

Supplementary Planning Guidance Note

The provision of Outdoor Playing Space as Part of new residential development

The Status of this Guidance

This Guidance was published for consultation in summer 2001.

The comments received as a result of the consultation were considered by the Cabinet on 30 January 2002 and approved for development control purposes.

This document outlines the methodology agreed by Lewes District Council and used in recent years to calculate requirements. Financial aspects maybe reviewed from time to time and users are advised to check that they have up to date costs with the Planning Department

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Supplementary Planning Guidance Note:

The provision of Outdoor Playing Space as part of new residential development

1. Introduction

1.1 Lewes District Council considers that new residential development, with the exception of some specialist housing, generates a requirement for outdoor playing space. This may range from small playgrounds with simple equipment for pre-school children to playing fields for older children and adults.

1.2 Planning Policy Guidance Note 17: Sport and Recreation (PPG17) states that it is part of planning authorities' responsibilities to take full account of the community's need for recreational space in their development control decisions (paragraph 3). The recent Consultation Revision to PPG17 (March 2001) states that, as a general principle, development plans should be used to protect existing facilities and to make any necessary new provision (paragraph 3). Therefore, it is the purpose of this draft Supplementary Planning Guidance (SPG) to make clear the policies in the Local Plan that help meet the above objectives, and to assist those applicants who are seeking planning permission for residential schemes with the interpretation and application of these Local Plan Policies.

1.3 The Outdoor Playing Space standards used by the District Council are those currently recommended by the National Playing Fields Association (NPFA) in their document entitled 'The Six Acre Standard – Minimum Standards for Outdoor Playing Space' (1992). The Council will have regard to any subsequent amendments to that document.

2 Local Plan Policies

2.1 There are policies in the Deposit Draft Lewes District Local Plan, incorporating Proposed Modifications, that deal with the provision of outdoor playing space. These policies are supplemented by text in the Local Plan that provides some guidance and background information.

2.2 Policy RES 18 of the above Local Plan states:

Provision of Outdoor Playing Space

RES18 In areas where there is a deficiency of outdoor sports and/or children's play space in quantitative or qualitative terms as identified in the Topic Paper "Outdoor Playing Space in the Lewes District", planning applications for all residential development will be expected to include a level of provision for outdoor sports and/or children's outdoor play space in accordance with the standards set out in Policy RE1.

Satisfactory arrangements will be required to be made to ensure that the children's play space is either:

- (a) laid out and, where appropriate, equipped for use at an agreed stage(s) no later than the completion of the final dwelling of the development, or*
- (b) if the appropriate children's play space cannot adequately be made onsite, provision and/or enhancement (or a contribution towards provision and/or enhancement) is made elsewhere within the neighbourhood or local area at sufficiently close range to satisfy the needs of the proposed development itself.*

Commuted payments will be required for outdoor sports provision and/or enhancement commensurate with the scale of the development.

Provision of this kind will not be required from providers of (a) one-bedroom dwellings or (b) sheltered housing or other similar kinds of specialist housing for elderly people.

At present the Council's Community Services' local amenities programme seeks to ask new residents what equipment they would like / require on their new play area. Therefore, it is currently appropriate for land for children's play space to be laid out (i.e. in a levelled and turfed condition) and the appropriate financial contribution to be made.

The Local Plan also confirms that on very large sites the Council will require phased development to allow for a continuing provision of open space that will be required by the development as the development progresses.

- 2.3 Policy RE1, which sets out the standards referred to in RES18, reads thus:

Provision of Sport, Recreation and Play

RE1 The Council will seek (through positive planning and provision, and through the control of development) to achieve provision of outdoor public and private playing space, which are as a matter of practise and policy available for public use, to at least the following minimum standards:

1.7 ha per 1,000 population for outdoor sports, including pitches, courts and greens, and

0.7 ha per 1000 population for children's play, of which about 0.2 – 0.3ha will comprise equipped areas and 0.4 – 0.5ha will be of a more casual or informal nature.

- 2.4 Further to this, there are various area-specific policies within the Lewes District Local Plan that allocate land for recreational use where there is a need for extra outdoor playing space within that Town or Parish. The detailed need

for extra outdoor playing space will principally be demonstrated through the Topic Paper 'Outdoor Playing Space in the Lewes District' which will be updated on an annual basis. A table summarising the shortfalls within the various categories of Outdoor Playing Space within the towns and parishes of Lewes District is shown in **Appendix 1**.

3 Structure Plan Policy

3.1 The District Council's approach of providing appropriate provision of outdoor playing facilities is also in accordance with Policy LT11 (b) 'Sporting Facilities and Activities', of the East Sussex and Brighton & Hove Structure Plan 1999.

LT11 (b) Sporting Facilities and Activities

Proposals for new sports facilities will be supported, particularly: -

(b) where they would help to meet local needs, especially small-scale facilities to meet the needs of rural communities

4. Outdoor Playing Space Provision

Outdoor Sports Provision

4.1 NPFA advice is that the distribution of sports grounds facilities should be locally available wherever possible. Much of the District is rural and a realistic approach may need to be taken towards provision in these areas. For example, if there is no regular demand for outdoor sports provision within a rural parish of particularly low overall population, it may be suitable for occasional informal sporting facilities to be provided by a local farmer, rather than allocating land for this purpose.

Outdoor Areas for Children's Play Space

4.2 NPFA recommendations call for the provision of different types of play areas that are appropriate for the needs of a range of age groups. Developers will be expected to fund the provision of all play equipment through a commuted sum. Lewes District Council will carry out the design and installation of the play area after consultation with the residents of the new properties. The area to be transferred to Lewes District Council should be laid out as a levelled and turfed site.

4.3 The three NPFA recommended categories of children's play areas are further described in **Appendix 3**.

5. Financial Contributions

5.1 The basis for the Council's policy to seek financial contributions is that the accumulative effect of even small residential development creates a very large demand for outdoor playing space. Occupiers of new development all have the

need and right to expect the provision of recreational facilities, whether the development be a large estate or a single dwelling. New residential development may, but not exclusively, take the form of new build, subdivision of existing residential development, or a change to residential use through conversion. This funding system is intended to enable all residential development to provide its equitable and proper share of outdoor playing space, where shortfalls exist. In this way, developers of residential development can contribute to the outdoor playing space that will benefit and provide for the occupants of these dwellings.

- 5.2 The Consultation Paper on PPG 17 (March 2001) endorses the above approach. Paragraph 45 states:

Provision should be made for local recreational facilities in new development, especially for housing to meet the needs that it creates, taking account of the contribution made by existing provision.

Paragraph 62 of the same document states:

For small developments it may often be appropriate for the developer to make a contribution to the establishment or enhancement of a nearby sport or recreation facility.

Outdoor Playing Space Contributions

Justification and Operation of Policy

- 5.3 Circular 1/97 *Planning Obligations* sets out the Government's policy for the use of planning obligations. Planning obligations are required to meet the following tests: they should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. Therefore developers will not be expected to pay for facilities which are needed solely to resolve existing deficiencies. Rather, developers will only be expected to contribute to the demand for outdoor playing space created by the development itself.

- 5.4 The Consultation Paper on PPG 17 (March 2001) justifies the need for outdoor playing space contributions in paragraph 61, thus:

Local Planning Authorities will be justified in seeking planning obligations where a deficiency of recreational provision exists or is likely to occur as a result of proposed development.

- 5.5 Through the document 'Planning Policies for Sport' (1999), Sport England also seeks the inclusion of policies within development plans that will allow the following objective:

'To promote the use of planning obligations as a way of securing the provision of new or enhanced places for sport and a contribution towards their future maintenance, to meet the needs arising from new development'

Planning Policy Objective 11 'Planning Policies for Sport' Nov 1999

- 5.6 Financial contributions will only be sought where there is, or the development would cause, a shortfall of outdoor playing space. Contributions of this kind will not be required from providers of (a) one-bedroom units or (b) sheltered units or other similar kinds of specialist housing for elderly people, as established in policy RES18.
- 5.7 All shortfalls are calculated on a town or parish wide basis. Even when a new residential site is located in the near vicinity of an existing outdoor playing space, contributions will still be sought from these developments if there is a town or parish wide shortfall. This is because if a shortfall exists, developers will still be expected to contribute to the extra demand for outdoor playing space created by the development itself.
- 5.8 Outdoor Sports: Due to the relatively small-scale nature of most residential development within the District, it will usually be more appropriate for a financial contribution to be made towards the provision and future maintenance of an off-site outdoor sports area. Alternatively, contributions might also be used for the enhancement and/or increased accessibility required by existing outdoor sports areas to allow for an intensification of use.
- 5.9 Children's Play Space: In larger developments it may be appropriate to provide children's playing areas on site. However, in smaller developments it may be more appropriate to contribute a financial sum towards a larger play space or the enhancement and/or increased accessibility of an existing play area to allow for an intensification of use.
- 5.10 Where Children's Play Space is to be provided on site, the resulting playing space must be safe and accessible. To help ensure this is the case, the provision of these spaces must be considered as an integral part of the design and layout of a residential scheme. Regard should be paid to the good practice guide, *By Design*, published by the Department of the Environment, Transport and the Regions.
- 5.11 Arrangements for payment – There are two methods available for making commuted payments for the provision of outdoor playing space:
- Entering into a planning obligation in the form of a Section 106 Agreement with the District Council which will control the development, maintenance and transfer of ownership of the land to the Council, or
 - Making a voluntary payment to the District Council. This would be a oneoff payment to be used by the Council solely for the provision of outdoor planning.

The first option is normally preferred for securing a commuted payment on sites that consist of at least 6 dwelling units. The second option would be open to smaller developments where the requirement is for off-site outdoor playing space provision only. This option is quicker and does not involve the otherwise additional cost to the applicant of drafting the legal agreement.

- 5.12 In the case of an outline permission, the provision of outdoor playing space will normally be reserved by condition in accordance with policy RES18, RE1 and this SPG, and the detailed provision will be assessed, and financial contribution made, at reserved matters stage.
- 5.13 Payments will be index linked if the development has not commenced within 12 months from the date of the payment, using the General Index of Retail Prices (all items). These contributions cannot be used for the funding of projects or schemes other than in relation to the creation, expansion or upgrading of outdoor playing spaces.
- 5.14 Return of unspent contributions – the Council will undertake to spend contributions within a reasonable period of time of up to ten years after the completion of the development. Failure to do so will entitle developers to repayment of their contributions.

6 The formula for calculating developer contributions for Outdoor Playing Space

The ways in which contributions are calculated are set out below:

- 6.1 The expected occupancy of the development is first estimated. Variations in occupancy levels of dwellings will occur over time, however the provision of outdoor playing space is a long term measure, so it is important to allocate sufficient outdoor playing space to allow for full occupation of each dwelling. Where details of house types are known, the assumed minimum occupancy levels will be as follows:

2 bedroom dwellings - 3 persons
3 bedroom dwellings - 4 persons
4+ bedroom dwellings - 5 persons

If a development demonstrates that, notwithstanding the number of bedrooms, a unit will be suitable for occupation for a greater number of people, then contributions will be calculated at that full occupancy rate.

- 6.2 The costs of providing and maintaining new play areas, open spaces and sports areas, including any associated works, will be reviewed every April for the following 12 month period. The Consultation Paper on PPG 17 (March 2001) acknowledges that when securing additional recreational facilities in their areas, local authorities should ensure that there are adequate resources available to keep them adequately maintained, safe and attractive. These

current costs are set out in **Appendix 2**. The resulting contributions per dwelling, not including land costs, are also set out in **Appendix 2**.

CALCULATION OF CONTRIBUTION PER DWELLING FOR EACH TYPE OF OUTDOOR PLAYING SPACE IN AREAS WHERE SHORTFALLS EXIST
(Not Including Land Costs; Based on April 2001 / March 2002 Rates)

Size of dwelling in area of shortfall	Outdoor Sports Element of NPFA Standard	Casual / Informal Children's Play Space Element of NPFA Standard	Equipped Children's Play Area Element of NPFA Standard
2 bedroom dwelling (3 persons)	£801	£396	£1686
3 bedroom dwelling (4 persons)	£1068	£528	£2248
4 Bedroom dwelling (5 persons)	£1335	£660	£2810

Detailed Calculations to reach these figures are shown in Appendix 2

Examples

1. The development of a **3 bedroom dwelling** in a parish with a **shortfall in all three elements** of Outdoor Playing Space:

For this example, the sum required would be £1068 + £528 + £2248 = **£3844**
(i.e. Outdoor Sports + Casual/Informal Play + Equipped Play = Total requirement)

2. The development of a **3 bedroom dwelling** in a parish which has a **shortfall in two elements** of Outdoor Playing Space: Casual/Informal Children's Play Space and Equipped Children's Play Areas:

For this example, the sum required would be £528 + £2248 = **£2776**
(i.e. Casual/Informal Play + Equipped Play = Total Requirement)

APPENDICES

APPENDIX 1

Outdoor sport and/or Children's Play Space Shortfalls by Town/Parish at August 2000

The following towns and parishes have an acknowledged deficiency in terms of quantity (in hectares) of their recreational provision:

LOCATION	Outdoor Sports Shortfall	Casual / Informal Children's Play Space Shortfall	Equipped Children's Play Area Shortfall	Relevant Allocations in Lewes District Deposit Draft Local Plan to meet Shortfalls
Lewes	-	- 4.32ha	-3.47ha	No
Newhaven	-10.20ha	-4.44ha	-2.55ha	Lewes Rd NH18 / Avis Rd NH17
Peacehaven	-18.60ha	-4.05ha	-3.89ha	Lower Hoddern Farm PT15 / Valley Park PT20 / Bannings Vale PT16
Seaford	-15.37ha	-5.39ha	-4.76ha	Chyngton Way SF11 / Alfriston Road SF 10
Barcombe	-	-0.51ha	-0.30ha	No
Beddingham & Glynde	-	-0.21ha	-0.08ha	No
Chailey	-	-1.05ha	-0.53ha	No
Ditchling	-	-0.36ha	-0.39ha	No
E. Chiltington	-	-0.14ha	-0.09ha	No
Falmer	-	-0.09ha	-0.05ha	No
Firle	-	-0.14ha	-0.05ha	No
Hamsey	-	-0.29ha	-0.07ha	No
Iford	-	-0.33ha	-0.09ha	No
Kingston	-	-0.11 ha	-0.19ha	No
Newick	-0.97ha	-0.60ha	-0.52ha	Rec. Ground extension NW 1
Piddinghoe	-	-	-0.04ha	No
Plumpton	-	-0.68ha	-0.25ha	No
Ringmer	-2.46ha	-0.73ha	-0.87ha	Land Adj Ringmer Community College RG 1 / Broyle RG2
Rodmell	-	-0.01 ha	-0.06ha	No
St Ann W'out	-0.16ha	-0.03ha	-0.02ha	No
Streat	-0.030ha	-0.08ha	-0.04ha	No
Westmeston	-	-	-0.09ha	No
Wivelsfield	-0.28ha	-0.91ha	-0.25ha	No

This information is justified and shown in detail within the Lewes District Local Plan Topic Paper 'Outdoor Playing Space in the Lewes District' August 2000

APPENDIX 2

Contribution per dwelling for each type of Outdoor Playing Space in areas where shortfalls exist

(Not Including Land Costs; Based on April 2001/ March 2002 Rates)

Size of dwelling in area of shortfall	Outdoor Sports Element of NPFA Standard	Casual / Informal Children's Play Space Element of NPFA Standard	Equipped Children's Play Area Element of NPFA Standard
2 bedroom dwelling (3 persons)	£801	£396	£1686
3 bedroom dwelling (4 persons)	£1068	£528	£2248
4 Bedroom dwelling (5 persons)	£1335	£660	£2810

The figures in this Table are reached through the calculations below:

Cost of Providing and Maintaining New Play Areas, Open Spaces and Sports Areas

(Based on April 2001 / March 2002 Rates)

Outdoor Sports Facilities (Based on a 28,000m² site)

(Assumes that land is passed to the council free of charge and in a levelled / bare earth condition)

Costs include:

Fencing, drainage, site security, landscaping, site furniture and commuted sum for maintenance based on a 20 year period.

Total: £439,585 (Total per m²= £15.70)

Casual / Informal Children's Play Space (Based on a 100m² LAP* Site)

*See Appendix 3

(Assumes that land is passed to the council free of charge and in a levelled and turfed condition)

Costs include:

Small play equipment, fencing, safety surface, drainage, site security, landscaping, site furniture, professional fees and commuted sum for maintenance based on a 20 year period.

Total: £30,356 (Total per m²= £303.56)

Equipped Children's Play Area (Based on 400m2 LEAP* Site)

***See Appendix 3**

(Assumes that land is passed to the council free of charge and in a levelled and turfed condition)

Costs include:

Play equipment, fencing, safety surface, drainage, site security, landscaping, site furniture and professional fees and commuted sum for maintenance based on a 20 year period.

Total: £90,035 (Total per m2= £225.08)

Calculations of Contributions Per Person for the Cost of Providing and Maintaining New Children's Play Areas, Children's Spaces and Sports Areas (Based on April 2001 / March 2002 Rates)

NPFA Standards (Mid Point of Range)

Outdoor Sports Facilities: 1.7 ha per 1000 population (= 17m² per person)

Casual / Informal
Children's Play Space: 0.45 ha per 1000 population (= 4.5m² per person)

Equipped Children's
Play Areas : 0.25 ha per 1000 population (= 2.5m² per person)

Contributions per Person (not including land costs)

Outdoor Sports Facilities: £15.70 x 17m²= **£267 per person**

Casual / Informal
Children's Play Space : £29.36 x 4.5m²= **£132 per person**

Equipped Children's
Play Areas: £225.08 x 2.5m²= **£562 per person**

These contributions can then be multiplied up to calculate the contribution required per dwelling where there is a shortfall for each type of outdoor playing space.

Appendix 3

NPFA recommended categories at Children's Play area

The three NPFA recommended categories of children's play areas are described below.

Casual or Informal Children's Play Space I)

LAP - Local Area for Play

This is a small area of unsupervised open space specifically designated for young children for play activities close to where they live. LAPs should be appropriate for low-key games such as tag or hopscotch. Ideally, the LAP should be located within one minute's walking time of home, catering mainly for 4-6 year olds, and also suitable for children with disabilities. There should be a minimum activity area of 100 square metres, as well as a buffer zone sufficient to minimise audible and visual intrusion to adjacent residents. A minimum distance of 5 metres should exist between the edge of the activity area and ground-floor windows in full view of the activity area. Gable ends or other exposed house walls should be protected from use for ball games, for example through a 1 metre strip of dense planting.

Equipped Children's Play Areas

I) LEAP – Local Equipped Area for Play

This is an unsupervised play area equipped for children of early school age. Ideally, it should be located within 5 minute's walking time of home, mainly catering for accompanied children aged from 4 to 8, although consideration should be given to the needs of supervised children from birth to 4 years, unaccompanied children slightly older than 8, and children with special needs. LEAPs should offer at least 5 types of play equipment, seating for accompanying adults, a minimum activity area of 400 square metres and a buffer zone to allow a minimum 20 metre distance between the edge of the activity area and the boundary of the nearest residential property, taking into account possible disturbance to nearby residents.

I) NEAP – Neighbourhood Equipped Area for Play

This is an unsupervised site servicing a substantial residential area, equipped mainly for unaccompanied older children between 8 and 14, but with opportunities for play for younger children, older children and those with special needs. Ideally, it should be located within 15 minutes walking time of home. NEAPs should offer a minimum of 8 types of play equipment, a minimum activity area of 1,000 square metres, with a kickabout area, wheeled play opportunities, seating, and a minimum 30 metre buffer zone between the activity area and the boundary of the nearest residential property.

Within the Lewes District, NEAPs will generally only be provided on some of the sites that have been allocated for recreational use within the Local Plan; or as part of

an individual large residential development that is large enough to sustain this type of provision.

Walking Times

These are based on the estimated times that it takes children to walk without rushing, or distraction, to a play facility, accompanied or on their own, and without having to cross barriers such as major roads, waterways or railway lines. Walking time has been determined by the NPFA for this standard, thus:

<i>Time (minutes)</i>	<i>Pedestrian route (metres)</i>	<i>Straight line distance (metres)</i>
1	100	60
5	400	240
15	1,000	600

Safety

All play equipment and surfacing should comply with standards BS EN 1176 and BS EN 1177, or any superseding standards. Adequate safety measures should be provided on site, for example pedestrian barriers. Consideration should also be given to any potential danger from nearby electricity cables or water courses.

