

## LOCAL PLANNING GUIDANCE NOTE NO.13

### OPEN SPACE REQUIREMENTS

#### Background

Opportunities for both **formal and informal recreation** are essential to the health and happiness of people of all ages. Much emphasis has been placed by the Government in recent years on the **health benefits** associated with exercise. From equipped play areas for children, to sports pitches which serve a much broader age group, recreational open space areas are a vital element of the community, allowing free movement, free expression and social interaction. To meet community needs the provision of public open space will be an important consideration within proposals for new residential developments. In addition to aiding the general well-being of the community by providing for sport and recreation, public open space can also contribute to biodiversity, the conservation of nature and landscape, air quality, the protection of ground water, and can enhance the appearance of a locality.

The purpose of this guidance is to expand upon the recreational space policy contained within the Flintshire Unitary Development Plan (UDP) and to explain the Council's requirement for such space in new residential development. To illustrate the Council's approach this Local Planning Guidance Note (LPG) contains details on the type, size and design of recreational spaces. Both the quantity and quality of open space are important. The reader should note that this guidance note has been produced jointly by Planning and Leisure Services.

#### Policy

The Welsh Assembly Government (WAG) attaches great importance to sport and recreation by encouraging the provision of a wide range of opportunities for recreation. A key objective of "**Planning Policy Wales**" (2002) is to promote the provision of high quality recreation spaces in accessible locations to make built-up areas more attractive places to live, work and visit. To implement this key objective WAG requires that all UDPs include policies to:

- set out a strategic approach to the provision and enhancement of well designed sport and recreation facilities, considering the scale and broad distribution of facilities and the environmental, economic and social implications of likely future change, particularly with regard to urban regeneration and rural diversification;
- contain policies for the provision, protection, and enhancement of sport and recreation facilities;
- set standards of provision so that local deficiencies can be identified and met through the planning process;
- ensure open spaces and facilities are integrated into new and existing developments to minimise crime and vandalism and to encourage their use;
- encourage the multiple use of open space and facilities to increase their effective use and to reduce the need for new facilities;
- consider the scope to use disused land and routes as parks, linear parks, or greenways in urban areas.

WAG make it clear that local planning authorities (LPAs) such as Flintshire are entitled to use **legal agreements through their planning powers** to achieve these aims.

At the local level the **Flintshire UDP** seeks to ensure that existing recreational spaces and facilities are protected and enhanced, as well as giving guidance on the most suitable locations for new proposals. **Policy SR5 Play Areas and New Housing Development**, noting that in the past new housing development has often taken place without adequate play areas for children, states that new residential development must make provision for at least 2.4 hectares (ha) of play area per 1,000 population, whilst **Policy SR4 Protecting Recreational Open Space** seeks to protect the loss of playing fields, play areas, informal recreation areas and other recreational open space to development. The supporting text to this policy confirms the Council's intention to use the National Playing Fields Association's (NPFA) standard as a minimum until such time as the Council adopts alternative guidance. In this context, the Welsh Assembly Review of Technical Advice Note 16 (Sport and Recreation) will be of relevance and may require a future review of this LPG note. **Policy SR1 Sports, Recreation or Cultural Facilities** supports the provision of new and improved facilities whilst seeking to minimise the impact on their surroundings. These policies are quoted in full in **Appendix 1**. It should be understood that Policy SR5 deals with public open space rather than merely play areas.

Developers will be required to provide appropriate landscaping within new developments in addition to open space. Such areas should be designed as an integral part of the development. **LPG Note 3 Landscaping** provides more guidance.

The needs of disabled people must be taken into account in the provision of all types of recreational and amenity open space. **LPG Note 12 Access For All** gives further advice.

## The National Playing Field Association standard

The NPFA standard has long been in use by local planning authorities, and is commended to authorities throughout the United Kingdom in para 1.2 of “**The Six Acre Standard**” (2001), the current version of their document. It must be understood that outdoor playing space is not the only form of public open space, and that it must be properly accessible to the general public and suitable for sport, active recreation or children’s play.

**The 2.4 hectare (ha) standard quoted in the policy is a minimum standard promoted by the NPFA**, which equates to 24 square metres per person. (It was originally expressed as 6 acres per 1,000 population.) In summary, this comprises:

- 1.6 ha (4 acres) of playing fields, equating to 16 square metres per person, which should be suitable and available for youth and adult use;
- 0.8 ha (2 acres), equating to 8 square metres per person, of children’s playing space, including both designated areas providing focused opportunities for outdoor play and casual/informal playing space within housing areas.

Flintshire County Council (FCC) will continue to use the NPFA standards of provision as a minimum target whilst the authority develops its own updated local open space standard.

## What is open space?

The NPFA defines **playing space** as “Space which is available for sport, active recreation or children’s play, which is of suitable size and nature for its intended purpose and safely accessible and available to the general public.”

**Outdoor recreational open space** includes facilities such as pitches, greens, courts, athletics tracks owned by local authorities, similar sites within the educational sector which are available for public use, and sites within the voluntary, private and commercial sectors which serve the needs for outdoor recreation of their members or the public, together with informal recreational space. These would be used primarily by the adult and youth population.

**Children’s playing space** includes outdoor equipped playgrounds, other designated play facilities such as adventure playgrounds, and casual or informal playing space within housing areas.

**Formal space** is where equipment is provided for children to play, or pitches are laid out for sport.

**Informal space** lacks such equipment. Informal play space is likely to be located within residential areas, in small areas, conveniently located for children to play near their home. Informal public open space would also include landscaped amenity areas particularly suitable for adults to stroll in amongst.

## Flintshire’s approach

Discussion with the case officer in the Development Control Section, Planning Services, Shire Hall, Mold is welcomed before making the planning application in order to explain the Council’s open space requirements. As part of assessing the application the open space requirement will be calculated, together with any maintenance requirements, and the applicant informed.

Where permission is likely to be granted and a commuted sum (see below) for provision or maintenance is required, the applicant may either make a voluntary agreement before the decision is issued, or enter into a legal agreement with the Council. Decision notices will not be issued until the legal agreement has been completed or commuted sum paid.

Should the applicant appeal against a refusal of planning permission to which open space provision or a commuted sum would be required, the Council will seek the imposition of a condition to ensure that the necessary provision is made in the event of the appeal being allowed.

## Guidelines

### What is expected from the developer

It would be beneficial for developers to consider this LPG Note prior to submitting a planning application.

**Applications received which pay no heed to this guidance risk delay or even refusal.** The key considerations for developers are summarised below. Further details of how developers should consider these issues are supplied in later sections of the LPG Note and are signposted under each key consideration.

**Developers will have to consider the following** and ensure that the planning application is accompanied by detailed information addressing the identified issues and requirements:

- the provision of recreation space within the development proposal;
- type, range and specifications of play equipment;
- the adequacy of proposed recreation space to meet the needs of residents;
- the adequacy of the site in its proposed locality and its relationship with offsite public open spaces, play areas, amenity greenways and recreation corridors;
- the detailed arrangements for the private or public maintenance of the site;
- the dedication of the site ownership to the Local Authority for adoption for long term maintenance;
- a works programme progressively detailing the works to be undertaken in preparation of recreation provision; and

- where the developer seeks to use recreation spaces for other uses, that such uses are declared to the Council prior to the determination of the planning application.

The developer should note that it will be their responsibility to advertise and to inform prospective residents of the planned recreation spaces so that prospective buyers can make an informed decision regarding property purchase. Specifically the developer should ensure at every opportunity that purchasers are fully aware of the proposals for the site, including the location and type of recreation provision and the provision of any onsite play space equipment.

### **Timing the provision and availability of recreation space**

The Council will require that the developer submit a works programme detailing the anticipated works required to implement the playing space requirements of the development. This schedule should be issued with the planning application or prior to determination of the planning application. The general policy of the Council will be to require that recreation spaces are in place and are to the satisfaction of the Council either one year after development has begun on site or prior to 50% of the residential development having been completed, whichever is the sooner. Failure to comply with this requirement could result in enforcement or legal action. However, in the case of larger developments, the Council may require provision to take place on an incremental basis as the development proceeds.

### **Defining recreation space**

This guidance refers only to those sites which are designed specifically for play space provision and outdoor sport provision. The guidance takes an inclusive approach to the broad spectrum of users of recreation space and it should not be presumed that the guidance is intended to solely facilitate children's play. Certainly the guidance does provide extensive requirements for the provision of formal play areas for children; however it also requires the provision of outdoor sports provision which is valued by all age-groups of the community, from child, to teen, and to adult.

The following types of space are not considered to be children's play space or outdoor recreation space and their provision will be considered to be an **unacceptable replacement** for recreation space:

- road verges and other areas of land with no recreational value;
- commons, the gardens of dwellings (front and rear);
- land capable only of providing a footpath or greenway;
- allotments;
- golf facilities;
- parking areas;
- land which is not as a matter of practice or policy available for use by the general public.

In some instances, particularly where site constraints are such that the provision of an outdoor recreational area is not possible or because of the type of residential development (eg retirement homes), the following types of space **could be considered appropriate replacements**:

- woodlands, ponds and other amenity green spaces;
- green corridors;
- ornamental parks and public gardens;
- formal sport and recreation facilities.

### **Developments and types of provision**

Occupiers of new housing developments – be they new build, subdivision of existing residential development, or change of use to residential use – have the right to expect the provision of recreational facilities. It should be appreciated that the cumulative effect of even small scale residential developments creates additional demand for recreational open space.

It will not always be appropriate to require the provision of open space as part of proposals for residential schemes; to give obvious examples, in such developments as sheltered housing for the elderly and special needs homes. In all such instances, consideration will be given on a case by case basis to the end user and the efficient use of land. Where open space is required, it will be appropriate to the type of development it is to serve; for example, an ornamental garden as part of a nursing or convalescence home.

### **Standards of Provision**

For the purposes of these standards, a dwelling is defined as self contained premises used for human habitation.

**Developments of 2 - 24 dwellings** - Proposals for housing developments of twenty four units and fewer in size make up a considerable proportion of proposals received by the Planning Authority. Cumulatively these schemes place considerable pressure on existing playing spaces. Considering the potential for added pressure upon existing facilities it is necessary to seek a financial contribution from these developments.

A requirement for developments of this scale to make provision for playing space would be inappropriate due to the potential for site constraints and the potential for providing playing spaces of unusable sizes. As such developments of this size will instead be expected to make a one-off financial contribution towards local playing

space provision. These contributions individually cumulatively could help the Council enhance existing provision in the locality of the development, or even provide new open spaces where there are current deficiencies in provision. It is not appropriate to state here the current financial contribution sought per dwelling. For all such detailed financial enquiries, advice should be sought from Leisure Services. (See **Appendix 2** for contact details.)

**Developments of 25+ dwellings** - Where proposals seek to develop 25 or more dwellings the minimum standard to be applied will be 56.65 square metres per dwelling.

**Additional Requirements for Developments of 100+ dwellings** - Where proposals seek to develop 100 or more dwellings the developer will be expected, in addition to the standard requirement for recreation space, to make provision for small-medium sized sports facilities such as tennis courts, bowling green, basketball courts.

**Additional Requirements for Developments of 200+ dwellings** - Where proposals seek to develop 200 or more dwellings the developer will be expected, in addition to the standard requirement for recreation space, to make provision for a formal sports pitch with changing facilities and car parking, for example a football, rugby or cricket pitch.

### **Alternatives to onsite provision**

In all appropriate circumstances the Council will seek to secure the provision of recreation areas within the curtilage of the development site. It is anticipated that most developments, if designed appropriately, could accommodate recreation areas provision on-site, but there may be situations when site conditions and other considerations operate against the provision of adequate onsite provision.

The Council will assess proposals using a **sequential methodology** to ensure the developer has made every effort to make convenient provision of recreation areas for residents. Developers will be expected to consider the following preferred options, working through the hierarchy of options before deciding upon which course of action to take, and demonstrate evidence of this process to the Council to fully justify the chosen approach. The **options, in order of preference**, are;

- onsite provision;
- a combination of onsite and offsite provision;
- offsite provision, but this must be close to the site; and
- a financial contribution towards recreation space provision in lieu of direct provision will be considered. This might be either to enable the Council to provide and maintain the open space, or to add value to existing nearby open space facilities by such measures as making them more accessible, improving drainage, fencing, car parking, changing facilities or floodlighting, but not for their normal maintenance.

Developers will be required to enter into a Section 106 agreement and contributions will normally be paid to the Council on commencement of development. Failure of the developer to sign the Section 106 agreement will result in planning permission being withheld. The money will be paid into a special holding account set up specifically for the purpose. Payments will be index linked if the development has not commenced within 12 months from the date of the Agreement, using the General Index of Retail Prices (All Items).

### **Planning obligations and commuted payments**

Planning obligations are arrangements to overcome obstacles which may otherwise prevent planning permission from being granted, through which contributions from developers may be used to offset the negative consequences of developments, to help meet local needs, or to secure benefits which will make the development more sustainable. They run with the land so they may be enforced against both the original covenantor and anyone subsequently acquiring an interest in the land. Welsh Office Circular 13/97 and "Planning Policy Wales" (2002) explain them fully.

The use of commuted sums and legal agreements for securing open space provision will be made in accordance with the Circular. Money arising from commuted sums will normally be used in the same community council area, unless the development is very close to a boundary and the open space provided would be of equal benefit to the residents of the new development, and where there are no suitable sites within the community council area. Funds which have not been spent within 8 years from the date of payment, or 5 years from the completion of the development, will be returned to the applicant.

### **Maintenance and dedication of recreation space**

It is important to ensure that financial and legal provision is made for the future maintenance and availability of recreation areas to preserve their value and utility for the local community. Developers should consider the following **two options regarding the maintenance of sites**:

- Where the developer wishes to maintain the site then they will be required to demonstrate how the site will be maintained for use by the local community over a ten year period. In such instances it will be expected that the developer will maintain the site for ten years after which the site should be dedicated to the Council for legal adoption and long term maintenance. This might be done through the establishment of a (sufficiently resourced) management company, residents association or community council, to carry out the maintenance work

- If the developer wishes to have the site maintained by the Council, the developer will be required to dedicate the site to the local authority and also make a financial contribution in lieu of maintenance of the site for a period of ten years.

### **Adoption of recreation space**

Depending upon the maintenance regime chosen by the developer, then the stage at which a site is adopted will vary. At whichever stage the site is adopted the Council will insist that prior to adoption the site in question has been appropriately developed (by landscaping, installation of equipped play facilities, provision of footpaths) in accordance with the requirements of the planning conditions, and with any legal agreements that may apply, and with the developer's own commitments as set out in the detailed works programme. Once it is considered that the site has been completed and the site is at an acceptable standard, the Council will accept the transfer of site ownership. Further details of the procedure of site adoption are provided in **Appendix 3**.

### **The design of recreation space**

#### **Introduction**

Quantitative standards fulfil only part of the Council's aim in relation to recreation grounds provision. Ultimately it is **quality** which must be the overriding objective of any new residential scheme. Well designed recreation grounds can make a positive contribution to the overall environment of a development, as well as providing a valuable recreational resource for residents. On the other hand, poorly designed and located play areas can create amenity problems for residents, and become neglected. It is important that the design is:

- **easily maintained**, but not to the detriment of natural character features which merit retention and protection;
- **an integral part of the scheme** which contributes to its character (and not a mere afterthought); and
- properly **usable** – one reasonably sized space, with additional minor landscaped areas, might be better than a spread of too small informal open space sites.

#### **Locating playspaces**

It is vital that all play areas for young and very young children, whether they are equipped or not, should be located in places that are surrounded by dwellings to allow natural surveillance and supervision, balanced against the residents' desire for privacy and freedom from disturbance. It is therefore essential to ensure that adequate noise prevention measures are taken to minimise any potential negative impacts as well as ensuring that houses are not grouped too tightly around play areas. Fencing, planting and land moulding can provide useful barriers for reducing the problem of noise.

All equipped play areas should be located away from roads. In those instances where it is not practically possible to do this the highest standards of natural and artificial barriers will be required to protect the safety of children.

#### **Minimum size of children's play spaces and sports grounds**

When a developer prefers to provide equipped children's playing space on more than one site, the Council's minimum requirement of 0.12ha will apply. Obviously if the proposal is for a tennis court or other similar formal sport facility then it will be inappropriate to apply this requirement.

#### **Access**

The recreation space should consider the needs of all age groups, including youths, to allow them to gather and socialise. It should be well related to existing footpaths, and cycle paths and make sufficient provision for prams, pushchairs and wheelchair access. Boundaries should prevent unauthorised motor cycle vehicle access.

Public rights of way through equipped playing areas are discouraged.

Informal public access to playing areas should be controlled to prevent fouling by dogs and litter on playing surfaces.

As a general principle, recreation grounds and play areas should be as accessible as possible from the dwellings they are intended to serve.

#### **Buffer zones and landscaping**

Appropriately sized buffer zones should be provided between recreation grounds and adjacent dwellings and other occupied dwellings. Planting is particularly important next to houses and garden walls, and high climbing equipment needs to be carefully screened from windows.

Boundary fences and soft landscaping allow natural surveillance across playing areas from public spaces, roads and footpaths. However bland exposed areas should be avoided and sites should be made to blend in well with the rest of development. Imaginative use can be made of planting and land moulding to create variety and to provide interesting, self contained spaces, both for active play and for more passive, peaceful recreation.

The design of equipped play areas should always take advantage of natural features. Trees, shrubs, hollows and mounds can add interest and variety to play areas. Where new landscaping is introduced, shrubs and trees should be of a native species and all land mouldings should be of a natural design.

## **Enclosure**

Children's play area boundaries should be clearly defined with features that prevent unauthorised motor cycle / vehicular access, while any boundary fences and soft landscaping allow natural surveillance across the playing area from public spaces, roads and footpaths.

## **Light**

Lighting is important to facilitate natural surveillance at night and thereby reduce the fear of crime.

## **Links to the countryside and to green corridors**

The recreation spaces should wherever possible be sited so that they relate well to existing recreation spaces, green spaces, recreation networks and green corridors.

## **Safety**

All equipped play areas and outdoor sports areas should be located a safe distance from power lines and overhead cables.

Special care should be taken to ensure that landscaping in all areas is safe, as well as being fun for children to play in. Existing water features and mature climbable trees should always be retained but should be treated so as not to pose any danger.

Surfaces, particularly those in equipped play areas, should be of a suitable standard to reduce the risk of injury. However, climbing frames and other items of equipment from which falls may occur should be surrounded by impact absorbing safety material in accordance with BS 5696.

## **Seating**

All play areas should include comfortable and sympathetically situated seating for older people and carers supervising children as well as for the children themselves. Low walls to lean against can provide a useful addition to more formal benches and can often be incorporated as part of the general planting scheme.

## **Security**

The effects of other associated structures on play area security is considered and taken into account, namely public toilets and/or changing pavilions.

No structures or landscape features will compromise boundary security by providing climbing over points.

Any natural landscape used for adventure play has limited/designed hiding places only, with priority given to clear natural surveillance and no opportunities for rubbish to accumulate.

Additional security features are provided as necessary to reduce the threat from particular local patterns of crime.

Children's play equipment should be visible and well located, with safe pedestrian access.

## **Signage**

Signage should be provided in line with the model designed by the Council's Leisure Services Division. Warning signs on adjacent roads should be applied for through the relevant Highways Department. It is advisable to contact the Development Control Section in Planning Services to establish whether advertisement consent is needed in any particular case.

## **Topography and drainage**

Steep gradients and other topographical unsuitable areas should not dominate sites. However such areas can be suited to a limited amount of play equipment. In addition the subsoil formation should be graded to produce an even surface, free of minor humps and depressions. All sites should be well drained and subsoil cultivation should be carried out on areas which have been compacted by construction vehicles prior to landscaping being carried out.

## **Play Equipment**

It is advised that prior to drawing up detailed play schemes that consultation be undertaken with Leisure Services to ensure that the type, range and quality of equipment proposed is acceptable to the authority. This consideration is especially important if the applicant wishes the local authority to adopt the maintenance and liability of the play area.

## Appendix 1: The relevant UDP policies

### Policy SR 1 Sports, Recreation or Cultural Facilities

"Proposals for sports, recreation or cultural facilities will be permitted provided that :

- a. they utilise suitable sites or buildings within town centres, or where this is not practicable, they utilise a site/building within settlement boundaries as close to the town centre as possible;
- b. in villages, they are located within a settlement boundary and are appropriate in scale and type; and
- c. in the open countryside they involve:
  - i. the extension of existing sports or recreational facilities; or
  - ii. the conversion of suitable buildings; or
  - iii. small scale buildings and/or ancillary development necessary to carry out the recreational or sporting activity; and
  - iv. in all cases, the facility is accessible to the local population by a variety of means of travel other than the private car."

### Policy SR4 Protecting Recreational Open Space

"Development which would result in the loss of playing fields, play areas, informal recreation areas, and other recreational open space will be permitted only where:

- a. there is already adequate recreational open space in the surrounding area;
- b. the County Council as local planning authority is satisfied that the land will not be required in the longer term for school or community use;
- c. the site has no visual or amenity value worthy of retention;
- d. facilities can best be retained and enhanced through the redevelopment of a small part of the site; or
- e. where the development of the site would result in an under-provision of open space in the surrounding area, an equivalent area of replacement space is provided in an appropriate location."

### Policy SR5 Play Areas and New Housing Development

"New residential development will be required to make a minimum provision of 2.43 ha of play area per 1,000 population as set out in further detail in the Council's detailed advice on Play Areas.

In exceptional circumstances, where it is not possible to provide play space on the site of new housing development suitable off site provision, or contributions to new or improved facilities, including equipment, will be required."



## **Appendix 2: Information and Advice**

Within Flintshire County Council responsibilities for the matters contained in this LPG Note are split between Planning Services and Leisure Services. Further information and advice on the application and implementation of this guidance can be obtained by contacting the following:

If you require policy advice or advice relating to a planning application then contact:

The Development Control Section in Planning Services Division in the Environment and Regeneration Directorate, County Hall, Phase 4, Mold, Flintshire CH7 6NF

If you require detailed advice on matters related to the design, layout, provision of playspace equipment or to detailed matters relating to the maintenance and adoption of the playspace then contact Mike Hornby, Head of Leisure Services (telephone 01352 702452) in the Directorate of Education, Childrens Services and Recreation, address as above.



### Appendix 3: Outline of Legal Procedure for Site Adoption

The developer must submit detailed layout of the play area and fully describe the type of equipment, manufacturer, supplier and installation contractors' details, in order that the proposals may be approved by the Council. The following points are a brief summary of the details to be submitted.

- a. 3 copies of a detailed layout of the play area (1:500 scale)
- b. 3 copies of a location plan (1:2,500 scale)

The developer must submit details of impact absorbing surface, manufacturer, supplier and installation contractors detail in order that it may be approved by the Council.

During construction of a play area the Council, is kept fully informed of progress in order that the works may be inspected. Work not so inspected will not be adopted until proven acceptable at the developer's expense.

Upon satisfactory completion of the work, the developer will maintain the property for twelve months prior to its adoption.

The developer must provide a five year Performance Guarantee (including wear and tear) Certificate for impact absorbing surface from the manufacturer and installation contractor. The form of guarantee is to be submitted for the approval of the Council.

Provided the play area is found to be satisfactory on completion of the twelve month maintenance period, it will then be adopted by the Council.

On approval of the play area for adoption, the Council's legal officer will arrange for the formal conveyancing of the land to the Council together with site maintenance contributions, subject to the approval of the Leisure Services Committee.

Each party shall pay their own legal fees.

The Council will only pay a nominal £1.00 for the land to be conveyed.

The developer will provide:-

- Name and Address of their Solicitor
- 6 Detail Layout Plans 1:500 scale as constructed
- 6 Location Plans 1:2,500 scale