



Draft Supplementary Planning Guidance Note

No. 13 Outdoor Playing Space & New Development



Purpose

It is Flintshire County Council's intention to prepare and keep up to date a series of Supplementary Planning Guidance (SPG) Notes which will provide detailed guidance on a range of development issues and topics. The purposes of these Notes are:

- To assist the public and their agents in preparing planning proposals and to guide them in discussions with officers prior to the submission of planning applications,
- To guide officers in handling, and officers and councillors in deciding, planning applications, and
- To assist Inspectors in the determination of appeals

The overall aim is to improve the quality of new development and facilitate a consistent and transparent approach to decision making.

Planning policies: the Flintshire context

The Development Plan

Under planning legislation, the planning policies for each area should be set out formally in the Development Plan. Flintshire County Council, as the Local Planning Authority (LPA), has a legal duty to prepare and keep up to date a development plan for the County, and the Flintshire Unitary Development Plan was adopted in 2011. The UDP provides broad policies together with allocations of land for all the main uses such as housing, employment and retailing, and will help to shape the future of Flintshire in a physical and environmental sense as well as influencing it in economic and social terms. The Plan therefore seeks:

- To help the Council make rational and consistent decisions on planning applications by providing a policy framework consistent with national policy and
- To guide development to appropriate locations over the period up to 2015.

The need for Supplementary Planning Guidance

Despite the Plan containing policies with which the Council can make consistent and transparent decisions on development proposals, it cannot in itself give all the detailed advice needed by officers and prospective applicants to guide proposals at the local level, such as house extensions or conversions of agricultural buildings. The Council's intention is to prepare a range of Supplementary Planning Guidance notes (SPG) to support the UDP by providing more detailed guidance on a range of topics and issues to help the interpretation and implementation of the policies and proposals in the UDP. The review of the Local Planning Guidance Notes will be undertaken on a phased basis and details of the available SPG's can be found on the Council's website. Where there is a need to refer to another SPG this will be clearly referenced. These SPG Notes are freely available from Planning Services, Directorate of Environment, County Hall, Mold, Flintshire CH7 6NF (telephone 01352 703228), at the Planning Services reception at County Hall and can be downloaded from the Planning Web pages www.flintshire.gov.uk/planning

The status of Supplementary Planning Guidance

Supplementary planning guidance can be taken into account as a material consideration in the decision making process. The National Assembly will give substantial weight to SPG which derives out of and is consistent with the development plan. In accordance with National Assembly advice the Council's suite of SPG's has been the subject of public consultation and Council resolution. The draft of this SPG was approved for public consultation on _____ (Council Minute no.). The SPG was the subject of a public consultation exercise between _____ and _____. The X comments submitted to the Council have been taken into account and where appropriate amendments have been incorporated into this final draft which was approved by the Council on _____ (Council Minute no.) for use as a material consideration in determining planning applications and appeals. A summary of the representations and the Council's response is set out in Appendix X.

This document should therefore be afforded considerable weight as a material planning consideration.

No. 13 Outdoor Playing Space & New Development

1.0 - Introduction

1.1 - This guidance note explains the approach that the Council will take when dealing with residential proposals which involve the need to secure either commuted sum payments or onsite provision for public open space. It offers additional guidance on the interpretation and application of Policy SR5 “Outdoor Playing Space and Residential Development” of the Flintshire Unitary Development Plan. The Unitary Development Plan Policy SR5 is listed in full within Appendix 1 to this Guidance Note.

2.0 - Background

2.1 - 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.

2.2 - 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 Supplementary Planning Guidance Note (SPG) 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.

3.0 - Policy

3.1 - The Welsh Government (WG) 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” (2014) 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 WG requires that all local plans 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.

3.2 - WG 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. 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.

Policy SR4 Protecting Recreational Open Space

3.3 - The supporting text to Policy SR4 states the Council's intention to use the National Playing Fields Association's (now Fields in Trust) standard as a minimum until such time as the Council adopts alternative guidance. In 2013 Flintshire County Council following consultation adopted its Framework Green space Strategy. The Strategy sets a local standard of green space provision as follows:

- The benchmark standard for open space provision in Flintshire is 3.6 hectares per 1000 people (or 36 square meters per person). This standard consists of 8 square meters of playing space (formal equipped play); 16 square meters of playing field and sports pitch; and 12 square meters of semi-natural green space.

3.4 - When assessing the sufficiency of existing open space provision in the context of Policy SR4 the Council will utilise the new local standard of 3.6 hectares per 1000 people.

Policy SR5 “Outdoor Playing Space and New Residential Development”

3.5 - In the context of Policy SR5 “Outdoor Playing Space and New Residential Development” standard of provision will be a minimum of 2.4 hectares of open space per 1000 people or 24 square meters per person. It is anticipated that the standard stated within Policy SR5 (2.4 ha) will be updated within the Local Development Plan to remove any policy contradictions with the Green space Strategy.

3.6 - The 2.4 hectare (ha) standard quoted in Policy SR5 is a minimum standard 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.

Defining Open Space?

3.7 - 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 as follows:

- 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.

3.8 - The following types of space are not considered to be children's play space or outdoor recreation space and their provision will not be appropriate replacement for recreational open 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;
- golf facilities;
- parking areas;
- land which is not as a matter of practice or policy available for use by the general public.

3.9 - Under certain 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 (e.g. retirement homes), the following types of space could be considered appropriate replacements:

- Allotments / Community Gardens / Orchards
- Woodlands, ponds and other amenity green spaces;
- Green corridors;
- Ornamental parks and public gardens;
- Built sport and recreation facilities.

4.0 - Developer Guidelines for Providing New Open Space

4.1 - It would be beneficial for developers to consider this guidance 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 guidance and are signposted under each key consideration.

4.2 - 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.

4.3 - 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.

Delivering New Open Space

4.4 - 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.

Developments and types of provision

4.5 - 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.

4.6 - 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

4.7 - The Councils approach in seeking open space and contributions to the provision of open space is as follows. Also for the purposes of these standards, a dwelling is defined as self contained premises used for human habitation.

1. Developments of 2 -24 dwellings – A financial contribution will be sought
2. Developments of 25+ dwellings – Open space will be sought onsite
3. Developments of 100+ dwellings – Onsite Open Space together with wheeled / game courts
4. Developments of 200+ dwellings – Onsite Open Space together with Sports Pitch provision and associated facilities

1. 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. Please note that 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.)

2. 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. Note that the minimum acceptable size of a play area will be 1200 square meters or 0.12ha.

3. 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 multi use games courts (minimum size 20mx12m) and wheeled play sports (min size 30mx25m).

4. 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 an adult sized sports pitch (e.g. rugby, football, cricket) with changing facilities and car parking.

The provision of sufficient open space to meet the needs of children is now a statutory duty under Chapter 2 of the Children and Families (Wales) Measure (2010). The Local Planning Authority will work closely with

the Play Unit to ensure that new developments either provide sufficient onsite play opportunities and/or that where sufficient provision exists, that existing provision is enhanced within the locality. The decision as to whether new developments will include play opportunities will be largely informed by onsite development requirements and by the availability and proximity of existing open spaces and fixed play areas. In this regard the Council whilst operating minimum standards for the sizes of onsite play areas (to allow children to play whilst including sufficient buffer space to protect residential amenity) will take an informed and flexible approach to the requirement of onsite play and public open space. To inform such an approach a detailed local assessment of open space provision will be undertaken in each individual case to ensure that there is a need for onsite open space; that the open space to be provided is the right type (equipped play, kick-about space, formal sport, natural spaces); that the quantum of open space is sufficient; and the open space to be provided is conveniently accessible for people of a wide range of abilities. In instances of larger developments it is anticipated that the open space provision will be in the form of multiple spaces to meet different needs from toddler play provision to young peoples wheeled and adventure play, to the need for quieter parkland settings and semi-natural wetlands.

Alternatives to Onsite Provision

4.8 - 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 provision on-site, but there may be situations when site conditions and other considerations operate against the provision of adequate onsite provision.

4.9 - 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.

4.10 - 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

4.11 - 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” (2012) explain them fully.

4.12 - 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

4.13 - 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 fifteen year period. In such instances it will be expected that the developer will maintain the site for fifteen 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 fifteen years.

Adoption of Recreation Space

4.14 - 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.

5.0 The Design of Open Space

5.1 - 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 two small informal open space sites.

Locating Playspaces

5.2 - It is important that all play areas for young and very young children, whether they are equipped or not, should be located in places that are overlooked and open to visual surveillance to minimise the potential for anti social behaviour, 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.

Access

5.3 - The open space should be planned in mind of the needs of all age groups and abilities, including the disabled, to allow them to safely access the space. 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 enclosed / fenced off 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. The recreation space should wherever possible be sited so that it is well related to existing recreation spaces, green spaces, recreation networks and green corridors.

5.4 - Planned access points, including dimensions and surfacing, to and across open spaces should be compliant with Disability Discrimination Act legislation.

Buffer Zones and Landscaping

5.5 - 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 should 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.

5.6 - 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

5.7 - Children's play area boundaries should be clearly defined with features that prevent unauthorised motor cycle / vehicular access, and be enclosed by animal/dog proof fencing. Any boundary fences and soft landscaping should allow natural surveillance across the playing area from public spaces, roads and footpaths.

Safety & Security

5.8 - Managing risks in play provision is about striking a balance between the benefit and the need for children to play against the duty of play providers to provide safe play. Play is a fundamental right of all children and in making play provision it is necessary to ensure that stimulating and challenging play environments are provided. Absolute safety within the play area is an unachievable and impractical goal. Safety will and must be considered at all stages of play provision but that, inevitably, there is an understanding and acceptance that there will always be risk of injury when children play, just as there is risk of injury in life generally. However the important goal is that play environments should be free of unacceptable risk of life-threatening or permanently disabling injury in play.

5.9 - 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 to mitigate unacceptable risk. 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.

5.10 - Lighting is important to facilitate natural surveillance at night and thereby reduce the potential for crime and antisocial behaviour.

5.11 - No structures or landscape features should 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 few 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.

Seating

5.12 - 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.

Signage

5.13 - 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

5.14 - 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

5.15 - 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.

5.16 - The design of play schemes will vary depending upon the age groups to be facilitated by the play area however in all cases provision will be expected to be included for disabled children. This provision can be in the form of dedicated equipment or in equipment designed to accommodate a wider group of physical abilities.

Appendix 1: The Relevant UDP Policies

SR1 Sports, Recreation or Cultural Facilities

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

- a. leisure uses best located in town centres adopt a sequential approach to site selection utilising 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
- d. in all cases, the facility is accessible to the local population by a variety of means of travel other than the private car.
In the case of leisure developments outside the defined town centres, applicants will be required to demonstrate a need for the facility.

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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; and
- 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; and
- c. the site has no visual or amenity value worthy of retention; or
- 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.

SR5 Outdoor Playing Space and New Residential Development

New residential development will normally be expected to include outdoor playing space at a minimum rate of 2.4 hectares per 1000 population, this provision will include outdoor sport and recreation space together with equipped play space. In exceptional circumstances, where it is not possible to provide open space on the development site, then suitable off site provision or contributions to new or improved facilities, including equipment, will be sought.

Appendix 2

Discussion with the case officer in the Development Management 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 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.

Within Flintshire County Council responsibilities for the matters contained in this SPG 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 Management Section in Planning Services Division in the Environment and Regeneration Directorate, County Hall, Phase 4, Mold, Flintshire CH7 6NF – 01352 703234

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: **The Play Unit within the Directorate of Lifelong Learning, Deeside Leisure Centre, Queensferry, Flintshire CH5 1SA – 01352 702469.**

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