

Recreational Public Open Space

1 INTRODUCTION

- 1.1 This Note is one of a series of Supplementary Planning Guidance Notes (SPGs), amplifying the development plan policies and other issues in a clear and concise format with the aim of improving the design and quality of new development. The Notes are intended to offer broad guidance which will assist members of the public and officers in discussions prior to the submission of planning applications and assist officers in handling and members in determining planning applications.

2 STATUS AND STAGES IN PREPARATION

- 2.1 The Council's SPG Notes are not part of the adopted plan. However, they have been the subject of both a formal Council resolution and public consultation. The Welsh Assembly Government (The Assembly) has confirmed that following public consultation and subsequent Local Planning Authority (LPAs) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Assembly determine planning applications and appeals. This Note was approved by Full Council on March 18th 2003 for use in development control. A statement of the consultation undertaken, the representations received and the Council's response to these representations is available on request.
- 2.2 These Notes have been prepared in accordance with guidance contained in Planning Policy Wales; Unitary Development Plans (Wales); Technical Advice Notes.

3 BACKGROUND

- 3.1 Public open space whether sports pitches or areas of urban greenspace are recognised as being important to the overall quality of life. It contributes to the general well-being of the community in respect of providing for sport and recreation and in contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater.
- 3.2 Planning policy both local and national seeks to protect and enhance the quantitative and qualitative provision of open space to meet the needs of current and future generations. This can be achieved by safeguarding and enhancing current provision and creating additional provision where demand/need is identified.

4 POLICY

- 4.1 National and local planning policy is contained in Planning Policy Wales 2002, Technical Advice Note (W) 16 'Sport and Recreation', Welsh Office Circular 13/97 'Planning Obligations' and the Denbighshire Unitary Development Plan (UDP), adopted July 2002.
- 4.2 The Denbighshire UDP definition states 'open space includes formal and informal open space whether in public or private ownership. These areas include parks, playing fields (including those in educational use) urban green-space and allotments'.
- 4.3 The UDP contains policies relating to the protection of existing open space and for the provision of open space in new developments. The most relevant policies are i) REC 1 Protection of Existing Open Space & ii) REC 2 Amenity & Recreational Open Space Requirements in New Developments.
- 4.4 Developers will be required to provide appropriate landscaping within new developments in addition to recreational open space. These areas should be designed positively as an integral part of the development, and not added as an after thought or made up of residual and inappropriate pieces of land.
- 4.5 Where residential developments of 10 or more units are proposed and a deficiency in open space provision has been identified, open space is expected to be provided in accordance with the County Standard. In exceptional circumstances for developments where physical provision is not practicable then payment of commuted sums will be considered where these can be targeted to make agreed provision in the Community area.

- 4.6 The cumulative effect of even small scale residential developments (ie 10-30 units), creates a significant additional demand for recreational open space. Occupiers of new developments all have the need for and right to expect the provision of recreational facilities whether the development be large or small. New residential development could take the form of new build, subdivision of existing residential development, or a change to residential use as a result of conversion.

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5 CURRENT PROVISION & NEEDS

- 5.1 A survey was conducted in 1999 of existing open space provision in the County to inform the preparation of the UDP. The results demonstrated a Countywide deficit in all aspects of open space provision totalling approx 32 hectares. Several settlements demonstrated severe shortages in open space provision. Further audits are being carried out to assess the quantity, quality and accessibility of existing open space.
- 5.2 Denbighshire County Council promote a barrier-free environment and Access for All within the community, including disabled people under the requirements of the Disability Discrimination Act 1995. The needs of all sectors of the community should be considered in the provision of all types of recreational and amenity open space.

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6 DEFINITIONS OF OPEN SPACE

- 6.1 The National Playing Field Association (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.”*¹

The NPFA also provides more detailed definitions of the two types of open space.

Outdoor Sport - defined by DCC as Community Recreational Open Space (CROS)

- Facilities such as pitches, greens, courts, athletics tracks and miscellaneous sites such as croquet lawns and training areas owned by local authorities.
- Facilities described above within the educational sector and which, as a matter of practice and policy are available for public use.
- Facilities described above which are within the voluntary, private, commercial sectors, and serve the needs for outdoor recreation of their members, or the public.

Children’s Playing Space

- Outdoor equipped playgrounds for children of whatever age.
- Other designated play facilities for children which offer specific opportunity for outdoor play, such as adventure playgrounds.
- Casual or informal playing space within housing areas.

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7 COUNTY STANDARD

- 7.1 Following support from the UDP Inspector, Denbighshire has adopted the following minimum standard for open space of 3.2 ha per 1000 population (32 square metres per person). This standard is further broken down into:

Community Recreational Open Space (CROS) (e.g. Football pitches, parks)	2.4 hectares/1000 population 24 m ² /person
Children’s Open Space (e.g. Play grounds)	0.8 hectares/1000 population 8 m ² /person

¹ ‘The Six Acre Standard, Minimum Standards For Outdoor Playing Space’, National Playing Fields Association, 2001

- 7.2 CROS should include a minimum of 1.6 - 1.8 hectares per 1000 population, for formal sports facilities for example: pitches, courts and greens for public and private use, athletics facilities, all weather pitches and multi use games areas (MUGAs) etc. This is in line with the National Playing Fields Association recommended minimum standard. The remaining 0.6 - 0.8 hectares per 1000 population can be made up of informal recreational space i.e. parks.
- 7.3 This adopted County minimum standard will be applied to new developments of 10 or more units where existing open space cannot meet the needs generated by the new development. Following the results of the 1999 survey this will apply to the majority of sites. In order that the open space requirement is related in scale and kind to the proposed development the open space need is based on the potential number and type of occupants of a dwelling. For example a development of sheltered housing for the elderly could be acceptable without the provision of a children's play area but would require CROS.
- 7.4 The expected occupancy of the dwelling is first estimated. Family cycles change and variations in occupancy levels of dwellings will occur over time, however the provision of open space is a long term measure, so it is important to make sufficient provision for each proposed dwelling. Allowing for average household size in Wales, a figure of 3 persons per dwelling has been agreed as a reasonable level of expected occupancy per dwelling.
- 7.5 Where numbers and type of dwellings are unknown (e.g. outline applications), the requirement for open space provision would have to be reserved through a planning condition or legal agreement to enable the matter to be resolved when a detailed application is made.
- 7.6 It is vitally important that all play areas are well designed and laid out in appropriate locations to ensure that they are well used. Poorly designed and located play areas, often small 'left over' areas can create amenity problems for residents or be under used and fall into disrepair and neglect. Sites should make full use of existing features such as public footpaths and trees and ensure wherever possible these are retained on site. Sites should be attractive for all users providing a pleasant environment for relaxation as well as a safe environment for children's play. Siting to allow for natural surveillance and road safety should be considered as part of the design process.



8 METHODS OF PROVISION

- 8.1 Once the open space requirement has been established it is then necessary to determine how that open space will be provided. There are four possible options which are given in order of preference below:
 - 1) Provision on site
 - 2) In certain instances provided off site but adjacent to or in close proximity, and convenient and accessible from the development.
 - 3) Provided by payment of a 'commuted sum' to enable the Council to provide and maintain the open space on behalf of the applicant in the Community Area.
 - 4) Provided by payment of a 'commuted sum' to enable the Council to add value to existing facilities to better meet local needs in the Community Area.
- 8.2 Whenever practicable, open space should always be provided on site. In certain instances, provision could be made off site where it can be demonstrated that this would improve the quality of both the development and the open space provided can better meet the needs of the locality.
- 8.3 The consideration of commuted sums will be made where the provision of open space on or close to the site is not practical and there is no possibility of improving existing nearby provision to increase capacity and usage.
- 8.4 Where a site is to be developed in phases an estimation will be made of the total likely occupancy of the whole site and the open space to be provided calculated on this basis. The open space provision should be laid out in a phased manner in conjunction with the construction phases of the development to ensure that it is provided in a planned manner and forms an integral part of the design of the development.

9 COMMUTED SUMS

- 9.1 The use of commuted sums and legal agreements for securing open space contributions will be made in accordance with Welsh Office circular 13/97 ‘ Planning Obligations’. Contributions will be negotiated on all sites of 10 or more units where provision cannot be made on site, unless existing open space provision is adequate.
- 9.2 Funds can be used to lay out new open space or to enhance existing provision, thereby increasing usage. Valid improvements to existing provision include improvements to make the site more accessible, drainage works to extend the usage of the facility; fencing works, provision of changing facilities and car parking, floodlighting, or other essential services. Funds will not be used for the normal maintenance of existing open space.
- 9.3 Money generated from commuted sums will be held in an account and will normally be used in the same Community Council area as the development. Exceptions to this may occur where a development borders a neighbouring Community and the open space provided would be of greater or equal benefit to the residents of the new development and where there are no suitable sites within the Community Council area.
- 9.4 Funds which have not been spent within 8 years from the date of payment or 5 years from completion of the development whichever is the later, will be returned to the applicant.
- 9.5 Many residential developments within the County during the plan period will be small scale. In cases where it would be impractical or unreasonable for a development to accommodate useful areas of open space at the agreed standard, and the Council accept that provision of some or all of the recreational open space is to be covered by contributions, they shall be calculated on the following basis.

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10 MAINTENANCE

- 10.1 Where amenity open space and recreational open space has been provided on or close to the development or a commuted sum paid, the Council will require developers to make appropriate arrangements for the future maintenance of this open space. If the Council and the developer reach an agreement that the Council will maintain the open space then the developer will be required to provide a commuted sum for this purpose. The maintenance payment has been calculated to provide for maintenance over a 25 year period and is set at £10.69 per square metre. The use of commuted sums and legal agreements for securing maintenance will be made in accordance with Welsh Office circular 13/97 ‘ Planning Obligations’.
- 10.2 Where developers do not intend to enter into an agreement with the Council over the future maintenance of open space, then the Council will need to be satisfied that appropriate alternative arrangements have been made for long term maintenance; for example by the establishment of a sufficiently resourced management company, residents association or Community Council responsible for their upkeep.

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11 COSTINGS

- 11.1 The costs to the County of providing open space have been calculated as shown in Table I. These costs do not include an element for land purchase, where this is necessary, the sum required will be recalculated to include this element. The costs in Table I will be index linked to take account of inflation and a revised costing issued each year following the issue of a public notice.

Table 1 Costs of Laying Out and Maintaining Open Space (Based on Adopted County Standard)

		PROVISION COSTS		MAINTENANCE
		Per Person (£)	Per sq. Metre (£)	Per sq. Metre (£)
Community Recreational Open Space	24m ² /person	240	10	10.69
Children's	8m ² /person	210	26.25	10.69
Total	32m ² /person	450		

12 EXAMPLES

Example A - 10 Dwellings 4 @ 2 bedrooms, 3 @ 3 Bedrooms, 3 @ 4 bedrooms

In an area deficient in CROS and Children's play space.

Total Occupancy = 10 x 3 = 30 Total Open Space Requirement = 960 sq. Metres

CROS 30 x 24 sq. Metres = 720 sq. Metres

Children's 30 x 8 sq. Metres = 240 sq. Metres

In this case the open space cannot be met by existing provision on or off site, therefore a commuted sum is required.

Cost of Laying Out Facility

CROS 720 x £ 10.00 = £ 7,200

Children's 240 x £ 26.25 = £ 6,300

Cost of Maintaining Facility

CROS 720 x £ 10.69 = £ 7,697

Children's 240 x £ 10.69 = £ 2,566

COMMUTED SUM = £ 23,763

Example B - 20 Dwellings all 3 Bedrooms

In an area deficient in CROS and Children's play space.

Total Occupancy = 20 x 3 = 60 Total Open Space Requirement = 1920 sq. Metres

CROS 60 x 24 sq. Metres = 1440 sq. Metres

Children's 60 x 8 sq. Metres = 480 sq. Metres

Cost of Laying Out Facility

CROS 1440 x £ 10.00 = £ 14,400

Children's to be provided on site, so no commuted sum.

Cost of Maintaining Facility

CROS 1440 x £ 10.69 = £ 15,394

Children's 480 x £ 10.69 = £ 5,131

COMMUTED SUM = £34,925

- 12.1 In this example due to the size of the development, it would be expected that the children's play space would be provided on site. It is assumed that it would not be practical to meet the CROS requirement on-site or off-site, and therefore a commuted sum, would be required. In some situations the open space requirement could be partially met on-site and any remaining provision could be made off-site or via commuted sums. Appropriate arrangements for the future maintenance of the open space provided on site would also have to be made either with the developer or an agreed responsible body.

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13 OPERATION OF THE SYSTEM

- 13.1 This SPG note will be issued with all relevant planning application forms. Pre-application discussion with the case officer is welcomed in order to explain open space requirements. As part of assessing the planning application, the open space requirement will be calculated and where applicable any maintenance requirements, and the applicant informed.
- 13.2 Where planning permission is likely to be granted and a commuted sum for provision and/or maintenance is required, the applicant may:
- a) Make a **voluntary payment** before the decision is issued, or
 - b) Enter into a **legal agreement** with the Council. This will require the financial contribution to be made, and the decision notice will not be issued until the legal agreement has been completed.

Where payment of a commuted sum is required, a decision notice will only be issued once the payment has been received.

- 13.3 In the event of an appeal following a refusal of a planning application to which open space provision or a commuted sum would be required, the Council will seek the imposition of a condition or legal agreement to ensure that the necessary provision is made in the event of the appeal being allowed.



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