

North Ayrshire Council Policy on the Provision and Maintenance of Landscaping, Open Space and Play Areas in New Housing Developments

Policy approved December 1997

1.0. Context

- 1.1 This policy document has been produced in order that developers and residents can have a clear understanding of the requirements for landscaping, open space and play provision in new housing developments within North Ayrshire. The policy aims to be comprehensive, flexible and fair, and covers design, level of provision and maintenance arrangements.
- 1.2 The following policy document complements the "Policy for the Adoption of Open Spaces in Private Housing Developments" produced by the former Community and Recreational Services Directorate of North Ayrshire Council, which primarily deals with standards of provision and conditions for Council adoption of open space.

2.0. Landscaping and Amenity Open Space

- 2.1 Planning permission, if granted, will be conditional upon detailed landscape, open space and play area design proposals being approved by the Council. A formal consultation arrangement with the Grounds Maintenance section of Educational services will be put in place to deal with applications.
- 2.2 Guidance on site specific landscape, play and open space design should be sought from Planning Officers prior to submission of a planning application. However, the following general principles should be followed in the design of open space and landscaping for new housing developments.

Landscaping

- 2.3 Landscaping proposals should form an integral part of development, and should:
 - Respect the setting and character of the development site;
 - Retain, where practical, existing vegetation and incorporate natural features;
 - Take consideration of local climatic conditions, and
 - Include native species
- 2.4 Plans will require to be revised as necessary by the developer to meet the requirements of both the Principal Development Control Officer and the Head of Grounds Maintenance.

Open Space

- 2.5 Within any development of 10 or more houses, the Council will require a suitable level of amenity and recreational open space to be provided. In low density developments with good garden provision, a lower requirement for amenity open space may be applied. Open space should be an integral element within an overall housing layout comprising meaningful areas, and should not be confined to non-developable or left over pockets. In larger housing developments, early consultation should be undertaken with the Head of Grounds Maintenance in order to determine appropriate levels and design of landscaping and open space.
- 2.6 The level will be dependent on the individual circumstances of the site and the size and density of individual plots provided, but will normally be on the basis of 0.45 ha per 100 houses or the pro rata equivalent. This is based on the National Playing Fields Association 6 acre standard and excludes requirements for children's play areas. Where a development is adjacent to an existing area of public open space, there may be a reduction in the on-site requirement provided that the proposal included suitable pedestrian access to such an area.

3.0. Adoption and Maintenance

- 3.1 The developer must decide when landscaping proposals are submitted whether to accept the Council's requirements for adoption or whether to put in place other arrangements.

The Council's detailed requirements are set out in its "Policy for the Adoption of Open Spaces in Private Housing Developments".

Council Adoption

- 3.2 In order for the Council to adopt the open space and landscaped areas, the developer must comply with the Council's specifications for the relevant works. Prior to the transfer of the landscaped open space and play areas, the annual cost of maintenance will be calculated and agreed with the developer, and the capitalised sum of ten times the annual maintenance cost will be paid by the developer to the Council. The Council will then agree to undertake the maintenance in perpetuity.
- 3.3 The developer will provide plans delineating all the areas to be maintained by the Council, and transfer ownership to the Council at no cost. A Section 74 Agreement may be entered into where this is deemed appropriate to achieve the requirements for Council adoption.

Where Council adoption is not being Pursued

- 3.4 Where the open space and landscaped areas are not to be adopted by North Ayrshire Council, a landscape management plan, including management responsibilities and maintenance schedules for all common areas, must be submitted to and approved by North Ayrshire Council prior to any units being occupied. The developer shall be required to submit to North Ayrshire Council details of the appointed factor or landscape management firm, prior to the occupation of the units.
- 3.5 Prospective occupants must be made fully aware of their responsibilities in relation to maintenance of common areas and this should be made clear as part of the marketing package for new developments.
- 3.6 Where open space, landscaping and play areas are not passed to the Council for adoption, a planning agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, may be entered into to secure the proper provision and future maintenance of such areas.

4.0 Play Provision

- 4.1 The requirement for play provision by a developer, or the payment of commuted sums in respect of play provision, will be dependent on a number of factors. These include:
 - the current level and quality of play provision in the locality
 - the distance and walking time of the proposed development from existing play facilities
 - the location of barriers such as main roads between the development and existing play facilities
 - the scale of the proposed development
 - the size, nature and density of the housing units and private gardens proposed
- 4.2 The decision on what play requirement shall apply to a given development proposal will be made by the Principal Development Control Officer in consultation with the Head of Grounds Maintenance, based on the guidelines within this policy.
- 4.3 Consultation on appropriate road layouts should also be carried out in order to minimise long straight stretches close to areas where children are likely to be playing. An early meeting between Planning Officers, Grounds Maintenance Officers and Roads Engineers should be arranged to discuss road layout in larger developments.
- 4.4 The type of play provision required within communities can be split into three types as defined in the Educational Services Policy for the Adoption of Open Spaces in Private Housing Developments. These are:

Local Areas for Play (LAPs)

These are small informal non-equipped play areas which are securely fenced for informal play by the younger age groups. Seating should be provided for carers.

Local Equipped Areas for Play (LEAPs)

These cater for a wider range of age groups and include at least five types of play experience and may include an area for ball games.

Neighbourhood Equipped Areas for Play (NEAPs)

These cater for a larger population and include at least 8 types of play experience and provision for ball games and roller skating/cycling etc. these areas are of a scale which would normally preclude direct provision through housing development.

5.0. Play Provision in New Developments

5.1 The requirements for play are based on a number of assumptions and principles but are only meant as a guideline for determining provision.

General Guidance

- Contribution towards play provision will generally only be sought where a residential development consists of 10 or more units in total.
- It is assumed that one bedroom flatted developments will not be occupied by families with children, and there is therefore no requirement for formal play provision in such developments. In mixed flatted developments, provision will only be sought in respect of the larger flats. Similarly, specific developments for the elderly will have no requirement for play provision.
- Where a development site is within the catchment of an existing facility which is currently inadequate to meet the additional demand, commuted sums may be used to further improve safety standards, or provide new equipment. Areas where there is a current shortfall of play provision, and where existing equipment is inadequate have been highlighted by the Head of Grounds Maintenance.
- Suitable sites for the provision of new facilities will be identified through Local Plans and Development Briefs; where proposed developments lie within the relevant catchments of identified sites, commuted sums will be targeted towards these sites.
- Where a housing development adjoins an area of public open space, commuted sums may be used to develop suitable facilities on such an area. This will depend on the area being suitable and on access and maintenance arrangements being satisfactory.

Local Areas for Play (LAPs)

- A LAP will be required at a suitable location on site where there is no existing provision within 150m walking distance of the development (100m straight line)
- It is considered that where adequate and secure private gardens are provided in association with houses, these are the safest and most appropriate places for the youngest age groups to play. Where developments are of a density below 25 units per hectare, have sufficient garden ground and are low rise, the need for Local Areas for Play (LAPs) is likely to be satisfied.

Local Equipped Areas for Play (LEAPs)

- A LEAP will be required at a suitable distance where there is no existing provision within 400m walking distance of the development (240m straight line).
- In green field sites of 2 hectares or larger, a LEAP should be provided to the appropriate standard on site.
- In development sites of less than 2 hectares and on brownfield sites where on site provision of a LEAP is not practical, commuted payments in respect of provision will be required. Such payments will only be required where they can be specifically targeted at providing or improving play facilities at a suitable site within the locality of the development.

- In brownfield developments where land is likely to be more scarce and development costs higher, lower commuted sums may be required in respect of play where a case can be made that viability will be jeopardised.

Neighbourhood Equipped Areas for Play (NEAPs)

- Where there is no existing NEAP within 1 kilometre walking distance of the development, contributions towards providing equipment on an identified site will be sought (600m straight line).
- NEAPs are of a scale which means that provision directly by developers is not practical in most situations. Direct provision would only be pursued as part of a master plan process for very large scale housing developments.

5.2 Commuted sums are based on a reasonable proportion of the total approximate cost of developing the relevant play area, and will be determined from time to time in consultation with the Head of Grounds Maintenance.

5.3 Locations for play areas must be agreed before development commences and must be put in place before the development is 50% occupied or before it is completed, whichever is sooner.