

Provision of Public Open Space in New Residential Developments

Supplementary Planning Document

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Contents

	Preface	1
1.	Introduction	2
2.	Policy Context	3
3.	Local Assessment of Open Space	5
4.	Policy OS1: Provision of On-Site Open Space	7
5.	Location and Design of Open Space	13
6.	How to Comment	14
Appendix 1	West Lancashire Local Plan Policy EN3	15
Appendix 2	West Lancashire Local Plan Policy IF4	17
Appendix 3	Open Space Accessibility Standards	19
Appendix 4	SEA Screening Report	21
Appendix 5	Maintenance of Play Equipment	30

Preface

West Lancashire Borough Council believes that all residents within the Borough should have access to a range of high quality open space facilities. Open spaces are essential for sport, recreation, health, wellbeing and relaxation and, through appropriate design, can also act as important habitats for an array of wildlife and can improve biodiversity.

The Council understands that residents of West Lancashire value high quality open space and so therefore seeks to encourage, where appropriate, the provision of new public open space to a high standard and in such a way that maximises its use and provides multi-purpose benefits, helping to create healthier, safer and more attractive neighbourhoods throughout the Borough.

New residential development can place a strain on existing open spaces, the new housing usually resulting in an increase in the population of an area, and a corresponding increase in the number of open space users. If open space is not provided to meet this increased demand, this can result in the under-provision of open space.

Therefore, the Council seeks to ensure that new and enhanced open space facilities are made available to accompany new residential development. This Supplementary Planning Document (SPD) sets out how developers of new housing will be required to provide open space on-site, within their development proposals. It operates in conjunction with Policy EN3 of the West Lancashire Local Plan 2012-2027, and within the financial framework to be introduced as a result of the anticipated implementation of the Community Infrastructure Levy Charging Schedule in West Lancashire in summer 2014.

Comments are invited on this draft SPD from Thursday 3 April – Friday 16 May 2014. Details on how to comment are provided in Chapter 6.

1. Introduction

This Supplementary Planning Document (SPD) is designed to provide guidance on West Lancashire Borough Council's approach to, and expectations concerning, the provision of public open space and associated facilities within new residential developments. It supersedes and replaces the *Open Space and Recreation Provision in New Residential Developments SPD*, adopted by the Council on 7 May 2009, and updated in 2011¹ (hereafter referred to as the 2009 Open Space SPD).

The need to replace the 2009 Open Space SPD has arisen as a result of two factors. Firstly, it is anticipated that the Council will adopt a Community Infrastructure Levy (CIL) Charging Schedule in 2014, which will alter the types of infrastructure that are secured through planning obligations (Section 106 agreements). Secondly, an Open Space Study and Playing Pitch Assessment was prepared on behalf of the Council by the consultants PMP in 2009, subsequent to the adoption of the 2009 Open Space SPD. The findings of this study supersede the material underpinning the 2009 Open Space SPD.

Two policies of the West Lancashire Local Plan 2012-2027 deal, directly or indirectly, with public open space provision within the Borough. These are Policy EN3: Provision of Green Infrastructure and Open Recreation Space, and Policy IF4: Developer Contributions. The two policies are outlined in Chapter 2 of this SPD, and are set out in full in Appendices 1 and 2. The purpose of this document is to provide more detailed and specific advice to applicants as to how Local Plan policies EN3 and IF4 should be applied in relation to the provision of on-site public open space in new residential developments.

This SPD addresses:

- When on-site provision of public open space will be required;
- The amount of on-site public open space provision that will be required;
- What type of public open space will be required;
- What will be required with regard to the maintenance of the on-site public open space; and
- The location and design of public open space.

The contents of this SPD will be a material consideration when determining applications for residential development and will be used by the Council's Development Management team as a basis for negotiations with applicants prior to the determination of applications for residential development. Applicants are therefore strongly advised to have regard to this SPD when preparing applications for residential development within the Borough. They are also encouraged, prior to the submission of applications, to discuss the proposals with an officer in the Council's Development Management team via the pre-application advice process.

Queries regarding the pre-application and planning application process should be directed to the Planning Service on (01695) 585116, or electronically to plan.apps@westlancs.gov.uk.

Queries regarding this SPD in general, as a policy document, should be directed to the Strategic Planning & Implementation Team on (01695) 585274, or electronically to localplan@westlancs.gov.uk.

¹ In November 2011, the Council reduced the requirements for Open Space contributions. The new (lower) figures are listed in the Addendum to the SPD, and replace those in table 8.1 in the 2009 SPD.

2. Policy Context

This chapter sets out the policy framework within which the 2014 Open Space SPD operates, both at national and local level.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) came into force in March 2012. Paragraph 73 of the NPPF deals with open space, sports and recreation facilities, and states:

Planning policies should be based on robust and up-to-date assessments of the need for new open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

The information from the Council's most recent Open Space, Sport and Recreation Study has formed the basis of the open space standards set out in this SPD.

West Lancashire Local Plan 2012-2027

The West Lancashire Local Plan 2012-2027 ('WLLP') was adopted in October 2013. The two policies of greatest relevance to the provision of open space are policies EN3 and IF4.

Policy EN3: Provision of Green Infrastructure and Open Recreation Space, states:

2(d) *Where deficiencies in existing open recreation space provision exist, as demonstrated in the Council's Open Space, Sport and Recreation Study and any subsequent equivalent document, new residential development will either be expected to provide public open space on site (where appropriate) or a financial contribution towards the provision of off-site public open space to meet the demand created by the new development or enhancement of existing areas of public open space which could be upgraded to meet the demand created by the new development.*

WLLP Policy EN3 functions as the 'parent' policy for this SPD.

Policy IF4: Developer Contributions sets out the types of infrastructure towards which new developments will be required to contribute. Policy IF4 refers both to planning obligations (or 'Section 106 Agreements') and to the Community Infrastructure Levy.

Community Infrastructure Levy

It is anticipated that West Lancashire Borough Council will adopt a Community Infrastructure Levy (CIL) Charging Schedule in summer 2014.

The CIL Regulations 2010 set out limitations for the use of planning obligations once CIL is implemented. Under the CIL Regulations, planning obligations must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the proposed development.

Thus the effect of the implementation of CIL will be that planning obligations (or 'Section 106 agreements') will be much more limited in their scope. In terms of public open space provision, funding for the more strategic types of public open space off-site will come from CIL receipts², but residential developments of a certain size will be required to provide public open space on-site through a planning obligation or planning condition. The latter on-site provision is the subject matter of this SPD.

Open Space and Recreation Study 2009

The Open Space and Recreation Study was undertaken on behalf of the Council by the consultants PMP, and was finalised in October 2009, five months after the adoption of the 2009 Open Space SPD. In line with guidance set out within Planning Policy Guidance Note 17 (PPG17), which was in force at the time, the Study includes an assessment of need and an audit of existing open space in the Borough, and identifies local standards for open space provision. The study also assisted in establishing future planning policies and site allocations through the West Lancashire Local Plan 2012-2027.

This 2014 SPD is largely based upon the findings of the 2009 Open Space Study (it has also had input from WLBC Leisure officers). Whilst the Open Space Study was published five years before this SPD, it is considered that this evidence remains sufficiently up-to-date, given that the population and the amount and quality of open space in the Borough have not changed markedly since 2009.

Sustainability Appraisal

Consultants URS were engaged to determine whether there is a need to undertake a Strategic Environmental Assessment as part of a Sustainability Appraisal on this SPD in accordance with the *Environmental Assessment of Plans and Programmes Regulations 2004* and the *European Directive 2001/42/EC*. A Supplementary Planning Document does not require a Sustainability Appraisal to be completed if it relates to a parent document that has already been subject to Sustainability Appraisal. URS have concluded that such is the case for this SPD, given Sustainability Appraisal work carried out throughout the preparation of the West Lancashire Local Plan 2012-2027.

The Sustainability Appraisal Determination Report is included in Appendix 4 for further information.

² The use of CIL money is to be agreed annually with the local community, to reflect local priorities. Where local priorities include the provision of play equipment or other forms of open space, CIL funding may be used for the provision and ongoing maintenance of play equipment, in addition to the provision of strategic open space.

3. Local Assessment of Open Space

The former Planning Policy Guidance Note 17 and its Companion Guide called for local planning authorities to undertake local assessments of open space, sports and recreation. This demand has been reiterated in paragraph 73 of the NPPF. In response to this requirement, the Borough Council appointed consultants PMP in 2008 to undertake an Open Space Study and Playing Pitch Assessment for West Lancashire. The key aims of the study were to:

- Update the existing audit of open space provision to reflect recent changes;
- Update the assessment of local open space needs to ensure that the needs and aspirations of local communities are appropriately understood;
- Develop clear and robust standards; and
- Inform the future management of open space and facilitate decision-making on the current and future needs for open space, sport and recreational facilities.

The Playing Pitch Assessment was prepared in line with guidance set out within PPG17 and its Companion Guide. The study indicated that there are shortfalls of pitch provision across the Borough. In particular there are pressures on junior football pitches as well as pressures on cricket and rugby pitches. In most areas of the Borough, there was a significant issue in relation to the quality of the pitches, in terms of facilities (i.e. changing rooms) and drainage.

The Open Space Study and Playing Pitch Assessment can be found on the Council's website at:

http://www.westlancs.gov.uk/planning/planning_policy/the_local_plan/the_local_plan_2012-2027/evidence_and_research/open_space_study.aspx.

Types of Open Space

Open space exists in various forms, including:

- Formal parks and gardens
- Accessible natural green space
- Equipped / natural play areas
- Informal and amenity green space
- Outdoor sports spaces, for example football, rugby and cricket pitches, multi-use games areas
- Allotments

Table 14.4 of the 2009 Open Space Study recommends local standards for different types of open space in terms of quantity and accessibility. These standards form the basis of the open space requirements set out in this SPD, and are copied below:

Table 14. 4 – Recommended Local Standards

Typology	Quantity Standard	Accessibility Standard
Formal Parks	0.10 ha per 1000 population – equivalent to current level of provision Borough wide although set with locational deficiencies in mind	10 minute walk time (urban areas) 20 minute drive time (rural)
Country Parks	No standard set	20 minute drive time
Natural and Semi Natural Open Space	1.84 ha per 1000 population – equivalent to the existing provision	15 minute walk time
Amenity Green Space	1.35 ha per 1000 population – equivalent to existing provision	5 minute walk time
Provision for Children	0.038 ha per 1000 population – this represents a significant increase on existing provision. As a minimum this standard will require one facility in settlements exceeding 1500 residents.	10 minute walk time
Provision for young people	0.024ha per 1000 population Provision of a facility in settlements with a population of greater than 3000	10 minute walk time
Outdoor Sports Facilities	2.16 ha per 1000 population – above the existing level of provision	20 minute drive time to each facility type
Allotments	0.08 ha per 1000 population Above existing level of provision	20 minute drive time
Cemeteries and Churchyards	N/A. Indicative standard of 0.06 ha per annum required for burials.	No standard set

4. Policy OS1: Provision of On-Site Open Space

With the anticipated introduction of the CIL charge, the majority of the strategic public open space required as a result of new development will be funded using accumulated CIL contributions. Such schemes will be outlined in the West Lancashire CIL Infrastructure List (the 'Regulation 123 list') and projects will be delivered in line with programmes put forward by service providers on an annual basis.

Policy OS1 below deals specifically with on-site public open space, which must be provided as an integral part of new residential developments.

Policy OS1 Provision of On-Site Public Open Space

Developers of new residential developments will be required to provide public open space on-site as follows:

(a) Developments of 1-39 dwellings

For residential developments of 1-39 units, on-site public open space provision will not be required.

(b) Developments of 40-289 dwellings

For residential developments of 40-289 dwellings, developers will be required to provide 13.5 square metres of public open space per bedroom developed. This public open space should typically take the form of informal amenity green space in order to provide the local function necessary of this public open space.

(c) Developments of 290 dwellings and over

For residential developments of 290 dwellings and over, developers will be required to provide 15 square metres of open space per bedroom developed. The expected breakdown of this 15 square metres is approximately 13.5 square metres of informal amenity green space and 1.5 square metres of provision for formal public open space including play equipment for children and young people. In terms of the provision for formal public open space including play equipment for children and young people, the developer should liaise with the Council's Community Services (Leisure) officers to ascertain the exact nature and amount of play equipment that should be provided on that particular development.

If the developer proposes not to meet the above public open space requirements on-site, they must provide clear and robust justification as to why the requirements should not be met in that particular development proposal.

Maintenance of Open Space

The preference of the Council would be that the developer retains the ownership of the public open space within their development site, in which case they will be solely responsible for ongoing management and maintenance of the public open space (and ensuring that it remains accessible to the general public). Alternatively, with the agreement of the Council, developers may appoint a maintenance company or land trust to manage and maintain the public open space on their behalf.

However, ~~on exceptional occasion it may not be~~ where it is not appropriate for a developer or maintenance company / land trust to retain ownership of the public open space and, as a result, ownership may be passed to the Council. On such an exceptional occasion, the developer will be required to provide a financial contribution for the maintenance of the on-site public open space they provide for a minimum of 10 years. The size of the contribution will be calculated using current contract prices and maintenance costs of open space, and also taking into account inflation over the 10 year period. The rates are as follows:

(A) Sites of 40-289 dwellings

The Council will charge:

£0.47 per square metre per annum for maintenance of grassed areas, plus

£1.81 per square metre per annum for maintenance of shrub beds

In addition, further charges may be levied for tree pruning, litter picking, and the provision and routine emptying of litter bins and dog waste bins. These charges will be calculated on a site-by-site basis.

(B) Sites of 290 dwellings and above

The Council will charge:

£0.47 per square metre per annum for maintenance of grassed areas, plus

£1.81 per square metre per annum for maintenance of shrub beds, plus

£9,870 per annum for the maintenance of children's and young people's play equipment.

In addition, further charges may be levied for tree pruning, litter picking, the provision and routine emptying of litter bins and dog waste bins, and maintenance of footpaths and any other hard surface provided as part of the open space element of the development. Charges will be calculated on a site-by-site basis

Charges for soft landscaping will be subject to annual increases in line with the soft landscape indices. Charges for maintenance of play equipment will be linked to the Consumer Price Indices.

Delivery of on-site public open space as part of new residential developments will be secured through conditions on any planning permission or, if necessary, a legal agreement.

Contributions towards the maintenance of public open space provided on-site will be secured through legal agreements.

Justification

Definition of open space

For the purposes of this SPD, informal amenity green space is defined as undeveloped, publicly accessible areas, providing an informal recreational function. This may include grassed areas, landscaped areas, and, in certain cases, buffer planting (where this is accessible to the public and has a clear amenity function, e.g. if a footpath is provided through the area of buffer planting). However, lines of trees, narrow grass strips, or 'left over spaces' are unlikely to count as informal amenity green space.

In terms of sustainable drainage systems, water features such as attenuation ponds will not count as public open space, unless, for example, they are designed with a specific amenity function in mind, for example a boating lake or strategically designed pond with amenity value. However, areas of informal amenity green space around such drainage features will count as public open space.

Thresholds

The Borough Council has used a threshold of 40 dwellings for on-site public open space contributions for a number of years, including under the 2009 Open Space SPD. This has worked well in practice, and there is no more recent evidence indicating that the threshold should be changed.

The higher threshold of 290 dwellings has been derived using a nominal average figure of 3.5 persons per new dwelling. At this rate of occupancy, 1,000 extra persons would be generated by 286 new dwellings. Rounded to the nearest 10 dwellings, this becomes 290 dwellings³.

The requirement to provide on-site public open space will apply to incremental developments on sites which would result in a development of 40 units or more on a larger site. An example would be where a large site was divided up into smaller parcels and proposals were submitted for 39 dwellings or fewer on each parcel on a piecemeal basis. Similarly, the requirement to provide the higher rate of on-site open space would apply to incremental developments on sites which would result in a development of 290 units or more on a larger site.

Where such instances of incremental development come forward, the application that triggers the threshold will be expected to provide the full amount of public open space on-site, except where the development is part of a Neighbourhood Plan, Masterplan or Development Brief which sets out an alternative requirement for public open space on that site or in that neighbourhood area (see below).

Types of open space

For residential developments expected to generate fewer than 1,000 additional persons in a locality, Policy OS1 only requires provision of informal amenity green space. For single

³ The calculation of the threshold of 290 dwellings has used an assumption of each dwelling accommodating on average 3.5 people. This is a different calculation from those used in Policy OS1, working out the area of open space to be provided in relation to individual developments (a calculation which uses numbers of bedrooms). In practice, 1,000 people may not necessarily require 1,000 bedrooms, as some bedrooms are occupied by more than one person. Conversely, some bedrooms are not occupied. For simplicity, the "average occupation per dwelling" approach is used to determine thresholds, and the "one person per bedroom" approach is used to determine levels of open space provision.

residential developments expected to attract 1,000 or more residents, it is considered appropriate to increase the requirements on developers in terms of the types of open space to be provided on-site, such that residents can access formal parks, and children's or young people's play areas without needing to leave the site in question. This approach strikes what is considered an appropriate balance between ensuring ready access to formal parks and play areas for as great a proportion as possible of the Borough's residents, and the Council's financial burden of maintaining a large number of small, scattered play areas.

The majority of new residential development sites are small. Informal amenity green space is preferred to formal open space and children's and young people's play areas in these situations; it is also preferred to semi-natural open space. The 2009 Open Space Study highlights that the public expectation of levels of maintenance of semi-natural open space is higher than that of amenity open space, which has lower maintenance issues.

Given this consideration of the type of open space required in the different size residential developments, the quantum of the requirement for on-site public open space in Policy OS1 is based upon the local standards for those types of open space.

For developments of 40-289 dwellings, it is anticipated that only informal amenity green space would be required. As such, based on the premise that 1 new bedroom equals 1 additional person in population, the local standard of 1.35 ha per 1000 population for amenity green space from the 2009 Open Space Study has been used to derive the 13.5 sqm per bedroom requirement in Policy OS1, part (b).

For developments of 290 dwellings or more, the requirement for informal amenity green space remains the same, but there is an additional requirement to provide for formal open space, including play areas. Therefore, based on the local standards for formal parks, provision for children and provision for young people (which total 0.162 ha per 1000 population), a requirement of 1.5 sqm per bedroom for formal open space and play areas has been included within Policy OS1, part (c). The requirements 13.5 sqm for informal amenity green space and the 1.5 sqm for formal open space and play areas provide the total on-site public open space requirement for developments of 290 dwellings or more of 15 sqm per bedroom.

The above requirements were finalised following discussions with the Borough Council Leisure officers and are considered the most appropriate means of ensuring that both the quality of existing open space areas are improved / enhanced and the quantity of open space is increased within areas of deficiency.

If a developer proposes not to meet the public open space requirements set out in Policy OS1 (either in full or in part), they must provide clear and robust justification as to why the requirements should not be met. This may relate to the provision of public open space in general in the locality (with reference to the accessibility standards in Table 14.4 above). Where a Neighbourhood Plan, Masterplan or Development Brief that has been approved by the Council exists and covers a particular development site, this may provide a robust justification for providing a different open space requirement than this SPD, especially where it sets specific standards of its own for that site or neighbourhood area or where issues of incremental development on a site come into play.

An example of this may be a large housing site covered by a Masterplan or Development Brief where the site will be subject to several applications on different parts of the site over

time (some of which may be less than 40 dwellings), but where the Masterplan or Development Brief indicates a preference for a single large public open space to serve the whole site. In this situation, the Council might not wish to see each application provide its own public open space on-site within its application area and would want to see all applicants contribute a fair proportion to the large open space to serve the entire Masterplan / Development Brief area regardless of the size of their particular application. Therefore, it may not be appropriate to strictly keep to the requirements in Policy OS1 in this instance but, in lieu of this, financial contributions (calculated on a site-by-site basis) secured through a Section 106 Agreement would be necessary to help fund the creation of the larger public open space to serve the whole Masterplan / Development Brief area.

Maintenance of Open Space

It is the preference of the Council that a developer would retain the ownership of an on-site public open space created as part of their development proposals, in which case they will be solely responsible for ongoing management and maintenance of the open space. Developers may appoint a maintenance company or land trust to maintain the open space on their behalf, subject to approval of the specific company by the Council. In either instance, the developer / maintenance company would be expected to maintain the public open space to the standard expected by the Council.

However, it is acknowledged that it will not always be appropriate for an on-site public open space to remain in the ownership of the developer and instead should pass into the Council's ownership. In such situations, developers will be required to pay for the maintenance of any on-site public open space they provide for a minimum of 10 years. The value of the financial contribution will be calculated using current contract prices and maintenance costs of open space, and will also take into account inflation over the 10 year period in question.

For simplicity, just two rates per hectare will be charged Borough-wide for maintenance of new, on-site public open space, one rate for developments of 40-289 dwellings, and a higher rate for developments of 290 dwellings and above to reflect the increased maintenance costs of formal public open space. Under the current contract prices and maintenance costs these would be as follows:

(A) Sites of 40-289 dwellings

The Council will charge:

- £0.47⁴ per square metre per annum for maintenance of grassed areas. This cost usually represents twelve cuts of grass per year.
- £1.81⁵ per square metre per annum for maintenance of shrub beds. This cost includes removal of shrub pruning, weeds and any detritus in the shrub beds once per year, and treating the shrub bed with herbicide for weed control as needed.

There is significant scope for variation in maintenance costs, depending on the location of the open space (urban / rural), the type of shrub planting, types of trees (if any), numbers of bins, etc. In addition, further charges may be levied for tree pruning, litter picking, the

⁴ The figure of £0.47 (rounded from £0.4651) is calculated using a 2007 baseline figure of £0.4044 and applying a 15.02% increase to give a 2014 price, based on the soft landscaping indices between 2007 and 2014. Future prices will rise in line with the soft landscaping indices and in line with current contract prices.

⁵ The figure of £1.81 (rounded from £1.8086) is calculated using a 2007 baseline figure of £1.5724 and applying a 15.02% increase to give a 2014 price, based on the soft landscaping indices between 2007 and 2014. Future prices will rise in line with the soft landscaping indices and in line with current contract prices.

provision and routine emptying of litter bins and dog waste bins, and for maintenance of footpaths or any other hard surfaces provided as part of the open space contribution. Therefore charges will usually be determined on a site-by-site basis, and would be calculated once a specific open space and landscaping scheme has been agreed between the developer and the Council.

(B) Sites of 290 dwellings and above

The Council will charge £0.47 per square metre per annum for maintenance of grassed areas, plus £1.81 per square meter per annum for maintenance of shrub beds, plus possible further charges linked to tree pruning, etc, as for schemes of 40-289 dwellings.

In addition, a charge of £9,870 per annum will be applied for the maintenance of children's and young people's play areas. The breakdown of this charge is provided in Appendix 5 of this document. There is scope for variation of this charge, dependent upon the size of play areas involved, and the number of items of equipment.

The maintenance of any public open space provided on-site should be discussed with the Borough Council's Grounds Maintenance Team prior to permission being granted. If developers express an interest for the Council to maintain the public open space they are advised to contact West Lancashire's Head of Leisure, Culture and Arts Services to discuss the adoption agreement, including suitable payment for future management and maintenance by the adopting body.

Contact details are as follows:

Tel: 01695 585157

Email: john.nelson@westlancs.gov.uk

Legal Agreements

Developers will be required to enter into legal agreements to cover the arrangements for the maintenance of on-site public open space. Planning permission will not be granted until both the developer and the Council have signed this agreement. The delivery of the public open space itself will generally be required through a condition on any planning permission, but on occasion the delivery may also need to form part of the legal agreement if particular circumstances of the development require it.

WLLP Policy IF4 provides further guidance on legal agreements (please see Appendix 2).

Examples of open space contributions under Policy OS1

1. Residential development of 62 dwellings

Local standard: 13.5 sqm per bedroom	
Dwelling size	Open space required per dwelling
1 bed	13.5 sqm
2 bed	27 sqm
3 bed	40.5 sqm
4 bed	54 sqm

If the proposal was for the development of 18 x 2 bed dwellings, 22 x 3 bed dwellings and 22 x 4 bed dwellings, the total amount of open space provision required would be calculated as follows:

Number of dwellings	Open space required
2 bed (13.5sqm per bedroom) x 18	486 sqm
3 bed (13.5sqm per bedroom) x 22	891 sqm
4 bed (13.5sqm per bedroom) x 22	1,188 sqm
TOTAL	2,565 sqm

2. Residential development of 338 dwellings

Local standard 15 sqm per bedroom	
Dwelling size	Open space required per dwelling
1 bed	15 sqm
2 bed	30 sqm
3 bed	45 sqm
4 bed	60 sqm

If the proposal was for the development of a total of 338 dwellings broken down into: 118 no. 2 bed dwellings, 100 no. 3 bed dwellings and 120 no. 4 bed dwellings, the total amount of open space provision required would be calculated as follows:

Number of dwellings	Open space required
2 bed (15sqm per bedroom) x 118	3,540 sqm
3 bed (15sqm per bedroom) x 100	4,500 sqm
4 bed (15sqm per bedroom) x 120	7,200 sqm
TOTAL	15,240 sqm

5. Location & Design of Public Open Space

The Borough Council will use a combination of resources to determine whether the proposed public open space meets the requirements of WLLP Policy EN3. Other documents (and any subsequent updates to these documents) should also be taken into consideration alongside Policy EN3, namely:

- The 2009 WLBC Open Space, Sport and Recreation Study;
- The 2008 Design Guide SPD;
- Site Planning – Layout and Design SPG.

Informal amenity open space is an integral part of design in any new development. Public open spaces should be open in nature and, where possible, be overlooked by residential development, in order to provide a degree of natural surveillance. However, care must be taken to ensure that the siting of the space minimises the likelihood of general disturbance to the nearby residents caused by noise and loss of privacy.

To this end, applicants should consult with local communities as part of their pre-application consultation, to determine the precise nature of any public open space that the local community would like to see created and, where possible and appropriate, include this within their on-site public open space requirement.

Public open space should meet the detailed design criteria listed under the West Lancashire Local Plan Policy GN3, and the 2008 West Lancashire Design Guide SPD.

Landscape design submissions should demonstrate that community safety and crime prevention measures have been considered, in addition to ensuring that spaces are designed to ensure ease of access for emergency vehicles.

In some instances, a formal risk assessment may be required to take into account issues such as proximity to highways, rail lines, etc. The Borough Council will consider each case individually to ascertain whether such an assessment is deemed necessary. In relation to rail lines, the Council will expect any public open space that is provided adjacent to a rail line to put appropriate safety measures in place to prevent any trespass on the rail line. An applicant should consult with Network Rail in relation to what measures would be appropriate at the time of application.

Existing features such as trees, hedgerows, changes in ground levels, and water features should be incorporated into the public open space wherever possible to add to the nature conservation and biodiversity value of the site, and to help create more individual, dynamic spaces. However, where water features are proposed as part of the development, they will only count as part of a public open space provision where they provide a specific amenity function, for example a boating lake or strategically designed pond with amenity value.

Careful consideration should be given to the role that public open space can play in improving and enhancing the wildlife and biodiversity value, and how such features can assist the Lancashire Biodiversity Action Plan (BAP). The Borough Council would particularly encourage this approach in the case of larger developments where public open space features and the natural environment should be integrated.

Developers are encouraged to make reference to Natural England's Accessible Natural Green Space Standards (ANGST) model regarding the protection and enhancement of natural features. The Standard can be viewed or downloaded from the Natural England website at <http://www.natural-england.org.uk>

Sites should, where possible, form part of a series of linked open spaces to assist in the creation of environmental corridors that can be used for recreation. Where development is adjacent to the canal network, ~~consideration should be given to what role such a feature can play in providing for open space.~~ public open space should be located and designed in such a way as to utilise the advantage of having a canal adjacent to the site, in order to increase the accessibility of the canal network and to help create more attractive open spaces.

Where new development will create an increase in canal towpath movements, resulting in the need to provide a new towpath or improve an existing towpath, in order to manage the increased usage it may be appropriate to secure developer contributions for this purpose. However, this would be separate from on-site open space, as required by this SPD.

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Appendix 1

Policy EN3

Provision of Green Infrastructure and Open Recreation Space

1. Green Infrastructure

The Council will provide a green infrastructure strategy which supports the provision of a network of multi-functional green space including open space, sports facilities, recreational and play opportunities, allotments, flood storage, habitat creation, footpaths, bridleways and cycleways, food growing and climate change mitigation. The network will facilitate active lifestyles by providing leisure spaces within walking distance of people's homes, schools and work.

In order to support this green infrastructure strategy, all development, where appropriate, should:

- i. Contribute to the green infrastructure strategy by enhancing and safeguarding the existing network of green links, open spaces and sports facilities, and securing additional areas where deficiencies are identified - this will be achieved through contributions to open space as outlined within Policy IF4;
- ii. Provide open space and sports facilities in line with an appraisal of local context and community need, with particular regard to the impact of site development on biodiversity;
- iii. Seek to deliver new recreational opportunities, including the proposed linear parks between Ormskirk and Skelmersdale, between Ormskirk and Burscough, along the River Douglas at Tarleton and Hesketh Bank and along the former railway line in Banks;
- iv. Support the development of new allotments and protect existing allotments from development; and
- v. Support the Ribble Coast and Wetlands Regional Park and associated infrastructure.

2. Open Space and Recreation Facilities

a) Development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:

- i. The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;
- ii. The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or
- iii. Successful mitigation takes place and alternative, improved provision is provided

in the same locality.

b) Development on open space and sports and recreation facilities will not be permitted where:

- i. Development would affect the open character of the area
- ii. Development would restrict access to publicly accessible Green Space
- iii. Development would adversely affect biodiversity in the locality
- iv. Development would result in the loss of Green Spaces, Green Corridors and the Countryside
- v. The open space contributes to the distinctive form, character and setting of a settlement
- vi. The open space is a focal point within the built up area
- vii. The open space provides a setting for important buildings (being listed or of local historic importance) or scheduled ancient monuments

c) Development for outdoor sports and recreational facilities will be permitted within settlement boundaries providing it does not conflict with other policies contained within the Local Plan. Appropriate development for outdoor sports and recreation facilities may be permitted in the Green Belt in accordance with national policy.

d) Where deficiencies in existing open recreation space provision exist, as demonstrated in the Council's Open Space, Sports and Recreation Study and any subsequent equivalent document, new residential development will either be expected to provide public open space on-site (where appropriate) or a financial contribution towards the provision of off-site public open space to meet the demand created by the new development or enhancement of existing areas of public open space which could be upgraded to meet the demand created by the new development.

e) Development which would prejudice the delivery of the informal countryside recreational activities proposed at the following sites will not be permitted:

- i. Hunters Hill, Wrightington
- ii. Parbold Hill, Parbold
- iii. Platts Lane and Mill Dam Lane, Burscough

f) Development which would prejudice the protection and improvement of facilities at the following existing countryside recreation sites will not be permitted:

- i. Beacon Country Park, Skelmersdale
- ii. Tawd Valley Park, Skelmersdale
- iii. Fairy Glen, Appley Bridge

iv. Dean Wood, Up Holland

v. Abbey Lakes, Up Holland

vi. Ruff Wood, Ormskirk

vii. Platts Lane Lake, Burscough

viii. Chequer Lane, Up Holland

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Appendix 2

Policy IF4

Developer Contributions

New development will be expected to contribute to mitigating its impact on infrastructure, services and the environment and to contribute to the requirements of the community.

Contributions may be secured through a planning obligation (subject to an obligation meeting the requirements of the relevant legislation and national policy) and through the Community Infrastructure Levy (CIL), at such a time when the Council has prepared a Charging Schedule.

The types of infrastructure that developments may be required to provide such contributions for include, but are not limited to:

- i. Utilities and Waste (where the provision does not fall within the utility providers legislative obligations);
- ii. Flood prevention and sustainable drainage measures;
- iii. Transport (highway, rail, bus and cycle / footpath network, canal and any associated facilities);
- iv. Community Infrastructure (such as health, education, libraries, public realm);
- v. Green Infrastructure (such as outdoor sports facilities, open space, parks, allotments, play areas, enhancing and conserving biodiversity and management of environmentally sensitive areas including Natura 2000 and Ramsar Sites);
- vi. Climate change and energy initiatives through allowable solutions;
- vii. Affordable housing; and
- viii. Skelmersdale Town Centre Regeneration.

Where appropriate, the Council will permit developers to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions.

Where a development is made unviable by the requirements of a planning obligation, the Council will have regard to appropriate evidence submitted by an applicant and consider whether any flexibility in the planning obligation is justified.

Appendix 3

Open Space Standard provision – Extract from the 2009 Open Space Study

A. Provision of amenity green space across West Lancashire

Analysis areas	Current provision	Number of sites	Smallest site (hectares)	Largest site (hectares)	LDF population (2026)	Provision per 1000 population (2026)
Burscough and Rufford	4.79	18	0.04	1.32	11,546	0.41
East	26.42	13	0.04	17.98	12,914	2.05
North	21.03	27	0.04	10.44	13,982	1.50
Ormskirk	19.45	37	0.02	2.07	26,542	0.73
West	2.13	8	0.08	0.93	8,078	0.26
Skelmersdale and Up Holland	102.44	102	0.02	7.74	43,538	2.35
Overall	176.26	205	0.02	17.98	116,600	1.51

B. Quantity Standard

Existing level of provision	Recommended standard
1.35 hectares per 1000	1.35 hectares per 1000
Justification	
<p>Findings from the household survey indicate that there is a difference in opinion regarding the quantity of amenity green space, with 46% of residents indicating that provision is sufficient and 40% suggesting that additional provision is required. This split in opinion is present in all areas. Analysis of the existing distribution of amenity spaces indicates that they are well distributed and that there are relatively few deficiencies.</p> <p>Consultations reinforced the role of amenity space, particularly in terms of providing localised facilities for children and young people. A need for a balance between quantity and quality is highlighted by residents. Indeed, many of the reasons provided for feeling that provision of amenity space was insufficient related to qualitative issues, supporting the emphasis on maintaining and improving the quality of amenity spaces.</p> <p>Setting the standard at the existing level of provision will promote qualitative improvements to amenity green space and in conjunction with the challenging accessibility standard will enable the identification of localised deficiencies.</p>	

Appendix 4



**SEA Screening Determination for the West
Lancashire Open Space Supplementary Planning
Document**

February 2014

REVISION SCHEDULE

Rev	Date	Details	Prepared by	Reviewed by	Approved by
1	December 2013	SEA Screening Determination for West Lancashire Borough Council Open Space SPD	Ian McCluskey Senior Consultant	Mark Fessey Senior Consultant	Steve Smith Technical Director <i>Policy & Appraisal</i>

TABLE OF CONTENTS

1	BACKGROUND.....	<u>2212</u>
2	IS AN SEA REQUIRED?	<u>3312</u>

1 BACKGROUND

1.1 Overview

West Lancashire Borough Council is in the process of preparing a Supplementary Planning Document (SPD) that sets-out guidance on the provision of Open Space in new residential developments.

This report sets out a determination as to whether there is a need to undertake a Strategic Environmental Assessment on this Open Space SPD in accordance with the *Environmental Assessment of Plans and Programmes Regulations 2004* and the *European Directive 2001/42/EC*.

1.2 Introduction to SEA / Sustainability Appraisal

The SEA Directive (2001/42/EC) identifies the purpose of SEA as “*to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development*”.

The SEA Directive was transposed into the UK through the implementation of the Environmental Assessment of Plans and Programmes Regulations (2004).

For Local Development Documents, the requirement to undertake an environmental assessment must be carried out as part of a Sustainability Appraisal, which widens the scope of the assessment to include economic and social implications.

The requirement for SA applies to all Local Development Plan Documents. However amendments to the Town and Country Planning Regulations in 2009 removed the automatic need to undertake SA/SEA for SPDs

However, the Council must still determine if an SPD requires SASEA, i.e. there is a need to ‘screen’. The screening process in this instance essentially involves asking the question ‘are there likely to be significant effects as a result of the SPD, recognising that the role of the SPD is only to amplify adopted policy?’

1.3 West Lancashire Borough Council Open Space SPD

‘Parent’ plans and policies

The Council adopted the West Lancashire Local Plan 2012-2027 on 16 October 2013. It is now the development plan, and sets out the scale, distribution and development principles for the Borough up to 2027.

Policy EN3: ‘Provision of Green Infrastructure and Open Recreation Space’ sets the framework for open space provision. Of particular relevance to the Open Space SPD are the following policy clauses:

- *EN3 (1i) Contribute to the Green Infrastructure Strategy by enhancing and safeguarding the existing network of green links, open spaces and sports facilities, and securing additional areas where deficiencies are identified – this will be achieved through contributions to open space as outlined within Policy IF4.*
 - *EN3: (2d) Where deficiencies in existing open space provision exist, as demonstrated in the Council’s Open Space, Sports and Recreation Study, new residential development will either be expected to provide public open space on site (where appropriate) or a financial contribution towards the provision of off-site public open space to meet the demand created by the new development or*
-

enhancement to existing areas of public open space which could be upgraded to meet the demand created by the new development.

Policy IF4: 'Developer Contributions' will be used to secure the necessary contributions to support a range of Local Plan policies, including EN3.

Prior to the Adoption of the Local Plan, the Borough adopted an SPD for 'Open Space and Recreation Provision in New Residential Developments' on the 7th May 2009.

In November 2011, the requirements for open space contributions were reduced in line with the updated evidence and the new (lower) figures were listed in an Addendum to the SPD.

The Adopted Local Plan sets out the intention to replace this SPD with a new one that reflects an updated evidence base and a move towards the implementation of the Community Infrastructure Levy (CIL).

The new Open Space SPD

The Council is currently preparing a new SPD to support policy EN3. In summary, the SPD will provide guidance on the following:

- What form of contribution is most appropriate for certain developments?
- What form of open space is most appropriate for certain developments, given the local context?
- What level of contribution is most appropriate for certain developments?

The SPD will seek to:

- Use CIL receipts to deliver strategic off-site open space across the Borough.
- Use CIL requirements to deliver on site provisions in open space where the proposal is of a significant enough size to meet this provision.
- Update the evidence to ensure that local standards are appropriate.

2 SCREENING DETERMINATION

2.1 Methodology

A central facet of the screening process is to determine whether the SPD is likely to have significant environmental effects. Criteria for determining the significance of effects are set out in Schedule 1 of the *Environmental Assessment of Plans and Programmes Regulations 2004*, which, in turn, are based on Article 3(5) and Annex II of the SEA Directive. The criteria relate to: (i) the scope and influence of the document; and (ii) the type of impact and area likely to be affected.

2.2 Impacts at Parent Plan level

The impacts of policy EN3 were set out in the SA Report for the Publication Version of the Core Strategy in June 2012. In summary, policy EN3 was determined to have the following impacts:

- Enhancement of green infrastructure would have **significant positive impacts** in terms of protecting landscape character, biodiversity habitats and species, and water quality.
- Secondary impacts were also predicted as likely to occur on health and wellbeing and the local economy through the delivery of high quality housing developments and the provision of community facilities (i.e. open space)

The Core Strategy Sustainability Appraisal did not identify any significant negative impacts associated with policy EN3.

Screening criteria	Screening determination	
	Answer to the criteria	Discussion
Characteristics of the SPD		
1(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	Partly sets framework but significant impacts unlikely	The SPD will set a framework for how open space provision should be secured across the borough for particular developments. This could influence the nature of open space and where it is delivered. However, the SPD does not set out standards for open space provision, and the Local Plan already commits to the provision of open space where there is an identified need in-line with the Council's evidence base. Therefore, impacts are not anticipated to be <i>significantly different</i> to those identified in the SA for the Local Plan.
1(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	Little influence / significant impacts unlikely	The SPD will provide guidance to help support the delivery of policy EN3 in the Adopted Core Strategy, which has already been subjected to Sustainability Appraisal. Although the SPD will help to guide development proposals, it is not expected to influence other plans or programmes.
1(c) the relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.	Fairly relevant / positive impacts likely	The SPD will help to secure appropriate contributions towards open space provision and will also provide guidance on the types of open space that would be expected in certain situations. This will help to ensure that an appropriate mix of green infrastructure and open space is provided as needed across the Borough. Whilst this would have positive implications, the policy driver for this is contained within the Local Plan and the standards are driven by the local evidence.
1(d) environmental problems relevant to the plan or programme and;	Potential significant impacts	West Lancashire has a significant amount of high quality agricultural land, Green Belt and areas of important landscape character and biodiversity value. The Open Space SPD therefore has the potential to have a positive impact in protecting and enhancing these assets. Although the SPD does not set out the policy direction, the mechanisms for securing

Screening criteria	Screening determination	
	Answer to the criteria	Discussion
		open space could influence the appropriateness of open space.
1(e) the relevance of the plan or programme for the implementation of community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	Little relevance / significant impacts unlikely	The SPD is unlikely to affect the delivery of other plans and programmes related to community legislation on the environment.
Characteristics of the likely impacts and plan area		
2(a) the probability, duration, frequency and reversibility of effects	Potential for positive impacts, but not considered significant	The SPD will help to set out a clear framework for securing contributions towards open space provision. It is therefore likely to have a positive effect on environmental quality.
2(b) the cumulative nature of the effects	Potential for positive impacts, but not considered significant	The SPD could have positive cumulative impacts by helping to secure appropriate open space across the borough over the plan period. However, the SPD is unlikely to have additional significant impacts than those identified in the appraisal of policy EN3 in the Core Strategy,
2(c) the transboundary nature of the effects	Significant impacts unlikely	It is not considered that any transboundary effects would arise.
2(d) the risks to human health or the environment (for example, due to accidents)	Significant impacts unlikely	It is not considered that the delivery of the SPD would lead to any risks to human health.
2(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	Significant impacts unlikely	The SPD will cover the entire Borough of West Lancashire. The provision of onsite open space would have positive effects on communities in specific parts of the Borough. Other communities could also benefit from off-site contributions. However, the SPD does not set out the requirement to provide open space in new developments; rather it provides guidance on the most appropriate type of open space and delivery mechanism in support of Adopted Local Plan policies EN3 and IF4.
2(f) the value and vulnerability of the area likely to be affected due to; i. special natural characteristics or cultural heritage ii. exceeded environmental quality standards or limit values or iii. intensive land use	significant impacts unlikely	The SPD will seek contributions towards open space provision that reflect the characteristics of the local areas proposed for development. This will be positive in ensuring that where standards in open space provision are low, the baseline position can be improved. Seeking contributions for open space could perhaps have a knock-on impact on the ability to protect or enhance other environmental assets; however, these issues would not be addressed or influenced by the

Screening criteria	Screening determination	
	Answer to the criteria	Discussion
		open space SPD.
2(g) the effects on areas or landscapes which have a recognised national, community or international protection status.	significant impacts unlikely	<p>Policies EN2 and EN4 in the Adopted Local Plan seek to protect areas and landscapes with recognised protection status (<i>For example heritage assets</i>). These policies will have a greater influence than the Open Space SPD in protecting and enhancing landscapes and areas of importance.</p> <p>The SPD could help to guide and secure enhancements to open space/green infrastructure that take account of local context. In some instances, this could have a positive impact on protected areas. However, the SPD does not set out the policy framework for requiring open space provision and enhancements; it only provides the delivery mechanism.</p>

Summary / Screening Determination

The proposed Open Space and Recreation SPD does not set a framework for development. Although it will set out the use of small areas (*i.e. it will provide guidance on what type and amount of open space could be secured at different developments*) it is not the driving policy document.

The principles of open space delivery and enhancement are set out in the Adopted Local Plan in policy EN3. The SPD only adds clarity to the *delivery mechanism* and the types of open space that could be provided. As stated in policy EN3, this would be in-line with the local context and supported by evidence as outlined in the supporting text to policy EN3.

An SA was undertaken for the Local Plan, which considered the impacts of policy EN3. The findings suggested that the policy would have mainly positive impacts in terms of environmental enhancement and knock-on benefits for health and wellbeing. It is considered that the SPD would not have additional significant impacts compared to those already identified in the appraisal of the Parent Policy EN3. Therefore, SEA is not considered to be necessary for the Open Space SPD.

3 CONSULTATION

Based on the findings of the screening exercise, the Council does not consider that an SEA is required for the Open Space and Recreation SPD. However, before a final determination can be made, the three statutory bodies must be consulted on this screening report for a period of 5 weeks.

The three statutory bodies for the purposes of SEA Screening are:

- English Heritage;
- the Environment Agency; and
- Natural England.

A final determination will be made when the statutory bodies have commented on this Screening Report. The Council will then publish a statement outlining whether an SEA is required or not, with reasons provided. Comments received from the statutory bodies will also be included in this Screening Determination.

Appendix 5 Maintenance Costs for Play Equipment

With regard to children's play areas and young people's play areas the standard provision the Council currently offers is the following:

1. Multi Use Games Area
2. Skate Park
3. Teenage Shelter
4. Children's Play Area

The following figures represent the annual cost of inspection, routine repairs and maintenance as specified in the schedule of rates within the "Contract for the Inspection and maintenance of Children's Play Areas April 2013 to March 2016."

These rates would be used in respect of either the addition or removal of components or full play areas during the term of the contract.

These figures are linked to the Consumer Price Indices and are due for re-assessment in for the financial year 2015/16.

1. Multi Use Games Area

<i>Item</i>	<i>No.</i>	<i>Unit Price £</i>	<i>Cost £</i>	<i>Total Cost £</i>
Fence 20mx15m playing area @3m height	70 lnr m	50	3,500	
Basketball Facility	2	100	200	
Sign	1	20	20	
Bench	2	65	130	
Bin (inc emptying)	1	50	50	
				3,900

2. Skate Park

<i>Item</i>	<i>No.</i>	<i>Unit Price £</i>	<i>Cost £</i>	<i>Total Cost £</i>
¼ pipe	2	100	200	
½ pipe	1	150	150	
Grind rail	2	100	200	
Box	1	100	100	
Spine	1	100	100	
				750

3. Teenage Shelter

<i>Item</i>	<i>No.</i>	<i>Unit Price £</i>	<i>Cost £</i>	<i>Total Cost £</i>
Shelter	1	200	200	
				200

4. Children's Play Area

<i>Item</i>	<i>No.</i>	<i>Unit Price £</i>	<i>Cost £</i>	<i>Total Cost £</i>
Double Swing (flat seat)	1	200	200	
Double swing (cradle seat)	1	200	200	
Roundabout (standard)	1	210	210	
See Saw (standard)	1	190	190	
Multi Structure (standard)	1	260	260	
Slide (attached to above)	1	100	100	
Multi Structure (small)	1	180	180	
Slide (attached to above)	1	100	100	
Spring Mobile	2	100	200	
Fencing (bow top 1.2 m height)	70 lnr m	40	2,800	
Gate (self closing)	1	60	60	
Gate (manual closing)	1	50	50	
Sign	1	20	20	
Seat	2	75	150	
Bin (inc emptying)	2	50	100	
Safety Surfacing (spot repairs)	1	200	200	
				5,020

Summary

Multi Use Games Area	£3,900
Skate Park	£750
Teenage Shelter	£200
Children's Play Area	£5,020
Total	£9,870

The above figures include all inspection, and routine repair and maintenance, including play area visits, inspection recording, routine maintenance, dealing with potential hazards and hazardous debris, dealing with obscene or abusive graffiti, and re-painting or re-treating equipment.