess the environmental, economic and social impact of the strategies and policies contained within the SPD, to ensure that it contributes to the achievement of sustainable development. The Sustainability Appraisal of this SPD, and other supporting documents, is available on the Council's website (www.harrogate.gov.uk/ldf).
- 1.7 The seven objectives of this SPD are to:
- Retain and improve access for all to open space, sport and recreation facilities, including through the enhancement of links between urban open spaces and the countryside and the sustainable management of these facilities.
 - Integrate land-use and transport policies and locate new open space, sport and recreation development where it is accessible to a range of transport modes;
 - Reduce crime, anti-social behaviour and the fear of crime;
 - Increase leisure opportunities for young people;
 - Improve accessibility to open space, sport and recreation services to those groups and individuals with greatest social disadvantage;
 - Deliver a wide range of high quality open space that is fit for purpose, throughout the District; and
 - Provide an appropriate balance between the provision of new open space and the enhancement of existing open space, so that the needs and aspirations of local communities are met.

2. When will this SPD be applied?

- 2.1 The Borough Council's standards for the provision of open space will be applied to all applications for new residential development that result in a net gain in residential units. This includes proposals that involve:

- conversions
- changes of use
- flats
- bedsits
- sheltered and extra/close care housing where the applicant has not completed an “Extra Care Housing Pro Forma”
- affordable housing¹
- self-catering holiday accommodation (that is capable of normal residential use)
- agricultural workers dwellings
- renewal of planning permission that has expired at the time of submission
- revised planning permission (where the number of bedrooms increases as a result of the revision)
- planning applications to make temporary dwellings permanent

2.2 The following forms of development will **not** be subject to the policy¹:

- rest homes
- nursing homes
- extra/close care housing where the applicant has completed an “Extra Care Housing Pro Forma”
- replacement dwellings
- residential extensions
- residential annexes
- revised planning permission (provided that the number of bedrooms is not increased by the revision)
- renewal of planning permission that has not expired at the time of submission
- temporary dwellings

¹ On 5 March 2008, the Council's Cabinet Member for Planning and Transport agreed that the normal policy requirements for the provision of open space will be waived in relation to applications for the development of 100% affordable housing schemes on 'rural exception sites'.

3. What types of open space will be required?

- 3.1 The Council will normally require developers to provide for the seven types of open space in the table below. Each type of open space has its own 'Vision', which describes the purposes and particular features of the open space.

Parks and Gardens

A landscaped area laid out and managed to high standards, which is well maintained, safe to visit and provides pleasant areas to walk, sit, admire floral and landscape features, shrubs, trees and other natural characteristics. Area to be clean and free from dog fouling and include appropriate facilities (for the size of the site) such as paths, ponds, bandstands, seats, bins, toilets etc all in a good state of repair.

Natural and Semi-Natural Greenspace (includes Urban Woodlands)

A well managed, easily accessible, semi-natural and native environment designated and protected for wildlife and managed to encourage nature conservation and enhancement. Includes water areas, information boards, bins, picnic areas, paths, appropriate car parking and is clean with no litter, fly-tipped rubbish or dog fouling etc.

Outdoor Sports Facilities

A wide range of well-located and accessible sporting facilities which not only include the traditional sports pitches such as rugby, cricket and football etc but also include the less well pursued sports such as tennis, rounders, volleyball etc. Facilities to be of high quality, well drained and include changing rooms, toilets, adequate parking, signage, all weather play areas and floodlights where appropriate. All areas to be clean and well maintained and free from dog fouling.

Amenity Greenspace (includes Green Corridors)

Areas to be designed to incorporate nature conservation and enhancement and biodiversity and provide connectivity for the movement of people and wildlife. To be planted using native species where appropriate and managed to take into account the habitats of such flora and fauna. Landscape to include large areas of tree and shrub planting, wild flower areas, and other wildlife features such as

small wetland areas etc with appropriate access. Areas to be clean, well maintained, free of litter, dog fouling and have sufficient bins and seats provided. (see para 3.2 below).

Provision for Children and Young People

Exciting, stimulating, well equipped areas that provide a wide range of high quality facilities including play equipment, casual play areas (for kick about, cricket and other ball games), skateboarding areas, bike areas, basketball courts, teen shelters etc as appropriate, which cater for the needs of children and young people of all ages and abilities. Facilities to be well maintained, safe, secure, dog free and located within a clean environment with good access.

Allotments and Community Gardens

Secure sites for the production of home-grown food and flowers with adequate provision of both water and electricity and accessible to people of all physical abilities. Ideally sites should also include car parking, toilet facilities and facilities to deal with non-organic waste material and recycling, be well drained, have good access paths, meeting huts and rubbish bins.

Cemeteries, Disused Churchyards and other Burial Grounds

Local provision with cemeteries across the district, which are safe and accessible to all. Well landscaped and laid out areas with highly maintained landscape features providing pleasant areas to walk, sit, contemplate and reflect. Areas should include facilities such as water points, information boards, historical data, seats, bins, toilets etc. as appropriate, which are all fit for purpose.

- 3.2 For clarification purposes, Amenity Greenspace (including Green Corridors) includes grassed and landscaped areas for informal activities such as jogging, sunbathing and dog walking. It can also serve other purposes such as reducing noise from a busy road, or providing shelter from prevailing winds.
- 3.3 There will be no requirement for *Provision for Children and Young People* in respect of single bedroom dwellings, sheltered housing and extra/close care housing (where the applicant has not completed an “Extra Care Housing Pro Forma”), as it is assumed that children will not occupy these houses.

4. How will the policy operate?

4.1 The Council will provide developers with speedy advice on the open space requirements that their proposals entail (including through the use of GIS). To help developers estimate their open space requirements, the Council intends to introduce an on-line calculation service.

4.2 The operation of the policy is broken into two stages:

STAGE ONE: Does the housing development create a need for new open space?

4.3 For each of the seven types of open space, the Council will firstly assess whether a **new** area of open space needs to be provided as a result of the proposed housing development. This will be done by following Stages A to F below, for each type of open space:

A. Estimate the number of residents living in the proposed development. This will be calculated by reference to the following assumed occupation rates for different sizes of dwellings:

No. of bedrooms	1	2	3	4	5+
Assumed no. of residents	1	2	3	4	5

When an application is received in 'outline' and the number and type of dwellings are unknown, the open space requirement will be estimated by applying a minimum density of 30 dwellings per hectare gross housing development and an average household size of 2.39². This is intended to provide an initial guide to the likely open space requirement. The initial figure will in all circumstances be updated by a detailed calculation based on the number of bedrooms, once a reserved matters application is submitted.

B. Calculate the *existing* amount open space within the following distance thresholds of the new housing development.³

- Parks and Gardens: 1 km
- Natural and Semi Natural Greenspaces (includes Urban Woodlands): 3 kms
- Outdoor Sports Facilities: 3 kms
- Amenity Greenspace (includes Green Corridors): 1 km
- Provision for Children and Young People: 1 km

² Average household size for the District, 2001 Census.

³ This will be calculated using GIS to identify a catchment around the proposed development site with a radius equal to the relevant distance threshold. GIS will then calculate the amount of open space of each type within the relevant catchment.

- Allotments and Community Gardens: 1 km
- Cemeteries, Disused Churchyards and Other Burial Grounds: 3 kms in Harrogate, Knaresborough and Ripon, 1 km in all other areas.

For ease of measurement and clarity for developers, each of these distance thresholds is measured 'as the crow flies' from the edge of the new housing development.

- C. Estimate the **existing** residential population within the relevant distance threshold⁴. Add this to the estimated population of the new housing development.

This will give a **total** population figure.

- D. Compare the **existing** amount of open space and the **total** population within the relevant distance with the following quantity standards:

- Parks and Gardens: 0.08 hectares per 1000 people
- Natural and Semi Natural Greenspaces (includes Urban Woodlands): 2.7 hectares per 1000 people
- Outdoor Sports Facilities: 1.63 hectares per 1000 people
- Amenity Greenspace (includes Green Corridors): 1.8 hectares per 1000 people
- Provision for Children and Young People: 0.1 hectares per 1000 people
- Allotments and Community Gardens: 0.4 hectares per 1000 people
- Cemeteries, Disused Churchyards and Other Burial Grounds: 0.5 hectares per 1000 people

- E. Assess whether the developer is required to provide for a **new** area of open space. A new area of open space will normally be required if the **existing** amount of open space is insufficient to cater for the needs of the **total** population. Using *Amenity Greenspace* as an example:

- The quantity standard for *Amenity Greenspace* is 1.8 ha per 1000 people.
- The estimated population of the new housing development is 50 people and the existing population within the distance threshold (1 km) of the development is 600, giving a **total population** of 650 people.
- $(1.8 \text{ ha} / 1000) \times 650 = \mathbf{1.2 \text{ ha}}$
- The **existing** amount of *Amenity Greenspace* within 1 km of the

⁴ Estimated using GIS.

development is 0.8 hectares. This is a lower level of provision than 1.2 ha per 1000 people. It means that unless new *Amenity Greenspace* is provided, the open space needs of residents from the new housing development will not be met. The developer will therefore be required to provide sufficient new *Amenity Greenspace* to meet the needs of residents from the new housing development.

F. If a new area of open space is required, calculate how large that area should be. Using the same example:

● $(1.8/1000 \text{ ha}) \times \text{the estimated population of the new housing development (50)} = \mathbf{0.09 \text{ ha}}$

● The developer will therefore be required to provide 0.09 ha of new *Amenity Greenspace*.

4.4 This assessment will be carried out for each of the seven types of open space. For each type, a requirement to provide a new area of open space will normally only be waived if it is found that the relevant quantity standard is met or exceeded at stage E.

4.5 Section 5 gives further details about where the new open space should be provided.

STAGE 2: Does the housing development create a need to improve the quality of existing open space in the local area?

4.6 It may be the case that, when assessed against the relevant quantity standards in paragraph 4.3D above, there are enough (e.g.) *Parks and Gardens* in the local area to meet the needs of the **total** population. If this is the case, the Council may instead expect a developer contribution to enhance the quality of existing *Parks and Gardens* in the area, in line with the relevant Vision in paragraph 3.1 above.

4.7 Continuing with this example, the Council will firstly identify all *Parks and Gardens* within 1 km (the relevant distance threshold) of the new housing development that do not meet the 'quality standard' for *Parks and Gardens*⁵. A developer contribution to enhance existing *Parks and Gardens* will be required when there is a *Park and Garden* within 1 km of the proposed development that does not meet its quality standard.

4.8 There may be more than one *Park and Garden* within 1 km that does not meet the quality standard. In such cases, the developer contribution will automatically be allocated to enhance the quality of the *Park and*

⁵ The Council has set individual 'quality standards' for each of the seven types of open space. The quality of all publicly accessible open space in the District has been scored against its relevant quality standard. The Council's intention is that all public open space in the District should eventually achieve its 'quality standard'.

Garden that is closest to the development site. However, if all *Parks and Gardens* within the 1 km meet the quality standard, then the developer contribution for *Parks and Gardens* will be waived.⁶

- 4.9 As a result of this two-stage process, the final developer contribution may have a number of components. For example, the developer may be required to:
- Provide *Amenity Greenspace* and *Provision for Children and Young People* on-site;
 - Make a financial contribution towards providing *Outdoor Sports Facilities* and *Allotments, and Community Gardens* off-site; and
 - Make a financial contribution towards enhancing *Natural and Semi-Natural Greenspaces* and *Cemeteries, Disused Churchyards and Other Burial Grounds* off-site; and
 - Make no contribution towards *Parks and Gardens*.

5. Where are the open spaces to be provided?

- 5.1 If a housing development generates a need for new open space then, wherever possible, the open space should be provided on-site (although in relation to *Natural and Semi-Natural Greenspace*, see footnote 7 - on page 12 - of this leaflet). This is because it is normally the best and most practicable way to serve the recreational needs of the housing development. The open space that is provided should meet the relevant open space quality standard.
- 5.2 When providing open space on-site, there will usually be priority for *Amenity Greenspace* before other types of open space. Some types of open space with larger minimum size standards (see paragraph 5.5 below) are only likely to be provided on the largest planning application sites.
- 5.3 In terms of on-site provision, it may be possible to combine types of open space without adversely affecting their individual functions. Dual use in this way will be acceptable, so long as the quality of the open space function is not harmed. For example, it may be feasible to accommodate *Amenity Greenspace* within the clearance zones of *Provision for Children and Young People*.

6 Should commuted sums allocated to a site for enhancing an open space bring that space up to the relevant quality standard and unspent sums remain then the balance will be allocated to the next closest open space of the same type that is below the quality standard. This procedure will be repeated until all available monies are spent, or there are no further open spaces within the distance threshold that do not meet the quality standard.

- 5.4 Where a type of open space is provided on-site, the developer will normally be required to pay a commuted sum to cover the costs of future maintenance. Further details about commuted sums for maintenance are given in section 7 of this leaflet.
- 5.5 In many circumstances it will not be possible to provide any or all of the types of open space that are required on-site. In assessing how to provide open space it is necessary to have regard to the guidelines on minimum size standards for each type. To ensure the provision of useable areas of open space which can be easily and economically maintained, open space should not normally be provided on-site if the levels required fall below the following minimum size standards:
- *Parks and Gardens*: 0.25 hectares
 - *Natural and Semi Natural Greenspaces (includes Urban Woodland)*: 0.25 hectares⁷
 - *Outdoor Sports Facilities*: 0.8 hectares
 - *Amenity Greenspace (includes Green Corridors)*: 0.1 hectares
 - *Provision for Children and Young People*: 0.04 hectares
 - *Allotments and Community Gardens*: 0.2 hectares
 - *Cemeteries, Disused Churchyards and Other Burial Grounds*: No standard⁸
- 5.6 If it is not possible to provide the various types of open space at functional and maintainable sizes and dimensions on-site, then developers will be required to make a developer contribution towards the new provision or enhancement of that type of open space off-site, as described in section 4.0 above. In terms of off-site provision, developer contributions will only be sought if they can be targeted to a site that lies within the relevant distance threshold of the proposed housing development and is suitable for use as open space (i.e. it is allocated in the LDF, or has planning permission, for open space use). Wherever possible, the sites should be well related to public transport, cycle paths and pedestrian routes including public rights of way.

7 On 28th March 2007, the Council's Cabinet Member for Planning & Transport made the following change to the operation of the SPD. Whilst a development site may be physically large enough to accommodate an area of Natural and Semi-Natural Greenspace to the minimum standard, in the interests of making the most efficient use of land the Council will only require on-site provision under certain circumstances (e.g. the site already contains Natural and Semi-Natural Greenspace which would benefit from enlargement; or the topography/conditions of part of the site lends itself to use as Natural and Semi-Natural Greenspace). Where on-site provision is not required, the Council will, where appropriate, require a financial contribution towards the provision of new, or the enhancement of existing, Natural and Semi-Natural Greenspace off-site.

8 There is no minimum size standard for *Cemeteries, Disused Churchyards and Other Burial Grounds*, as it is not expected that this type of facility will ever be provided on-site.

6. How are developer contributions for off-site open space calculated?

- 6.1 The level of developer contribution for off-site open space will always depend on whether it includes the cost of land acquisition. Draft costs based on developer contributions per residential unit for each type of open space are shown in Appendix 1. Costs will be revised annually by the Retail Price Index (RPI) measure of inflation. They are based on February 2006 costs, increased in line with the March 2010 RPI rate, and have been rounded up or down to the nearest pound.

7. How are commuted sums for the maintenance of open space calculated?

- 7.1 Where the provision of open space or landscaping is principally of benefit to the occupants of a proposed development rather than the wider public, the developer will normally be required to pay a commuted sum to cover the cost of future maintenance in perpetuity. This is intended to avoid situations where open spaces become neglected and deteriorate to an extent that their functions are harmed.
- 7.2 In most cases, the provision of open space on-site will involve the payment of a commuted sum to cover maintenance costs. Where such an open space is provided, it should be maintained by the developer to the satisfaction of the Director of Community Services for a period of 12 months after it is laid out. Upon the expiry of this period, the open space shall be transferred to the Council and a commuted sum will be paid to cover its future maintenance in perpetuity. Draft commuted sums are shown in Appendix 2. The commuted sums represent the cost of maintaining the different types of open space per annum and will be revised annually.

8. How is the provision of open space to be secured?

- 8.1 In providing open space, applicants have two options:
- A) On-site provision: by entering into a planning obligation in the form of a Section 106 Agreement with the Council, which will control the development, maintenance and transfer of ownership of the land to the Council. You will need to appoint a solicitor to act for you and you will also have to make a contribution to the council's legal costs.

B) Off-site provision: by completing a standard form Unilateral Undertaking supplied by the Council. This is the usual method of payment for developments where the open space is not being provided on-site. It is simple, quick and avoids the additional cost of drafting a Section 106 Agreement. A fee of £70 will be charged for this method to contribute towards the administration costs incurred. Payment of the administration fee is required no later than 2 months following the date of the unilateral undertaking or 2 weeks after the issue of the planning permission (whichever occurs later). Payment of the developer contribution is required prior to the commencement of the development.

8.2 The Council has a separate account set up especially for the provision, enhancement and maintenance of open space facilities. These monies cannot be used for the funding of projects or schemes other than for public open space at specified locations. Also, developer contributions and/or commuted payments that are made for one type of open space cannot be used to provide, enhance or maintain another type of open space. Monies will be safeguarded until there are sufficient funds to undertake the necessary works. If the funds remain unspent ten years after completion of the development, they will normally be repaid to the applicant. The Council will only authorise the spending of funds allocated to enhance an area of open space if the facility has a minimum security of tenure of 10 years, at the time of spending.⁹

9. Further information

9.1 For further information about the operation of the open space policy, please contact:

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⁹ If a facility has a minimum security of tenure of less than ten years at the time of applying to the Council for funding and there are exceptional circumstances to justify this expenditure, the final decision will be taken by the Cabinet Member for Cultural Services. Potential examples of exceptional circumstances include: (i) the landowner is been reluctant to enter into a long term lease, but the land has been used for recreational purposes for a significant number of years. However, the landowner confirms that they have no plans to take back the land in the near future and the sum of money is not significant; (ii) there are 9 years and 10 months remaining on a (e.g.) 25 year lease and the lease is currently being negotiated.

Appendix 1

Draft developer contributions for new provision/ enhancement of open space

The following figures give the commuted sum rates for enhancing existing open spaces and providing new open spaces. They are based on February 2006 rates (increased in line with the March 2010 RPI rate) for laying out a new open space, as appropriate by category and are calculated by multiplying the 'provision rate per person' (based on the quantity standards) by the 'cost of laying out per hectare'. The only exception is the *Provision for Children and Young People* where the 'cost of laying out per play area' is used.¹⁰

The new provision rates includes a land value of £10,000 per acre as an additional cost for laying out the facility, but are otherwise identical to the enhancement calculation.

No. of rooms of proposed dwelling:	1		2		3		4		5	
	E	N	E	N	E	N	E	N	E	N
Provision type*:										
Open space type:										
P&G (£)	18	20	36	40	54	60	72	80	91	100
NSNGs (£)	49	116	99	232	148	348	197	464	247	580
OSF (£)	148	188	296	376	444	564	591	753	739	941
AmGs&GC (£)	111	155	221	310	332	465	442	620	553	775
ProvC&YP (£)	0	0	360	484	541	726	721	968	901	1210
AllotCG (£)	26	36	52	72	78	108	105	144	131	180
Cems (£)	89	101	179	203	268	305	357	407	447	508
TOTAL (£)	441	616	1243	1717	1865	2576	2485	3436	3109	4294

Provision Type: E = Enhanced. N = New.

Open space type: P&G = Parks & Gardens. NSNGs = Natural & Semi-Natural Greenspace (includes urban outdoor sports facilities). OSF = Outdoor Sports Facilities. AmGs&GC = Amenity Greenspace (includes 'green corridors'). ProvC&YP = Provision for Children and Young People. AllotCG = Allotments & Community Gardens. Cems = Cemeteries, disused Churchyards & other burial grounds.

Please note that the above prices are based on a cost per residential unit, rounded to the nearest £ and, as such, are intended as a guide only.

Full supporting documents showing how these costs have been developed can be viewed on the Council's website (www.harrogate.gov.uk/ldf).

¹⁰ Based on the provision of an open space for Children and Young People at the minimum size standard of 0.04 hectares.

APPENDIX 2

Draft commuted sums for maintaining on-site open space

The calculation which the Council uses to determine commuted sums for maintaining on-site open space in perpetuity is based on a multiplier of 41 years. It is a complex formula and so is not shown in this SPD (please get in touch with one of the contacts on page 14 if you have a query). Using the formula, it is possible to calculate the level of commuted sum that a developer will be required to pay for each type open space. These levels are reproduced below. The commuted sums are shown per hectare (ha) for everything except *Provision for Children and Young People*, which are shown as a cost per play area.¹¹ The figures show the annual maintenance cost and also the total cost per hectare/ per play area after the multiplier has been applied.

All of the costs are based on the layout of the open space and use 2006/7 contract rates and budget papers as the basis for calculation, increased in line with the March 2010 RPI rate. They also use data collected from sampling each type of open space within the Harrogate area to develop a standard model for each.

Full supporting documents showing how these costs have been developed can be viewed on the Council's website (www.harrogate.gov.uk/ldf).

(Please note that there is no maintenance cost for *Cemeteries, Disused Churchyards and Other Burial Grounds*, as it is not expected that this type of facility will ever be provided on-site and hence require a commuted sum for maintenance.)

Provision type	Type of Open Space	
	Annual Cost (£)	Total Cost (£)
P&G (£/ha)	10,674	437,662
NSNGs (£/ha)	4,055	166,248
OSF (£/ha)	12,454	510,619
AmGs&GC (£/ha)	6,496	266,377
ProvC&YP (£/play area)	3,462	141,934
AllotCG (£/ha)	789	32,375

Open space type: **P&G** = Parks & Gardens. **NSNGs** = Natural & Semi-Natural Greenspace (includes urban outdoor sports facilities). **OSF** = Outdoor Sports Facilities. **AmGs&GC** = Amenity Greenspace (includes 'green corridors'). **ProvC&YP** = Provision for Children and Young People. **AllotCG** = Allotments & Community Gardens. **Cems** = Cemeteries, disused Churchyards & other burial grounds.

¹¹ Based on the provision of an open space for Children and Young People at the minimum size standard of 0.04 hectares, increased pro rata for larger facilities.