

20. Planning overview

- 20.1 This study has been completed in accordance with the requirements of the latest Planning Policy Guidance Note 17 (PPG17) and its Companion Guide. It provides an overview of open space, sport and recreation facilities across Manchester.
- 20.2 This section considers the wider benefits of open spaces and the impact and implications of the provision of open space, sport and recreation facilities on wider priorities. It also summarises the recommended local standards set, and the key priorities arising from the application of the standards for each typology. Consideration is then given to the implementation of the study in a planning policy and development control context.

The wider context

Why are green spaces in Manchester important?

- 20.3 There has been a national recognition in recent years of the continuing importance of parks and green spaces. Various policies and strategies have shown a commitment to improvements to green spaces including Government Planning Policy Guidance Note 17: Planning for open space, sport and Recreation¹ and the CABE Green Space Report². The role that green spaces can have in meeting policy objectives linked to other agendas, such as education, diversity, health, safety, environment and regeneration is also recognised.
- 20.4 Increasing sport and physical activity is a key target both nationally and locally and parks and open spaces provide an alternative means of encouraging local residents to participate. The recent Active People survey indicates that 19.1% of residents in Manchester currently participate three times per week or more in moderately active sport or recreation. Increasing such levels of activity is therefore a key priority of the Council and the effective delivery of open spaces is a key vehicle for the achievement of this.
- 20.5 The value of open space is not just recreational. The strategic contribution that open spaces can make to the wider environment includes:
- defining the local landscape character and softening the urban environment
 - providing an appropriate context and setting for built development and infrastructure
 - emphasising the presence of particular natural features such as the coast and river valleys
 - supporting habitats and local wildlife
 - adapting to climate change and reducing flood risk
 - promoting urban cooling and the development of a green, sustainable environment.

¹ Department of Communities and Local Government, Planning Policy Guidance Note 17, July 2002,

² Commission for Architecture and the Built Environment (CABE), "A guide to producing parks and green space management plans."

Linking green spaces

- 20.6 As highlighted previously, the provision of appropriate high quality green space results in an array of benefits that far exceed the recreational value that these sites offer to residents. Linkages between green spaces further enhance the benefits that can be achieved.
- 20.7 Green Infrastructure (GI) is all types of greenspace set within, and contributing to, a high quality natural and built environment. Green Infrastructure is widely considered to be an essential requirement for the enhancement of quality of life, for existing and future generations, and to be an integral element in the delivery of 'liveability' for sustainable communities.
- 20.8 This PPG17 study provides a starting point for understanding the green infrastructure across the City and its surrounding areas and the benefit that this can bring to the local community. The enhancement of the green network and creation of green linkages will be essential if areas of deficiency in Manchester are to be addressed.

Planning green space, sport and recreational facilities at a local level

- 20.9 At the local level, the role that green spaces play in the achievement of wider corporate objectives is recognised, both within open space specific documents such as the parks strategy and the play strategy and within more overarching strategic documents such as the community strategy and corporate plan.
- 20.10 The Local Area Agreement (LAA) is a three-year agreement between Manchester City Council, its partners and the government. The agreement identifies priorities that most affect the lives of Manchester people and sets targets which, when achieved, will raise the performance of the city significantly as compared with other cities. Manchester's LAA has been developed and agreed with all agencies within the Manchester Partnership.
- 20.11 The key priorities of the LAA include:
- sustainable Economic Growth
 - reaching full potential in Education, Children and Employment
 - individual and collective self esteem and mutual respect
 - neighbourhood focus and community leadership.
- 20.12 The effective provision of green space can play a key role in the delivery of targets within these four areas. Some of the key targets which the effective provision of open space, sport and recreation facilities can impact include:
- creating a quality, sustainable physical environment
 - creating safer communities
 - encouraging and supporting culture activities to promote ownership of neighbourhoods
 - developing a sense of place and community pride

SECTION 20 –PLANNING OVERVIEW

- providing safer, cleaner and greener places, including quality parks, green spaces and river valleys.
- increasing the proportion of residents who are satisfied with their neighbourhood as a place to live
- increasing the overall proportion of adults that participate in sport and physical activity.

20.13 Table 20.1 below summarises the contributions that achievement of some of the key objectives arising from the assessment of local needs and existing provision can generate.

Table 20.1 - Achievement of wider LAA objectives through the provision of open space, sport and recreation facilities Sustainable Economic Growth

Reaching full potential in education, children and employment	Neighbourhood focus and community leadership
<ul style="list-style-type: none"> • addressing identified deficiencies in the provision for children and young people in quantitative terms • ensuring that the quality of facilities and the type of facilities meet the needs of local young people, visitors and workers in the city • maximising the role of school facilities in the community provision of open space, sport and recreational facilities • providing opportunities for healthy pastimes which reduces absence and encourages participation. 	<ul style="list-style-type: none"> • promoting and encouraging community involvement in the provision, maintenance and management of open spaces • enhancing the safety of open spaces and the perception of safety of open space sites through the promotion of good quality design and planning • addressing identified deficiencies to ensure that all residents have access to high quality open spaces.
Sustainable economic growth	Individual and collective self esteem and mutual respect
<ul style="list-style-type: none"> • delivering attractive places and enhancing local identity and image through investment in the quality of facilities • maximising opportunities through regeneration to enhance the quality of open spaces and provide open spaces of the right type and in the right place • ensuring that new development results in positive change in the provision of open space, sport and recreation facilities. 	<ul style="list-style-type: none"> • investing in the quality of sports facilities to increase access to local residents and ensuring that all residents have access to local facilities • promoting the wider benefits of open space on physical and mental health • ensuring that open spaces meet the needs of all sectors of the community.

20.14 Table 20.2 summarises the role of open space in the achievement of the priorities of other regional and local strategies. The key objectives of each of the documents are summarised in Section 3. Table 20. 3 highlights that the role that open space can play in the achievement of other corporate priorities.

Table 20.2 – Contribution of the provision of open space, sport and recreation facilities to wider objectives

Document	Short term objectives for the future delivery of open space			
	Enhance the quality of open spaces across the City	Ensure the quantity of open space is sufficient to meet local needs	Maximise access to existing open spaces	Maximise the use of open space, sport and recreation facilities
Regional Documents				
Regional Spatial Strategy	✓	✓	✓	✓
Regional Sports Strategy	✓	✓	✓	✓
Local Documents				
Community Strategy	✓	✓	✓	✓
Corporate Plan	✓	✓	✓	✓
Children and Young People’s Plan	✓	✓	✓	✓
Strategic Regeneration Frameworks	✓	✓	✓	✓
Parks and Open Spaces Strategy	✓	✓	✓	✓
Wild about Manchester: Biodiversity Action Plan	✓			

Table 20.3 – Contribution of the provision of open space, sport and recreation facilities to wider objectives

Priority	Short term objectives for the future delivery of open space			
	Enhance the quality of open spaces across the City	Ensure the quantity of open space is sufficient to meet local needs	Maximise access to existing open spaces	Maximise the use of open space, sport and recreation facilities
Local Priorities				
Development of sustainable communities	✓	✓	✓	✓
Minimising Flood Risk	✓	✓	✓	✓
Adapting to Climate Change	✓	✓	✓	✓
Providing appropriate habitats and promoting biodiversity	✓	✓		
Creating a green City	✓	✓	✓	✓

Current position

20.15 As discussed, local standards have been set for different types of open space, sport and recreation facilities. These standards are summarised in Table 20.4 below.

Table 20.4 – Recommended Local Standards

Open space type	Quantity	Accessibility	Quality
City Parks	0.2 ha per 1000 population	15 minute Public Transport Time City Centre – 15 minute drive time (Public Transport)	N/A
Local Parks	0.49 ha per 1000 population	10 minute walk time (480m)	81%
Natural and Semi Natural Open Space	1.90 ha per 1000 population	15 min walk (720m) City Centre – 15 minute drive time (Public Transport)	85%
Amenity Green Space	0.40 ha per 1000 population	10 minute walk time (480m)	85%
Provision for Children	0.0265 ha per 1000 population	10 minute walk time (480m)	85%
Provision for Young People	0.035 ha per 1000 population	15 minute walk time (720m)	80%
Outdoor Sports	0.98 ha per 1000 population	15 minute walk time – grass pitches, tennis courts and bowling greens 20 minute drive time for athletics facilities and STP's. Golf Courses – 30 minutes drive time.	90%
Allotments	No standard set	No standard set	88%

The plan led system

20.16 The overall conclusions of the report should be used to guide future planning policy and to inform development control decisions. The remainder of this section therefore summarises:

- critical review of Circular 05/05: Planning Obligations and key national policy guidance;
- audit and research into ‘best practice’ policy and guidance formulated and used by other local authorities;
- Critical review of Manchester City Council’s existing policy in respect of off-site open space and commuted maintenance in order to assess current strengths and weaknesses; and
- Key recommendations for future policy evolution in respect of off-site provision of open space and commuted maintenance sums.

National context

20.17 Planning obligations are typically agreements negotiated between local authorities and developers in the context of granting planning consent. They provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of necessary infrastructure and facilities required by local and national planning policies.

20.18 The framework for the current system of planning obligations in England is set out in section 106 (s106) of the Town and Country Planning Act 1990 (as substituted by the 1991 Act) and in Office of the Deputy Prime Minister Circular 05/05: Planning Obligations.

20.19 Section 106 provides that anyone with an interest in land may enter into a planning obligation enforceable by the local planning authority. Such an obligation may be created by agreement or by the person with the interest making an undertaking. Such obligations may restrict development or use of the land; require operations or activities to be carried out in, on, under or over the land; require the land to be used in any specified way; or require payments to be made to the authority either in a single sum or periodically.

Circular 05/05: Planning obligations

20.20 This Circular replaces the Department of the Environment Circular 1/97, with the changes only concerning the negotiation of planning obligations. This Circular will act in the interim period before further reforms are brought forward.

20.21 Planning obligations are intended to make acceptable development that would otherwise be unacceptable in planning terms. They may be used to:

- prescribe the nature of a development (eg proportion of affordable housing)
- compensate for loss or damage created by a development (eg loss of open space)
- mitigate a developments impact (eg through increased public transport provision).

20.22 Planning obligations should only be sought where they meet all of the following tests:

- relevant to planning
- necessary to make the proposed development acceptable in planning terms
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development
- reasonable in all other aspects.

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation (July 2002)

20.23 Section 1: Introduction and Background of this report, reviews Planning Policy Guidance note 17 (PPG17) (July 2002).

20.24 The comparison guide to PPG17 ‘Assessing Needs and Opportunities’ provides guidance as to drafting policy and suggests that policy should:

- protect and/or enhance existing open spaces or sport and recreational facilities of value (or potential value);
- re-locate poorly located but necessary open spaces or sport and recreation facilities;
- address circumstances in which the planning authority may allow the redevelopment of an existing open space or sport and recreation facility;
- require new provision to fill identified gaps in existing provision; and
- address on-site or off-site provision as a consequence of new developments, together with how the authority will assess any related commuted maintenance or establishment sums.

20.25 It is important to note paragraph 33 of PPG17 which refers to the use of planning obligations and states that: “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.”

Summary

20.26 Guidance highlights that obligations sought need to be necessary to make the development acceptable in planning terms. The importance of up to date and robust data, which can be used to justify the obligations sought, is therefore vital.

Current approaches to open space

20.27 Following the introduction of new planning legislation (Planning and Compulsory Purchase Act 2004, Supplementary planning policy is provided in the form of Supplementary Planning Documents (SPDs).

- 20.28 SPD is a key document to enable the delivery of open space in association with residential development and is a vital tool to assist local authorities in their negotiations with developers. Furthermore, SPD can be regularly reviewed and monitored.
- 20.29 Within the emerging Local Development Framework (LDF), the Council should consider including within its Core Strategy overarching open space policy that is informed by this study. The overarching policy might include an overall objective, for example, protecting and enhancing the environment of Manchester City. The policy might then broadly set out how the objective could be achieved, for example establishing whether the policy will focus on preservation, qualitative improvement, or quantitative improvement. The policy might also establish areas where the focus is qualitative improvement only, for example a specific regeneration area. The policy might also establish specific locations where improvements should be focussed and establish how funding will be achieved, e.g park improvements through pooled contributions. The Core Strategy policies will establish the principles and use of planning obligations i.e. matters to be covered by planning obligations and factors to be taken into account when considering the scale and form of contributions.
- 20.30 The Council should also consider setting out in detail when they will expect planning obligations to be delivered in SPD. This will provide greater clarity and certainty for both the development industry and the community. More detailed policies might include matrices for predicting the size and types of obligations likely to be sought for specific sites; sub-plan areas for example.
- 20.31 Furthermore, SPD is flexible and can be regularly updated to allow for revised and updated assessments and standards, together with any changes in the market and inflation.
- 20.32 It is also important to remember that an SPD will also need to be in conformity with the strategic policies in the LDF Core Strategy and policies in any other DPD.
- 20.33 Consideration should be given to progressing SPD, which addresses open space standards and/or planning obligations. Some key considerations for inclusion within future SPD are provided below based on a review of national practice. These will be returned to later in this section.

Review of Supplementary Planning Policy

- 20.34 This section reviews existing supplementary planning guidance and documents in order to provide an overview of current practice, specifically:
- a review of Leicester City Council's 'Open Space Provision in Residential Development' (April 2003) and Harrogate Borough Council's 'Provision of Open Space in Connection with New Housing Development' (June 2005). Both these documents are adopted, the former is Supplementary Planning Guidance (SPG).
 - a review has also been undertaken of recently adopted Supplementary Planning Documents relating to open space. This includes Haringey Council's 'Open Space and Recreational Standards' (June 2008) and Walsall Metropolitan Borough Council's 'Urban Open Space' (April 2006). These council's were chosen, as combined they contain the full range of development densities contained within Manchester City Council's authority.
- 20.35 The following tables summarise some of the key points from the guidance reviewed:

Table A- Open space need?	
Leicester City Council explicitly state that whether an open space contribution should be sought depends on the level of existing provision, determined by:	
Leicester City Council	The existing amount of open space, quality, scale and nature of housing development.
Walsall Metropolitan Borough Council	The developer being able to justify that the council should alter or waive the contribution.
Haringey Council	In areas of deficiency the developer is eligible for contributions if the type of development proposed generates a demand for any categories of open space.

Table B - Number of dwellings	
Leicester City Council	Apply to all new housing developments, including flats, maisonettes, student accommodation.
Walsall Metropolitan Borough Council	Open space required for developments of 10 and above dwellings and open space requirement is applied to all types of residential development.
Haringey Council	Applies to all new housing development and employment development in some instances.
Harrogate Borough Council	Applied to all applications for new residential development, above 10 dwellings, which result in a net gain in residential units (including conversions, changes of use, sheltered housing).

Table C - Formula used	
Leicester City Council, Haringey Council, Walsall Metropolitan Borough Council and Harrogate Borough Council provide formulas and examples of workings within the relevant SPD.	
Level of Open space provision	
Leicester City Council, Haringey Council, Walsall Metropolitan Borough Council and Harrogate Borough Council set out quantity standards for the requirement of different types of open space. Different quantity standards are sometimes applied to different types/thresholds of housing and dependant upon location in relation to Walsall.	

20.36 In addition to the above, and with specific regard to off-site provision of open space and commuted maintenance costs, guidance contained within Reading Borough Council’s Supplementary Planning Guidance (Planning Obligations) (September 2004) has been reviewed.

Table D - When should development be provided off-site?	
Walsall Metropolitan Borough Council	Where possible open space should be provided on site. On site provision will be taken into account when calculating any residual off-site contribution that may be required.
Reading Borough Council	In most cases, it is more appropriate to seek off-site contributions, especially small developments.
Harrogate Borough Council	Wherever possible sites should be provided on-site. Open space should not be provided on-site if levels fall below specified minimum sizes.
Haringey Council	The SPD provides thresholds for the provision of off-site and on-site open space. The threshold applies unless the site is identified in another planning document.

Table E - Where should the off-site contribution be spent?	
Leicester City Council	For larger developments, the Council will be able to indicate exactly where any contributions made by developers will be spent.
	Smaller developments – may be appropriate to pay into an area based open space fund. Fund will be ring-fenced within the area based budget.
Haringey Council	Contributions will be spent within the catchment area of the development. However, the council is allowed some flexibility where there is not an identified open space site in the catchment.
Harrogate Borough Council	Committed sum only appropriate where it can be targeted to sites within suitable walking distances of development.
Reading Borough Council	Open Spaces Audit and Strategy points to a need for qualitative improvements to meet the needs of both existing population and those occupying new developments.
	Developments will contribute separately towards improvements on the basis of needs in relation to borough wide facilities and the needs in respect of smaller localised facilities. Capital expenditure to meet the needs of existing and future population is a key requirement in Reading and as such new developments should make contributions towards identified areas of open space that serve the whole borough. Additional contributions are also required to improve play and other facilities in the local area. This will include specific works or improvements set out in the Open Space, Sport and Recreation Strategy or other approved programmes.
Walsall Metropolitan Borough Council	The use of contributions will be apportioned to improvements to all sections of the open space hierarchy with a strong weighting towards local open space provision. The contribution will be paid into a fund and spent as soon as reasonably practicable.

Table F - Maintenance	
Reading Borough Council	The Council will normally adopt and maintain properly laid out open space, subject to a commuted sum payment.
	The commuted sum payment should cover 20 years of maintenance costs.
	Commuted maintenance sum is calculated using current contract prices and maintenance costs for maintaining open spaces (i.e. work schedules) and multiplied to establish a 20 year figure. This allows for inflation of contract prices and deflation for diminishing present values over time.
Harrogate Borough Council	Where the provision of open space is principally of benefit to the occupants of a proposed development rather than the wider public, the developer will normally be required to pay a commuted sum to cover the cost of future maintenance.
	New provision of open space should be maintained by the developer for 12 months and will be transferred to the Council after this period with the commuted sum.
	Revise figures annually for the cost of maintaining different types of open space. Total commuted payment is calculated by adding 10% contingencies to the annual costs and multiplied by the number of years.
	Maintenance is required for a period of 5 years.
Walsall Metropolitan Borough Council	The commuted sum payment should cover 10 years maintenance costs.
	Developers wanting the council to adopt or install the facilities must provide the council with sufficient funds to install and maintain them to the minimum specification for at least ten years.
Haringey Council	Developers may make their own arrangements for the maintenance of Open Space, Sport and Recreation space, subject to obtaining the Council's written agreement.
	Where developers wish to transfer ownership and future management to the Council or other body, they will be required to maintain the open space for 12 months, or other reasonable period for 'establishment'.
	A commuted maintenance payment, covering the cost of maintenance for a 20 year period, will be sought by the Council. The scale of contributions is provided within the SPD.

20.37 The key points and themes highlighted throughout the guidance are summarised below. These should be considered as appropriate and fed into the preparation of SPD:

- consideration should be given to whether all new housing developments (even single dwelling developments) should contribute towards open space provision
- local standards (or thresholds) for different open space typologies should be provided e.g. amenity areas, recreational areas, children's play provision. Minimum standards should be set for informal and formal open space and children's play areas
- local standards should be applied across the local authority area. The Council may want to consider standards for different parts of the city

- if provision cannot be provided on-site then off-site provision should be considered
- formulas are provided, together with worked examples, to show the scale of financial contribution anticipated
- a separate ring-fenced account is in place especially for the provision and maintenance of open space facilities
- if the financial contribution is insufficient to provide new recreational space, for example, these will be paid into special area based open space funds (these funds are ring-fenced within the appropriate area based budget and should be returnable if not used within a reasonable time period). It may be appropriate to provide a list of projects within a given area, which have been identified in order to satisfy the legal requirements of planning obligations.

Review of Relevant Planning Appeals

20.38 Relevant planning appeal decisions have also been reviewed. A summary of two of the most relevant appeals is provided below. It is important to note that one of the main issues raised within each of these appeals is the provision of public open space.

Matthew Homes Ltd v New Forest District Council (July 2002)

- The satisfactory provision of public open space was a key consideration raised within the appeal made by Matthew Homes Ltd against the decision of New Forest District Council not to allow the erection of 24 dwellings (ref: APP/B1740/A/02/1081859)
- Local Plan policy within New Forest District Council states that developer's contributions will be required for off-site provision in lieu of on-site provision if a deficiency in open space supply has been identified and there are proposals in the Plan for new open space provision. The site is within an area of open space surplus, however, the Council requested an off-site contribution
- Instead, the applicant chose to enter into a unilateral undertaking which provides for the retention of an area within the site as informal open space and for its future maintenance. The Inspector notes that the use and appearance of this area relates closely to the development
- The Council objected to the proposal on the basis that no financial contribution was being made to off-site formal open space. However, as stated, there was an existing surplus of formal open space in the area and no proposals to make new open space provision in the area
- The Inspector concluded that having regard to advice in Circular 1/97, the contribution sought was not directly related to the proposed development and to the use of the land after its completion and that the development ought to be permitted without it
- The Inspector therefore concluded that the lack of such a contribution was not a reason to withhold planning permission for the appeal scheme and went on to allow the appeal.

Khan vs Royal Borough of Windsor and Maidenhead (May 2003)

- Whether or not a proposal for a replacement dwelling should allow for a contribution towards public open space provision was the key consideration in respect of the appeal made by Khan against the decision of the Council of the Royal Borough of Windsor and Maidenhead (ref: APP/T0355/A/02/1100467)
- The Council refused an application for the erection of a replacement dwelling because the Appellant refused to provide on-site public open space or make a contribution in lieu of such provision
- The Appellant argued that a single replacement dwelling does not generate sufficient need for public open space. However, the Inspector noted that policy requires provision to be “made in association with new development ... on a scale which reflects the needs arising from the development ...”. The Inspector concludes that there is no reason why small developments should not contribute, in proportion to open space, as larger ones
- The Inspector also concludes that the development has created an identified and specific need for extra facilities
- The Inspector concludes that the request for a contribution is supported by both the development plan and national planning policy and that in normal circumstances a contribution towards public open space provision should be required
- Other considerations within this appeal, including the fact that development had already commenced, however, led the Inspector to override the normal presumption in favour of public open space contribution.

Fairview New Homes Ltd against the Council of the London Borough of Ealing (October 2008)_(Ref: APP/A5270/A/08/2071988)

- The above appeal concerned a mixed use redevelopment including 468 sq m retail, 1381 sq m commercial (B1a) and 120 residential units on partially redeveloped mixed use site in Acton, London
- A deficiency of public open space in the vicinity of the site was identified. The nearest substantial open spaces to the appeal site were regarded as unsuitable for most forms of sport, leisure and recreation. The Inspector noted that the appeal site was also separated from nearby open spaces by busy roads, and access to them on foot was neither easy nor pleasant
- A document titled ‘The Park Royal Southern Gateway Position Statement’ (PS) had been prepared by consultants to the Council, in order to provide guidance for decision-makers and developers on the development of the area, which included the appeal site, and to inform the preparation of the forthcoming LDF, among other things
- The Inspector noted that whilst the Position Statement was an important material consideration in the appeal, it does not have the same status as the development plan

- The position statement pointed out that meeting standard open space requirements would require the majority of sites to be given over to open space, making development unviable. Instead, it proposed the provision of high quality, intensively used and well managed open spaces, allied to a programme of financial contributions to enhance existing open spaces. The document identified an Urban Park to the south of the appeal site as a key open space
- The Urban Park was situated on land owned by the Carphone Warehouse, who opposed to the appeal proposal. Whilst the Appellants argued that the only way to secure the Urban Park would be for the Council to broker an agreement with the landowner and exercise its compulsory acquisition powers, the Carphone Warehouse contended that the appeal proposal would represent a piecemeal development contrary to the vision of the Position Statement for comprehensive redevelopment through collaboration or consolidation. The Appellants' unilateral undertaking offered to provide a sum of £600,000 towards the provision of open space, which could assist in delivering the Urban Park
- The Inspector considered that the financial contributions offered were very substantial, but as the Position Statement was neither a development plan document nor masterplan, it was uncertain whether a new Urban Park in this location would be delivered
- In dismissing the appeal the Inspector concluded that the proposal failed to make adequate provision for accessible amenity space despite substantial commuted payments to off site facilities, due to problems of deliverability and deficiency in open space in the area.

Summary

- 20.39 The review of existing open space guidance and policy highlights key considerations for inclusion within future guidance and policy including the potential for all new housing developments to contribute towards open space provision, where need has been identified, and to apply local standards for different open space typologies.
- 20.40 A review of relevant appeal decisions has highlighted the need for an up to date and robust open space and recreation assessment to demonstrate and justify requirements for planning obligations. Furthermore, it has highlighted the need for strategic open space proposals to be supported by development plan guidance, as well as the need to focus on the deliverability of an open scheme where an off-site contribution is provided.

Local planning policy framework

The Manchester City Plan (UDP) Alteration 14 (adopted February 2004)

- 20.41 Section three: Strategic Context, of this report, reviews the Manchester Plan Alteration 14. This section focuses on guidance within the Plan broadly relating to open space provision, as there are no policies specifically relating to off-site open space provision and maintenance costs.
- 20.42 There are several policies that refer to open space, which are mainly concerned the provision and improvement of open space where it can be properly maintained. Where open space cannot be properly maintained, such as incidental open space, policy is generally permissive of development for more productive use.
- **Policy E3.1** encourages the reclamation of derelict land for economic use or open space
 - **Policy E3.2** encourages redevelopment of derelict small sites where the shape and location would discourage proper maintenance for open space
 - **Policy E3.4** states that the council will create a network of safe and attractive major linear recreational open spaces by linking and making better use of river valleys, canals, disused railways and other appropriate areas of open space
 - **Policy E3.6** promotes environmental improvements in the City Centre, which includes the upgrading of public open spaces and squares
 - **Policy H2.4** is permissive of development on low quality incidental open space to more productive use where consultation has taken place with local people
 - **Policy H2.7** relates to design standards for new housing development. It seeks to restrict incidental open space unless it can be properly maintained
 - **Policy L1.6** encourages the provision of a good distribution of safe and attractive areas for informal recreation within easy reach for all people in the City and especially the provision of play spaces for young children where priority will be given to those housing areas which lack adequate private gardens.

Guide to Development in Manchester – SPG (April 2007)

- 20.43 This document expands on the UDP policies. The chapter entitled 'Quality of the Public Realm' explains what the council considers to be required in creating safe attractive, functional open space.
- 20.44 Paragraph 2.34 states how the council will look to eliminate incidental areas of open space in new developments and will not adopt small pieces of surplus and unusable open space.
- 20.45 The document encourages opportunities to create further open spaces within the City Centre, particularly in areas of the centre where little open space exists. The improvement of existing underused spaces will also be prioritised, and developer will be expected to contribute to their enhancement when carrying out work on adjacent sites.

Regeneration Frameworks and Open Space

- 20.46 **Central Manchester SRF** – The framework makes broad reference to opportunities for providing further open space in the area. Key policies include provision of more all weather pitches (Policy Hth1 (iii)), making better use of underutilised open space (Policy Cult.2) and to use parks as ‘drivers’ for increased development adjacent to them (Policy CCh3).
- 20.47 **Moss Side and Rusholme District Plan** – The Plan proposes new play and sports facilities in Whitworth Park. Key priorities are to improve the layout and accessibility of smaller open spaces and between open spaces in line with UDP policy.
- 20.48 **City Centre Strategic Plan** – The document recognises that the largest green space easily accessible for city centre residents is Hulme Park. The document prioritises the creation of distinct localities within the city centre including the redevelopment of St Peter’s Square and the development of Irwell City Park (Irwell City Park Planning Guidance SPD – March 2008).
- 20.49 **Irwell City Park Planning Guidance** – The document requires that all developments that are brought forward within the boundary of the Irwell City Park will be required to contribute a proportion of any planning obligations funding secured to the cost of the new infrastructure and improvements to the existing infrastructure in the City Park including the proposed and existing walkways and routes, new areas of public realm and public open space together with existing areas.
- 20.50 **New East Manchester SRF** – The document recognises the area has a wealth of open space, but much of this is of poor environmental quality. The provision of high quality open space is recognised as being key in attracting economic and residential investment. Development on the edge of open spaces is encouraged to improve security.
- 20.51 **North Manchester SRF** – The document recognises the area has a wealth of parks and underutilised land. The strategy objectives aim to improve the image of the area and inviting greater use of the open spaces.
- 20.52 **South Manchester SRF draft** – The document recognises the quality of parks and open spaces is unevenly distributed across the area. Resources should be focussed on improving management and enhancing open spaces (Policy DPN2.1).
- 20.53 **Wythenshawe SRF** – The document recognises the area has large amounts of open space, but some is relatively inaccessible to some residents. Key priorities include qualitative improvements to Wythenshawe Park and using new development as an opportunity for creating new open spaces.

Consultation with key Council Departments

- 20.54 Consultation has been undertaken with the City Council across a number of departments with key personnel including the planning policy officers, development control officers and regeneration officers for each area of the city (north Manchester, East Manchester, City Centre team, South Manchester and Wythenshawe). Discussions focused on the strategic policy context of Manchester with reference to the growth in housing requirements, the existing Development Policy Framework and the lack of open space policy and issues/problems associated with securing off site open space provision and maintenance costs.

20.55 A summary of the key issues raised during this consultation process is provided below.

- there is limited detailed policy guidance with the exception of PPG17 and the guide to development SPG. Open space provision and/or levels of contribution are determined on the merits of each application. The objectives and requirements for improvements to or provision of open space are provided in more detail within area specific documents
- there are contrasting development pressures in different parts of the city, as well as contrasting areas of open space provision. The Regional Spatial Strategy for the North West will significantly increase housing provision requirements for the city
- South Manchester experiences a strong demand for housing, but has few very large sites that are expected to come forward for development. Section 106 Agreements are widely used. The quantity, quality and accessibility of open space is well known and seems to form a stable basis for decision making
- East Manchester has been and will continue to be the subject of substantial regeneration. There is not a standard approach to using Section 106 Agreements for open space provision
- North Manchester is also a regeneration area, but has fewer substantial sites. There is not a standard approach to using Section 106 Agreements for open space provision
- the regeneration area frameworks contain guidance on open space, but there is not a standard approach to requiring open space with design briefs
- in the City Centre a Section 106 Agreement pool is kept for improvements within the City Centre boundary. A standard charge per dwelling has been generally accepted. The emerging City Centre Strategic Plan will highlight priorities for spending, in particular the Irwell City Park
- Section 106 requirements need to be discussed at the start of the planning process and the Council needs to continue to be proactive in securing these contributions
- there is a general acceptance that incidental open space can be redeveloped assuming other policy criterion is met. There is a preference towards qualitative improvements to parks rather than small open areas
- it is considered, particularly in the north and east areas of the city that the current system does not facilitate a consistent level of open space provision.

Off Site Provision

- there is no policy basis within the development plan for estimating maintenance costs
- increased development densities often mean that it is increasingly difficult to secure open space on site. In the regeneration areas the development briefs tend to stipulate where on-site provision can be made

- securing off-site provision can be difficult where there is no existing delivery plan / strategy for off- site provision, or where there is more limited knowledge of the quantity and quality of open space. However, one is being prepared for the City Centre.

Maintenance Costs

- there is no policy basis within the development plan for estimating maintenance costs
- contributions in the City Centre are pooled together to help fund qualitative open space improvements within the city centre area
- calculations for maintenance costs or predictions are difficult.

Summary

- 20.56 In order to secure public open space provision, planning officers rely on the standards set in PPG17, as there are no detailed policies relating to off-site provision and maintenance. Through detailed discussions with key personnel across a range of departments within the Council a number of key issues and problems associated with existing policy framework and the lack of Development Plan policy relating to securing off-site provision and maintenance costs have come to light.
- 20.57 The City experiences a wide range of very different development pressures, which makes it very difficult to apply a consistent requirement across the city. Furthermore, the viability of development schemes in regeneration areas could be affected by imposing high open space requirements.
- 20.58 With specific regard to securing off-site provision, the Council recognises that it is increasingly hard to secure open space on site (unless it is a large site) as the growth in high-density residential schemes leave little undeveloped site area. However, when trying to secure off-site provision, applicants can question the need for the provision, in the absence of policy and an up-to-date PPG17 assessment, and whether the contribution sought is compliant with the tests set out in Circular 05/05. A clear delivery plan/strategy for future provision is therefore required.
- 20.59 Maintenance of open space is important and it is a policy objective to reduce the amount of areas of incidental open space that cannot be effectively managed.
- 20.60 Consultation with key personnel has also highlighted the need for joined-up and early thinking between Council Departments in order to open up discussions regarding differing section 106 requirements. In particular, the need for the regeneration and development control teams to work closely in relation to the East Manchester and North Manchester areas.
- 20.61 The following sections seek to address these issues associated with existing Development Plan policy/guidance and provide key considerations for future policy evolution.

Key considerations for future local policy

Review of existing Policy

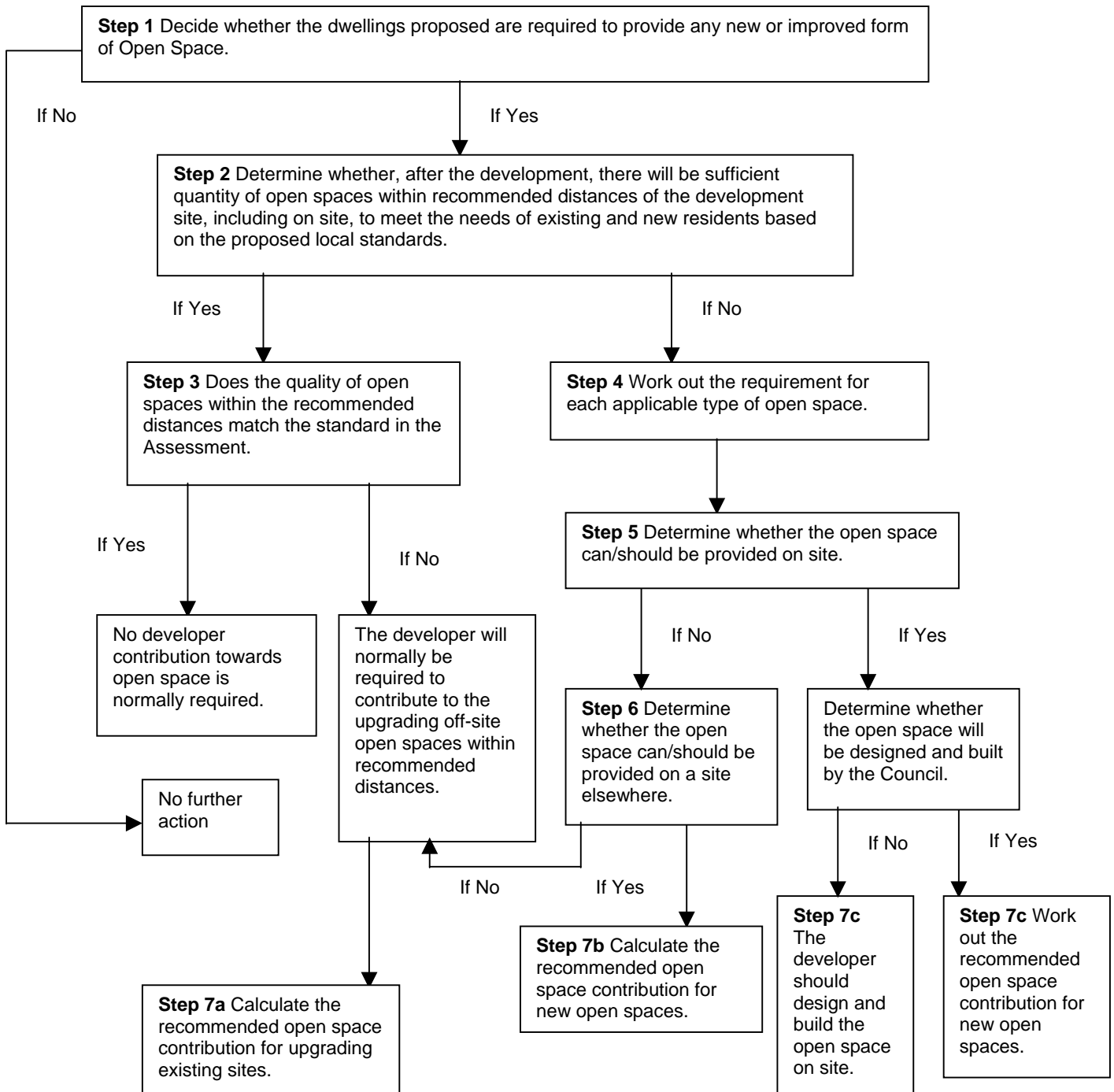
20.62 Key issues and themes were highlighted in the earlier review of SPD's prepared by other council's. It is recommended that these key issues should be considered when preparing future local policy and guidance. Various scenarios are also outlined where the Council should consider securing off-site provision and maintenance costs.

Determining Open Space Requirements

- 20.63 In order to maximise the possibility of securing open space and recreational facilities, the Council should have a local assessment of need, based on up-to-date information.
- 20.64 The local standards proposed in sections XX of this report, should therefore be applied to development proposals. Discussions between developers and the Council should therefore take place as early as possible in the planning process both prior to, and following, the submission of a planning application and should be enforced through s106 or conditions. The Council should ensure that sufficient information is included in the application to ensure a proper assessment.
- 20.65 Where the Assessment demonstrates that there is a demand for typologies of open space generated by the development and cannot be met by the Council's existing stock, the Council should seek to secure additional provision.
- 20.66 The Council should normally only seek to secure the provision of open space where it can be demonstrated that the proposed development will exacerbate or create a deficit in provision. This determination should be based upon the contents of the Open Spaces, Sport and Recreation Assessment (outlined in sections 4 - 19).
- 20.67 The categories and amount of open space sought should be directly related in scale and kind to the need generated by the proposed development. The location and detailed form of the open space should be assessed on a case by case basis, based upon the Assessment.
- 20.68 Given the different use and users of each of the categories of open space, the geography upon which the assessment of surplus or deficiency occurs and provision is made, will vary accordingly. We suggest that the Council consider applying the following accessibility standards for different types of open space proposed within the Open Space, Sport and Recreation Assessment:
- City Parks: 15 minute drive/public transport time.
 - Local Parks: 10 minute walk
 - Natural and Semi-Natural Open Spaces: 15 minutes walk;
 - Amenity Greenspace: 10 minutes walk;
 - Provision for Children / Young People: 10 / 15 minutes walk;
 - Outdoor Sports Facilities: 15 minutes walk.

20.69 A suggested process for determining open space requirements is provided in Figure 20.4

Figure 20.4: Proposed Process for Determining Open Space Requirements



SECTION 20 –PLANNING OVERVIEW

20.70 An SPD may be used to provide developers with a guide which indicates the scale of development likely to generate sufficient requirement to justify on-site provision for different open space typologies.

20.71 Leicester City Council proposes the following thresholds when a financial contribution by the developer may be appropriate:

Size of Development	0 – 14 Dwellings			15 – 49 Dwellings			50 – 99 Dwellings			100+ Dwellings		
	On-Site	Off-Site	Both *	On-Site	Off-Site	Both *	On-Site	Off-Site	Both *	On-Site	Off-Site	Both *
Environmental/ Visual Amenity Space	√			√			√			√		
Recreational Amenity Space	√	√***	√	√	√***	√	√	√***	√	√	√***	√
Children’s Play Provision (LAP)		√		√			√			√		
Children’s Play Provision (LEAP)							√	√***	√	√	√**	√
Youth and Adult Outdoor Play Provision		√			√			√		√	√	√

* In certain cases a combination of on site provision and off site works may be appropriate if all of the recreational requirements cannot be met within the development itself and this is the best way to meet the recreational needs of the new development

** This will only be appropriate when on site provision is not possible.

*** There may be circumstances when this is preferable to on site provision in the interest of greater accessibility and quality.

20.72 In the interests of efficient land and resource use the Council may wish to consider proposing minimum size standards for each category of open space – below which the space may not be considered the most viable and efficient form of provision. For example, Fareham Borough Council has adopted the following minimum size standards:

- Pitches – the most viable and efficient form of provision, able to support the necessary ancillary facilities such as changing and parking, is a minimum 2 pitches on sites of a least 2ha
- Other outdoor sports facilities (tennis courts, bowling greens etc) – to prevent any unacceptable impacts on neighbouring uses, the sports facilities and buffer zones, when added together, should be a minimum 0.65ha
- LEAPs – a LEAP (0.04ha), including buffer zone (0.46ha), extends to a minimum 0.50ha
- NEAPs – a NEAP (0.1ha), including a buffer zone (0.90ha) extends to a minimum 1.00ha.

Off-site provision of Open Space

- 20.73 Within large development schemes it will be possible to seek on-site provision of open space, accessible by the general public. Requirements for on-site provision will stem from the analysis of open space, sport and recreation in sections XXX of this report.
- 20.74 Wherever possible, the open space requirement should be provided on-site, taking account of site circumstances and any other material considerations, therefore forming an integral and integrated part of the development. In assessing whether on-site provision of each open space typology required for a development, consideration should be given to the following factors:
1. Whether the site can physically accommodate the open space;
 2. Whether the amount to be provided creates a viable open space, in terms of configuration, use etc;
 3. Whether the development site is part of a larger area to be comprehensively developed and it therefore may be appropriate for the open space to be concentrated into one or more larger areas which may not be within the site;
 4. Whether there would be a conflict with any landscape/nature conservation designations etc;
 5. The requirements of any relevant development brief concerning the size and location of open space; and
 6. Whether the site is located sufficiently close to an existing, safely accessible open space or other land which could more beneficially be extended, improved or converted to provide the required open space.
- 20.75 It is anticipated that contributions will be put towards the enhancement (or possible extension) of existing open spaces or 'pooled' to provide new provision in areas of identified shortage.
- 20.76 It is suggested that developments should contribute separately and proportionally towards City/area wide facilities which are needed, such as city parks and playing pitches.
- 20.77 The basis of the need for capital expenditure will therefore be the Open Spaces, Sport and Recreation Assessment and Strategy as well as other sub facility strategies including playing pitch and play strategies.
- 20.78 Where there is no identified need to improve or provide local facilities the required contributions should be waived.
- 20.79 The costs of developer contributions should be based on accurate local costings and costs may be derived from recent similar facility developments within the City or nearby. The Council may wish to consider revising costs annually in line with inflation. It is also important to include all cost items including land costs, groundwork and site clearance costs, architects fees and planning permission fees, building and equipment costs.
- 20.80 Two examples are provided from guidance produced by other local authorities, which demonstrates how off-site contributions may be calculated.

Fareham Borough Council – Supplementary Planning Guidance: Open Space

Calculating the Level of Development Contributions in Lieu of On-Site Provision

Where it is determined that provision should be made in the form of off-site Development Contributions that basic formula is:

$$A \times B \times C \times D \text{ (i plus, if appropriate, ii)}$$

Where

A = Nos of dwellings proposed of given house size

B = Average Household Size for each dwelling type

C = Standard of provision for each relevant form of open space (sq. m)

D = Development contributions equivalent to the “per square metre” cost of provision to adopted standards

(Di = provision rates; Dii = Maintenance Rates)

The Development Contributions in the table below are those for the financial year 2005 – 2006. Contribution Rates “Dii” will only be applied where, in accordance with Circular 1/97 guidance, the open space will be principally of benefit to the development itself rather than the wider public. The figures will be reviewed as at April each year, with any increases based upon the Retail Price Index and any other material considerations.

Form of OPS	OPS required		Development Contribution per sq. m		Contribution Required	
			(Di = Provision Rate)	(Dii = Maintenance Rate)		
Pitches		x	£30.50	£13.00	=	
Other Outdoor Sports Facilities		x	£54.50	£41.00	=	
Equipped Children’s Playspace		x	£103.50	£70.00	=	
Informal Playspace		x	£5.50	£5.00	=	
Other Recreational Space		x	£16.50	£16.00	=	
Total Development Contribution Required					=	

SECTION 20 –PLANNING OVERVIEW

Harrogate Borough Council – Provision of Open Space in Connection with New Housing Development (April 2005)

Calculating commuted sums for the provision of open space:

The level of commuted payment for off-site open space provision will always be dependent upon whether a new open space is provided or an existing open space upgraded. The former usually includes the cost of land acquisition. The costs of off-site open space provision are based on commuted sums per residential unit. These figures are based on 1997 costs and are revised annually.

Committed Sum per Residential Unit

No. of rooms	Provision	Type of Open Space				Total
		Leisure Area	Children's Equipped Play Area	Casual Play Area	Youth & Adult Play Area	
1 bed	New provision	47	0	0	101	148
	Upgrading	40	0	0	85	125
2 bed	New provision	95	585	55	202	937
	Upgrading	80	545	45	170	840
3 bed	New provision	142	877	82	302	1,403
	Upgrading	121	818	69	255	1,263
4 bed	New provision	190	1,170	109	404	1,873
	Upgrading	161	1,091	92	340	1,684
5 bed & +	New provision	237	1,462	136	505	2,340
	Upgrading	202	1,363	115	424	2,104

20.81 It is therefore suggested that off-site contributions may be sought in the following scenarios:

1. Securing off-site open space provision and maintenance where existing deficiencies occur and where the proposed development will further exacerbate the situation:
 - the basis for securing off-site provision will stem from the Open Spaces, Sport and Recreation Assessment (set out in sections 4 – 19 of this report) as well as other sub facility strategies
 - this assessment should also be used to demonstrate deficiencies within open space typologies within defined catchment areas
 - In order to ensure compliance with the key tests within Circular 05/05 it must be demonstrated that the contributions sought are needed in order to make the development acceptable in planning terms.
2. Securing off-site provision and/or maintenance in line with that generated by the development itself:
 - again, the basis for securing off-site provision will stem from the Open Spaces, Sport and Recreation Assessment (set out in sections 4 - 19 of this report)

- off-site open space provision should therefore be sought in line with the local standards set for different open space typologies within the Assessment and Strategy
 - a clear relationship between open space facilitates and the new development should be demonstrated
 - if there is no identified need to improve or provide local facilities the required contributions should be waived.
3. Securing major new Citywide / area wide (including city centre wide) facilities or enhancements to existing facilities:
- it is suggested that securing enhancements to existing city /area wide facilities or securing new facilities should be in line with UDP and emerging LDF housing and leisure policy which identify housing growth and the need for enhancements to existing facilities or new facilities
 - pooled contributions should therefore be sought for specific projects/ improvements as set out in the UDP and LDF, the Open Space, Sport and Recreation Assessment (see sections 4 – 19 of this report) and other approved Council programmes
 - a clear delivery programme should therefore be in place which identifies the need for new facilities
 - a clear relationship between open space facilities and the new development should be demonstrated
 - money for these approved works should be ring fenced and should be returnable if not used within a reasonable period of time.
- 20.82 It is noted that within the North West Regional Spatial Strategy (RSS) that Manchester City is identified to accommodate significant levels of new development. Indeed the RSS identifies the need for 3,500 new homes per annum up to 2026 in Manchester.
- 20.83 In light of the above, careful consideration will need to be given to securing off-site provision of open space in line with housing growth and local standards recommended within the Open Space, Sport and Recreation Assessment (see sections 4- 19 of this report).
- 20.84 Furthermore, in order to secure new city / area wide facilities, consideration should be given to ‘pooling’ contributions. Contributions from a number of developers can therefore be used to provide a facility, which is required by, and will be of benefit to, the wider community.
- 20.85 As outlined above pooled contributions should therefore be sought for specific projects/ improvements as set out in the UDP / LDF, the Open Space, Sport and Recreation Assessment and other approved Council programmes.
- 20.86 Developer contributions could therefore be spent on providing identified new facilities or additions/upgrading to existing sport facilities.

20.87 Pooled contributions raised in a particular area, ward or catchment should only be spent within that ward, community area or catchment. Again, we suggest that the Council consider applying the accessibility standards for different types of open space proposed within the Open Space, Sport and Recreation Assessment to assess appropriate catchment areas:

- **City Parks:** 15 minute drive/public transport time.
- **Local Parks:** 10 minute walk
- **Natural and Semi-Natural Open Spaces:** 15 minutes walk;
- **Amenity Greenspace:** 10 minutes walk;
- **Provision for Children / Young People:** 10 / 15 minutes walk;
- **Outdoor Sports Facilities:** 15 minutes walk;

20.88 Consideration should be given to wider catchments for more strategic facilities that are important at the local authority level and beyond, such as the City Parks, Sporting facilities and Nature Reserves and should be set out within a SPD.

20.89 It is suggested that unclaimed contributions may be reclaimed (by any party able to demonstrate entitlement) normally within 5 years.

Open Space Maintenance Costs

20.90 Where appropriate new developments should therefore make contributions towards the capital expenditure required to provide/enhance areas of open space and for its on going maintenance. A number of scenarios, together with policy recommendations, are outlined below, where it would be appropriate to seek maintenance costs.

1. Facilities for open space are to be provided by the Developer but are not being offered for adoption by the Council:
 - if developers do not offer areas for adoption, the Council will need to be satisfied that alternative arrangements have been made for their long-term maintenance, usually through some form of private management arrangement and this will need to be controlled via a Section 106 Agreement/Conditions.
2. Facilities for open space are to be provided by the Developer and will be adopted by the Council:
 - the Council should normally adopt and maintain properly laid out open space within residential areas subject to the payment, by the developer, of a commuted sum to cover the cost of future maintenance
 - it is anticipated that the developer will be required to maintain the open space for 12 months, or other reasonable period for 'establishment'
 - a commuted sum payment is payable on transfer of the land covering cost of maintenance for a defined period. From the review of existing supplementary planning policy maintenance periods are normally between 10 – 20 years

- the commuted maintenance sum should be calculated using current maintenance prices to manage open space, multiplied to allow for inflation of prices and the interest received on the diminishing average annual balance of the sum.
3. Facilities for open space are provided through a commuted payment:
- if open space facilities are provided through a commuted payment the Council will need to be satisfied that provision is also secured for maintenance.

Summary of key issues and recommendations

20.91 The analysis of existing policy and guidance has highlighted some key issues/problems with securing planning obligations for open space provision and maintenance. These include applicants questioning the need for open space provision in the context of the lack of Development Plan policy, no delivery plan or needs assessment and questioning whether obligations are therefore compliant with Circular 05/05.

Key considerations

i) General Issues

- of key consideration are the tests within Circular 05/05. It should be demonstrated that planning obligations are:
 - necessary
 - relevant to planning
 - directly related to the proposed development
 - fairly and reasonably related in scale and kind
 - reasonable in all other aspects.
- planning obligations should only be required where they are necessary to make the development acceptable in planning terms
- planning obligations should demonstrate a clear relationship between open space facilities and new development. This may be done by justifying that the new development is within the catchment area of the needed sport and recreation facility
- obligations should reflect local circumstances – in terms of the scale and type of development proposed and in terms of surpluses or deficiencies in local facilities
- a fair and reasonable scale of contribution should be sought
- consideration should be given to using formulae and standard charges which may ensure quicker negotiations and greater certainty. There is no requirement to address all matters through standard charges – site specific negotiations are still possible
- an up to date local base of information is therefore vital to show clarity in how local needs are defined and established and obligations justified
- greater co-ordination and joined-up thinking should be encouraged between Council departments
- area ward councils should be encouraged to take a more pro-active role in securing and negotiating open space in connection with developments, and their future adoption. It is suggested that communication is enhanced with Parish Council's through workshop

sessions and early involvement in planning applications. Workshop sessions could also be utilised to further explain how open space is adopted and the issues and process surrounding maintenance of this space.

- ii) Open Space Guidance
 - local standards should be set for different open space typologies (quantity standards set in sections 4 - 14 provide these standards)
 - consideration should be given to the application of different local standards between areas of over provision and under provision
 - consideration should be given to providing formulas and worked examples within SPD to show the scale of off-site financial contributions.
- iii) Off-Site Provision of Open Space
 - if financial contributions are insufficient to provide new recreation space beyond the ability of individual developments, special area based open space funds should be considered to contribute towards city/area wide projects
 - pooled contributions should be sought for specific projects/ improvements as set out in the UDP/ LDF, the assessment (in sections 3 -19 of this report) and Strategy and other approved Council programmes
 - a clear delivery programme should therefore be in place which identifies the need for new facilities
 - a direct relationship between the development and the project should be demonstrated.
- iv) Open Space Maintenance Costs
 - the Council should normally adopt and maintain properly laid out open space within residential areas subject to the payment, by the developer, of a commuted sum to cover the cost of future maintenance costs
 - it is anticipated that the developer will be required to maintain the open space for 12 months, or other reasonable period for 'establishment'
 - a commuted sum payment is then payable on transfer of the land covering cost of maintenance for a defined period
 - maintenance contributions should therefore be circumscribed by time limits and payments agreed in advance.

20.92 If insufficient landscaping detail is provided by the applicant at the section 106 stage to accurately calculate the maintenance cost, the section 106 should seek to come back to this issue at a later date to ensure contributions are not lost.