



**GREAT YARMOUTH**  
BOROUGH COUNCIL

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**Planning Policy**

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Our ref: TP/33/LVP

Mr N Galer  
HALGA  
13 Buttermere  
Hemsby  
Great Yarmouth  
NR29 4JZ

Dear Mr Galer

**Provision of open space for an affordable and accessible community garden facility in Hemsby**

I refer to your letter dated 26<sup>th</sup> October 2009, received on 29<sup>th</sup> October, in connection with the above matter and apologise for the delay in replying. This was due to the need to consult other departments of the Council to gather information and ascertain the level of open spaces available in the vicinity. I have not yet received all the information requested but thought it might be useful to keep you informed of the progress made with the enquiry to date.

As you are probably aware, the Borough Council sold all their allotments to the Great Yarmouth and District Allotment Association in 1993. Other allotment sites in the borough are owned by various Parish Councils.

The Government's Planning Policy Guidance (PPG17) "*Planning for open space, sport and recreation*" includes allotments, community gardens and city (urban) farms in its range of open spaces that may be of public value. It advises that local authorities should undertake assessments of the existing and future needs of their communities for open space, sports and recreational facilities. The Council undertakes surveys and compiles statistics in line with this requirement.

Recent statistics for recreation amenity areas and open space requirements show that Hemsby currently has no shortfall in land for outdoor sports activities but that there is a shortfall in children's play space and informal open areas.

Planning policy in the Borough-Wide Local Plan seeks to secure provision of public open space and children's play space where there are deficiencies, and requires provision of recreational/amenity space and/or children's play space proportional to the scale of the

development through the use of Section 106 Agreements. This is to overcome existing deficiencies and to ensure that future demand is met.

The policies in the Local Plan which relate to the provision of open space are:

*REC7- 'Should the opportunity arise, the Council will act to secure provision of public open space and children's play space within areas deficient of such facilities by negotiation or possibly by acquisition of land.'*

*REC8 – 'Where the site of a residential development or part of a larger residential scheme provides 20 or more child bed spaces, the Council will require provision of recreational/amenity space and/or children's play space proportional to the scale of the development or the overall scheme as appropriate.'*

You have raised the possibility of using Section 106 Agreements as a way to allocate land for allotments. Section 106 (S106) of the Town and Country Planning Act 1990 allows a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. The obligation is termed a Section 106 Agreement.

These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing, which are made necessary by the proposed development.

The scope of such agreements is laid out in the government's Circular 05/2005 "Planning Obligations". This states that matters agreed as part of a S106 must be:

- 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 respects.

In order for the Council to secure a facility through the S106 process there must be a sound evidence-base for the need of the facility. This need should be directly arising from the development and not to compensate for an existing shortfall in the locality.

There are no unallocated Section 106 Agreement monies available from current or past residential developments in Hemsby. This does not preclude the possibility of including land for allotments in future negotiation for open space provision with developers when new applications for residential schemes are submitted. However, I must reiterate that any open space negotiated for the provision of allotments with a developer must be associated with that particular development in terms of need and scale.

This leaves the following options to acquire land for allotments:

- The compulsory purchase of land by the Council, which as you have stated, is an extremely long drawn-out process and does depend on the Council finding land that is appropriately located.

- Approaching Norfolk County Council to see if they own any land (for example tenanted farms) in the area which they may be able to rent as allotments.
- The renting of an area of land from a private landowner which could be used as “temporary allotments” subject to planning permission being obtained where necessary.

I understand that the latter of these options is being investigated with the assistance of Hemsby Parish Council regarding agricultural land on the outskirts of the village, currently in use as the “maize maze”.

Looking to the future, the Borough Council is in the process of producing a Local Development Framework (LDF) to establish a long-term spatial planning strategy for the creation of sustainable communities. This is being produced as required by the Planning and Compulsory Purchase Act 2004, and will eventually replace the Local Plan. The LDF is made up of Development Plan Documents (DPDs), one of which is the Core Strategy.

The Core Strategy will contain policies relating to future development within the borough, including a policy for infrastructure provision by developers of new sites (CS3) and another for community facility provision (CS14).

Supplementary Planning Documents (SPDs) for Planning Obligations and for Open Space Provision are also proposed for inclusion in the LDF. The Open Space SPD will provide detailed guidance on the different types of open space within the borough and a section on allotments will be included.

I trust this information will be of assistance to your Association. The Core Strategy policies can be viewed on the Council’s website: [www.great-yarmouth.gov.uk/amendment-to-the-core-strategy.pdf](http://www.great-yarmouth.gov.uk/amendment-to-the-core-strategy.pdf)

Yours sincerely



Lesley Penn (Planning Assistant)  
**for Head of Planning and Development**