

Leicester
City Council

**MEETING OF THE OVERVIEW AND SCRUTINY MANAGEMENT
BOARD**

DATE: THURSDAY, 7 APRIL 2011

TIME: 5:30PM

PLACE: THE OAK ROOM, GROUND FLOOR, TOWN HALL

Members of the Committee

Councillor Grant (Chair)

Councillor Bhavsar (Vice-Chair)

Councillors Aqbany, Bajaj, Clair, Joshi, Newcombe, Scuplak, Suleman
and one vacancy.

Standing Invitees (Non-Voting)

Youth Council Representatives – to be advised

Members of the Committee are invited to attend the above meeting to
consider the items of business listed overleaf.

for Director, Corporate Governance

Officer contact :Francis Connolly
Democratic Support,
Leicester City Council

Town Hall, Town Hall Square, Leicester LE1 9BG
(Tel. 0116 229 8811 Fax. 0116 229 8819)

INFORMATION FOR MEMBERS OF THE PUBLIC

ACCESS TO INFORMATION AND MEETINGS

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. There are procedures for you to ask questions and make representations to Scrutiny Committees, Community Meetings and Council. Please contact Democratic Support, as detailed below for further guidance on this.

You also have the right to see copies of agendas and minutes. Agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk or by contacting us as detailed below.

Dates of meetings are available at the Customer Service Centre, King Street, Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

WHEELCHAIR ACCESS

Meetings are held at the Town Hall. The Meeting rooms are all accessible to wheelchair users. Wheelchair access to the Town Hall is from Horsefair Street (Take the lift to the ground floor and go straight ahead to main reception).

BRAILLE/AUDIO TAPE/TRANSLATION

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

INDUCTION LOOPS

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Francis Connolly, Democratic Support on (0116) 229 8812 or email francis.connolly@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 252 6081

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

3. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 17 March 2011 have been previously circulated and the Board is asked to confirm them as a correct record.

4. PETITIONS

The Director, Corporate Governance, to report on the receipt of any petitions submitted in accordance with the Council's procedures.

5. QUESTIONS/ REPRESENTATIONS/ STATEMENTS OF CASE

The Director, Corporate Governance, to report on the receipt of any questions, representations or statements of case submitted in accordance with the Council's procedures.

6. TRACKING OF PETITIONS - MONITORING REPORT [Appendix A](#)

The Director, Corporate Governance submits a report that further updates Members on the monitoring of outstanding petitions. The Board is asked to note the current outstanding petitions.

7. DEVELOPMENT OF A NEW CULTURAL STRATEGY - PRESENTATION

Following the recent consultation exercise, the Interim Director of Cultural Services will provide a presentation on the 'Development of a New Cultural Strategy'.

8. PLANNING APPLICATIONS - REVISED LOCAL VALIDATION REQUIREMENTS **Appendix B**

The Strategic Director, Development, Culture and Regeneration submits a report that asks the Board to consider adopting a revised list of details to be submitted with planning applications to make them acceptable in line with Government advice. The Board is asked to review the document and advise Cabinet of its views on the recommendations.

9. SCRUTINY OF THE PRELIMINARY FLOOD ASSESSMENT **Appendix C**

The Head of Highways Maintenance submits a report that asks the Board to scrutinise the Preliminary Flood Risk Assessment included in Appendix 2 and make their comments. The Board is recommended to confirm that the Environment Agency's assessment of the indicative Flood Risk Areas in the City is correct and that no significant changes need to be made to the Flood Risk Areas.

Appendix 2 to the report is attached for Members of the Board only. Further copies are available on the Council's Web Site at: <http://www.cabinet.Leicester.gov.uk> or by phoning Committee Services on 0116 229 8818.

10. GREEN SPACE SUPPLEMENTARY PLANNING DOCUMENT **Appendix D**

The Strategic Director, Development, Culture and Regeneration submits a report that informs the Board of the outcome of the public consultation for the draft Green Space Supplementary Planning Document (SPD), presents the final version and seeks comments on the formal adoption. The Board is asked to review the document and advise Cabinet of its views on the recommendation.

11. REPORT OF THE CULTURE AND LEISURE SCRUTINY TASK GROUP - "REVIEW OF LEICESTER CITY COUNCIL'S GREEN SPACE STRATEGY" - FINAL REPORT **Appendix E**

Councillor Clair submits a report which presents the findings of the Culture and Leisure Scrutiny Task Group's review into Leicester City Council's Green Space Strategy. The Board is asked to endorse the recommendations and conclusions outlined in section 4 of the report, and is asked to request a divisional update against these recommendations no later than September 2011.

12. ILLEGAL MONEY LENDING AND DELEGATION OF POWERS TO BIRMINGHAM CITY COUNCIL **Appendix F**

The Strategic Director, Development, Culture and Regeneration submits a report in relation to the delegation of enforcement and prosecution powers to Birmingham City Council to enable the Illegal Money Lending Section within Birmingham Trading Standards (IMLS) to undertake investigations into illegal money lending in the Leicester City area and take appropriate enforcement actions. The Board is asked to review the document and advise Cabinet of its views on the recommendations.

This report is for information only. If a member does wish to raise any matters on its contents, please inform the Chair or Francis Connolly (Tel - 0116 2298812) prior to the meeting.

13. NEW AFFORDABLE HOUSING IN LEICESTER 2011- 2015 **Appendix G**

The Director, Housing Strategy and Options, submits a report that seeks decisions on how the Council wishes to respond to the Government's new approach to enabling new affordable housing as set out in its "2011-15 Affordable Homes Programme Framework". The Board is asked to review the document and advise Cabinet of its views on the recommendations.

14. ANY OTHER URGENT BUSINESS

15. PRIVATE SESSION

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Committee is entitled to consider certain items in private where in the circumstances the public interest in maintaining the matter exempt from publication outweighs the public interest in disclosing the information.

Members of the public will be asked to leave the meeting when such items are discussed.

The Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Cabinet makes the following resolution:-

"that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraph detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt

outweighs the public interest in disclosing the information ”

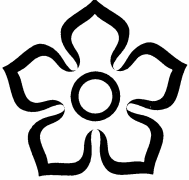
Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding the information).

16. NEW AFFORDABLE HOUSING IN LEICESTER 2011-2015 (COUNCIL NEW BUILD, EXTENSIONS AND CONVERSIONS)

The Director, Housing Strategy and Options, submits a report.

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Leicester
City Council

WARDS AFFECTED
All Wards - Corporate Issue

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Overview and Scrutiny Management Board

7 APRIL 2011

Tracking of Petitions - Monitoring Report

Report of the Director of Corporate Governance

1. Purpose of Report

To further update Members on the monitoring of outstanding petitions.

2. Report

Since its meeting on 13 March 2008, the Overview and Scrutiny Management Board have been receiving information on petitions received within the Council to enable the Board to monitor their progress and outcomes.

An Exception Report, showing those petitions currently outstanding or for consideration at the current OSMB meeting, is attached.

Both the substantive list of petitions, with outcomes, along with the Exception Report, are lodged on the Council's Internet Site (Democracy Section), alongside associated current information which is also posted concerning guidance on the petition process.

Members will also note, that the schedule also contains a written representation of the current progress on each of the petitions. In summary, 'Green' denotes that the petition has been considered and responded to, 'Amber' denotes that the petition was being given consideration and work being undertaken on it before a final response and 'Red' denotes that the petition had not yet been given any detailed consideration.

In addition, following a systemic issue identified at the meeting of OSMB on 7 May 2009, all Divisional Directors have been asked to ensure that details of **all** petitions received direct into the Council (not just those formally accepted via a Council Meeting or similar) are passed to the Director of Corporate Governance for logging and inclusion on this monitoring schedule.

3. Recommendations

The Board is asked to note the current outstanding petitions.

4. Financial, Legal and Other Implications

There are no legal, financial or other implications arising from this report.

5. Background Papers – Local Government Act 1972

None

6. Consultations

Staff in all teams who are progressing outstanding petitions.

7. Report Author

Francis Connolly
Democratic Services Officer
Extn. 398812

**OVERVIEW AND SCRUTINY MANAGEMENT BOARD
TRACKING OF PETITIONS –**

Ref. No.	Received From	Subject	Type - Cncr (C) Public (P)	No. of Sig	Ward	Date Receipt Reported to Council (C) / Committee (Cttee)	Lead Divisional Director	Summary of Outcome	Task Group Leader Involvement	Date of Final Response Letter Sent to Lead Petitioner	Current Level of Progress
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Progress key:

Red - petition not yet been considered.

Amber - petition being considered before a response.

Green - petition had been considered and responded to.

Ref. No.	Received From	Subject	Type - Cncr (C) Public (P)	No. of Sig	Ward	Date Receipt Reported to Council (C) / Committee (Ctee)	Lead Divisional Director	Summary of Outcome	Task Group Leader Involvement	Date of Final Response Letter Sent to Lead Petitioner	Current Level of Progress
10/05/001	Scott Kennedy-Lount	Petition requesting car parking facilities on Kelso Green, Eyres Monsell	(P)	28	Eyres Monsell	June (C)	Jeff Miller	<p>Officers held a site visit with Cllr. Cleaver on 2nd June to look into the issues of over-riding on the verge and bare ground problems at Kelso Green.</p> <p>A meeting took place which instigated consultation process with residents in the area. The majority of residents that responded would like to be able to park their cars in their front gardens.</p> <p>Detailed plans have been received from highways providing options and costs for improvements to Kelso Green. The residents concerned will be written to so that they are informed of the work that will be undertaken. Work has started and is nearly complete and should be finished in the next few weeks (March 2011). An update will be sent to the Lead Petitioner w/c 14 February 2011.</p>			AMBER

Progress key:

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Green - petition had been considered and responded to.

Ref. No.	Received From	Subject	Type - Cncr (C) Public (P)	No. of Sig	Ward	Date Receipt Reported to Council (C) / Committee (Ctee)	Lead Divisional Director	Summary of Outcome	Task Group Leader Involvement	Date of Final Response Letter Sent to Lead Petitioner	Current Level of Progress
10/05/002	Scott Kennedy-Lount	Petition requesting security measures for communal area in Hesketh Avenue and Runcorn Close	(P)	10	Eyres Monsell	June (C)	Dave Pate	<p>Site visit took place in June to look at higher security gates. Officers in discussions with residents about improving security lighting for bungalows on the streets.</p> <p>Consultation is going ahead regarding the replacement of low level fences and gates with high level fences and gates, and security lighting.</p> <p>Around 50% of residents have completed a survey in relation to the issue and the majority would prefer to see high gates and security lighting installed. A quote is awaited for the new style plastic fencing, a response for which has been chased. Once this is received, officers will be seeking to gain funds for the project to be carried out.</p> <p>This work is being contracted out, but a start date is still awaited, but will be completed by the end of March 2011. The Lead Officer had been advised that work would be completed by the end of March at the latest.</p>			AMBER

Progress key:

Red - petition not yet been considered.

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Green - petition had been considered and responded to.

Ref. No.	Received From	Subject	Type - Cncr (C) Public (P)	No. of Sig	Ward	Date Receipt Reported to Council (C) / Committee (Ctee)	Lead Divisional Director	Summary of Outcome	Task Group Leader Involvement	Date of Final Response Letter Sent to Lead Petitioner	Current Level of Progress
10/06/001	Councillor Cleaver	Petition request for a school crossing patrol on Hillsborough Road to get to Rolleston School.	(C)	181	Eyres Monsell	24th June 2010	Trevor Pringle	<p>Two previous attempts to recruit a new patroller at this site have proved unsuccessful.</p> <p>Further local recruitment advertising will take place after the half term holiday.</p> <p>An existing patroller who lived close to the school was offered the position but declined. A new recruitment campaign commenced on 2 November 2010.</p> <p>As a result of the local campaign, an application had been received from a local resident, who was not offered the position. A further recruiting campaign is currently taking place.</p> <p>Due to the delay in completing the petition response, the Lead Officer has offered to meet with the Ward Councillors.</p>	An interim response was sent to the Lead Petitioner - 5 July 2010		AMBER
10/09/002	Councillor Aqbany	Petition around problems experienced by Foundation Housing and Astra Housing Association residents	(C)	9	Spinney Hills			Response pro forma has been prepared which recommends that the petition be passed to the relevant housing associations and the police.	The relevant Task Group Leader is Cllr Aqbany. As he is also the Lead Petitioner, the response pro forma to be brought to OSMB Agenda Meeting on 28 March 2011.		AMBER

Progress key:

Red - petition not yet been considered.

Amber - petition being considered before a response.

Green - petition had been considered and responded to.

Ref. No.	Received From	Subject	Type - Cncr (C) Public (P)	No. of Sig	Ward	Date Receipt Reported to Council (C) / Committee (Ctee)	Lead Divisional Director	Summary of Outcome	Task Group Leader Involvement	Date of Final Response Letter Sent to Lead Petitioner	Current Level of Progress
10/10/001	Mr Mason	Petition requesting installation of speed limit and Vehicle Activated Signs on Marfitt Street.	(P)	72	Belgrave	Received from Belgrave & Latimer Community Meeting 23/9/2010	Jeff Miller	A general policy for the assessment of vehicle activated signs is currently being compiled. The outcome of this report will effect this particular request, so a response pro forma will be prepared once the initial report is completed around Christmas. Officers have completed 5 surveys and have another 10 to complete, but these are weather dependent. The Task Group Leader agreed to the recommendations and the Lead Petitioner was written to on 22 March 2011. The letter stated that Marfitt Street was now included as a site for using speed indication devices. The signs would be used in line with the Speed Indication Device Rotation Programme once suitable signs were purchases by Leicester City Council.	The Task Group Leader agreed to the recommendation s on the returned pro forma on 21 March 2011.		GREEN

Progress key:

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Green - petition had been considered and responded to.

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10/10/002	A.C Wilcox	Petition requesting to alter the green on Pen Close into parking for residents.	(p)	11	Eyres Monsell		Dave Pate	<p>Funding to proceed with such a request is unlikely to be gained at present.</p> <p>Officers have met and held discussions with the lead petitioner. Due to the location of where the wanted additional parking and lack of funds, the lead petitioner was advised that it was not likely to be possible to undertake this work. Alternatives have been discussed, including marking the existing bays, putting up signs for "Resident Parking Only" and planting shrubs on the Green to discourage youths playing football. Consultation on these proposals is currently being conducted with residents the closing date for which is Friday 14th January. To date only 2 responses have been received, therefore no improvement work will be carried out. The Lead Officer will write to those who responded (including the Lead Petitioner) and advise them of this.</p> <p>Officers are now completing the response proforma.</p>			AMBER

Progress key:

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Amber - petition being considered before a response.

Green - petition had been considered and responded to.

Ref. No.	Received From	Subject	Type - Cncr (C) Public (P)	No. of Sig	Ward	Date Receipt Reported to Council (C) / Committee (Ctee)	Lead Divisional Director	Summary of Outcome	Task Group Leader Involvement	Date of Final Response Letter Sent to Lead Petitioner	Current Level of Progress
10/11/002	Cllr Scuplak	Petition objecting to the closure of the Thurnby Lodge Housing Office	(c)	791	Thurncourt	Council - 25 November 2010	Dave Pate	<p>As this petition received more than 750 signatures, the Director, Housing Services attended OSMB on 17 January 2011 to present evidence in relation to the petition.</p> <p>All who signed the petition were written to in December 2010 to explain that the office was to close on it's least busy days of the week.</p> <p>The Board noted the evidence and closed the petition at it's meeting, but made a recommendation with regard to the petition to ask officers d to explore ways in which tenants affected by the temporary closure of the housing office could be supported in light of local service reduction; and to provide written assurance to the Thurncourt Ward Councillors to confirm that consultation would take place around how services were delivered within Thurnby Lodge in the future.</p>			AMBER

Progress key:

Red - petition not yet been considered.

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Green - petition had been considered and responded to.

Ref. No.	Received From	Subject	Type - Cncr (C) Public (P)	No. of Sig	Ward	Date Receipt Reported to Council (C) / Committee (Ctee)	Lead Divisional Director	Summary of Outcome	Task Group Leader Involvement	Date of Final Response Letter Sent to Lead Petitioner	Current Level of Progress
11/1/001	Mr Mohammed Jassat	Petition asking the Council to introduce residents parking on Wood Hill	(p)	10	Charnwood		Jeff Miller	<p>The request had been considered and officers do not presently plan to consult on a residents parking scheme for the area. Officers do not view a parking scheme as the solution to residents' concerns.</p> <p>The Council has recently introduced experimental parking schemes in Westcotes and Highfields South, and this work is using up all of the current resources.</p> <p>The Director, Cabinet Lead and Task group lead had all approved a report which recommended that the Director considered all requests held on file after the completion of the current works programme in July 2011 when resource availability will be known, and this request will be added to the list and taken into consideration when the Director makes his decision.</p>			AMBER
11/1/002	Mr Zuneid Jakhura	Petition around problems experienced by residents on Columbine Road around noise and disturbance caused by Arriva 58 and 58A buses.	(p)	59	Humberstone and Hamilton	Council - 27 January 2011	Jeff Miller	The Council has contacted Arriva which operates the bus service, and which has also received the Petition. Arriva is monitoring usage and will respond to the Council and the Lead Petitioner when this work is complete.			AMBER
11/2/001	Mrs Ann Tootel	Petition relating to the overgrown tarmas path running through Featherstone Drive green area.	(p)	38	Eyres Monsell		Jeff Miller	Passed to Divisional Director			RED
11/2/002	Ms Bilques Caratella	Petition from East Park Road Traders Association objecting to a proposed Traffic Regulation Order	(p)	29	Coleman		Jeff Miller	Received from Adrian Friend, TRO Officer			AMBER
11/2/003	Angela Bailey	Petition from Leicester and Leicestershire Catholic Schools objecting to the proposed cutbacks to transport services.	(p)	48	City Wide		Jeff Miller	Passed to Divisional Director			RED
11/2/004	Mrs Ruby Reading	Petition from Avenue Road residents regarding gritting of roads and footpaths	(p)	57	Knighton	OSMB - 3 March 2011	Jeff Miller	Passed to Divisional Director			RED

Progress key:

Red - petition not yet been considered.

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11/3/001	Mr John Greasley	Petition from local residents of Bennion Pools Nature Reserve for the installation of a shale path	(p)	251	Beaumont Leys		Jeff Miller / Adrian Russell	Passed to Divisional Director			RED
11/3/002	Ms Marie Callaghan / Ms Coral Graham	Petition from Overdale School Parent Association requesting the urgent improvement of road safety outside Overdale School	(p)	338	Knighon		Jeff Miller	Passed to Divisional Director			RED
11/3/003	Mrs Phyllis Green	Petition to save the Number 55 bus, and request to move the terminus to Charles Street	(p)	178	Abbey	Council - 24 March 2011	Jeff Miller	Passed to Divisional Director			RED
11/3/008	Mrs M James	Petition to save the Number 55 bus.	(p)	93	Beaumont Leys			Julian Heubeck has responded to the Lead Petitioner, and was informed the bus services funded by the City Council are being reviewed. Ward Members will be consulted as part of the process, and the Lead Petitioner will be advised of any developments.			AMBER
11/3/004	Sarah Shortland, C/O Hamilton Communtiy College	Petition for a Zebra Crossing to be installed outside Hamilton Community College	(p)	654							RED
11/3/005	Mr Shakeel Maula	Petition for alleyway gate and fencing Grove Road	(p)	305	Spinney Hill	Council - 24 March 2011	Ann Habens	Passed to Divisional Director			RED
11/3/006	Mr S Sharma	Petition regarding Belgrave Testing Station, Stafford Street, Leicester and issues regarding parking, noise and pollution	(p)	65	Belgrave	Council - 24 March 2011	Jeff Miller / Andrew Smith	Officers have responded to the Lead Petitioner with the following information: parking on the Highway (back of verge) - the land is owned by the Testing Station; Parking in the disabled bay - disabled bays are only advisory and the van is taxed, however officers will speak with the owner of the testing station to ask them to remove the van; Oil on the highway - officers visiting the site did notice some oil, consistent with it being a highway, but they will continue to monitor the oil/petrol dripping in the area. An assessment on whether any further work is required will be made by the Lead Officer.			AMBER
11/3/007	Mr Scott Kennedy-Lount	Petition regarding parking facilities installation on Brettell Road	(p)	16	Eyres Monsell	Council - 24 March 2011	Jeff Miller	Passed to Divisional Director			RED

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11/3/008	Dr Marcus Cooke	Petition asking for the Westcotes Experimental Residents' Parking Scheme to be made permanent	(p)	49	Westcotes		Jeff Miller	The TRO Team will continue to work on the petition until the Lead Officer returns on the 4th April 2011.			RED

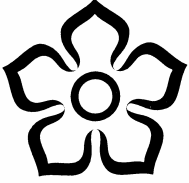
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Appendix B



Leicester
City Council

WARDS AFFECTED: All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

**OSMB
Cabinet**

**7th April 2011
11th April 2011**

Planning Applications - Revised Local Validation Requirements

Report of the Strategic Director, Development, Culture and Regeneration

1. Purpose of Report

Cabinet approval is sought for the Council to adopt a revised list of details to be submitted with planning applications to make them acceptable in line with Government advice.

2. Recommendations

- 2.1 Cabinet is requested to note the requirement to revise the list of submissions for planning applications as set out in the report and the proposed consultation exercise.
- 2.2 Delegated authority is sought from Cabinet for the Director, Planning & Economic Development, in consultation with the Cabinet Lead, to make appropriate amendments to the validation list to take into account consultation responses, following which the list will be adopted.

3. Summary

- 3.1 Government guidance requires the list of details to be submitted with planning applications to be reviewed, consulted on and adopted.
- 3.2 A revised list has been prepared jointly with other planning authorities in Leicestershire and Rutland.
- 3.3 The list will be subject to 8 weeks consultation period commencing in early April. Delegated authority is sought from Cabinet to approve any subsequent amendments to the list and adopt it.

4. Report

- 4.1 In 2008 the standard planning application form ('1APP') and validation requirements (list of documents to be submitted) for planning applications was introduced. The City Council with other local authorities in the County and Rutland adopted a local list of requirements to supplement national validation requirements.

- 4.2 In March 2010 the Government issued revised guidance on information requirements and validation for planning applications. This stated that where local authorities wish to maintain their own distinct local list, in addition to the national list of information, this should be reviewed, consulted on and adopted. The revised document subject to this report (see Appendix 1 for index and Appendix 2 for a sample validation list) is being published to take account of these requirements, and to reflect changes in national, regional and local planning policy as applicable to Leicester, Leicestershire and Rutland.
- 4.3 The local planning authorities which adopted the initial list have sought through this document to set down a consistent and proportionate approach to the information that is required for all different types of applications. This will be kept under review to ensure that it is meeting its objectives. In setting out these new requirements, the aim is to minimise the number of applications which have to be treated as invalid due to insufficient information, whilst ensuring that we have the information needed to make decisions on the applications.
- 4.4 This revised list takes full account of the Department of Communities and Local Government document 'Guidance on Information Requirements and Validation' and its key principles of necessity, precision, proportionality, fitness for purpose and assistance to applicants. The revisions to the list simplify the local requirements. It removes items that cannot be taken into account in determining an application and where the information is of limited value for most applications. The adoption of a new list does not prevent the City Council requesting additional information not on the list to assess applications where this is required, or refusing permission on the basis of a lack of evidence to determine an application.
- 4.5 This new approach is intended to assist applicants by providing clearer information about what would normally be expected to be submitted with different types of planning application. Appendix 2 shows an example of what would be required to be submitted for a standard planning application. Adopting a local list with other local authorities in the area provides a consistent approach and service to our customers, especially agents and consultees that work across the City, County and Rutland.
- 4.6 The regulations require a minimum of 8 weeks consultation on the local list. This is due to start in early April. There will be a link to the consultation documents on the city council web site. Cabinet is requested to note the proposed information/validation requirements in Appendix 1. Delegated authority is sought for the Director, Planning & Economic Development, in consultation with the Cabinet Lead, to make appropriate amendments to the validation list in Appendix 1 to take into account consultation responses, following which the list will be adopted.
- 4.7 The Planning and Development Control Committee will be consulted on 13 April 2011.
5. **FINANCIAL, LEGAL AND OTHER IMPLICATIONS**
- 5.1. **Financial Implications**
- There are no direct financial implications from the adoption of the revised list.
- Martin Judson, Head of Finance, Ext 297390*
- 5.2 **Legal Implications**

Guidance on information requirements and validation March 2010 by Department for Communities and Local Government sets out legal requirement for local planning authority to review, consult and adopt the list.

Anthony Cross, Legal Services, Ext 296362

5.3 Climate Change Implications

This report does not contain any significant climate change implications and therefore should not have a detrimental effect on the Council's climate change targets.

Helen Lansdown, Senior Environmental Consultant - Sustainable Procurement, Ext 296770

6. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	Yes	need for appropriate environmental information for planning applications
Sustainable and Environmental	Yes	Whole report – need for appropriate environmental information for planning applications
Crime and Disorder	Yes	need for appropriate information for planning applications
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7. Risk Assessment Matrix

Delete if not required and renumber paragraphs.

This only needs to be included if appropriate with regard to the Council's Risk Management Strategy

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/appropriate)
A delay in the adoption may result in applications being received without the necessary information and thus cause delays in the service or result in more applications being refused.	Medium	Low	Delegated authority is sought to ensure that the revised list is adopted without delay

8. Background Papers – Local Government Act 1972

Guidance on information requirements and validation March 2010
Department for Communities and Local Government

9. Consultations

Anthony Cross, Legal Services
Martin Judson, Finance

10. Report Author

Sarbjit Singh
Team Leader – North West Team
Planning Management & Delivery

Appendix 1

SECTION 3

NATIONAL AND LOCAL REQUIREMENTS

Page Application type

8	Householder application for planning permission for works or extension to a dwelling
9	Householder Application for planning permission for works or extension to a dwelling and Conservation Area consent for demolition in a Conservation Area
10	Householder Application for planning permission for works or extension to a dwelling and Listed Building consent
11	Application for Planning Permission
13	Application for Outline Planning Permission with some matters reserved
15	Application for Outline Planning Permission with all matters reserved
17	Application for Planning Permission and Conservation Area consent for demolition
19	Application for Planning Permission and Listed Building consent
21	Application for Planning Permission and Advertisement consent
23	Conservation Area consent for demolition in a Conservation Area
24	Listed Building consent for alterations, extension or demolition of a listed Building
25	Application for Advertisement consent
26	Listed Building consent for alterations, extension or demolition of a listed building and advertisement consent
27	Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition
28	Application for a Lawful Development Certificate for a proposed use or development
29	Application for prior notification of proposed agricultural development – proposed building
30	Application for prior notification of proposed agricultural development – proposed road
31	Application for prior notification of proposed agricultural development – proposed excavation/deposit of waste material from the farm
32	Application for prior notification of proposed agricultural development – proposed fish tank
33	Application for prior notification of proposed development in respect of permitted development by electronic communications code operators
34	Application for Hedgerow Removal Notice
35	Application for prior notification – proposed demolition
36	Application for Approval or Variation of Reserved Matters following outline approval
37	Application for removal or variation of a condition following grant of planning permission (Section 73 of the Town and Country Planning Act 1990)
38	Extension of time applications
39	Non-material minor amendment
40	Useful Supporting Information – Application for Approval of Details Reserved by Condition
41	Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) or Notification of Proposed Works to Trees in Conservation Areas (CA)

Appendices

42	I - Explanation of requirements of National Validation Requirement
45	II - Explanation of requirements of Local Validation Requirements
	III - Biodiversity Survey and Report / Ecological Survey / Protected Species Survey and Report
53	<ul style="list-style-type: none"> o PART I - Protected Species
54	<ul style="list-style-type: none"> o Table 1 - Protected Species: (Trigger List)
55	<ul style="list-style-type: none"> o PART II - Designated Sites and Priority Habitats
56	<ul style="list-style-type: none"> o Table 2 - Designated Sites and Priority Habitats (Trigger List)
57	<ul style="list-style-type: none"> o Table 3 - Designated Geodiversity Sites (Trigger List)
58	<ul style="list-style-type: none"> o Table 4 - Ecological Survey Seasons

Appendix 2

Application for Planning Permission

NOTE For clarification

- The site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 8 of The Town and Country Planning (Development Management Procedure)(England)Order 2010
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most applications – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Affordable housing statement	If development meets Local Planning Authority threshold. A Housing Market Assessment is also required where specified in LPA's DPD's.
Air quality assessment	Where the development is proposed inside, or adjacent to an air quality management area (AQMA),
Biodiversity Survey and Report (Ecological Survey) / Protected Species Survey and Report	Where the proposed development may have possible impacts on designated sites and important habitats, a full biodiversity survey and report may be needed. Please refer to 'Biodiversity Survey and Report: Local Requirements for Designated Sites and Priority Habitats'.
	Some proposed development may need a protected species survey if a) the site contains or is close to a known location for a species, or b) there is a high probability that a protected species will be present. Please refer to 'Protected Species Survey and Report : Local Requirements for Protected Species'.
Building for life assessment	All major residential developments in Charnwood, Leicester City and North West Leicestershire areas
Economic statement	Where viability is an issue. This may be included where appropriate in the Design and Access Statement. (Should be clearly identified)
Environmental statement	Environmental Impact Assessment is required for schedule 1 developments and may be required for schedule 2 developments as specified by the Environmental Impact

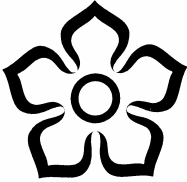
	Regulations 1990.
Town Centre Uses –Evidence to accompany applications	A Retail Assessment to accompany all applications as identified in PPS4 or in the development plan. A sequential assessment is required for all applications as identified in PPS4 or in the development plan. Developments affected include retail, leisure, office, cultural and tourist uses located in and outside town centres.
Flood risk assessment	Where the development is proposed within Main river bye-law distance or where the development is within flood zones 2 & 3 or the site is greater than 1 hectare within Flood Zone 1. (see Environment Agency's www.environment-agency.gov.uk website for further information on Flood Risk Standing Advice and Flood Risk assessments) In accordance with PPS25.
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All Major applications and any site with an entry in the Leicestershire and Rutland Historic Environment Record. This may be included in the Design and Access Statement. (Should be clearly identified)
Land Contamination assessment	Where contamination is known or suspected.
Landfill statement	Only required in respect of a County Matter Application
Lighting assessment	Where proposal includes floodlighting or where illumination is proposed for particularly sensitive proposals (e.g. illumination of carparks)
Noise impact assessment	Where developments are close to existing sources of noise or proposal will generate significant noise levels.
Open Space assessment	All major applications. This may be included where appropriate in the Design and Access Statement (Should be clearly identified)
Planning obligations – Unilateral undertaking or Draft agreement or Heads of Terms for S106 agreement required	If development triggers contributions within Development Plan Documents and/or the developer wishes to either: <ul style="list-style-type: none"> • Voluntarily propose contributions • Present a case for an exception from a triggered requirement
Planning Statement	All major applications. This may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Statement of Community Involvement	All major applications. This may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Structural Survey	Barn conversions or demolition and rebuild or when the justification for demolition is based on structural condition / soundness
Telecommunications Development – supplementary information	All developments proposing telecommunications development (see Prior notification application)
Transport assessment	Leicestershire and Rutland County Councils Highways define the different types of transport statement needed depending on the size of development - see their web sites For Leicestershire County Council http://www.leics.gov.uk/index/highways/road_improvements/html/highway_req_development_part2.htm For Rutland County Council http://www.rutland.gov.uk/bp/gold/viewGold.asp?IDType=Page&ID=21890 .
Travel Plan – Draft required	Leicestershire and Rutland County Councils Highways define

	<p>when a Travel Plan is required depending on the size of development - see their web site</p> <p>For Leicestershire County Council http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm</p> <p>For Rutland County Council http://www.rutland.gov.uk/bp/gold/viewGold.asp?IDType=Page&ID=21890</p>
Ventilation/Extraction statement and design.	<p>For all A3/A4/A5 uses and any retail, business, industrial or leisure or other developments where ventilation or extraction equipment is proposed. This may be included where appropriate within the Design and Access Statement. (Should be clearly identified)</p>
SAC report	<p>Any proposal located in catchment area of the River Mease Special Area of Conservation (SAC) North West Leicestershire District.</p>
Rutland Water Special Protection Area (SPA) report	<p>Any proposal located in the Rutland Water Special Protection Area (SPA) Rutland County Council</p>

[Explanation of requirements of Validation](#)

[back to index page](#)

Appendix C



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet Lead
OSMB

23rd March 2011
7th April 2011

Scrutiny of the Preliminary Flood Risk Assessment (PFRA)

Report of the Head of Highway Maintenance

1. Purpose of Report

- 1.1 To allow the Overview and Scrutiny Management Board to scrutinise the Preliminary Flood Risk Assessment included in Appendix 2 and make their comments

2. Recommendations

- 2.1 It is recommended that OSMB confirms that the Environment Agency's assessment of the indicative Flood Risk Areas in the City are correct and that no significant changes need to be made to the Flood Risk Areas.

3. Summary

- 3.1 Under the Flood Risk Regulations, the City Council as Lead Local Flood Authority (LLFA) must undertake a PFRA identifying Flood Risk Areas by the 22nd June 2011. The process must include the scrutiny of the PFRA by the LLFA and the Environment Agency's advice is that this is best completed by the Scrutiny Committee of the Council – in our case, it should be done by the Overview and Scrutiny Management Board. The Leicester Principal Urban Area (PUA) has been identified by the Environment Agency as one of only ten areas in the country meeting the national criteria as an Indicative Flood Risk Area with over 30,000 people at risk.

4. Report

- 4.1 The Flood Risk Regulations implement the European Floods Directive. This provides a consistent approach to managing flood risk across Europe, through a six year planning cycle based on a four stage process of:
- Undertaking a Preliminary Flood Risk Assessment (PFRA) by the 22nd June 2011.
 - Identifying Flood Risk Areas by the 22nd June 2011.
 - Preparing flood hazard and risk maps by the 22nd June 2013.
 - Preparing flood risk management plans by the 22nd June 2015.

- 4.2. Under the Regulations, and in line with responsibilities under the Flood and Water Management Act 2010, Lead Local Flood Authorities (LLFAs) are responsible for undertaking a PFRA for local sources of flood risk, primarily from surface runoff, groundwater and ordinary watercourses. The PFRA is a high level screening exercise which involves collecting information on past (historic) and future (potential) floods, assembling it into a preliminary assessment report, and using it to identify Flood Risk Areas which are areas where the risk of flooding is significant.
- 4.3. The PFRA is based on existing and available information and should bring together information from national and local sources including the Flood Map for Surface Water and Strategic Flood Risk/Consequence Assessments. Information from the PFRA process will also feed into other assessments including local strategies under the Act. It is important to remember that the Regulations are not the only mechanism for managing local flood risk, or the main route for funding. In many cases the local strategy is likely to be a more appropriate and quicker route to manage risk in an area.
- 4.4. The Environment Agency (EA) has used guidance from Defra and the Welsh Assembly Government (WAG) and nationally available datasets to determine Indicative Flood Risk Areas. The Leicester Principal Urban Area (PUA) has been identified by the Environment Agency as one of only ten areas in the country meeting the national criteria as an Indicative Flood Risk Area with over 30,000 people at risk. We then have to review these areas using local information in the PFRA to determine our proposed Flood Risk Areas.
- 4.5. The PFRA report (part of the Surface Water Management Plan Study (SWMP)) is attached in appendix 2 and OSMB will then have to either confirm or amend the EA's assessment and submit a report to the EA by 22 June 2011.
- 4.6 **Selection of Indicative Flood Risk Areas**
The Regulations require LLFAs to determine whether there is a significant risk in their area based on local flooding and to identify the part of the area affected by the risk i.e. the Flood Risk Area. Defra and WAG have provided guidance on how to select and review Flood Risk Areas by providing criteria for determining significance and thresholds for defining Flood Risk Areas. The Regulations require consideration of significant harmful consequences on:
- a) Human health
 - b) Economic activity
 - c) Environment (including cultural heritage)

However, the extent to which they contribute to defining thresholds varies. In order to provide a starting point for the determination of Flood Risk Areas, the Environment Agency has applied the significance criteria to certain nationally held information such as the Flood Map for Surface Water, Areas Susceptible to Surface Water Flooding and the National Receptor Dataset as well as Areas Susceptible to Groundwater Flood Map to identify where groundwater flooding may be an issue in the indicative Flood Risk Areas.

- 4.7. The indicative Flood Risk Areas are only based on surface water flooding and on a subset of the significance criteria that can be measured at the national level:

Number of people (based on property numbers x 2.34)

Number of critical services
 Number of non-residential properties

4.8 The Environment Agency has supplied LLFAs with maps with the outlines of all the Indicative Flood Risk Areas on CD (see para 4.4 above). This includes information on the number of people, critical services and non-residential properties in each indicative Flood Risk Area. These Indicative Flood Risk Areas will then be reviewed against the PFRA.

4.9 **Review of Indicative Flood Risk Areas**

Before reviewing the Indicative Flood Risk Areas OSMB have to consider the following questions:

- a) Is the Flood Map for Surface Water the most appropriate source of information?
- b) Are the consequences of flooding from other sources e.g. groundwater, ordinary watercourses likely to lead to significant Flood Risk Areas?
- c) Is there information on past floods which had significant harmful consequences?
- d) Is there any other information on the possible harmful consequences of future floods?

4.10 **Amending Flood Risk Areas**

There are three possible reasons (Geography, Past flooding and Future flooding) why Flood Risk Areas may be amended by the City Council and they are outlined in Table 1 below.:

Table 1 – Reasons for changing indicative Flood Risk Areas	
Geography	Minor change in boundary Indicative Flood Risk Area split (where not hydrologically linked) Indicative Flood Risk Areas combined New indicative Flood Risk Area
Past / historic flooding	Indicative Flood Risk Area expanded New indicative Flood Risk Area
Future flooding	New indicative Flood Risk Area Indicative Flood Risk Area expanded Indicative Flood Risk Area reduced in size Indicative Flood Risk Area deleted

Officers are not proposing any significant changes to the Indicative Flood Risk Areas identified by the EA.

4.11 **Internal Review Process**

The City Council has to review and approve their PFRA documents in accordance with their own internal processes and the EA have recommended that we use internal scrutiny ie the Overview and Scrutiny Management Board (OSMB). The purpose of such review is to ensure the City Council as LLFA is satisfied that the contents of the PFRA are a fair assessment in meeting the requirements of the Regulations.

4.12. **Environment Agency Review**

The EA have a duty under the Regulations to review, collate and publish all of the PFRAs once submitted. However, it will also be beneficial for LLFAs to work closely with Environment Agency staff whilst preparing the PFRA and identifying Flood Risk Areas. This should help smooth the process in view of the tight timescales for both delivery by LLFAs and subsequently for our review, resolution of any differences of opinion, collation and publishing. Local Environment Agency staff will review the preliminary assessment reports to ensure they meet the minimum standards required by the European Commission. They will also provide an opinion on the selection of Flood Risk Areas and confirm that appropriate evidence has been provided to support changes to Flood Risk Areas.

5. **FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

5.1. **Financial Implications**

There are no financial implications of this report

Paresh Radia, Finance Manager, Ext 29 6507.

5.2 **Legal Implications**

Jamie Guazzaroni Solicitor, Legal Services, RAD, Ext 29 6350.

5.3 **Climate Change Implications**

6. **Other Implications**

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7. Background Papers – Local Government Act 1972

- 7.1 Flood Risk Regulations 2009
Flood and Water Management Act 2010
Preliminary Flood Risk Assessment produced by Scott Wilson – March 2011.

8. Consultations

- 8.1 Legal Services, Finance Team, Staff in Regeneration, Highways & Transportation Division.

9. Report Author

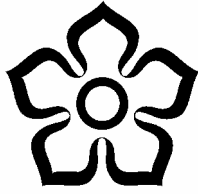
Alan Adcock, Head of Highway Maintenance

Ext. 39 2042

Appendix1

Suggested questions for OSMB to consider in reviewing PFRA

1. Are appropriate governance arrangements in place to understand and manage local flood risk?
2. Have the relevant internal and external partners been involved in the PFRA process?
3. Has all readily available information been gathered from within the LLFA and other partners?
4. Does the assessment of flood risk identify the receptors and the consequences in terms of human health, economic activity and the environment (including cultural heritage)?
5. Has the evidence been interpreted appropriately in reviewing indicative Flood Risk Areas?
6. Has adequate justification been provided for changes to indicative Flood Risk Areas?
7. Is there sufficient evidence to support Flood Risk Areas?
8. Are the conclusions and recommendations clear and based on suitable evidence?
9. Have the preliminary assessment report and associated spreadsheets been prepared in line with the templates in the guidance?



Leicester
City Council

OSMB Agenda
OSMB
Cabinet

28th March 2011
7th April 2011
11th April 2011

Draft Green Space Supplementary Planning Document (SPD)

Report of the Strategic Director Development Culture and Regeneration

1 Purpose of Report

- 1.1 To report on the outcome of the public consultation for the draft Green Space Supplementary Planning Document (SPD), present the final version and seek formal adoption.

2 Recommendations

- 2.1 i) Cabinet is asked to formally adopt the Green Space SPD as Council policy.

3 Summary

- 3.1 The Draft Green Space SPD and accompanying "Calculations" document (See appendices 1 & 2) have been produced to support Core Strategy Policy 13: Green Network. When adopted, the SPD will assist planning applicants and developers who are seeking to secure residential development to calculate the amount and/ or cost of green space, sport or recreation facilities that would be required. It will also provide a defensible mechanism for the Council to secure developer contributions to improve the quality of the green spaces in the City.
- 3.2 The draft document was published for a 4 week period of public consultation from the 15th November to 13th December 2010. A summary of comments received and the Council's response including proposed amendments, can be seen in appendix 3.

4 Report

Purpose of Supplementary Planning Documents

- 4.1 Supplementary Planning Documents (SPDs) form part of the Council's Local Development Framework. They support policies contained in Development Plan Documents, including the adopted Core Strategy.

Relationship to the Core Strategy

- 4.2 This Supplementary Planning Document supports Policy CS13 "Green Network" of the Core Strategy, which aims to maintain and enhance the quality of the green network in the City. The SPD clarifies the Council's approach to the provision of green space, sport and recreation facilities to assist applicants and developers who are seeking to secure residential development where such provision would be required.

What the SPD will do

- 4.3 The Draft Green Space SPD focuses on the impact that new residential development will have on the green network and sets out the amount of green space and/ or level of developer contributions that would be required to make the development acceptable. In particular it considers the need to provide new on-site green space provision, contributions to enhance the quality of provision and maintenance costs. The “Calculations” document which accompanies the SPD, gives information on how the developer contribution figures have been calculated.

Wider Context

- 4.4 The amount of green space provision is based on local green space provision standards. These were derived from the Council’s “Open Space, Sport and Recreation Study for Leicester (2007), which assessed the amount and variety of open spaces in the City (quantity), how well the spaces were maintained (quality) and how easy they are to get to and use (accessibility). At the time public consultation was undertaken to inform the study and develop the local standards of provision.
- 4.5 The study provided an important evidence base for the Core Strategy and has also informed the development of the Council’s Green Space Strategy. The Green Space SPD is important for both the Core Strategy and the Green Space Strategy as it will help to implement the policies and strategies of both these documents. This will be through securing new open space provision and developer contributions to improve the quality of the green space network, where this is required, in respect of new housing development.

Public Consultation

- 4.6 Formal public consultation on the draft SPD took place for 4 weeks between the 15th November and 13th December 2010. During this time comments were invited from a wide range of organisations which included: statutory bodies, key stakeholders, developers, house builders, agents and environmental organisations. Planning and Development Control Committee were consulted on the 30th November 2010. A Public Notice was placed in the Mercury newspaper to advertise the consultation. People could also view the draft documents on the Council’s website and as hard copies in the Customer Service Centres.
- 4.7 As a result of the consultation four amendments have been made to the draft document to correct inaccuracies and clarify matters related to designing out crime, heritage assets and university sports grounds. A summary of comments received and the Council’s response can be seen in Appendix 3. The final version of the document is attached in Appendices 1 & 2. A sentence has since been added to Appendix 1 to clarify the purpose of the figures in the tables. This reads: - “They show only the quantitative aspect of green space and do not reflect the quality audits undertaken as part of the study”.

5.1 Financial Implications

“Any additional section 106 contributions and commuted sums will be managed under existing procedures.”

Martin Judson, Financial Services, ext 297390

5.2 Legal Implications

“Once adopted, the SPD will be a material consideration in the determination of planning applications.”

Climate Change Implications

5.3 It is important that the Council maintains and improves both the quantity and quality of green spaces to enable the City to adapt to the potential impacts of climate change. Green spaces are central to efforts to adapt to the effects of climate change, such as providing areas of shade and cooling, and the Green Spaces SPD should assist in ensuring these important areas so space are provided.

Helen Lansdown, Senior Environmental Consultant – Sustainable Procurement

6 Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	Yes	The SPD considers accessibility to open space for all parts of Leicester by wards area.	
Policy	Yes	Para 4.2 – The SPD supports the implementation of Policy CS13 of the Council’s Core Strategy.	
Sustainable and Environmental	Yes	Maintaining and enhancing open space provision is a key objective of the SPD.	
Crime and Disorder	Yes	The document has been revised to refer to “Secure by Design” principles.	
Human Rights Act	No		
Elderly/People on Low Income	No		
Corporate Parenting	No		
Health Inequalities Impact	No		

7 Background Papers – Local Government Act 1972

7.1 None

8 Consultations

8.1 We have worked closely with the Parks and Green Spaces Service to produce this Draft Green Space Supplementary Planning Document. Other departments e.g. Planning Management and Delivery, the Development Team, Sports, Legal Services, Housing and Property Services have also been consulted as part of internal consultation.

8.2 Formal public consultation on the draft SPD took place between 15th November and 13th December 2010.

9 Report Author

9.1 Elizabeth Oxborough
Senior Planner – Planning Policy and Design
Extension: 297229

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Leicester City
**local
development
framework**

**Supplementary
Planning Document**



GREENSPACE SPD

**PRE-ADOPTION DRAFT
January 2011**



CONTENTS

Introduction	5
Policy context	5
Green space policy	5
Core strategy policy 13 green network	6
Developer Contributions Policy	6
Objectives of the green space SPD	7
Green space definitions	7
Green space standards	9
When will the SPD be applied?	10
How are contributions calculated for the provision of green space?	11
Where are the green spaces to be provided?	14
Pooled contributions	14
Minimum sizes of new green spaces	14
Adopting areas of green space	15
Biodiversity	15
Crime and Green Space	15
Heritage Assets	15
Additional services	15
Appendix 1. Green space provision by ward	16
Appendix 2. Developer contributions: costs for enhancement and new off-site provision	22
Appendix 3. Commuted sum payments	23

Other languages and large print

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If you require this document in large print, audio cassette, Braille or languages other than English please telephone (0116) 2527233 or email planning.policy@leicester.gov.uk

Introduction

The benefits of open space and green networks throughout a City are well documented. They lift the spirits and offer opportunities for healthy activities for children and adults alike, as well as having a positive impact on climate change, air quality, surface water management and biodiversity value. Green spaces contribute towards the priorities of the One Leicester Vision for the City:

- Planning for people not cars;
- Reducing our carbon footprint;
- Improving wellbeing and health;
- Creating thriving, safe communities;
- Investing in our children;
- Talking up Leicester; and
- Investing in skills and enterprise.

Leicester is fortunate in having rivers and canals that thread through its heart, which include and link to an extensive network of green spaces and parks which extend into the countryside beyond.

This Supplementary Planning Document concerns developer contributions towards the maintenance, enhancement and provision of the green space network within Leicester City. It is supplementary to the policies in the Core Strategy which set out the context for the green network. The Core Strategy's Key Diagram (Map 1) shows how the green network is integral to the overall strategy for the City and links it to the surrounding countryside.

The SPD sets out:

- The policy context, nationally and locally;
- The objectives of this guidance/SPD;
- The current picture of green space provision in the city;
- New standards to be applied and how green space matters will be dealt with in planning applications for development and the use of land; and
- How developer contributions will be calculated.

Policy context

Green space policy

National policy found in Planning Policy Guidance 17 (2002) "Planning for Open Space, Sport and Recreation" aims to deliver networks of accessible, high quality open spaces and sport and recreation facilities with an appropriate balance between providing new spaces and enhancing existing provision. Paragraph 33 of PPG17 goes on to state: "Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sport and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs..."

[\(http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/ppg17/\)](http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/ppg17/)

The City Council commissioned a (PPG17 compliant) study into green space provision within the City, which resulted in green space standards and definitions being provided for the City. These have helped to inform this Supplementary Planning Document. A Green Space Strategy has also been produced for the City Council which sets out the authorities' vision for using its green space, the goals it wants to achieve, plus the resources, methods and time needed to meet these goals.

Leicester City Council's Core Strategy, adopted in November 2010, contains policies to help determine planning applications in the City (<http://www.leicester.gov.uk/corestrategy/>). This Supplementary Planning Document supports Policy CS13 "Green Network" which seeks to maintain and enhance the network of green spaces within the City. The policy is as follows:

Core strategy policy 13 green network

"The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people. A Supplementary Planning Document will be prepared to provide detailed guidance and information on green space, sport and recreation provision and to support the following principles:

- *The Council will safeguard and improve green space, sport and recreation facilities that are of value to the green network, local communities and biodiversity, especially those that are of strategic importance i.e. green wedges, the River and Canal Corridor;*
- *Green wedges will be maintained as areas of land that prevent the merging of built up areas of the City and adjoining settlements, guide the development and provide a "green lung" into the inner urban area. Their function as open space for leisure or recreational purposes will be maintained and enhanced. Development within a green wedge will be expected to serve the open space, be of high design quality and of an appropriate scale and size for its location to minimise the visual and environmental impact of the development;*
- *The Council will pursue opportunities to address the imbalances in green space provision by making green space, sport and recreation facilities more accessible and improving links and connections between spaces;*
- *New development proposals should meet the need for provision arising from the development, taking account of local qualitative and quantitative deficiencies in green space, sport and recreation provision. New on-site-provision or S106 contributions to improve the quality of, or access to, existing open space, will be expected and commuted maintenance sums will be sought; and*
- *Where there are proposals that affect green space, outdoor sport or recreation facilities, land should not be released, either in total or in part, for development unless it is:*
 - a) *Surplus to requirements for its current green space function; and*
 - b) *Not needed for another type of green space use; or*
 - c) *Equivalent or better replacement green space would be provided in the local area."*

PPS9 and Core Strategy Policy CS17 Biodiversity are also relevant to the objectives of this SPD. Their principles include ensuring that development maintains, enhances or strengthens connections for wildlife. Green spaces can also support a wide variety of biodiversity and they should be provided, maintained and enhanced to support the aims of the city and county Biodiversity Action Plans, where possible.

Developer contributions policy

Circular 05/2005 on planning obligations

(<http://www.communities.gov.uk/publications/planningandbuilding/circularplanningobligations>) states that developer contributions can only be sought in relation to a planning permission when they are:

- Necessary;
- Relevant to planning;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and
- Reasonable in all other respects.

In addition to contribution(s) meeting the above tests, the recent Community Infrastructure Levy Regulations which came into effect on 6 April 2010 also state that S106 obligations may only be imposed where the following tests are met:

That the contributions are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development and;
- Fairly and reasonably related in scale and kind to the development.

It is important to note that planning permissions cannot be bought or sold through developer contributions and that unacceptable development will not be approved simply to secure a favourable level of contribution.

Core Strategy Policy CS19 explains that developer contributions will be sought where needs arise as a result of development. It states that contributions will be used to mitigate the adverse impacts of development and the City Council will where appropriate, seek to secure such measures through planning obligations. It is therefore clear that developer contributions are an important mechanism for securing green space as a result of development.

The City Council will prioritise developer contributions according to its policies whilst taking into account the viability of the development.

As well as the above policies, Supplement to Planning Policy Statement 1, Planning and Climate Change (<http://www.communities.gov.uk/publications/planningandbuilding/ppsclimatechange>) outlines the contribution open space and green infrastructure can make to urban cooling, sustainable drainage systems, and conserving and enhancing biodiversity. The City Council has also adopted Supplementary Planning Guidance on Biodiversity (<http://www.leicester.gov.uk/your-council-services/ep/planning/plansandguidance/citywideplanningguidance/biodiversity/>) and a Supplementary Planning Document on Climate Change, (<http://www.leicester.gov.uk/your-council-services/ep/planning/plansandguidance/ldf/spd/climate-change-spd/>) both of which are relevant to the objectives of the Green Space SPD.

Objectives of the green space SPD

The objectives of the SPD relate to the spatial objectives of the Core Strategy and the aims of Core Strategy Policy 13. The objectives are as follows:

1. To ensure that all households are within an appropriate distance of a full range of green spaces;
2. To ensure that an adequate amount of green space is provided across the City;
3. To ensure that all green spaces are interlinked and accessible by attractive walking and cycling routes;
4. To ensure that all publicly accessible green spaces are of a high quality and well maintained and have provision for ongoing maintenance;
5. To ensure that green spaces are inclusive spaces which everyone can use safely, easily and with dignity;
6. To ensure that green spaces are well designed, safe, secure and well used; and
7. To ensure that green spaces maintain, enhance and/or strengthen connections for wildlife across the city.

Green space definitions

Many green spaces are multi functional, which means they serve several different purposes, for instance there may be an Equipped Children and Young Peoples Space, Outdoor Sports Space and Natural Green Space within a Park or Garden. The types of green space that were identified in the City Council's PPG17 compliant study refer to their '**primary purpose**' so that each green space is counted only once in an audit of provision.

The types of green space that were identified in the City Council's PPG17 compliant study are:

Parks and gardens

Public parks and gardens take on many forms, but for the purposes of this document their main functions include:

- Informal recreation and outdoor sport;
- Play space of many kinds (including for sport and children's play);
- Providing attractive walks to work, community facilities and other destinations;
- Offering landscape and amenity features;
- Providing areas for 'events'; and
- Providing habitats for wildlife.

Informal/amenity green space

These areas include those spaces open to free and spontaneous use by the public, but neither laid out or managed for a specific function such as a park, public playing field or recreation ground, nor would it be managed as a natural or semi-natural habitat. It is:

- Unlikely to be physically demarcated by walls or fences;
- Predominately laid out to mown grass;
- Unlikely to have identifiable entrance points (unlike parks);
- Unlikely to have planted flower beds or other formal planting layouts, although they may have tree and shrub planting;
- Generally no other recreational facilities and fixtures (such as play equipment or ball courts), although there may be items such as litter bins and benches;
- Examples might include both small and larger informal grassed areas in housing estates and general recreation spaces. They can serve a variety of functions dependent on their size, shape, location and topography.

Equipped children and young people's space

This includes:

- Equipped playgrounds for children;
- Skate parks and areas for wheeled sports;
- Designated space for youth and young adults e.g. multi use activity area; and
- Small ball courts for football or basketball. (Larger space will be classed as Outdoor Sports Space).

Outdoor sports space

This includes:

- Marked out pitches for a variety of sports including football, cricket, hockey, rugby, bowls etc;
- Equipment associated with the sports pitches (such as goalposts and nets) may not be provided at all times of year;
- These spaces will often include changing facilities and drainage; and
- Larger ball courts for football or basketball. (Smaller spaces will be classed as Equipped Children's and Young People's Space).

(Accessible) natural green space

These areas:

- Provide a variety of habitats including meadows, river floodplain, woodland and copse, all of which are managed primarily for wildlife value;
- These areas are reasonably accessible providing open access for the public use and enjoyment; and
- These areas can also make important contributions to local Biodiversity targets, outlined in City and County Biodiversity Action Plans.

Allotments

The Allotment Act of 1922 defines the term 'allotment garden' as: "An allotment not exceeding 40 poles² in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family."

The Allotments Act of 1925 gives protection to land acquired specifically for use as allotments, so called Statutory Allotment Sites, by the requirement for the need for the approval of the Secretary of State in event of sale or disposal. Some allotment sites may not specifically have been acquired for this purpose. Such allotment sites are known as "temporary" (even if they have been in use for decades) and are not protected by the 1925 legislation.

Allotment areas often provide taps for water and sometimes communal buildings for meeting areas and toilets.

Green space standards

The Leicester Open Space, Sport and Recreation Study (2007) found that the overall minimum area standards for the provision on green space within the city are as follows.

Parks and Gardens:	0.5 ha per 1,000 population
Informal Green Space:	0.5 ha per 1,000 population
Equipped Children and Young People's Space:	0.08 ha per 1,000 population
Outdoor Sports Space:	1.0 ha per 1,000 population
Natural Green Space:	0.5 ha per 1,000 population
Allotments:	0.3 ha per 1,000 population
This gives an overall green space area standard of 2.88 ha per 1,000 population	

The Open Space, Sport and Recreation Study also gave access standards for each type of green space which describe how far it is reasonable to expect people to travel to an area of green space. They are as follows:

District and City Parks:	1,000m
Local Parks:	300m
Informal Green Space:	100m
Equipped Children and Young Peoples Space:	Pre Teen: 300m Teen: 1,000m
Outdoor Sports Space:	3,000m
Natural Green Space:	300m
Allotments:	1,000m

When will the SPD be applied?

The standards for the provision of green space will be applied to all applications for new residential development that result in a net gain in residential units. This includes applications that involve:

- New dwellings;
- Conversions;
- Changes of use to residential;
- Flat developments;
- Bedsits;
- Affordable Housing;
- Revised planning permission (where the number of dwellings increases as a result of the revision);
- Student accommodation;
- Elderly care homes; and
- Sheltered housing.

Exceptions

Replacement dwellings, house extensions and residential annexes will not be required to provide green space. One bedroom flats or houses, student accommodation, elderly care homes and sheltered housing will not be required to make a contribution towards equipped Children's and Young Peoples Space. This is because children and teenagers are unlikely to live in these types of properties. Purpose built student accommodation will also not be required to contribute towards allotments as students are not permanent residents in the City and are therefore unlikely to cultivate allotments. These developments will be required to contribute to all other types of green space, as outlined below.

How are contributions calculated for the provision of green space?

Developers should contact the Planning Management and Delivery Section (0116 2527000) at Leicester City Council who will be able to support and assist with the application of this SPD.

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

A. Estimate the number of people that would live in the proposed development.

This will be calculated by reference to the following assumed occupation rates for different dwelling sizes:

Table: Occupation Rates	
Number of Bedrooms	Assumed Number of Residents
1	1.5
2	2
3	2.5
4+	3
Unknown Dwelling Size	2.5
Student Accommodation, Care Homes and Elderly and Sheltered Housing	Number of People to be Accommodated

Example:

Number of Units	Multiplied by Assumed Number of Residents	Equals Total No. of People
50 (2 beds)	x 2	= 100
75 (3 beds)	x 2.5	= 187.5
75 (4 beds)	x 3	= 225
	Overall Total	= 512.5

B. Appendix 1 indicates the green space provision by ward for each category of green space. Find the table for the ward where the development is located. For each type of green space it will either state that there is "sufficient supply" (go to section C) or an "under supply" (go to section D).

C. If the table states that there is “sufficient supply” (a positive figure):

Would the increase in population from the development change this to an under supply? To calculate the amount of green space required by the development use the following formula:

E.G. For Parks and Gardens Standard and assuming 512.5 people in the development:

Overall Total Number of People	Multiplied by Green Space Standard	Divided by 1,000	Equals Amount of Green Space Required by the Development
512.5	x 0.5 (Parks and Gardens)	/ 1,000	= 0.256 ha

Now subtract the amount of green space required by the development (0.256 ha) from the appropriate surplus/deficiency (ha) column in the ward tables in Appendix 1.

For instance, if the development is in Latimer ward:

LATIMER

Typology	Existing Provision (ha)	Required Provision (ha)	Surplus/Deficiency (ha)	Surplus/Deficiency
Parks and Gardens	4.39	5.79	-1.4	Under Supply

Surplus/Deficiency of P & G in Ward	Subtract Amount of Green Space Required by the Development	Equals Revised Ward Total
-1.4 ha	0.256 ha	= -1.656 ha

- If the figure is negative or changes to be negative - new provision would be needed; or
- If the figure remains positive - there is no quantitative need...BUT there may still be a need to improve the quality of provision. Go to Stage Two below.

N.B. Remember to do this for each category of green space.

D. If the table states “under supply” (as is the case in the worked example above) new provision would be needed.

Enhancement and new provision

The area calculated above should be accommodated on-site as a priority. There may be several types of green space that are shown as having an under supply. If this is the case, provision will be sought in accordance with the City Councils Green Space Strategy. The Planning Management and Delivery section (0116 2527000) are the first contact point for developers and will contact the Parks and Green Spaces Service regarding the priorities for on-site green space provision. The Nature Conservation Officer should also be consulted if there is a requirement for natural green space.

In some circumstances it may not be feasible to provide on-site provision. If this is the case, the developer should consider, as a priority, green space on an alternative site to serve the development. However, if the site has access to existing green space and falls within or near to a catchment of a piece of green space (see the Open Space Study Appendix, <http://www.leicester.gov.uk/your-council-services/ep/planning/plansandguidance/ldf/ldfevidence-base/openspacestudy/>), a contribution to the enhancement of that space may be appropriate (go to stage TWO). In the case of accommodation provided by the Universities, access to the University's own sports grounds will be considered in negotiation. For larger development areas (e.g. Waterside, Ashton Green) new off-site green space provision will be sought in accordance with site development guidance, strategies or masterplans for the area in order to address local need.

Cross boundary issues

If the development site is close to a ward boundary check whether or not the site falls within the catchment of a piece of green space in the adjoining ward (see the Open Space Study Appendix). If the development is within a catchment, it may not be necessary to provide that type of space, but a contribution to the enhancement of existing green space may be necessary (go to stage TWO).

STAGE TWO: Is there a need to enhance the quality of green space provision?

- A. The quality of green spaces has been assessed as part of the PPG17 Study and Green Space Strategy. Parks and Green Spaces Service will periodically update the quality audits and advise whether or not a contribution to improve the quality of particular green spaces is appropriate. The Nature Conservation Officer should also be consulted if there is a requirement for natural green space.
- B. If it is not possible to provide on-site green space, enhancements will be made to upgrade existing green space so it is of a quality that is equivalent to new on-site green space, in order to serve the development. If they are necessary, contributions will be calculated by the figures in Appendix 2. This is calculated by multiplying the total number of each different type of house by the financial contributions for enhancement shown in Appendix 2. The tables in the appendix provide guidance for the calculation of payments by developers for the provision or enhancement of green space. The payments may be adjusted according to the particular planning application. They provide a starting point for negotiations between the City Council and developers.

Number of Units	Multiplied by Financial Contribution (£) – E.G. Enhancement of Parks and Gardens	Payment Required
50 (2 beds)	x 372.31	= £18,615
75 (3 beds)	x 465.39	= £34,904.25
75 (4 beds)	x 558.47	= £41,885.25
	Overall Total	= £95,404.05

The costs for enhancements, shown in Appendix 2, will be linked to the RICS Building Cost Information Service Tender Price Index and revised annually, to ensure that account is taken for inflation.

STAGE THREE: Are there any significant barriers to access of green space?

Developer contributions secured for enhancements may also be used to improve access to green spaces. This might include new access points, improving signage or altering gradients to make them wheelchair accessible.

The Highway Authority may also seek developer contributions for works to the highway, such as pedestrian crossings, which can improve the accessibility of green spaces.

Where are the green spaces to be provided?

Any new green space provision should, as a priority, be provided on-site within the new development. However, there may be some cases where it would not be possible to provide the green space on the application site. If this is the case, the developer should consider, as a priority, green space on an alternative site to serve the development. Alternatively an off-site contribution will be sought either for the improvement in the quality of an existing piece of green space, or to allow the City Council to change the type of an existing piece of green space to one that may be more appropriate. As green spaces can be multi functional (i.e. they serve several different functions) there may be instances where it is appropriate to spend contributions for different types of green space within one green space. For instance, a contribution to improve the quality of an equipped children's play area (Children and Young Peoples Space) within an "Amenity Green Space" or to improve the quality of football pitches (Outdoor Sports Provision) that are located on a Park (Parks & Gardens).

For larger development areas (e.g. Waterside, Ashton Green) new off-site provision will be sought in accordance with site development guidance, strategy or masterplan for the area in order to address local need. In some instances the Council may look to purchase a piece of land to provide a new piece of green space, and will expect the developer to contribute towards the cost of the purchase of the land and provide a commuted sum for the maintenance of the green space, for twenty years.

Pooled contributions

If several small developments are located in close proximity to one another and provide developer contributions, the council may choose to pool the contributions. The council may then spend them to either provide a new area of green space or to enhance an area of green space that will serve all the developments that contributed.

Minimum sizes of new green spaces

In order to provide usable green spaces which can be easily and economically maintained, green spaces below the minimum sizes below would not normally be acceptable:

Park and Garden:	0.25 hectares
Informal Green Space:	0.25 hectares
Equipped Children's and Young Peoples Space:	0.04 hectares
Outdoor Sports Space:	0.8 hectares
Natural Greenspace:	0.25 hectares
Allotments:	0.2 hectares

Adopting areas of green space

The City Council will consider adopting areas of green space, subject to this being in the public and Councils interest. If the Council is to adopt green space, it will require a commuted sum to be paid to provide for the maintenance cost of the green space for 20 years. The commuted sum is to be paid at the time the Council takes over ownership of the land through a land transfer agreement. Before the council will consider adopting a piece of green space, it will need to be satisfied that the equipment and facilities have been installed and maintained to an acceptable standard. The level of contribution will vary by the type of green space, and guideline costs are shown in Appendix 3 and are calculated on the area of green space to be adopted. The costs shown in Appendix 3 will be index linked to the RICS Building Cost Information Service Tender Price Index and revised annually to take account of inflation.

The figures shown in Appendix 3 are calculated by multiplying the cost of maintenance works and equipment for different green spaces. The individual cost of the works and equipment for each type of green space is shown in the calculations document accompanying this SPD. It should be noted that the figures shown in Appendix 3 are an illustrative guide only to allow an early estimate of the cost of commuted sums. Exact commuted sums will be calculated based on the actual site and facilities to be adopted. It should be noted that the City Council may not provide all of the equipment shown in the calculations document, but may choose to spend the money on other equipment or maintenance to ensure that the green spaces are well equipped and maintained.

As the calculation of on and off-site contributions for green space can be a complex process, Officers in Planning Management and Delivery (0116 252 7000) will confirm to the developer the total contribution required.

Biodiversity

When undertaking works to green spaces, protected species, Biodiversity Action Plan species and biodiversity must be considered. Native species will be preferred in planting schemes for the creation of new green spaces and habitats should be managed in order to enhance biodiversity. Please contact the Nature Conservation Officer on (0116) 252 7222 for more information.

Crime and Green Space

Green spaces and their relationship to developments should be designed and maintained in accordance with "Secured by Design" principles in order to reduce crime, the fear of crime and to promote public safety.

Heritage Assets

Heritage assets are sometimes found in green spaces. Proposals to enhance heritage assets should be considered in parallel with green space enhancements. Please contact the Building Conservation Officer on (0116) 252 7222 for more information.

Additional services

Leicester City Council offers a service to design and build Equipped Children and Young Peoples Spaces. This can save time in negotiating and building facilities to a standard that the Council is prepared to adopt. Please contact the Play and Development Officer on (0116) 2914491 for more details on this service.

Appendix 1

Green space provision by ward

These figures have been provided by the Leicester City Council Open Space, Sport and Recreation Study. They show only the quantitative aspect of green space and do not reflect the quality audits undertaken as part of the study. They will be updated as the above study is updated.

ABBEY				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	39.81	6.36	33.45	Sufficient supply
Informal Green Space	10.51	6.36	4.15	Sufficient supply
Equipped Children and Young People's Space	1.63	1.02	0.61	Sufficient supply
Outdoor Sports Space	10.36	12.71	-2.35	Under supply
Natural Green Space	3.1	6.36	-3.26	Under supply
Allotments	10.43	3.81	6.62	Sufficient supply

AYLESTONE				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	1.74	5.4	-3.66	Under supply
Informal Green Space	8.1	5.4	2.7	Sufficient supply
Equipped Children and Young People's Space	0.75	0.86	-0.11	Under supply
Outdoor Sports Space	24.73	10.8	13.93	Sufficient supply
Natural Green Space	63.37	5.4	57.97	Sufficient supply
Allotments	4.42	3.24	1.18	Sufficient supply

BEAUMONT LEYS				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	47.92	6.92	41	Sufficient Supply
Informal Green Space	29.83	6.92	22.91	Sufficient Supply
Equipped Children and Young People's Space	1.16	1.11	0.05	Sufficient Supply
Outdoor Sports Space	2.4	13.84	-11.44	Under supply
Natural Green Space	106.4	6.92	99.48	Sufficient Supply
Allotments	2.37	4.15	-1.78	Under supply

BELGRAVE				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	2.24	5.15	-2.91	Under Supply
Informal Green Space	0	5.15	-5.15	Under Supply
Equipped Children and Young People's Space	0.55	0.82	-0.27	Under Supply
Outdoor Sports Space	0	10.3	-10.3	Under Supply
Natural Green Space	1.59	5.15	-3.56	Under Supply
Allotments	3.21	3.09	0.12	Sufficient Supply

BRAUNSTONE PARK AND ROWLEY FIELDS				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	72.59	8.31	64.28	Sufficient Supply
Informal Green Space	7.28	8.31	-1.03	Under Supply
Equipped Children and Young People's Space	0.63	1.33	-0.7	Under Supply
Outdoor Sports Space	0.3	16.61	-16.31	Under Supply
Natural Green Space	8.55	8.31	0.24	Sufficient Supply
Allotments	17.52	4.98	12.54	Sufficient Supply

CASTLE				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	36.26	6.73	29.53	Sufficient Supply
Informal Green Space	2.64	6.73	-4.09	Under Supply
Equipped Children and Young People's Space	0.73	1.08	-0.35	Under Supply
Outdoor Sports Space	5.13	13.47	-8.34	Under Supply
Natural Green Space	0.72	6.73	-6.01	Under Supply
Allotments	0	4.04	-4.04	Under Supply

CHARNWOOD				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	0	5.33	-5.33	Under Supply
Informal Green Space	4.05	5.33	-1.28	Under Supply
Equipped Children and Young People's Space	0.67	0.85	-0.18	Under Supply
Outdoor Sports Space	0	10.66	-10.66	Under Supply
Natural Green Space	0	5.33	-5.33	Under Supply
Allotments	2.88	3.2	-0.32	Under Supply

COLEMAN				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	12.74	6.05	6.69	Sufficient Supply
Informal Green Space	0.19	6.05	-5.86	Under Supply
Equipped Children and Young People's Space	0.78	0.97	-0.19	Under Supply
Outdoor Sports Space	0.8	12.1	-11.3	Under Supply
Natural Green Space	2.35	6.05	-3.7	Under Supply
Allotments	7.05	3.63	3.42	Sufficient Supply

EVINGTON				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	28.1	4.89	23.21	Sufficient Supply
Informal Green Space	1.1	4.89	-3.79	Under Supply
Equipped Children and Young People's Space	0.53	0.78	-0.25	Under Supply
Outdoor Sports Space	13.97	9.79	4.18	Sufficient Supply
Natural Green Space	6.02	4.89	1.13	Sufficient Supply
Allotments	6.82	2.94	3.88	Sufficient Supply

EYRES MONSELL				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	0	5.61	-5.61	Under Supply
Informal Green Space	22.52	5.61	16.91	Sufficient Supply
Equipped Children and Young People's Space	0.85	0.9	-0.05	Under Supply
Outdoor Sports Space	8.96	11.23	-2.27	Under Supply
Natural Green Space	2.43	5.61	-3.18	Under Supply
Allotments	0	3.37	-3.37	Under Supply

FOSSE				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	0	5.37	-5.37	Under Supply
Informal Green Space	8.42	5.37	3.05	Sufficient Supply
Equipped Children and Young People's Space	0.62	0.86	-0.24	Under Supply
Outdoor Sports Space	0.45	10.74	-10.29	Under Supply
Natural Green Space	0	5.37	-5.37	Under Supply
Allotments	0	3.22	-3.22	Under Supply

FREEMEN				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	0	4.99	-4.99	Under Supply
Informal Green Space	16.11	4.99	11.12	Sufficient Supply
Equipped Children and Young People's Space	0.27	0.8	-0.53	Under Supply
Outdoor Sports Space	3.09	9.98	-6.89	Under Supply
Natural Green Space	1.66	4.99	-3.33	Under Supply
Allotments	7.38	2.99	4.39	Sufficient Supply

HUMBERSTONE AND HAMILTON				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	7.96	5.95	2.01	Sufficient Supply
Informal Green Space	19.07	5.95	13.12	Sufficient Supply
Equipped Children and Young People's Space	0.81	0.95	-0.14	Under Supply
Outdoor Sports Space	1.71	11.89	-10.18	Under Supply
Natural Green Space	18.54	5.95	12.59	Sufficient Supply
Allotments	2.48	3.57	-1.09	Under Supply

KNIGHTON				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	25.98	8.13	17.85	Sufficient Supply
Informal Green Space	1.29	8.13	-6.84	Under Supply
Equipped Children and Young People's Space	1.05	1.3	-0.25	Under Supply
Outdoor Sports Space	4.03	16.27	-12.24	Under Supply
Natural Green Space	6.46	8.13	-1.67	Under Supply
Allotments	6.16	4.88	1.28	Sufficient Supply

LATIMER				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	4.39	5.79	-1.4	Under Supply
Informal Green Space	4.3	5.79	-1.49	Under Supply
Equipped Children and Young People's Space	0.58	0.93	-0.35	Under Supply
Outdoor Sports Space	0.88	11.58	-10.7	Under Supply
Natural Green Space	0	5.79	-5.79	Under Supply
Allotments	0	3.47	-3.47	Under Supply

NEW PARKS				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	0	8.01	-8.01	Under Supply
Informal Green Space	5.14	8.01	-2.87	Under Supply
Equipped Children and Young People's Space	0.86	1.28	-0.42	Under Supply
Outdoor Sports Space	7.5	16.02	-8.52	Under Supply
Natural Green Space	17.7	8.01	9.69	Sufficient Supply
Allotments	9.2	4.81	4.39	Sufficient Supply

RUSHEY MEAD				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	17.23	7.57	9.66	Sufficient Supply
Informal Green Space	4	7.57	-3.57	Under Supply
Equipped Children and Young People's Space	1.12	1.21	-0.09	Under Supply
Outdoor Sports Space	2.45	15.13	-12.68	Under Supply
Natural Green Space	61.35	7.57	53.78	Sufficient Supply
Allotments	4	4.54	-0.54	Under Supply

SPINNEY HILLS				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	14.37	10.62	3.75	Sufficient Supply
Informal Green Space	1.72	10.62	-8.9	Under Supply
Equipped Children and Young People's Space	1.62	1.7	-0.08	Under Supply
Outdoor Sports Space	0	21.25	-21.25	Under Supply
Natural Green Space	0	10.62	-10.62	Under Supply
Allotments	5.07	6.37	-1.3	Under Supply

STONEYGATE				
TYOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	0	10.62	-10.62	Under Supply
Informal Green Space	0	10.62	-10.62	Under Supply
Equipped Children and Young People's Space	0.51	1.7	-1.19	Under Supply
Outdoor Sports Space	0	21.25	-21.25	Under Supply
Natural Green Space	0	10.62	-10.62	Under Supply
Allotments	1.22	6.37	-5.15	Under Supply

THURNCOURT				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	11.57	4.97	6.6	Sufficient Supply
Informal Green Space	6.56	4.97	1.59	Sufficient Supply
Equipped Children and Young People's Space	0.08	0.79	-0.71	Under Supply
Outdoor Sports Space	3.07	9.94	-6.87	Under Supply
Natural Green Space	0	4.97	-4.97	Under Supply
Allotments	1.18	2.98	-1.8	Under Supply

WESTCOTES				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	2	4.33	-2.33	Under Supply
Informal Green Space	0	4.33	-4.33	Under Supply
Equipped Children and Young People's Space	0.39	0.69	-0.3	Under Supply
Outdoor Sports Space	3.35	8.65	-5.3	Under Supply
Natural Green Space	0	4.33	-4.33	Under Supply
Allotments	0	2.6	-2.6	Under Supply

WESTERN PARK				
TYPOLOGY	Existing Provision (ha)	Required Provision (ha)	Surplus/ Deficiency (ha)	Surplus/ Deficiency
Parks and Gardens	68.36	4.33	64.03	Sufficient Supply
Informal Green Space	0	4.33	-4.33	Under Supply
Equipped Children and Young People's Space	1.57	0.87	0.7	Sufficient Supply
Outdoor Sports Space	0	8.65	-8.65	Under Supply
Natural Green Space	0	4.33	-4.33	Under Supply
Allotments	2.73	2.6	0.13	Sufficient Supply

Appendix 2

Developer contributions: Costs for enhancement and new off-site provision

Type of Green Space	Financial contribution (£)						
	Student	Elderly persons dwelling	1 bedroom dwelling	2 bedroom dwelling	3 bedroom dwelling	4+ bedroom dwelling	Unknown dwelling size
Parks & Gardens	186.16	186.16	279.23	372.31	465.39	558.47	465.39
Informal Green Space	68.48	68.48	102.72	136.96	171.20	205.44	171.20
Equipped Childrens & Young People's Space	0.00	0.00	0.00	292.87	366.09	439.31	366.09
Outdoor Sports Space	318.39	318.39	477.58	636.77	795.96	955.16	795.96
Natural Green Space	31.53	31.53	47.29	63.06	78.82	94.59	78.82
Allotments	0.00	21.69	32.54	43.38	54.23	65.07	54.23
Maximum Total Contribution	604.55	626.24	939.36	1252.48	1565.60	1878.72	1565.60

For the provision of new off-site green space, in addition to the costs above, a contribution towards land acquisition costs will also be expected.

These costs will be index linked to the RICS Building Cost Information Service Tender Price Index and revised annually to take account of inflation.

Appendix 3

Commuted sum payments

Provision	Annual Cost (£/per Ha)	Commuted Sum (£/per m ² x CSM)
Parks & Gardens	22,017	54.45
Informal Green Space	6,249	15.45
Equipped Children & Young Peoples Space	36,772	90.94
Outdoor Sports Space	9,260	22.90
Natural Green Space	4,243	10.49
Allotments	1,346	3.33
Commuted sum period	20 years	
Commuted Sums Multiplier (CSM)	24.73	

(CSM = Commuted Sum Multiplier (period for contributions + inflation - interest earned))

These costs will be index linked to the RICS Building Cost Information Service Tender Price Index and revised annually to take account of inflation.

It should be noted that the figures shown in Appendix 3 are an illustrative guide only to allow an early estimate of the cost of commuted sums. Exact commuted sums will be calculated based on the actual site and facilities to be adopted and the current inflation and interest rates.

Leicester City
**local
development
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**Supplementary
Planning Document**

GREENSPACE SPD

Calculations Document

PRE-ADOPTION DRAFT
January 2011



CONTENTS

Introduction	5
Developer contributions formula	6
Summary	6
Costs for enhancement and new off-site provision	6
Parks & gardens	7
Informal green space	8
Equipped children's & young people's play space	9
Outdoor sports space	11
Natural green space	12
Allotments	13
Commuted sums	14
Summary: Costs for enhancement and new off-site provision	14
Commuted sum payments	14
Parks & gardens	15
Informal green space	17
Equipped children's & young people's play space	19
Outdoor sports space	20
Natural green space	21
Allotments	22
References for S106 cost model	23

Other languages and large print

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如果你需要有人給你解釋這文件，或如果你需要人協助填寫你的意見請致電 (0116) 2527233

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Eğer bu belgenin size açıklanmasını istiyorsanız, ya da yorumlarınızı yazmada yardıma ihtiyacınız varsa lütfen (0116) 2527233'e telefon ediniz.

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If you require this document in large print, audio cassette, Braille or languages other than English please telephone (0116) 2527233 or email planning.policy@leicester.gov.uk

Introduction

This calculations document contains figures for enhancement and the provision of different types of green space. It also contains an illustrative guide to figures for commuted sums. The figures for the enhancement and provision of new green space are calculated by multiplying the cost of providing facilities and equipment found in green spaces per hectare. The price per hectare is then converted into the price per person, based on the open space standards. This then allows the total cost to be calculated as per house type, based on the number of people each house is expected to support. For the provision of new off-site green space, the enhancement cost is used, and a contribution towards land acquisition costs will also be expected.

The commuted sum figures were calculated by calculating the cost of maintaining the different types of green space per year per hectare. The projected inflation and interest rates are then applied to this figure to give the total commuted sum to allow maintenance of the green space for 20 years. It should be noted that the figures shown for commuted sums are an illustrative guide only to allow an early estimate of the cost of commuted sums. Exact commuted sums will be calculated based on the actual site and facilities to be adopted and the current inflation and interest rates.

Developer contributions formula

Summary

Costs for enhancement and new off-site provision

Type of Green Space	Financial contribution (£)						
	Student	Elderly Persons dwelling	1 bedroom dwelling	2 bedroom dwelling	3 bedroom dwelling	4+ bedroom dwelling	Unknown dwelling size
Parks & Gardens	186.16	186.16	279.23	372.31	465.39	558.47	465.39
Informal Green Space	68.48	68.48	102.72	136.96	171.20	205.44	171.20
Equipped Children's & Young People's Space	0.00	0.00	0.00	292.87	366.09	439.31	366.09
Outdoor Sports Space	318.39	318.39	477.58	636.77	795.96	955.16	795.96
Natural Green Space	31.53	31.53	47.29	63.06	78.82	94.59	78.82
Allotments	0.00	21.69	32.54	43.38	54.23	65.07	54.23
Maximum Total Contribution	604.55	626.24	939.36	1,252.48	1,565.60	1,878.72	1,565.60

For the provision of new off-site green space, in addition to the costs above, a contribution towards land acquisition costs will also be expected. These costs will be index linked to the RICS Building Cost Information Service Tender Price Index and revised annually to take account of inflation.

Open Space Standards	Ha per 1000 Population
Parks & Gardens	0.50
Informal Green Space	0.50
Equipped Children's & Young People's Space	0.08
Outdoor Sports Space	1.00
Natural Green Space	0.50
Allotments	0.30
Overall open space standard	2.88

Occupation Rates	
Number of Bedrooms	Estimated Number of Residents
1	1.5
2	2.0
3	2.5
4+	3.0
Unknown Dwelling Size	2.5
Student Accommodation	No. of students to be accommodated

Parks & gardens

Item	Works/Goods Description	Rate	Unit	Provision per Ha	Cost per Ha
Clearing	Clear site/ground	£0.56	m ²	10,000	£5,600.00
Pathways	Provide and install 1.5m tarmac path (10%)	£50.00	m ²	1,000	£50,000.00
Planted areas (15%)	Provide Shrubs (80%) & Roses/Bedding Plants (20%)	£20.00	m ²	1,500	£30,000.00
	Supply and spread topsoil up to 150mm	£40.00	m ³	225	£9,000.00
	Cultivate and plant shrubs & bedding plants	£3.00	m ²	1,500	£4,500.00
Grass (70%)	Supply and spread topsoil up to 150mm	£40.00	m ³	1,050	£42,000.00
	Supply & spread grass seed with fertiliser	£0.65	m ²	7,000	£4,550.00
Trees	Supply and establish trees (16/18 minimum)	£415.00	no.	70	£29,050.00
Signage	Supply & install notice board with graphics & info	£1,800.00	no.	1	£1,800.00
	Supply & install descriptive signs (contacts/closing times etc)	£200.00	no.	3	£600.00
Features*	Cost of features e.g. bandstand/toilets	£105,000.00	no.	1	£105,000.00
Fencing	Supply & erect perimeter cast iron boundary fence & gates	£100.00	lin metre	400	£40,000.00
Seating	Supply and install benches	£525.00	no.	10	£5,250.00
Bins	Supply & install litter bins	£360.00	no.	6	£2,160.00
	Supply & install dog bins	£325.00	no.	3	£975.00
Car Parking	Construct visitor car parking	£60.00	m ²	133	£7,980.00
				Subtotal	£338,465.00
Professional fees	Landscape architect/Quantity surveyor/planning fees etc	10	%	1	£33,846.50
				Total cost per Ha	£372,311.50
				Provision rate per 1,000/Ha	0.50
				Rate per person	£186.16

* Indicative facilities/features to be found on a District Park	
Toilet Block	£120,000
Bandstand	£90,000
Average Cost Total	£105,000

Informal green space

Item	Works/Goods Description	Rate	Unit	Provision per Ha	Cost per Ha
Clearing	Clear site/ground	£0.56	m ²	10,000	£5,600.00
Pathways	Provide and install 1.5m tarmac path (10%)	£50.00	m ²	1,000	£50,000.00
Grass (80%)	Supply and spread topsoil up to 150mm	£40.00	m ³	1,200	£48,000.00
	Supply & spread grass seed with fertiliser	£0.65	m ²	8,000	£5,200.00
Planted areas (5%)	Provide Shrubs	£20.00	m ²	500	£10,000.00
	Supply and spread topsoil up to 150mm	£40.00	m ³	75	£3,000.00
	Cultivate and plant shrubs	£3.00	m ²	500	£1,500.00
Hedging	Supply field hedge (5 plants per m)	£1.75	lin metre	200	£350.00
	Clear debris/cultivate/plant	£1.00	lin metre	200	£200.00
Trees	Supply and establish trees (16/18 minimum)	£415.00	no.	20	£8,300.00
	Supply tree whips (60/80)	£0.60	no.	150	£90.00
	Whip planting with rabbit guards	£0.85	no.	150	£127.50
Signage	Supply & install descriptive signs (contact information etc)	£200.00	no.	2	£400.00
Seating	Supply and install benches	£525.00	no.	4	£2,100.00
Bins	Supply & install litter bins	£360.00	no.	4	£1,440.00
	Supply & install dog bins	£325.00	no.	2	£650.00
				Subtotal	£136,957.50
				Provision rate per 1,000/Ha	0.50
				Rate per person	£68.48

Equipped children's & young people's play space

Item	Works/Goods description	Rate	Unit	Provision per Ha	Cost per Ha
Clearing	Clear site/ground	£0.56	m ²	10,000	£5,600.00
Pathways	Construct breedon gravel footpath (15%)	£61.00	m ²	150	£9,150.00
Excavations	Excavate area for loose-fill safer surfacing	£3.50	m ²	450	£1,575.00
Mounding	Form evenly graded mounds from excavated topsoil/subsoil	£12.00	m ²	100	£1,200.00
Drainage	Excavate and form new soakaway	£186.00	m ³	4	£744.00
	Excavate and lay new land drain	£106.00	m	30	£3,180.00
Safer Surfacing	Supply and lay precast concrete edging to edge of surfacing area	£25.00	m	150	£3,750.00
	Supply and lay graded stone subbase for wet pour rubber surfacing	£22.00	m ²	450	£9,900.00
	Supply and lay wet pour rubber safety surfacing	£88.00	m ²	450	£39,600.00
Play Equipment	Supply and install polyethylene tunnel	£2,500.00	no.	1	£2,500.00
	Supply and install toddler multi-play unit	£11,078.00	no.	1	£11,078.00
	Supply and install 3 seat swing	£3,367.00	no.	1	£3,367.00
	Supply and install toddler seesaw	£972.00	no.	1	£972.00
	Supply and install spinner	£540.00	no.	1	£540.00
	Supply and install junior multi-play unit	£18,203.00	no.	1	£18,203.00
	Supply and install basket/flat seat swing	£5,005.00	no.	1	£5,005.00
	Supply and install junior roundabout	£5,449.00	no.	1	£5,449.00
	Supply and install track aerial runway	£6,789.00	no.	1	£6,789.00
	Supply and install five-a-side goals	£5,800.00	no.	1	£5,800.00
Fencing	Supply and erect 1.2 m high railings	£75.00	m	120	£9,000.00
	Supply and install hydraulic self-closing pedestrian gate	£155.00	no.	3	£465.00
	Supply and install 3m wide maintenance gate	£350.00	no.	1	£350.00
Landscape Furniture	Supply and install DDA complaint benches	£1,011.00	no.	3	£3,367.00
	Supply and install flared top metal bin with lid	£695.00	no.	2	£1,390.00
Natural Play	Supply and position granite play boulders	£350.00	no.	5	£1,750.00
	Supply and install natural balance trail	£2,500.00	no.	1	£2,500.00
	Supply and lay grass matting	£38.00	m ²	100	£3,800.00
Horticultural works	Cultivate and grass seed	£10.20	m ²	300	£3,060.00

Item	Works/Goods description	Rate	Unit	Provision per Ha	Cost per Ha
	Cultivate and plant	£30.00	m ²	100	£3,000.00
	Excavate tree pit, supply and plant	£415.00	no.	8	£3,320.00
				Subtotal	£166,404.00
Professional fees	Landscape architect/Quantity surveyor/ planning fees etc	10	%	1	£16,640.40
				Subtotal	£183,044.40
	Model is based on a play area of 1,000 m ² therefore the subtotal is multiplied by 10 to generate the cost per hectare	10			
				Total	£1,830,444.00
				Provision rate per 1,000/Ha	0.08
				Rate per person	£146.44

Outdoor sports space

Item	Works/Goods description	Rate	Unit	Provision per Ha	Cost per Ha
	Based on costs of providing 1 new grass football pitch and associated facilities as per Sport England guidelines	£318,385.00		1	£318,385.00
				Subtotal	£318,385.00
				Provision rate per 1,000/Ha	1.00
				Rate per person	£318.39

Notes

Costs from Sport England facility costs Q1 2010. To provide one pitch, changing room, car parking and access road will cost £355,000 and requires 11,150 m² of space. Therefore a site area multiplier of 1.115 is used to calculate the provision cost per Hectare.

Natural green space

Item	Works/Goods Description	Rate	Unit	Provision per Ha	Cost per Ha
Pathways	Provide and install 1.5m wide tarmac path	£50.00	m ²	150	£7,500.00
	Provide and install 1.5m wide path with MOT 1 stone base and 50mm wood chip top cover	£10.00	m ²	300	£3,000.00
Signage	Supply & install notice board with graphics & info	£1,800.00	no.	1	£1,800.00
Seating	Supply and install benches	£525.00	no.	2	£1,050.00
Bins	Supply & install litter bins	£360.00	no.	1	£360.00
	Supply & install dog bins	£325.00	no.	1	£325.00
Hedging	Supply field hedge (5 plants per m)	£1.75	lin metre	200	£350.00
	Clear debris/cultivate/plant	£1.00	lin metre	200	£200.00
Fencing	Supply & erect post and rail fencing	£21.00	lin metre	394	£8,274.00
Woodland	Supply tree whips (60/80)at 1m centres	£0.60	no.	5,000	£3,000.00
	Whip planting with guards	£0.85	no.	5,000	£4,250.00
Meadows	Supply & spread wildflower grass seed	£0.65	m ²	3,000	£1,950.00
	Cultivate ground for seed sowing	£3.00	m ²	3,000	£9,000.00
Wetlands and Ponds	Provide scrape, ponds, reed beds and marginal planting	£22.00	m ²	1,000	£22,000.00
				Subtotal	£63,059.00
				Provision rate per 1,000/Ha	0.50
				Rate per person	£31.53

Allotments

Item	Works/Goods description	Rate	Unit	Provision per Ha	Cost per Ha
Clearing	Clear site/ground	£0.56	m ²	10,000	£5,600.00
Fencing	Supply and erect 1.8m triple spiked palisade perimeter fencing with access gates	£70.00	Lin metre	400	£28,000.00
Pathways	Provide and install 1.5m wide path with MOT 1 stone base and scalplings top cover	£10.00	m ²	600	£6,000.00
Access Road/Car Parking	Provide 4m access road and car parking for 30 plots. Hardcore and scalplings construction	£10.00	m ²	950	£9,500.00
Toilets	Install composting toilet facility	£8,000.00	no.	1	£8,000.00
Signage	Site sign with contact details	£200.00	no.	1	£200.00
Water supply	Supply and install water standpipes	£1,500.00	no.	10	£15,000.00
				Subtotal	£72,300.00
				Provision rate per 1,000/Ha	0.30
				Rate per person	£21.69

Commuted sums

Summary

Commuted sum payments

Provision	Annual Cost (£/per Ha)	Commuted Sum (£/per m ² x CSM)
Parks & Gardens	22,017	54.45
Informal Green Space	6,249	15.45
Equipped Children & Young Peoples Space	36,772	90.94
Outdoor Sports Space	9,260	22.90
Natural Green Space	4,243	10.49
Allotments	1,346	3.33
Commuted sum period		
Commuted sum period	20 years	
Commuted Sums Multiplier (CSM)		
Commuted Sums Multiplier (CSM)	24.73	

(CSM = Commuted Sum Multiplier (period for contributions + inflation - interest earned))

These costs will be index linked to the RICS Building Cost Information Service Tender Price Index and revised annually to take account of inflation.

It should be noted that the figures shown above for commuted sums are an illustrative guide only to allow an early estimate of the cost of commuted sums. Exact commuted sums will be calculated based on the actual site and facilities to be adopted and the current inflation and interest rates.

Open Space Standards	Ha per 1000 Population
Parks & Gardens	0.50
Informal Green Space	0.50
Equipped Children's & Young People's Space	0.08
Outdoor Sports Space	1.00
Natural Green Space	0.50
Allotments	0.30
Overall open space standard	2.88

Parks & gardens

Main Operation	Maintenance Specification	Rate (£)	Measure / per Ha	Unit	Cost per Ha
Years 1-2					
Maintain Grass	Ornamental Grass (A)	1.621037500	1,000	m ²	1,621.04
	Ornamental Grass (C)	0.221143264	6,000	m ²	1,326.86
Maintain Planted Areas	Ornamental Shrub Beds (A)	3.656175000	1,200	m ²	4,387.41
	Rose Beds (A)	7.305380000	150	m ²	1,095.81
	Annual Bedding (A)	26.896717500	150	m ²	4,034.51
	Replacement plant stock (10%)	20.00	150	m ²	3,000.00
	Plant replacement stock	3.00	150	m ²	450.00
Maintain Paths	Paths & Hard Surfaces (A)	0.518240	1,000	m ²	518.24
Maintain Car Park	Paths, Hard Surfaces, Car Parks (A)	0.518240	133	m ²	68.93
Maintain Features	Toilets	94.605450	30	m ²	2,838.16
General Maintenance	Litter Bins (A)	132.286500	6	no.	793.72
	Dog Bins (A)	135.659160	3	no.	406.98
	Litter General (A)	0.159759332	8,500	m ²	1,357.95
	Graffiti Removal/Clean signs,bins etc	250.00	1	no.	250.00
Inspections/Security	Weekly patrol by Parks Officer	12.77	52	visits	664.04
			Total cost		22,813.64
Years 3 onwards					
Maintain Grass	Ornamental Grass (A)	1.621037500	1,000	m ²	1,621.04
	Ornamental Grass (C)	0.221143264	6,000	m ²	1,326.86
Maintain Planted Areas	Ornamental Shrub Beds (A)	3.6561750	1,200	m ²	4,387.41
	Rose Beds (A)	7.3053800	150	m ²	1,095.81
	Annual Bedding (A)	26.8967175	150	m ²	4,034.51
Maintain Trees	Remedial work & surveying 1/5 years	13.00	14	no.	182.00
Maintain Paths	Paths & Hard Surfaces (A)	0.5182400	1,000	m ²	518.24
	Repair/resurface hard surface (4%)	25.00	40	m ²	1,000.00
Maintain Car Park	Paths,Hard Surfaces,Car Parks (A)	0.5182400	133	m ²	68.93
	Repair/resurface hard surface (4%)	25.00	5.32	m ²	133.00
Maintain Features	Toilets	94.6054500	30m	m ²	2,838.16

Main Operation	Maintenance Specification	Rate (£)	Measure / per Ha	Unit	Cost per Ha
General Maintenance	Litter Bins (A)	132.286500	6	no.	793.72
	Dog Bins (A)	135.659160	3	no.	406.98
	Litter General (A)	0.159759332	8,500	m ²	1,357.95
	Graffiti Removal/clean signs, bins etc	250.00	1	no.	250.00
	Clean & repaint fencing 1/20 years	60.00	20	lin metres	1,200.00
	Paint Seats 1/5 years	25.00	2	no.	50.00
Inspections/Security	Weekly patrol by Parks Officer	12.77	52	visits	664.04
Total cost					£21,928.64
Average cost per year/per hectare					£22,017.14
Cost x CSM					£544,477.46
Commuted sum per m²					£54.45
CSM = Commuted Sum Multiplier (period for contributions + inflation - interest earned)					

Informal green space

Main Operation	Maintenance Specification	Rate (£)	Measure / per Ha	Unit	Cost per Ha
Years 1-2					
Maintain Grass	Amenity Grass (E)	0.214237259	8,000	m ²	1,713.90
Maintain Planted Areas	Amenity Shrub Beds (A)	1.044644254	500	m ²	522.32
	Replacement plant stock (10%)	20.00	50	m ²	1,000.00
	Plant replacement stock	3.00	50	m ²	150.00
Maintain trees	Replacement whip planting (10%)	0.60	15	no.	9.00
	Whip planting with guards	0.85	15	no.	12.75
Maintain Paths	Paths & Hard Surfaces (B)	0.518082	1,000	m ²	518.08
General Maintenance	Litter Bins (A)	132.286500	4	no.	529.15
	Dog Bins (A)	135.659160	2	no.	271.32
	Litter General (B)	0.05330	10,000	m ²	533.00
	Graffiti Removal/clean signs,bins etc	150.00	1	no.	150.00
Inspections/Security	Weekly patrol by Parks Officer	12.77	52	visits	664.04
			Total cost		5,673.32
Years 3 onwards					
Maintain Grass	Amenity Grass (E)	0.214237259	8,000	m ²	1,713.90
Maintain Planted Areas	Amenity Shrub Beds (A)	1.044644254	500	m ²	522.32
Maintain Trees	Remedial work & surveying 1/5 years	13.00	4	no.	52.00
	Whip (new planting) establishment maintenance	0.1444	150	m ²	21.66
Maintain Hedgerow	Hedgerow (B)	0.4413650	800	m ²	353.09
Maintain Paths	Paths & Hard Surfaces (B)	0.518082	1,000	m ²	518.08
	Repair/resurface hard surface (4%)	25.00	40	m ²	1,000.00
General Maintenance	Litter Bins (A)	132.286500	4	no.	529.15
	Dog Bins (A)	135.659160	2	no.	271.32
	Litter General (B)	0.053300000	8,500	m ²	453.05
	Graffiti Removal/clean signs,bins etc	150.00	1	no.	150.00
	Paint Seats 1/5 years	25.00	0.8	no.	20.00

Main Operation	Maintenance Specification	Rate (£)	Measure / per Ha	Unit	Cost per Ha
Inspections/Security	Weekly patrol by Parks Officer	12.77	52	visits	664.04
		Total cost			£6,268.61
		Average cost per year/per hectare			£6,249.10
		Cost x CSM			£154,538.48
		Commuted sum per m²			£15.45
CSM = Commuted Sum Multiplier (period for contributions + inflation - interest earned)					

Equipped children's & young people's space

Main Operation	Maintenance Specification	Rate (£)	Measure / per 1,000m ²	Unit	Cost / per 1,000m ²
Maintain Grass	Amenity Grass (E)	0.214237259	300	m ²	64.27
Maintain Planted Areas	Amenity Shrub Beds (A)	1.044644254	100	m ²	104.46
	Replacement plant stock (10%)	20.00	10	m ²	200.00
	Plant replacement stock	3.00	10	m ²	30.00
Maintain Paths	Paths & Hard Surfaces (A)	0.518240	600	m ²	310.94
General Maintenance	Litter Bins (A)	132.286500	2	no.	264.57
	Dog Bins (A)	135.659160	1	no.	135.66
	Litter General (B)	0.05330	1,000	m ²	53.30
	Graffiti Removal/clean signs,bins etc	150.00	1	no.	150.00
Maintain Trees	Remedial work & surveying	65.00	8	no.	520.00
Visual Inspections	Weekly inspection by Play & Youth Team	21.00	52	visits	1,092.00
Operational Inspections	Monthly inspection by Play & Youth Team	21.00	12	visits	252.00
Play Equipment repairs	Contingency sum	500.00	1	no.	500.00
		Total Cost			£3,677.20
		Cost x CSM			£90,936.08
		Commutated sum per m²			£90.94
CSM = Commuted Sum Multiplier (period for contributions + inflation - interest earned)					

Outdoor sports space

Main Operation	Maintenance Specification	Rate (£)	Measure / per Ha	Unit	Cost per Ha
Maintain Pitch	Football Pitch (A)	1016.5325	1	pitch	1,016.53
	Vertidrain	0.1450	6,400	m ²	928.00
	Sand top dress 1/2 years	0.3000	3,200	m ²	960.00
	Overseed	0.0640	6,400	m ²	409.60
Maintain Grass buffer	Amenity Grass (E)	0.214237259	3,680	m ²	788.39
Maintain Pavilion	Changing Room Cleaning (A)	16.56564	65	m ²	1,076.77
	Showers Cleaning (A)	41.14678	20	m ²	822.94
	Toilets Cleaning (A)	27.0301	15	m ²	405.45
	General building maintenance/security	7.50	100	m ²	750.00
Maintain access road & car park	Paths, hard surfaces & car parks (A)	0.51824	950	m ²	492.33
	Repair/resurface hard surface (4%)	25.00	38	m ²	950.00
Goal Posts	Paint (pair)	50.00	1	no.	50.00
	Replace posts & nets 1/10 years	775.00	0.1	no.	77.50
Litter	Litter (A)	0.159759332	10,000	m ²	1,597.59
Total cost					£10,325.10
Total cost per Ha					£9,260.18
Cost x CSM					£229,001.53
Committed sum per m²					£22.90
A site area multiplier of 1.115 is used to calculate the provision cost per Hectare.					
CSM = Commuted Sum Multiplier (period for contributions + inflation - interest earned)					

Natural green space

Main Operation	Maintenance Specification	Rate (£)	Measure / per Ha	Unit	Cost per Ha
Maintain Meadow	Meadow (A)	0.13366	3,000	m ²	400.98
Maintain Wetlands & Ponds	Waterbody (B)	0.9625775	1,000	m ²	962.58
Maintain Hedgerow	Hedgerow (A)	0.4413650	200	m ²	88.27
Maintain Woodland	Woodland (new planting) establishment maintenance	0.1444	5,000	m ²	722.00
Maintain Paths	Paths & Hard Surfaces (B)	0.518082	150	m ²	77.71
	Topdress mulched paths @20%	1.10	60	m ²	66.00
	Repair/resurface hard surface (4%)	25.00	6	m ²	150.00
Maintain Fence	General repairs	250.00	1	no.	250.00
General Maintenance	Litter Bins (A)	132.286500	1	no.	132.29
	Dog Bins (A)	135.659160	1	no.	135.66
	Litter General (B)	0.05330	10,000	m ²	533.00
	Paint Seats 1/5 years	25.00	0.4	no.	10.00
	Graffiti Removal/clean signs,bins etc	50.00	1	no.	50.00
Inspections/Security	Weekly patrol by Parks Officer	12.77	52	visits	664.04
		Total cost			£4,242.53
		Cost x CSM			£104,916.48
		Committed sum per m²			£10.49
CSM = Commuted Sum Multiplier (period for contributions + inflation - interest earned)					

Allotments

Main Operation	Maintenance Specification	Rate (£)	Measure / per Ha	Unit	Cost per Ha
Maintain Fence	General repairs	250.00	1	no.	250.00
Maintain Paths & Car Park	Paths, hard surfaces & car parks (B)	0.518081721	1,550	m ²	803.03
General Maintenance	Litter General (C)	0.027841316	1,550	m ²	43.15
	Repair water supply	250.00	1	no.	250.00
			Total cost		£1,346.18
		Cost x CSM			£33,290.65
			Commuted sum per m²		£3.33
CSM = Commuted Sum Multiplier (period for contributions + inflation - interest earned)					

References for S106 cost model

1. Suggested framework for valuing parks & gardens: Making the invisible visible: the real value of park assets, Cabe Space 2009.
2. Costs for enhancement and new off site provision are based on the laying out of one hectare of each different green space typology, identified as part of PPG17 study and Green Space Strategy. In addition to the costs for enhancement and new off site provision, a contribution towards the cost of land acquisition for the provision of new off site green space will be expected.
3. Formal definitions of park categories - based on Association of Public Excellence's (APSE) criteria.
4. Tree information supplied by LCC Tree Officer from EZYTrees database. Average cost of new tree / Average number of trees per Ha on LCC Green Flag parks & gardens.
5. Furniture prices based on standard parks furniture from Broxap.
6. PPG17 para 33. Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs. It is essential that local authorities have undertaken detailed assessments of needs and audits of existing facilities, and set appropriate local standards in order to justify planning obligations.
7. PPG17 companion guide para 6.22: Where a developer contributes to off-site provision there is a need for a normalised **capital cost per unit of provision** to establish the payment required. This cost can include any or all of:
 - Land costs and related legal fees;
 - Construction costs (where appropriate, including both the open space or facility and any essential related works, such as fencing, security or floodlighting, CCTV, changing accommodation, car parking and road access) and related design fees;
 - Essential equipment e.g. goalposts or sightcreens;
 - VAT, if this will be non-recoverable.
8. Professional fees in line with recommendations from LCC Property Services (Project Group).
9. Car Park figure based on average area of car parking space at LCC Green Flag parks & gardens. AP 97m²/Ha, AHG 247 m²/Ha, EP 136.5 m²/Ha, KP 50 m²/Ha = 132.6m² per Ha (excludes Abbey Meadows).
10. Outdoor sports space costs based on Sport England Facility Costs (updated Q1 2010) for providing one grass pitch with two team changing pavilion and car parking and access road. Sport England costs used as independent and updated on a quarterly basis.
11. Natural green space based on enhancing a matrix of habitats as advised by LCC Nature Conservation Officer.
12. Allotment costs from refurbishment of sites at Groby Road and Walshe Road 2009/10 provided by LCC Allotments Manager.

APPENDIX 3

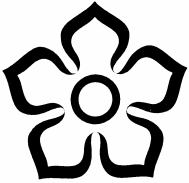
Consultation Draft Green Space SPD (15.11.2010 and 13.12.2010) - Responses received and Council response

Consultee	Comment	Council Response
P + DC Committee	It was noted that there would be a four week period of public consultation and Members questioned whether enough time had been allowed for this.	The consultation period of four weeks is in accordance with central government regulations. No Change.
P + DC Committee	Officers explained that the strategy considered the quantity, quality and the accessibility and links between the green spaces. Members heard that the study could be used as a tool to aid S106 negotiations. Members commented that it was important to protect rights of access.	The SPD seeks to improve the accessibility and links between green spaces, although access rights to individual green spaces is considered on a site by site basis and is therefore not considered in the document. No Change.
P + DC Committee	Members thanked officers for the report and asked them to note that Humberstone Ward as referred to in Appendix 1, should read Humberstone and Hamilton.	This section of the Green Space SPD has been corrected to “Humberstone and Hamilton.” Amend Document.
English Heritage	<p>While the SPD focuses mainly on standards of provision, including the shortfalls in specific areas of the City, there is reference to the opportunities for enhancement, particularly for biodiversity (page 15). It should not be forgotten that Abbey Park, Belgrave Hall, New Walk and Victoria Park are all Grade II registered parks and gardens (as are Saffron Hill and Welford Road cemeteries). They also include a large number of listed structures and buildings and the scheduled abbey remains at Abbey Park. There are also extensive scheduled monuments within the Castle Hill recreational area in the north of the City; at the Jewry Wall site and Leicester Castle. There will be other undesignated parks of local historic interest.</p> <p>It is therefore suggested that a small section should be added on page 15 to highlight the opportunities to enhance the designated heritage assets within these parks; this could include improvements to</p>	Sentence added to page fifteen: “Heritage assets are sometimes found in green spaces. Proposals to enhance heritage assets should be considered in parallel with green space enhancements. Please contact the Building Conservation Officer on (0116) 252 7222 for more information.” Amend Document.

	their care and maintenance or their interpretation. It should also be made clear that when works are being undertaken, the advice of English Heritage or the City heritage team should be sought, as appropriate.	
Environment Agency	The Environment Agency welcomes the paragraph regarding Biodiversity on page 15 of the document which states that, " <i>When undertaking works to green spaces, protected species, Biodiversity Action Plan species and biodiversity must be considered. Native species will be preferred in planting schemes for the creation of new green spaces and habitats should be managed in order to enhance biodiversity.</i> "	Support noted. No Change.
Member of public	Make sure the Green Ringway is a site specific indication in the document.	It is not possible to set site specific allocations through an SPD. No Change.
Leicestershire Police	<p>The relationship between green spaces and crime needs to be considered in the document. Your policy which also deals with enhancement of existing green spaces should include mitigating crime and threats to community safety as eligible items for expenditure and I would suggest that this is specifically mentioned at Stage 3 page 14.</p> <p>Leicestershire police fully support your proposals for adoption and maintenance as unkempt land can generate crime. Apart from a clear function and maintenance the following are also important in planning new spaces-</p> <ul style="list-style-type: none"> - Understanding existing patterns of crime. - Relationship to public realm and accessibility in the scheme and the overall mix of public/semi private and private spaces. - Oversight and proximity to other uses particularly where facilities are proposed. - Sentinels, boundary treatment and gating, juxtaposition to other uses. 	<p>Sentence added to page fifteen which reads: "Green spaces and their relationship to developments should be designed and maintained in accordance with "Secured by Design" principles in order to reduce crime, the fear of crime and to promote public safety." Amend document.</p>

	<ul style="list-style-type: none"> - Landscaping and crime. - Footpaths and surface treatments. - Lighting. <p>It is appreciated that this is not a design document however these aspects are highlighted to exemplify the need for mention in policy and certainly as you seek to identify different types of green spaces.</p>	
Natural England.	Natural England would like the SPD to follow their accessible natural green space standards (ANGst) which are quite widely defined but which set the amount of green space provision in terms of the distance from where people live. Natural England urges your Authority to review the draft Green Space SPD to take account of the ANGst standards and principles.	The ANGst standards were considered during the production of the Core Strategy. However it was found that due to the built pattern of Leicester, some of the ANGst standards would be impossible to achieve. This accords with Paragraph 10.17 of the PPG17 companion guide which states that the ANGst standards can be difficult and sometimes impossible to achieve. It was therefore decided not to adopt these standards. The City Council therefore commissioned a PPG17 compliant Open Space Study which has set local standards for Green Space provision. These standards have been adopted through the Councils adopted Core Strategy and are reflected in the Green Space SPD. No Change.
Leicestershire County Council	No comments	Noted. No Change.
Ward Councillor	Concerned that there is no mention of the minimum distances that off site green space should be located from the proposed development.	Page 9 of the SPD gives access standards in terms of reasonable distances to travel to green space. The council would generally expect off site green spaces to be located within these

		distances to serve the development. No Change.
	Can the SPD have a requirement that the S106 funding is only spent in the ward where the development is located?	Developer contributions must be directly related to the proposed development. Therefore we would expect enhancement contributions to be spent within the vicinity of the development, and would use the access distances outlined above as a guide. It may be the case that green space in the same ward would fall well outside the access distances and would therefore not serve the development. Therefore it would be unreasonable to insist that developer contributions are spent in the same ward as the development. No Change.
University of Leicester	The calculations exclude UoL sports provision at Oadby. It should be considered as part of the assessment of open space need relating to new development because it is an acceptable distance from the central campus. The SPD should include wording to reflect the consideration of whether students would have access to specific University/college sports facilities	A sentence should be added to the first paragraph on page 13 and inserted before the last sentence that reads: “In the case of accommodation provided by the Universities, access to the University’s own sports grounds will be considered in negotiations.” Amend document.



Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

OSMB

7th April 2011

Report of the Culture and Leisure Scrutiny Task Group
“Review of Leicester City Council’s Green Space Strategy”

Report of Councillor Clair, Task Group Leader, Culture and Leisure

1. Purpose of Report

- 1.1 This report presents the findings of the Culture and Leisure Scrutiny Task Group’s review into Leicester City Council’s Green Space Strategy (2009-15).

2. Summary

- 2.1 In Autumn 2010 the Overview and Scrutiny Management endorsed the Culture and Leisure Task Group’s proposed review of the Council’s Green Space Strategy. The aim of the review was to:
- Assess the progress to date in increasing the number of Green Flag Awards in the City;
 - Determine the extent to which the Council has secured the necessary funding to support the additional Green Flag applications;
 - Consider the progress made on the design and development of District Parks as identified in the Strategy.

3. Recommendation

- 3.1. OSMB is asked to endorse the recommendations and conclusions outlined in section 4 below and to request a divisional update against these recommendations not later than September 2011.

4. Conclusions and recommendations

- 4.1 The Task Group makes the following **conclusions**, namely that:

- 4.1.a Given the evidence presented to the Task Group, which shows a strong correlation between Green Flag status and the satisfaction level of users, it is right for Parks Services to continue to place emphasis on the attainment of Green Flag Awards;

4.1.b In consideration of the current economic climate, the council should focus on sustaining the existing Green Flags and that the target for achieving future awards be amended in the Green Spaces Strategy, and related corporate documents, to a total of 9 by 2013;

4.1.c The economic climate has shifted so dramatically since the inception of the Green Spaces Strategy that partnership between the Council and external agencies will be integral to meeting the aspirations and objectives of that strategy.

4.2 In addition, the Task Group makes the following **recommendations**:

4.2.a That every effort be made to establish and resource a full-time post of Green Spaces Strategy Officer within the most relevant pending organisational review;

4.2.b That regular meetings of a City-wide parks forum be held six-monthly, this forum to include community groups with an interest in open spaces;

4.2.c That the Director, Environmental Services, encourage parks users and “friends of” groups to use the existing Community Meetings framework to promote their activities and apply for funding for their activities;

4.2.d That Parks Services report back to the Task Group Leader, Culture and Leisure within six months on:

- A desk-top assessment of the feasibility of forming partnerships with other organisations and/or individuals for the maintenance and improvement of the City’s green spaces (including the possibility of promoting the City centre’s architecture through high quality hard and soft landscaping);
- Progress towards the development of the six District Parks.

4.2.e That a complete audit of existing toilet provision in the City’s parks be carried out, to establish the current standard of provision and enable a planned maintenance schedule to be devised. The Task Group carried out some sample visits and found, for example, that the disabled toilets in Abbey Park require urgent refurbishment;

4.2.f That a study be undertaken to establish the feasibility of providing toilet facilities in those City parks where there are currently none.

5. Report

5.1 Parks and open spaces have a high public profile in Leicester and have the potential to engage residents and visitors in a positive and inclusive way. There is also evidence to suggest that the state of parks and open spaces has a direct link to the way the Council is perceived by the public. It is with this background that the Task Group decided upon this area of study.

5.2 The Task Group review was conducted across five meetings held between October 2010 and January 2011. The Overview and Scrutiny Management Board endorsed the scope of the review at its meeting in September 2010, the objectives of which are set out at Annex A. The agendas and minutes of those meetings can be found at the following internet links:

<http://www.cabinet.leicester.gov.uk/ieListMeetings.aspx?CId=620&Year=2011>

5.3 These Task Group meetings, and the information provided to them by officers, provide the bulk of the evidence for this review. Members wish to place on record their thanks to officers for their time and contribution to the review.

5.4 As part of the review Members received detailed briefings on the distribution of green spaces across the city, the workings of the Green Flag criteria and the key criteria by which Green Flag status is assessed.

5.5 It was explained to Members that development of the six District Parks, as outlined in the Green Spaces Strategy, was dependent on the allocation of designated development officers. As things stand it was felt that these plans would be achievable over a six year period. Additional resources might allow for this to happen, instead, over roughly two years. The development of these District Parks was considered by the Task Group to still be vitally important as a means of equalising the standard and accessibility of parks and green spaces across the City.

5.6 During the course of their review Members were also made aware of how the Parks service intends to consult with residents concerning the oversupply of green spaces in the City, and of the good work around making work placements available to young people.

5.7 As well as the formal Task Group meetings, views and opinions were sought from "Friends of" and user groups across the city. These responses were presented to Members and have informed the outcome of the review.

5.8 Members undertook site visits to a number of parks and investigated the state of the public toilets. Whilst the bulk of these were of good or satisfactory condition it was noted that the disabled toilets in Abbey Park were in a state of significant disrepair. These visits bring context to recommendation 4.2.e above.

6. Implications

6.1 The Task Group asks the Executive to take into consideration the financial, legal and other implications when responding to the recommendations in this report.

7. Consultations

7.1 As already stated, relevant user groups have been invited to share their views within the context of this review. Parks officers have been an integral part of the review and have checked this report for factual accuracy.

8. Report Author

Gordon Armstrong, Members Support Office

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DRAFT

Annex A

Extract of scoping document submitted to OSMB 23rd September 2010

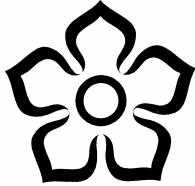
Purpose and Objectives of Review

The aim of this review will be to determine the extent to which the Green Space Strategy is currently being implemented, together with looking at the design and development of a comprehensive funding strategy to realise its intended aims and objectives

In addition, the Strategy aims to carry out a number of public consultations both in relation to the disposal of land for housing purposes where there is an over-supply but also in the development and implementation of forward plans for those District Parks highlighted for support in the Strategy. The review aims to look at progress to date on the design and development of 3 key areas:

- Progress to date in increasing the numbers of Green Flag Awards in the City;
- The securing of additional funding to support the additional Green Flag applications;
- The design and development of the District Plans as identified in the Strategy.

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Leicester
City Council

WARDS AFFECTED
All Ward

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet Briefing

21st March 2011

OSMB Agenda

28th March 2011

OSMB

7th April 2011

Cabinet

11th April 2011

**Illegal Money Lending and Delegation of Powers
to Birmingham City Council**

Report of the Strategic Director, Development, Culture and Regeneration

1. Purpose of the Report

To approve the delegation of enforcement and prosecution powers to Birmingham City Council to enable the Illegal Money Lending Section within Birmingham Trading Standards (IMLS) to undertake investigations into illegal money lending in the Leicester City area and take appropriate enforcement actions.

2. Recommendations

Cabinet are recommended to:

- 2.1 Delegate to Birmingham City Council the discharge of the enforcement function and powers under the Consumer Credit Acts 1974 and 2006 and any legislation which amends or succeeds the same, including any secondary legislation made there under in so far as they relate to illegal money lending in Leicester City and for such cases and investigations as are agreed between the Authorities.
- 2.2 Delegate to Birmingham City Council, for the exercise of this function and in so far as the law allows, powers in respect of any associated offence which may become apparent under other legislation or at Common Law including, but not limited to:
- The Administration of Justice Act 1970
 - The Business Names Act 1985
 - The Consumer Credit Act 1974
 - The Criminal Attempts Act 1981
 - The Criminal Justice and Police Act 2001
 - The Criminal Law Act 1977
 - The Fraud Act 2006
 - The Malicious Communications Act 1988

- Consumer Protection Act 1987
- Offences Against the Person Act 1861
- Theft Act 1968 and 1978
- Proceeds of Crime Act 2002
- Perverting the course of justice
- False imprisonment
- Kidnap
- Blackmail

2.3 To authorise the Divisional Director Environmental Services to sign the Protocol subject to the Head of Legal Services being satisfied as to its contents.

2.4 To authorise the Divisional Director Environmental Services to agree any amendments to the Protocol in the light of how the project develops, subject to consultation with the Cabinet lead.

3. Introduction

3.1 Money lending in the UK is subject to statutory requirements and compliance is controlled by the Financial Services Authority, the Office of Fair Trading and also by local authorities through their trading standards services. The statutory requirements apply to the whole business process from advertising, canvassing of loans, information provision, loan settlement and debt collection. The price of loans – the interest rates – while not subject to any statutory interest ceilings must not be extortionate and are challengeable in courts.

3.2 Money lenders must be licensed by one of the authorising bodies before they can trade and a license can be refused or subsequently removed if they are found to be unfit to work in this sector, for example, because they have convictions for fraud or assault.

3.3 Government funded pilot illegal money lending units in Birmingham and Glasgow have confirmed the existence of money lenders who are unlicensed and engaged in unfair conduct including the charging of extortionate rates of interest and using intimidation and violence to recover loans.

3.4 The Government estimates that as many as 10,000 households in the East Midlands are exploited by loan sharks every year and believes that many of these will be located in the cities of Leicester, Derby and Nottingham.

4. Illegal Money Lending Pilots

4.1 The illegal money lending pilot was set up in autumn 2004 in response to the 2001 Labour election manifesto commitment to tackle illegal money lending. Under the pilot, DTI funded two dedicated teams based in the Trading Standards Services (which have responsibility for enforcement against unlicensed lenders) in Glasgow City Council and Birmingham City Council, primarily to investigate offences of illegal money lending.

4.2 The work of the two illegal lending teams made a huge contribution to raising awareness of the nature and impact of illegal lending; understanding how best to tackle the problem; knowing where there are likely to be concentrations of

illegal lending; and understanding the need to provide victims of loan sharks with help to access affordable credit and other sources of support.

- 4.3 Illegal moneylenders operate primarily in urban areas with high proportions of rented accommodation. They tend to target the most vulnerable in society, such as single mothers in receipt of benefits, people with drug dependency and people with mental health issues, although the profile of victims varies widely. Illegal lenders often impose penalty charges for missed payments and “top up” loans, with the result that borrowers do not know how much they need to repay nor for how long. Some loan sharks draw their victims into a criminal lifestyle if they are unable to pay their debts, for example receiving stolen goods, shop-lifting, providing false alibis and even prostitution. Investigations into illegal money lending have also uncovered offences relating to benefit and mortgage fraud, blackmail, drugs, firearms and counterfeit goods.
- 4.4 The evaluation of the pilots showed that the pilot teams had a clear impact in identifying cases of illegal money lending, instituting proceedings against illegal money lenders, and securing prosecutions (with others expected to follow

5. East Midlands Public Protection Project Team

- 5.1 In January 2007 the Government announced the funding of a network of regional Illegal Money Lending Units to tackle illegal money lending directly and to facilitate access to alternative sources of information, advice and finance. The Government envisaged these Units being delivered by local government and working in close with Trading Standards Services and partners.
- 5.2 In the absence of any suitable regional local government institutional vehicle, Nottingham City Council volunteered to host the Illegal Money Lending Unit for the East Midlands and received the support of all the Heads of Trading Standards in the East Midlands.
- 5.3 In May 2008 Cabinet delegated enforcement of laws against illegal money lending to Nottingham City Council. An outline of their activity in Leicester is in Appendix B.

6. Establishment of the England Illegal Money Lending Team

- 6.1 On the 29 December 2010 Business Minister Edward Davey announced that £5.2 million in funds will be available to continue the national Illegal money lending project for 2011/12 through the trading standards service.
- 6.2 In addition, the minister also announced that the Department For Business Innovation And Skills (BIS) intended to restructure the illegal money lending regional network by creating a three national team model. The Minister indicated that BIS were looking to maintain front line services whilst providing a value for money project.
- 6.3 Birmingham City Council were chosen to host the England team and provide the capability to investigate illegal money lending across England. The decision was made on the basis of the efficiencies associated with the expansion and the excellent track record of the Birmingham unit.

6.4 Since its establishment the Birmingham Unit has:

- Identified over 1,700 illegal lenders
- Arrested over 500 illegal money lenders (loan sharks)
- written off over £37 million of illegal debts (money victims would have paid back to illegal lenders if they had not acted)
- secured over 182 prosecutions, resulting in prison sentencing totalling over 107 years and one indefinite helped over 16,000 victims of loan sharks including the most hard to reach individuals
- referred over 600 victims to alternate (legal) sources of financial support

6.5 The benefit that this team can bring to Leicester City is significant. Leicester City Council, like most local authorities, is not able to provide and sustain the level of specialist resource to deliver this function. This is a good example of how sharing resources on specific issues can bring benefits otherwise unavailable in providing support to vulnerable consumers and tackling rogues.

7. Delegation of Powers

7.1 The Consumer Credit Acts 1974, 2006 and associated legislation place duties on local authorities to enforce the provisions on those acts in their area and enable them to authorise their officers to utilise certain powers such as powers of entry to commercial premises, power to access and seize documentation, to undertake surveillance, to apply for warrants.

7.2 The duties of a local authority, and the officer powers that flow from them, are generally confined to tackling legislative breaches occurring in the geographical area. An officer of one local authority is not able to investigate a legislative breach that occurs in another local authority area.

7.3 Therefore, in order to benefit from this new consumer protection resource Leicester City Council, on the advice of Legal Services, must delegate the enforcement function to Birmingham City Council. This delegation will enable Birmingham City Council to authorise IMLS (TS) staff to undertake investigations in Leicester City and to commence associated legal proceedings including prosecution of offenders.

8. The Protocol and operational arrangements

8.1 The intended operational arrangements between BCC and LCC are documented in the **PROTOCOL FOR ILLEGAL MONEY LENDING SECTION INVESTIGATIONS** (see Appendix A) and, subject to the agreement of the Head of Legal Services, the Protocol will be signed by the Divisional Director Environmental Services. From time to time, changes may be necessary to the Protocol. These will be agreed by the Divisional Director Environmental Services following consultation with the Cabinet lead.

8.2 The Protocol contains the following key provisions:

- BCC will be liable for the competence and actions of all persons employed within the IMLS.
- BCC will brief LCC on any operations underway and their conclusion
- BCC and LCC may agree for LCC officers to be transferred to work with the IMLS

- BCC may withdraw the delegation at any time but not unreasonably
- LCC will appoint a Contact Officer to liaise with BCC

8.3 Leicester City Business Regulation will assist in investigations and, by agreement, investigations may be transferred to and from Leicester City Trading Standards Service for further action including legal proceedings.

8.4 Birmingham City Council and the IMLS will adhere to statutory codes of practice including those relating to the use of regulatory powers, surveillance and information processing and disclosure.

8.5 The Divisional Director Environmental Services recommends that Cabinet approve the recommendations as set out in paragraph 2.

9 Financial Implications

9.1 Birmingham City Council are hosting the ILMS and are responsible for its financial management.

9.2 Funding for the East Midlands Illegal Money Lending Unit is being provided from the Government's Financial Inclusion Fund and will cease at the end of March 2011. There are no financial implications for Leicester City Council.

9.3 The funding agreement between Birmingham City Council and HM Treasury covers all the running costs of the ILMS and provisions to cover the costs of expected legal proceedings and no resources will be required from Leicester City Council.

Martin Judson, Head of Finance, x297390

10 Legal Implications

10.1 Section 161 of the Consumer Credit Act 1974 requires each local weights and measures authority to enforce the provisions of that Act within their local authority boundary. Under the provisions of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, it is necessary for the Cabinet, as the current Leicester City Council Executive to formally delegate this function to Birmingham City Council under sections 13 and 19 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000

10.2 The enforcement Powers under the various consumer credit acts and associated legislation is an Executive Function and requires Cabinet approval for its delegation to another local authority.

10.3 Delegation of the enforcement Powers in respect of illegal money lending is necessary from Leicester City Council to Birmingham City Council in order to enable Birmingham City to properly authorise its employees to undertake investigations, including surveillance, in the area of Leicester City and to commence legal actions against identified offenders and their assets.

Anthony Cross, Head of Litigation, x296362

11 Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References within this report
Raising Standards	NO	
Equal Opportunities	NO	It is often the poorer and more vulnerable members of society who become victims of illegal moneylenders and find it difficult to access appropriate support and help.
Policy	NO	
Sustainable and Environmental	NO	
Crime and Disorder	YES	<p>4.5, 5.2</p> <p>Illegal moneylenders invariably target low-income households and the most vulnerable members of society. This can mean that their activities have disproportionate implications for the more deprived areas and action taken against them therefore supports the policy priorities associated with crime and disorder and protecting the more vulnerable members of the community.</p> <p>Illegal money lending has a serious detrimental effect on both individuals and the community. Tackling the root causes and providing legitimate alternative sources of credit will contribute to reducing stress and pressures on many individuals and communities.</p> <p>Marginalising rogue traders creates an environment which supports and encourages legitimate credit providers and reduces the fear of crime.</p>
Human Rights Act	YES	6.3 Birmingham City Council as a public body complies with HRA, DPA, RIPA.
Elderly/People on Low Income	YES	4.3
Corporate Parenting	No	
Health Inequalities Impact	No	

12.

RISK ASSESSMENT MATRIX			
Risk	Likelihood	Severity Impact	Control Actions (if necessary/or appropriate)

	L/M/H	L/M/H	
Breaches of investigation confidentiality	L	M	IMLS reports on current investigations channelled through LCCCO.
Threats to health & safety of victims and officers	M	H	Assured confidentiality for complainants and data; Single Points of Contact between local authority and IMLS; secure liaison with police and other law enforcement agencies through LCC Intelligence Officer; documented protocols.
Inappropriate use of investigatory powers in Leicester	L	L	Recruitment of suitably qualified and trained staff and managers; specialist legal advice available.
Disproportionate use of statutory sanctions against Leicester based offenders	L	M	Application of the Regulators Compliance Code and Prosecutors Code.

L - Low L - Low
M - Medium M - Medium
H - High H - High

13. Background Papers – Local Government Act 1972

Illegal Money Lending and Delegation of Powers to Nottingham City Council,
Report of the Corporate Director (Regeneration and Culture), Cabinet 12 May 2008

14. Consultation

Heads of Trading Standards for Leicestershire County Council, Northamptonshire County Council, Derbyshire County Council, Lincolnshire County Council, Nottingham City Council and Derby City Council.

15. Report Author/Officer to contact:

Roman Leszczyszyn
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Leszr001@leicester.gov.uk
0116 252 6590

Appendix A

DEPARTMENT FOR BUSINESS INNOVATION AND SKILLS (BIS) ILLEGAL MONEY LENDING PROJECT

PROTOCOL FOR ILLEGAL MONEY LENDING SECTION INVESTIGATIONS

Interpretation

For the purposes of this Protocol –

“**BCC**” means Birmingham City Council

“**LCC**” means Leicester City Council

“**IMLS**” means the Illegal Money Lending Section

“**Delegated Power**” means the discharge of the function of the Enforcement of Part III of the Consumer Credit Act 1974 granted to BCC by LCC in pursuance of section 101 and 222 of the Local Government Act 1972, Regulation 7 of the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2000, sections 13 to 19 of the Local Government Act 2000 and any other legislation enabling the discharge

“**Commencement Date**” means the date the Delegated Power is granted

“**Term**” means from the date of signing of this protocol to 31st March 2015

“**Birmingham Trading Standards**” means Regulatory Services of BCC

“**LCC Contact Officer (LCCCO)**” means the relevant person appointed by the Head of Business Regulation of LCC to liaise with the Head of Illegal Money Lending Section on matters relating to and in connection with the Illegal Money Lending Project

“**Appropriate Contact Officer**” means The Director of Regulatory Services, Head of
of
Trading Standards or the Head of Illegal Money Lending of Birmingham
Regulatory Services or any person nominated by the Council or authorised by them

1. Application

1.1 This Protocol applies to the DBIS / HM Treasury funded ‘Illegal Money Lending Project’ and covers the following issues:-

- The conduct of investigations and associated working practices for the IMLS officers when conducting investigations or operating in LEICESTER.
- The mechanisms whereby LEICESTER CITY COUNCIL is updated on the progress of the project and any significant issue relating thereto.
- The exchange of intelligence and information between the IMLS and LCC
- The institution of legal proceedings.

2. Protocol

- 2.1 The purpose of this protocol is to facilitate the delegation of powers to BCC and officers employed within BCC's IMLS to enforce the provisions of the Consumer Credit Act 1974 within the area of LEICESTER CITY COUNCIL. The protocol encourages the exchange of information and a working partnership approach between BCC and LCC in relation to the Consumer Credit Act 1974.
- 2.2 This Protocol will come into force on the Commencement Date and terminates at the end of the Term.
- 2.3 Notwithstanding the terms and conditions of this Protocol, this Protocol does not prejudice the right of LCC to withdraw the Delegated Power at any time during the Term. However LCC undertakes not to withdraw the Delegated Power unless it considers there is good reason to do so. The Delegated Power is not to be unreasonably withdrawn by LCC.

3. The IMLS

- 3.1 It is recognised that officers in the IMLS will need authority to initiate and/or undertake investigations and/or the prosecution of potential offences falling within the scope of the 'Illegal Money Lending Project' where such potential offences fall entirely outside of the BCC boundaries. This protocol and also the Delegated Power is deemed to provide such authority to BCC and its officers regarding all matters.
- 3.2 The IMLS will comprise of a team manager and up to 45 staff directly employed by BCC. The Head of Illegal Money Lending Section will be responsible for the day-to-day operation and supervision of the IMLS.
- 3.3 The Head of Illegal Money Lending Section will report directly to the Director of Regulatory Services or nominated officer as appropriate.
- 3.4 The Head of the Illegal Money Lending Section BCC will, when required, provide quarterly progress reports, from the Commencement Date, to the Head of Business Regulation of LCC giving details of investigations, (unless there is a significant risk that any such disclosure may jeopardise an investigation, such a decision is within the discretion of the Director of Regulatory Services or Head of Trading Standards BCC) prosecutions being pursued or concluded and developments concerning or affecting the Illegal Money Lending Project in LEICESTER.
- 3.5 It is recognised that after Delegated Power is granted to BCC, all decisions concerning the pursuance of relevant investigations, decisions to prosecute and the laying of charges and/or information on such relevant matters within LEICESTER Council, shall be taken by BCC and in accordance with the relevant Code for Crown Prosecutors and BCC's Enforcement Policy.

4. Working Arrangements in the LEICESTER CITY COUNCIL Area

- 4.1 LCC will designate and appoint a LEICESTER City Contact Officer (LCCCO).

- 4.2 The Head of Illegal Money Lending Section will at any time the Head of Illegal Money Lending Section considers necessary and prudent, or at the request of the LCCCO, brief the LCCCO on any intelligence gathered, any progress made on investigations and/or prosecutions pending or otherwise, relating to or affecting LEICESTER City and/or its residents.
- 4.3 Further to Clause 4.2 above, all reasonable steps will be taken by the Head of Illegal Money Lending Section to keep the LCCCO updated on the progress of investigations and enquiries being carried out in LEICESTER City and any changes made or introduced by BERR concerning the 'Illegal Money Lending Project'. It is incumbent on the Head of Illegal Money Lending Section to maintain regular dialogue/communication with the LCCCO.
- 4.4 The IMLS will have regular contact with the Police and other Government agencies. The Head of Illegal Money Lending Section will consult the LCCCO to identify any local arrangements, investigations and protocols before any investigation is commenced in pursuance of the 'Illegal Money Lending Project'. Wherever possible, the Head of Illegal Money Lending Section will actively involve the LCCCO and seek to develop close links between those agencies and BCC.
- 4.5 The Head of Illegal Money Lending Section will as soon as reasonably practicably inform the LCCCO of the outcome of any concluded prosecution proceedings conducted within LEICESTER City.
- 4.6 BCC, where possible, will consult with LCC in good time before issuing any press release concerning any prosecution pursued by BCC pursuant to this Protocol. Any contact with local government bodies, other police forces, credit unions or similar organisations that may be locally funded or may involve local sensitivities will be agreed with the LCCCO in advance. Upon being notified of an intention to contact such a body, LEICESTER City Trading Standards may arrange for one of their own officers to accompany the relevant officer of the IMLS on any visit.
- 4.7 Where the Head of Illegal Money Lending Section and the Head of Business Regulation of LEICESTER CITY COUNCIL agree that an officer or officers of LEICESTER City Business Regulation will be actively involved in an investigation, that officer will remain an employee of LCC but for the purpose of that investigation, will come under the control of the IMLS team manager. Such agreement will be subject to the Head of Illegal Money Lending Section being satisfied that the officer's or officers' participation will not compromise any investigation or endanger any member of the IMLS, supporting staff or witnesses, that the officer has the appropriate training and experience to undertake the task; and upon any other terms that the Head of Illegal Money Lending Section and the Head of Business Regulation of LEICESTER CITY COUNCIL consider necessary and/or appropriate.
- 4.8 Unless there is prior agreement with the Head of Illegal Money Lending Section for assistance in an investigation, which is accompanied by an official purchase order from BCC, no reimbursement will be made for time spent on activities supporting the 'Illegal Money Lending Project' or expenditure incurred by any LCC officer.
- 4.9 The exercise by BCC of these arrangements shall be at no cost to LCC

- 4.10 BCC shall have an Appropriate Contact Officer.
- 4.11 In the absence of the IMLS Head of Service, the role, duties, and responsibilities of the Head of Illegal Money Lending Section shall be discharged and carried out by the other Appropriate Contact Officers as nominated.

5. Referral of Information/Intelligence to the Illegal Money Lending Section

- 5.1 It is recognised that the IMLS will rely on receiving information about Illegal Money Lender activities.
- 5.2 LCC will endeavour to provide as much relevant information and intelligence as reasonably and practicably possible to the IMLS concerning any investigation being carried out within LEICESTER City having regard to any statutory limitations/restrictions, the time likely to be expended, resources available and costs likely to be incurred by LCC in providing the same.
- 5.3 Information and intelligence will be provided by the LCCCO to the Head of Illegal Money Lending Section or a person designated by him/her.
- 5.4 BCC IMLS will not, as a matter of routine, investigate individual complaints received concerning alleged Illegal Money Lender activities. However, such complaints may be used by the IMLS as a source of intelligence.
- 5.5 BCC, IMLS and LCC agree to process personal data only in accordance with the requirements of the Data Protection Act 1998 and to disclose information only in accordance with the requirements of the Enterprise Act 2002.

6. Conduct and Control of Investigations

- 6.1 The conduct and control of all investigations undertaken and prosecutions by the IMLS in LEICESTER City will be the responsibility of BCC. Investigations will be undertaken in line with the BCC's published Enforcement Policy and subject to the policies and procedures approved and adopted by Birmingham Trading Standards.
- 6.2 BCC will be responsible for all aspects of the investigations and responsibilities under the Criminal Procedure and Investigations Act 1996, Regulation of Investigatory Powers Act 2000, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Enterprise Act 2002.
- 6.3 BCC will be solely responsible for the Health and Safety of IMLS officers and any other officer or person within the direct management of the IMLS providing support and assistance in any investigation undertaken by the IMLS.
- 6.4 Where breaches of Part III of the Consumer Credit Act 1974 are identified, action will be taken in accordance with the enforcement policy and procedures adopted by Birmingham Trading Standards.
- 6.5 When the Head of Service, IMLS BCC, recommends a prosecution under Part III of the Consumer Credit Act 1974, if required, LCC will be provided with a copy of the relevant prosecution file, which will consist of a detailed case summary, schedule of issues, aggravating and mitigating factors, reasons justifying prosecution and any other material fact that LCC ought

reasonably to be aware of. LCC will be invited to communicate any comments it considers appropriate and necessary concerning the intended prosecution to the Director of Regulatory Services, the informant for BCC. Such comments will be given due attention and consideration by the informant for BCC.

7. Responsibilities and Actions of the Authorities

- 7.1 BCC shall be liable for the actions and competence of the persons employed within the IMLS and shall ensure that the IMLS shall comply with all legislative requirements and take all reasonable steps to ensure any actions taken are lawful and within the spirit of the protocol.
- 7.2 LCC shall be liable for the actions and competence of persons within its employ and shall take all reasonable steps to ensure the competence of those persons in carrying out their functions and that they comply with legislative requirements and the spirit of this protocol.
- 7.3 Information / intelligence provided between BCC and LCC shall be used for the purpose intended and shall not be divulged to third parties unless to do so would be lawful and in pursuant of an investigation / enquiry subject to this protocol.
- 7.4 BCC and LCC endorse a joined up working approach to the enforcement of the Consumer Credit Act 1974. The partners will attempt to promote consistency in enforcement. However, this protocol does not attempt to restrict the powers of authorised officers of the IMLS or BCC from discharging their duties, as appropriate.

Commencement date: April 2011

Signed

Adrian Russell
Divisional Director Environmental Services
LEICESTER CITY COUNCIL

Signed

Jacqui Kennedy
Director of Regulatory Services
BIRMINGHAM CITY COUNCIL

Appendix B: East Midlands Public Protection Project Team activities

Awareness Raising

Objective: to raise awareness of illegal money practices and impacts on individuals

Activities: Leaflet delivery, presentation at team and management meetings, talks to multi agency meetings, conference speeches

Extract of recent activity:

Leicester	Spinney Hill Police Station	Police	November 2010
Leicester	Hinckley Police Station	Police	November 2010
Leicester	Leicester ARC Team	Police	November 2010
Leicester	Blaby Police Station	Police	November 2010
Leicester	Leicester Mercury	Media	November 2010
Leicester	Leicester Money Advice	Advice Centre	November 2010
Leicester	Hinckley Road Police Station	Police	October 2010
Leicester	Leicester City Council	Council	September 2010
Leicester	MAC	Advice	September 2010
Leicester	Leicester City Council	Council	September 2010
Leicester	Leicester Adult Education College	Colleges	September 2010
Leicester	Salvation Army New Parks	charity	September 2010
Leicester	Leicester Customer Service Point	Council	September 2010
Leicester	Leicester City Council Revenue Benefits	Council	September 2010
Leicester	Leicester Library New Parks	Council	September 2010
Leicester	Sure Start New Parks	Surestart	September 2010
Leicester	Neighbourhood Manager	Housing	September 2010
Leicester	LILAC	Advice	August 2010

Intelligence Gathering

Objective: to increase understanding of who is involved in illegal money lending, their modus operandi and victims.

Activities: receipt and analysis of tip offs from public, community and public organisations, businesses; interviews with debtors; surveillance and intelligence sharing.

15 hotline calls in total from a variety of sources including police authorities and the public in 2010. 5 pieces of intelligence being followed up in Leicester/Leicestershire.

Enforcement Operations

Objectives: To protect debtors
To disrupt and stop illegal money lending

Operations undertaken since April 2009 in Leicester: 14

Case Studies

Operation Angel was an investigation into an allegation of illegal money lending by Sushil Darji, 102 Edward Avenue, Leicester LE3 2PD. On 7th January 2008, a father of a victim called on the hotline but no details of the illegal lender were given. Another call was taken from a victim the following day, which resulted in the lender

still remaining anonymous.

On 27th August of 2008 a victim called. He stated he had been assaulted by a male named 'Gary' who had been in the company of Sushil Darji. He stated he had borrowed money from Sushil Darji and Gary had told him he had 4 days to pay.

On 3rd September 2008, the same victim gave the team a witness statement, stating the following:

- In 2003, the victim borrowed £20 from Darji. Around October 2006 the victim had developed a gambling problem and was in financial difficulties. He called Darji and asked for £150. He was given the money the following day and was told he had a month to repay the money.
- He repaid the money six weeks later and when Darji asked if the victim was going to give him any on top, the victim gave him a further £20.
- Around April 2007 the victim asked Darji for another loan this time £2000. This time he stipulated that the money must be repaid within six weeks and the victim would need to repay £3000. Six weeks later the victim gave £3000 in repayment of the debt to Darji's sister in law at her home address.
- Further to this Darji made a series of loans to the victim mainly in India totalling £11,750. However there were two loans that took place in England; £500 in June 2008 and a further £500 in mid August 2008.
- The victim now believed he owed £17,750 to DARJI £11,750 in loans (£1,000 of which was loaned in England) and £5,500 in interest.
- On 26th August 2008 the victim met with Darji, and asked him for £10,000 and was subsequently assaulted by a man named Gary who was with Darji. Gary told the victim to pay the money and struck a blow to his left ear and jaw.
- The victim's brother had made a token payment of £500 to start paying off his brother's debts.

Enquiries commenced and a Warrant was executed at Darji's home address on 10th November 2008 resulting in various items being seized due to possible offences under other legislation. Those items being:

CS Spray (*analysed and found to be CS*)

Bag containing white rock (*analysed and found to be 9.99 grams of Cocaine*)

Rolled up bank notes with white powder at both ends (*analysed and found to have traces of Cocaine*)

Self Seal bag containing traces of white powder (*analysed and found to have traces of Cocaine*)

Bin Bag containing large quantity of Tadalafil Tablets (*counted and found to be 12859 tablets, analysed and found to contain Sildenafil*)

Box containing boxes of Kamagra Tablets (*counted and found to be 1,344 sachets Kamagra Oral Jelly, analysed and found to contain Sildenafil*)

Box containing numerous 'Kamagra' Tablets Blister Packs (*counted and found to be 6,396 tablets, analysed and found to contain Sildenafil*)

Also seized at that time:

Bank of England Notes (uncounted) (*counted and found to be £2,665 in Bank of England Notes*)

Container containing cash (*counted and found to contain £88.12 in cash*)

Uncounted Dollars (*counted and found to contain \$600 [American]*)

Sushil Darji was sentenced on 10th December 2010. He got a 9 month sentence suspended for 18 months plus a residence order for 3months, after pleading guilty.

Operation Balloon

Richard Jordan of 55 Amadis Road, Leicester pleaded guilty at Leicester Crown Court to operating an illegal money lending business without the appropriate Consumer Credit Licence between January 2000 and August 2009. He received a 6 month custodial sentence suspended for 18 months, resident's condition to reside at a designated address for a period of 18 months and the sum of £4,175 to be confiscated within 28 days. No order was made for court costs.

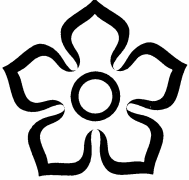
Richard Jordan lent money to 4 victims living in the Leicester area over the period and it was calculated that he benefitted to the sum of £20,000 - £25,000. A victim living in Leicester had rang the team in 2009 on the Hotline making a complaint about Richard Jordan acting as an illegal lender.

Over the course of 8 years, the victim and his wife had taken out 7 to 8 loans of around £1000 each. Interest had been paid on each loan. The victim's mother had also taken out 4 loans that she had paid interest on. Also his friend had had 7 or 8 loans over a period of time, each for around £1000. One of his loans was given jointly by Jordan and his partner. Repayments had been made via envelopes containing money being posted through the front door.

Search warrants were executed by the team and evidence relating to the offences found at his property. These included a white board where figures/names had been written down in a list format.

The Judge residing at the Leicester Crown Court felt that although there was no evidence of any violence towards his victims he felt that Jordan had clearly exploited them by charging extremely high rates of interest and knew full well that his victims could not get access to legal affordable forms of lending but they felt that they had no option but to use his services.

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Leicester
City Council

WARDS AFFECTED
All Wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

OSMB
Cabinet

7th April 2011
11th April 2011

New Affordable Housing for Leicester 2011-2015

Report of the Director Housing Strategy and Options

1. Purpose of Report

- 1.1 To seek decisions on how the Council wishes to respond to the Government's new approach to enabling new affordable housing as set out in its "2011-15 Affordable Homes Programme Framework". **The Homes and Communities Agency deadline for receipt of "offers" to deliver affordable housing for the next 4 years is May 3rd.** These offers will need to specify the level of HCA subsidy required.
- 1.2 This framework provides the only opportunity to seek subsidy to develop affordable housing for the next four years. Although some details and issues are still not clear, it is crucial that Housing Associations and the Council meet this deadline or opportunities will be closed off. The Council will not be asked to enter into a binding contract until the final HRA settlement is confirmed, which is likely to be around January 2012.

2. Recommendations

- 2.1 That Cabinet confirms the affordable housing needs of the City for the period 2011-15 (Appendix 1).

Recommendations for Guidance to Housing Associations

- 2.2 That Cabinet confirms previous decisions on the principle of discounted sale of land at Saffron Velodrome and Whittier Road to appropriate Housing Associations (Appendix 2), subject to further reports being brought to Cabinet outlining the detailed terms of any proposed disposal.
- 2.3 That Cabinet agrees, in principle, to the discounted sale of the site at Conduit Street to an appropriate Housing Association, subject to a further report being brought to Cabinet outlining the detailed terms of any proposed disposal (Appendix 2).
- 2.4 That Cabinet agrees the principle of disposal of appropriate HRA sites at a nominal sum to assist in facilitating affordable housing development by HAs, subject to further reports being brought to Cabinet for approval outlining the detailed terms of any proposed disposal. (Appendix 3)

- 2.5 That Cabinet agrees the principle of the proposed disposal of the affordable housing elements of larger corporate sites as identified in appendix 3 for a nominal sum to assist in facilitating affordable housing development by HAs, subject to further reports being brought to Cabinet for approval outlining the detailed terms of any proposed disposal. (Appendix 3)
- 2.6 Should the Council decide not to make an offer to build new Council homes or if the Council's offer is not accepted, Cabinet agree, in principle, to the discounted sale at £1 of the sites at Hamelin Road and Saffron Depot to appropriate Housing Associations, subject to further reports being brought to the Cabinet outlining the detailed terms of any proposed disposal. (Appendix 3)
- 2.7 That Cabinet considers the principle of a discounted sale of further land at Mundella, Laburnum Avenue, Manor Farm and Benbow Rise or its use for Council building. This would form a second phase of affordable housing at those locations effectively extending the provision beyond planning requirements being sales at less than best consideration and providing a loss of opportunity to achieve capital receipts to the Council from the alternative of sale for private housing. (Appendix 3 and Paragraph 7.10). Officers shall explore the opportunity for netting off this cost against other sites.

3.0 Summary

- 3.1 The Government has introduced a new approach to providing subsidy for new Affordable Housing, set out in "2011-15 Affordable Homes Programme Framework" (Department of Communities and Local Government and Homes and Communities Agency). The system will be administered, as now, by the Homes and Communities Agency (HCA).
- 3.2 Developers, including Councils and Housing Associations must submit "offers to develop" to the HCA by May 3rd. Offers which the HCA consider to be value for money and which Councils confirm meet their identified needs will be awarded a 4 year framework contract.
- 3.3 If we are to continue to enable even a small amount of new affordable housing in Leicester, the Council will need to accept that Housing Associations will charge Affordable Rents on their new build and some of their relets.
- 3.4 The Council needs to decide if it wants to submit an offer to deliver more new Council houses and/or to fund conversions and extensions which will help reduce overcrowding. The implications of this are set out in a separate confidential report on this agenda.
- 3.5 The Council needs to indicate its likely attitude to disposing of land at a nominal sum to Housing Associations for the development of affordable housing over the next 4 years.
- 3.6 With the housing market continuing to be slow, it is unlikely that there will be a significant amount of S106 affordable housing completions over the next four years. That means that Leicester's likely volume of affordable housing opportunities/outcomes will largely reflect the schemes/sites put forward by Housing Associations and the Council. If funding is secured for the sites already owned by the HAs and the Council owned sites listed in appendix 3, Leicester could see at least 300 new affordable housing completions between April 2011 and March 2015 (the final figure depends on both the amount of HCA subsidy/outputs that successful partners expect to deliver in

Leicester and the success of the Council in bringing forward the sites/opportunities listed in appendix 3 early enough). This would be less than half the amount delivered in the last four years, and is by no means certain.

- 3.7 This report proposes that the Council indicates to Housing Associations that in principle some discounted land will be made available over the next four years. The HAs need this indication now in order to develop their Business Plans and make offers to develop.

4. **Background**

- 4.1 Except where a private developer under a S106 Agreement provides sufficient cross subsidy, affordable housing will require public subsidy. This is usually provided by grant aid from the Homes and Communities Agency (HCA), and often through sale of land at a nominal sum. The balance of the development costs is met by the Housing Association (or by the Council for our own new homes) through borrowing. Repayment of the loan can then be made from rents. Sometimes a Housing Association will also put in capital resources from their reserves, etc.
- 4.2 The HCA's national 'pot' for grant aid will be 50% less than over the previous 4 years, and 50% of that is already committed. Ministers want to make it go further by reducing the amount of grant for each scheme. There will be no local, sub-regional or regional allocation of grant. Allocations will be made for a 4 year broad programme of affordable housing outputs to Developers, Housing Associations and Councils who "offer" the best value for money. There will be no consideration of individual scheme/site bids outside of these offers of broad programmes.
- 4.3 In the years April 2008 – March 2011, the Council enabled the completion of 670 new affordable homes. Funding has been secured for a further 242 to be completed in 2011/12. (The completion of the 146 new Council homes is included within these figures) Only 2 new affordable homes are secured so far for 2012/13.

5.0 **The New Framework**

- 5.1 The elements of the new system, which is broadly the same for both Housing Associations and Councils who wish to build, are as follows:

Affordable Rent

- 5.2
- An affordable rent will be greater than a social rent and *up to* 80% of the gross market rent (ie including any service charges).
 - The HCA would wish to 'explore' reasons why it should be less than 80%.
 - Market rent will be determined *for each property type on each site* individually using RICS valuation methods. The difference between an affordable rent and a social rent will therefore vary across the City.
 - Housing Benefit payments for Affordable Rent will be based on the actual rent charged (ie not subject to Local Housing Allowance rules). Where tenants are eligible for Housing Benefit it will continue to be paid in full subject to the means test, in the same way as for social rented properties at present.

- Affordable Rent rises will not be part of rent restructuring, but will rise at RPI + 0.5%.
- The Government propose that Affordable Rent is a form of social housing for planning purposes.
- The Affordable Rent properties will be nominated to or allocated using the Council's Housing Allocation Policy and advertised on HomeChoice. Prospective tenants will therefore know the rent charged when they express an interest (bid).
- The element of increased income from Affordable Rent must be used to fund that scheme or further new Affordable Rent units (or conversions, extensions or other agreed developments).
- Only partners (HAs and LAs) which are successful at securing contracts with the HCA to provide new affordable housing will be able to charge Affordable Rent. HAs and Councils which do not submit offers to the HCA or do not have their offer accepted by the HCA cannot charge Affordable Rent on any of their housing stock.
- Councils who convert to Affordable Rents will still retain the option of offering lifetime tenancies (ie do not have to use new powers to offer "flexible" short term tenancies).

5.3 **Affordable Rents on New Build**

In order to reduce the amount of grant needed on each scheme the HCA **expects** that the new properties will be let at the new "Affordable Rent" (social rents will only be possible in limited circumstances, eg where existing tenants are returning to a regenerated estate).

Affordable Rents on Relets

- 5.4 The HCA also expects Housing Associations and Councils who wish to develop to "convert" a proportion of existing social rented properties to Affordable Rent when they become vacant and available for reletting. The Council or RSL will need to use the additional rent to finance the new supply.
- 5.5 It seems most unlikely that any schemes will be funded via the HCA in the City without using the new Affordable Rent for both new build and relets.
- 5.6 Under this new approach, there is no guarantee of new HCA funded affordable housing within any particular local authority area. Therefore, successful HA partners may need to charge affordable rent on an agreed proportion of their relets in Leicester, but their new supply might be outside of Leicester. The City Council has no power to prevent HAs from doing this.

Making an "Offer" to deliver new affordable homes.

- 5.7 Any provider (Council or Housing Association) submitting an offer to the HCA must clarify which geographical area(s) their offer covers. The HCA has identified the level at which such geographic areas should be identified. Leicester City is within the area defined as the Leicester, Leicestershire and Rutland Housing Market Area. Offers only need to identify the local authority area and site where firm schemes are included. Otherwise, the offers to be made to the HCA by May 3rd can be to deliver a stated

number of affordable homes over the whole of the next 4 years across Leicester, Leicestershire and Rutland.

- 5.8 There is £2.2bn available nationally. The bulk (£1.8bn) of the available money is for new affordable homes (including supported housing). There is also money for Mortgage Rescue (£0.22bn), Empty Homes (£0.1bn), Homelessness Change Programme (£0.03bn) and Traveller Pitch funding (£0.06bn). "Offers" will need to set out the number and type of homes that the provider can deliver and how value for money will be achieved by using affordable rents, land and any other resources available to the provider and what funds are required from HCA. The HCA will then enter into a framework contract in a standard form required by the HCA for the delivery of that supply. At the time of writing a copy of the contract has not been issued.
- 5.9 If the Council wants to continue building or bid for subsidy for conversions, extensions or travellers pitches it must submit its offer by May 3rd. However, the HCA does not expect the Council to enter into a framework contract until after the final HRA settlement and borrowing headroom is confirmed later in 2011/12. For a Council contract, start on site would begin after April 2012 and 'converted' Affordable Rents would start on the number of relets which were agreed in the contract.

6.0 **Affordable housing needs for 2011-15**

- 6.1 The Council must let the HCA and potential developers know the City's needs for the next four years and the types of development the Council will support. This can be fairly specific for the first two years and more general for the last two years. The broad needs have already been agreed by the Leicester and Leicestershire Leadership Board and set out in the Leicester and Leicestershire Investment Plan (although this is not binding). Appendix 1 summarises the needs.
- 6.2 Provision of affordable housing for vulnerable groups underpins many of the Council's other policies and aspirations for the City.

7.0 **Council Guidance to Housing Associations**

- 7.1 More detailed information is needed by Housing Associations who propose to submit offers to develop where their business plan envisages some of that development being in Leicester.
- 7.2 Housing Associations need to describe numbers and types of affordable rent homes that they propose to develop and what subsidy they require. In order to prepare their business plans they need some indication of the resources they can expect from Councils.
- 7.3 Housing Associations have asked what the City Council's stance will be towards seeking developer contributions from Housing Associations' future new affordable housing schemes. Officers have informed them that at Leicester, the Planning Authority makes its decision on required developer contributions (eg for infrastructure, open space, education, etc) when considering each individual planning application against the Council's approved policies including, where relevant, its impact on the viability of the scheme. Housing Association schemes are treated this way.

Identified Housing Association Schemes

- 7.4 Housing Associations already own 64 plots in the City which we expect them to include in their offers and which they would hope to build out in the first two years. To build more they will need to acquire land from the Council and/or acquire land or buildings on the private market (eg within the Leicester Regeneration Area). The HCA own some land in Waterside Area, however, it is not expected to be developed within this plan period. Officers are asking HCA how they will deal with their land.
- 7.5 The Council has already agreed in principle to dispose of areas of land for a nominal consideration by way of Council contribution to enable provision of Affordable Housing. RSLs have invested resources in developing schemes in response to this. (See Appendix 2)

The Council has been asked if it will, in principle, be prepared to continue to make this land available in the event that they submit offers under the new framework which will rely on Affordable Rents.

Future Discounted Land and release of parts of larger sites

- 7.6 For a number of years, the Council has sold HRA land at a discount (usually, but not always, for £1) to enable affordable housing. In response to the previous Government's additional investment known as the Housing Pledge the Council built on 146 plots of its own land and also disposed of discounted land on parts of larger sites to 2 Housing Associations providing a further 63 plots. It is recommended that these principles be used on other suitable HRA and corporate sites subject to further reports to Cabinet for approval when terms for individual sales agreed.

This approach maximised HCA and RSL investment in the City.

- 7.7 The contribution of the Council by way of the provision of land for the development of affordable housing would be likely to make an HAs overall offer more competitive, making it more likely they would be successful in obtaining a contract. Further, the guidance to authorities as set out in the Government's Framework, envisages that the Council will be receptive to using land identified as suitable for the development of affordable housing, when entering into dialogue with HAs in formulating their bids. However, there are many other variables that would need to be taken into consideration in respect of the formulation of bids, including which existing stock they choose to "convert" to affordable rents and where they choose to invest the proceeds.
- 7.8 Cabinet will recall the recent examples at Manor Farm and Benbow Rise where corporate land has been sold at a discount to HAs to enable development of affordable housing. These examples are where the Council owns a larger housing site and the release of the affordable element, in accordance with planning policy, has allowed early start on site, has opened up the sites with infrastructure and enables the Council to sell the balance of the site for private housing without detriment to the overall receipt expected for the site in the future. These sales have resulted in 63 new affordable homes being commenced.
- 7.9 To enable HAs to make as successful a bid as possible, it is now recommended that the principles involved in previous disposals of the affordable housing elements of larger development sites are agreed for other suitable sites (as identified in Appendix 3). Disposals could be for a nominal sum where the affordable housing provided is in accordance with planning policy and the sale is not detrimental to the total receipt

anticipated across the whole site, and the land would constitute the Council's contribution to the development of affordable housing. The detailed terms of proposed disposals on each site will be brought to Cabinet for decision. Cabinet will also be able to take into account, for each site, the capital implications of sharing of infrastructure costs (to be paid on sale of the balance of land or a long stop date) and other relevant issues.

- 7.10 The progress of the affordable housing schemes at Manor Farm and Benbow Rise and the Council houses at Mundella and Laburnum Avenue has opened up the remainder of the sites for private housing for which outline planning consent exists. It is intended that this land be marketed when the market improves and receipts in the region of £750,000 per acre could be anticipated. However there is the potential that the Council could allow HAs to bid for an extension of the affordable housing in these locations which the infrastructure that has been provided would make practically quite straight forward to achieve. Sale of this land at a discounted rate would be at actual financial loss to the Council and would result in the overall sites having a total of affordable housing in excess of planning requirements. This imbalance could then also impact on receipts for the sale of the remainder. Cabinet are therefore asked to consider the principle of including these sites into the bidding process in the light of the financial implications. Should the principle be accepted then the terms of any sales would be subject to a further Cabinet report. Officers will explore opportunities for netting off this cost against other sites.
- 7.11 Appendix 3 sets out identified Council land that is allocated for residential use that would be developable over the next 4 years and recommends how we use that land.

8.0 HCA subsidy on S106 sites

The HCA has confirmed its expectation that S106 schemes can be delivered with no HCA subsidy for affordable housing. The amount of affordable housing on private developments will therefore depend on the viability on each site, which will be determined when individual planning applications are made.

If HCA funding is requested on S106 sites, the HCA would expect to see evidence that its funding would result in the provision of additional affordable housing which would not otherwise be delivered, including evidence from the local Planning Authority's viability assessment.

9. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

- 9.1 **Financial Implications** Rod Pearson, Head Finance (Health & Wellbeing) Ext 29 8800, Graham Troup, Principal Accountant Ext 29 7425 and for para 9.1.5 Nick Booth, Principal Accountant Ext 29 7460

9.1.1 The report gives details of the Government's new approach to facilitating new affordable housing over the period 2011-2015.

9.1.2 Capital receipts from the sale of housing land are 100% reusable to finance the City Council's capital expenditure, and are currently used towards the financing of the Housing General Fund Capital Programme. This includes Disabled Facilities Grants where there is currently a substantial backlog. Therefore, in agreeing any proposals to offer land to Housing Associations at a discounted or zero cost, Members should be

aware that there will generally be an "opportunity cost" in depriving the Housing General Fund Capital Programme of the foregone value of the land, particularly since the Government is no longer providing any grant-support for the private sector decent homes programme after 2010/11. The alternatives should be considered before any decision is taken to discount land for affordable housing purposes.

- 9.1.3 A separate report gives details of the support that may be available from the Homes & Communities Agency (HCA) towards local authority new builds (or conversions) under the new arrangements. In general, the level of capital grant will be substantially less than that received on the current new build schemes, although viability will be improved by the HCA requirement for "affordable" rents (ie 80% of market rents on comparable properties) to be charged on the new properties. Also, subject to HCA agreement, local authorities will be able to charge "affordable" rents (or some other level of rent above standard HRA rents) on properties in the general HRA stock when they are relet, in order to further improve the viability of new build projects.
- 9.1.4 A number of illustrations of possible new build or conversion schemes are given in a separate report, along with details of the impact on HRA rents of various options. It should be noted that full details of the new "self-financing" system for the HRA (effective from 2012/13) are still awaited, and no commitments on the HRA should be made until these have been fully evaluated.
- 9.1.5 The capital receipt from the Queensmead site has been earmarked towards the CYPS capital programme which has already been committed.

9.2 **Legal Implications** John McIvor, Team Leader, ext 297035 (Property & Development), Legal Services

- 9.2.1 As explained in the body of the Report, the Affordable Housing Programme makes significant changes to the procedure for making applications for funding, and in respect of the levels of rent that may be charged. In particular, the Council will need to have regard to the requirements of Section 5 (Programme Requirements), and 6 (Programme Management) in considering any proposals for funding bids. Although a copy of the standard contract has not been received, careful consideration will need to be given to the terms of the contract once it is available, and the potential implications for the Council, especially in respect of any potential clawback provisions.
- 9.2.2 The Report sets out the approach that local authorities may wish to adopt when considering supporting bids by HAs. The Council should consider this in the light of its general strategy and programme of asset management and disposals, and in particular the Framework for the Disposal of Property adopted by the Council in 2003. The Council will also have to have regard to its general fiduciary duty to its taxpayers, and any relevant procurement rules. With regard to the proposed disposals referred to in Recommendation 2.7, Members will have to consider whether or not the potential loss of the capital receipt as outlined in paragraph 7.10 is in the interests of the Council, having regard to all the circumstances of the matter at the time that any formal report is presented, and with regard to the advice contained in any future report. The Council will also need to be satisfied that the site is suitable for use as affordable housing in planning terms.

9.2.3 In considering a proposed disposal of land for a nominal consideration as outlined in the Report, The Council will need to have regard to the relevant powers of disposal. Under the terms of s.123 of the Local Government Act 1972, the Council is required to obtain the best consideration reasonably obtainable. The Government has however issued the following General Consents:-

(a) The 2003 General Consent permits the sale of land at less than best consideration, where the authority thinks that the proposed disposal will contribute to the social, economic and environmental well-being of the authority's area.

(b) The 2005 Housing General Consents permit the disposal of HRA land, for which the prior consent of the Secretary of State is not required for disposal.

Officers will need to consider and to identify whether these Consents will apply to proposed disposals.

9.2.4 Officers will need to ensure that the terms of any land transactions contain appropriate provisions for the protection of the Council's retained land, particularly in respect of the disposal of the affordable housing elements of larger development sites.

9.2.5 Officers in Legal Services will continue to work with and to provide advice to officers in respect of the legal issues arising from the Programme, and in respect of the proposed land disposals outlined in the Report.

9.2.6 Of particular relevance to land and property disposals are Sections 5.12 and 13. These state that providers should work in partnership with public sector landowners to deliver affordable housing. In particular, providers may wish to look for opportunities to enter into long-term arrangements with public sector landowners to build out their land banks. Providers carrying out developments on land owned by the public sector should aim to minimise other forms of subsidy such as HCA funding. Where a public body is unwilling or unable to transfer the land for free or for a nominal capital receipt, then it should be willing to share in the risks of development, with the deferred value to be realised over the lifetime of a project. However it should be stated that these proposals will need to be considered in the light of the authority's own strategy for asset management and disposal.

9.3 **Climate Change Implications**

Increasing the number of homes in Leicester will inevitably lead to an increase in city-wide carbon emissions. However, if the decision is taken to develop new housing measures can be taken to try and minimise the carbon emissions generated by these homes. Previous projects completed with HCA subsidy have been required to meet level 4 of the Code for Sustainable Homes (assessing the sustainability of a home against 9 areas including energy/CO₂) which goes some way towards ensuring that carbon emissions are kept to a minimum.

Helen Lansdown, Senior Environmental Consultant - Sustainable Procurement

9.4 **Other Implications**

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	NO	
Policy	YES	Throughout
Sustainable and Environmental	YES	10.3
Crime and Disorder	NO	
Human Rights Act	NO	
Elderly/People on Low Income	YES	Appendix 1. (Extra Care) and throughout. Affordable Housing is provided for those who find it difficult to access market housing
Corporate Parenting	NO	
Health Inequalities Impact	YES	Appendix 2. The reduction of severe overcrowding is an action within the Health Inequalities Plan

10. Background Papers – Local Government Act 1972

- 10.1 Report to Cabinet meeting on 9th November 2009, entitled ‘Disposals of Residential Land to Housing Associations’.

11. Consultations

- 11.1 The Affordable Housing Programme Board has discussed the Government’s Framework and Housing Associations identified where they needed guidance and decisions from the Council in order to include proposals to deliver affordable housing in Leicester within their offers to the HCA.

12. Report Authors

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Affordable Housing Needs in Leicester 2011-15

Earlier this year the Leicester and Leicestershire Leadership Board agreed the draft Leicester and Leicestershire Local Investment Plan (LIP) which sets out the focus for investment to support housing growth and infrastructure investment to support growth in jobs.

Housing Associations and others are encouraged to seek to address these needs when they submit their offers to the HCA.

Leicester City identified the following themes and schemes that would need HCA funds for affordable housing:

1. **New sustainable communities**

Ashton Green

East Hamilton

2. **Strategic Regeneration Area**

Abbey Meadows

Donisthorpe

Waterside (Northgate) (HCA own land here)

3. **Existing Neighbourhoods**

Braunstone

New Parks

Saffron

Eyres Monsell

Beaumont Leys

Inner Area Neighbourhoods

Neighbourhoods in East Leicester

4. **Themed Priorities**

Affordable housing throughout the City

Gypsy and Travellers provision

Improvement to existing stock

Supported Housing including Extra Care (see below)

Empty Homes (private sector)

Non decent homes (private sector)

The framework does not cover non-decent homes in the private sector, and a separate announcement will be made later on bringing private empty homes back into use.

General needs Housing: mix and type

The Affordable Housing SPD and the Strategic Housing Market Assessment 2008 sets out the type of general needs housing required.

SHMA's affordable housing annual type/size profile for the next 7 years for Leicester:

Social Rent			
1 bed	12	2%	General needs
2 bed	295	37%	4 (1%) upsizing general needs flats 67 (9%) downsizing flats/bungalows 145 (18%) general needs houses 79 (10%) older households
3 bed	222	28%	23 (3%) general needs flats 199 (25%) general needs houses
4+ bed	32	4%	General needs
<i>Sheltered/Supported*</i>	30	4%	Sheltered/supported
Total	591	75%	
Intermediate			
1 bed	4	1%	General needs
2 bed	97	12%	General needs
3 bed	77	10%	General needs
4+ bed	21	3%	General needs
Total	199	25%	
Overall total	790	100%	

* This figure is not used by the Council as ASC have more detailed evidence base available

Gypsy and Traveller Pitches

Leicester City Council's Core Strategy for Development refers to the 2007 assessment of Gypsy and Travellers needs which identified that the City should provide 24 residential pitches, 10 transient pitches for gypsies and travellers and 3 plots for travelling show people by 2012.

Extra Care/Supported Housing

Housing Associations will be given more detailed guidance on the supported housing requirements for 2011-2015 to support Adults and Social Care proposals/budget. These are 4

x 30 self contained units in an Extra Care setting and 200 self contained flats with support in mixed communities. Experience with Wolsey Building in Belgrave will inform the balance between 1 and 2 bedroom flats required and the proportion that are fully wheelchair adapted. Analysis is also being done about which potential locations might best address demand.

Hostels

The Council will consider whether any proposals from Voluntary Sector or Community Groups for improvements to hostels are in support of the Council's Homeless Pathway Model.

Mortgage Rescue

The Council wishes to see a Mortgage Rescue Scheme continue in the City.

Empty Homes

The Council has a pro-active strategy for bringing private empty homes back into use and would welcome schemes that make some available for social letting at affordable rent.

Conversions/Extensions

The Council has a pro-active strategy in seeking to address overcrowding and would welcome any schemes that seek to address this via extensions/conversions.

Existing Cabinet decisions on principle of land sales at a nominal sum where a Housing Association has began preparatory work

a) Conduit Street (Extra Care)

A Housing Association has been in discussions with the Council to bring forward a supported housing scheme at this site. There have been pre-planning meetings, but apart from staff time, the Association has not yet incurred costs in pursuing this proposal.

b) Former Whittier Road Allotments (36 Houses)

In November 2009, Cabinet approved the principle of selling land within four potential residential development sites, including the Whittier Road site, to appropriate Housing Associations for a nominal sum and that the land to be subject of the disposal would comprise of up to the amount of the affordable housing requirement sought under planning policies. The reason for seeking this approval in November 2009 was to enable Housing Associations to bid for new schemes in Leicester from the "Housing Pledge". Both the bidding and delivery timetables for this extra funding were extremely tight. Under this approval, a Housing Association was selected to prepare a scheme for 36 homes on the former Whittier Road allotments site. Once early pre-planning discussions were held, it quickly became clear that this site required a longer lead-in time than the funding opportunity could then allow. The Housing Association are still very interested to continue with their proposals for this site and would wish to reflect this site within their 'offer' to the HCA for new affordable housing supply 2011-15 on the basis of charging affordable rents.

c) Former Velodrome site, Saffron Lane (20 Houses)

In November 2009, Cabinet approved the principle of selling land within four potential residential development sites, including the Saffron Velodrome site, to appropriate Housing Associations for a nominal sum and that the land to be subject to the disposal would comprise of up to the amount of the affordable housing requirement sought under planning policies. A Housing Association was selected to prepare a scheme for this site and completed detailed pre-planning application discussions and submitted its bid for HCA funds within the required timetable. The H.A. was unsuccessful at securing funds from the enhanced 2009/10 HCA programme and submitted a more competitive bid to the HCA for 2010/11. Unfortunately, the cuts made to the HCA programme last year have meant that no new schemes have been approved for HCA funds in Leicester in 2010/11.

The Housing Association is very interested in pursuing its scheme at this site and would wish to reflect this site within its 'offer' to the HCA for new affordable housing supply, 2011-15.

Its scheme would take up 20% of the available development site and would consist of a total of 20 affordable housing homes (16, 2 bedroom and 4, 3 bedroom).

The H.A. advises that it intends to bid, on the basis of charging the Affordable Rent because the scheme would require too much HCA subsidy if the former social rent levels are assumed.

In progressing this scheme the Housing Association has, in good faith, already incurred costs. If the scheme is aborted, the H.A. will also have to be responsible for the cost of ground investigation works carried out by its contractor.

The Affordable Rent will be fully eligible for Housing Benefit.

Summary of Council owned residential land that could be made available for housing completions 2011-2015, via disposals to RSLs, grouped by the relevant recommendation to Cabinet

Site	Potential for affordable homes completions 2011-15	HRA/GF	Comment
1. Recommendation 2.2: That Cabinet confirms previous decisions on the principle of discounted sale of land at Saffron Velodrome and Whittier Road to appropriate HAs (Appendix 2), subject to further reports being brought to Cabinet outlining the detailed terms of any proposed disposal.			
Saffron Velodrome	20 homes	GF/Culture	See Appendix 3
Whittier Road	36	GF/Corporate	See Appendix 3

2. Recommendation 2.3: That Cabinet agrees, in principle, to the discounted sale at £1 of the site at Conduit Street to an appropriate Housing Association, subject to a further report being brought to Cabinet outlining the detailed terms of any proposed disposal (Appendix 3).

Conduit Street	<40 units Extra Care Scheme	Housing General Fund	See Appendix 3
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3.Recommendation 2.4: That Cabinet agrees the principle of selling appropriate HRA land, a nominal sum to facilitate affordable housing developments by HAs, subject to further reports being brought to Cabinet outlining the detailed terms of any proposed disposal. (HA's will be informed that only some of these sites will be available)

Braunstone Backlands	26	HRA	Initial site assessments completed. Further investigations now required to bring forward scheme proposals.
Other HRA potential development sites.	25	HRA	e.g. ex-housing depot sites, further backland sites, etc.

4. Recommendation 2.5: That Cabinet agrees the principle of selling the affordable element of larger corporate sites as identified in appendix 4 at a nominal sum to facilitate affordable housing development by HAs, subject to further reports being brought to Cabinet outlining the detailed terms of any proposed disposal. (HAs will be informed that only some of these sites will be made available. Some may be used by the Council if an offer is successful).

Queensmead School	13	GF/CYPS	Has previously been marketed, but in this housing market, response has been poor
Humberstone Road (road scheme clearance area)	5	GF/Highways & Housing General fund	Most viable development option would require acquisition of adjoining plots

Site	Potential for affordable homes completions 2011-15	HRA/GF	Comment
Ashton Green Phase 1	75	GF/Corporate	Site has outline planning approval and Project Board and management in place
Other LCC sites including redevelopment/conversions	25 or more	Housing and Corporate	Buildings surplus to requirement Other sites may well be identified during the next 4 years.

5. Recommendation 2.6: Should the Council decide not to make an 'offer' to build new Council homes or if the Council's offer is not accepted, Cabinet agree, in principle, to the discounted sale at £1 of the sites at Hamelin Road and Saffron Depot to appropriate Housing Associations, subject to further reports being brought to the Cabinet outlining the detailed terms of any proposed disposal.

Hamelin Road	10 homes	HRA	Full Planning approval
Saffron Depot	9 homes	HRA	Full Planning approval

6. Recommendation 2.7: That Cabinet considers the principle of a discounted sale of further land at Mundella, Laburnum Avenue, Manor Farm and Benbow Rise or its use for Council building. This would form a second phase of affordable housing at those locations effectively extending the provision beyond planning requirements being sales at less than best consideration and providing a loss of opportunity to achieve capital receipts to the Council from the alternative of sale for private housing. (Appendix 3 and Paragraph 7.10). Officers shall explore the opportunity for netting off this cost against other sites.

Further phases at sites where new Council house building has formed phase one on a larger site eg Mundella ex school site, Laburnham Road, Manor Farm and Bendbow Rise	To be explored (See 7.10)	Corporate	These sites have outline planning approval for entire site
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