

B L A C K P O O L C O U N C I L



## **Supplementary Planning Guidance 11:** Open Space: provision for new residential development & the funding system

October 1999



2004-2005  
Benefits Administration



**Blackpool Council**  
BUILDING A BETTER COMMUNITY FOR ALL

This Supplementary Planning Guidance Note has been adopted by the Council and will be considered as a material planning consideration in determining relevant planning applications, supporting the policies set out in the Council's Local Plan.

The Guidance will be saved for a further 3 years after a new Blackpool Local Plan is adopted (expected to be in 2006).

The Guidance will in due course be reviewed under the new planning system (of a 'Local Development Framework' of planning documents supported by Supplementary Planning Documents).

# Open space provision for new residential development and the funding system

## **Purpose of Guidance**

This Guidance sets out the Council's requirements for Public Open Space provisions associated with new housing developments, in accordance with Policy R5 of the Blackpool Borough Local Plan.

It aims to ensure that new residential sites provide the required level of open space to meet their needs. Where sites offer no reasonable scope to provide public open space on site, developers may instead enter into an Agreement to pay a commuted sum to the Council towards the alternative provision or improvement of public open space in the Borough.

The Guidance considers: -

- \* The amount of open space required for new residential development.
- \* The type of open space required and the level of 'on site' provision which can be directly provided by the developer.
- \* The required payment of commuted sums where there is any shortfall in open space and the operation of the commuted payment scheme.
- \* How the commuted sums collected will be used to improve open space and recreational provision.

## **Background**

It has for some time been the Council's practice to require the provision of Public Open Space within new residential developments, where the site involved was of a scale which could accommodate a realistic level of provision.

The most commonly used standard for public open space provision is that of the National Playing Fields Association (NPFA). The overall provision of 2.43 hectares per 1,000 population recommended by the NPFA is the direct equivalent of the 24m<sup>2</sup> per head of population which is the standard adopted in Policy R5 of the Blackpool Borough Local Plan.

In the past, only a small proportion of development sites have provided open space because most were too small to make meaningful on-site provision. As a consequence smaller developments have not contributed towards the cost of open space provision, and the total amount of open space provided has not kept pace with the amount of new development.

It is reasonable to expect that new developments will normally meet the open space needs generated by their development, with public open space provided or paid for by the developer rather than the burden falling on local residents generally.

## **The Provision of Open Space for New Residential Developments**

### **The basis of the policy**

Policy R5 of the Blackpool Borough Local Plan sets out that all new housing developments should either physically provide or financially contribute to the full rate of provision of 24 sq.m. of open space per person. Any such provision, physical or financial, must be directly related to the open space needs generated by the proposed development.

The basis for this approach is recognised in paragraph 20 of the Department of the Environment's Planning Policy Guidance on the subject of Sport and Recreation. This suggests that planning obligations under Section 106 of the Town and Country Planning Act 1990 may be used to cover: -

- i) The provision of on-site and off-site recreational facilities related to the development;
- ii) In the case of small developments, a contribution to nearby sport and recreation or open space provision; and
- iii) Alternative provision when recreational land or open space is lost.

### **Developments to which the policy applies**

The policy applies to all new residential developments of 3 or more dwellings, including conversions from non-residential use and replacement dwellings.

Exceptions: -

- (i) On grounds of cost and consistent with the need to encourage residential development on small sites, the policy does not apply to developments of one or two dwellings.
- (ii) The policy does not apply to changes of use or conversions from one sort of residential/living accommodation to another (e.g. houses or holiday accommodation to flats).
- (iii) The policy does not apply to extensions to existing dwellings/units of residential accommodation.

For clarification and consistent with this, the policy would therefore apply to a conversion of an office or shop into three or more residential flats. It would not apply to the conversion of an office or shop with living accommodation above into residential flats unless the change of use of the office or shop use itself created three or more dwellings.

### **The open space requirement per dwelling**

Policy R5 of the Local Plan expresses the P.O.S. requirement as "24 sq. metres per person, calculated with regard to the number of bedrooms per dwelling."

The open space requirement is related to the potential open space needs generated by developments. It thus relates to assumed or potential levels of occupancy, rather than actual levels of occupancy which will clearly vary. Table 1 sets out the required levels of open space for different sized dwellings.

TABLE 1: OPEN SPACE REQUIREMENTS PER DWELLING

Size	Assumed Average Occupancy	Requirement (24m <sup>2</sup> per person)
1 bedroom dwellings	1.5 persons	36
2 bedroom dwellings	2 persons	48
3 bedroom dwellings	3 persons	72
4 or more bedroom dwellings	4 persons	96

Using the above table it is possible to quickly calculate the level of open space requirement for a given development. For example: -

- \* A development of 20 one-bed dwellings would require  $20 \times 36 = 720\text{m}^2$
- \* A development of 10 four-bed dwellings would require  $10 \times 96 = 960\text{m}^2$
- \* A development of 10 two-bed and five 3-bed dwellings would require  
 $(10 \times 48) + (5 \times 72) = 840\text{m}^2$

All rooms which appear likely to be used as bedrooms will be included in each dwelling's open space requirement assessment.

Where the number of bedrooms and number of people likely to occupy each dwelling is not known (as with an outline scheme), the position on the open space requirement will need to be reserved by condition so that it can be resolved when a detailed application is received. This will normally be achieved by means of a legal agreement at the reserved matters stage which will establish the basis for determining the contribution.

### The Type of Open Space Provision Required

Policy R5 of the Blackpool Borough Local Plan sets out that all new developments should make provision in accordance with the adopted standard of 24m<sup>2</sup> per person, having regard to The Six Acre Standard of the National Playing Fields Association (1992). The NPFA standard (Appendix B) breaks down the total of 2.4 hectares per 1000 population (24m<sup>2</sup> per person) to two basic categories: -

Category	Per thousand pop.	Per person
A Youth and Adult Use	1.6 - 1.8 hectares	17m <sup>2</sup>
B Children's Use	0.6 - 0.8 hectares	7m <sup>2</sup>
<b>Total</b>	<b>2.4 hectares</b>	<b>24m<sup>2</sup></b>

Blackpool Borough Council's approach based on these categories is set out below.

### Youth & adult outdoor sport & recreation amenity space: 17sq.m per person

Policy R5 of the Blackpool Borough Local Plan recognises that outdoor sport and recreation amenity space needs to be provided for youth and adult use.

Formal outdoor recreation space includes sports pitches, greens, courts and miscellaneous items such as athletics tracks, putting greens and training areas. Recreation amenity open space comprises other areas of open space not formally laid out as pitches, greens etc. for sporting use, but capable of meeting informal recreational needs of housing developments.

The distinction between them is not precise. Amenity space can be used for casual sports and training areas while formal pitches, greens, courts will themselves also require some form of amenity buffer.

Amenity space is also important visually and environmentally for its own sake, and its versatility means it may be used and appreciated by all sections of the population, not just those engaged in sport or active play. This is particularly relevant in Blackpool with its large elderly population.

For these reasons Blackpool Borough Council does not predetermine any uniform breakdown of the 17 sq.metres per person requirement of youth/adult space. The mix of on site space appropriate for any particular site will be dependent on the characteristics of each site (see Section 4).

Provision of sports pitches and similar facilities normally provided on a town-wide basis would not therefore realistically be expected to be provided other than on major development sites, comprising more than about 6 hectares. Provision of a range of facilities such as football pitches, tennis courts, and bowling greens can only be made as part of larger developments.

Meaningful provision of youth/adult amenity recreation space can be made on smaller sites and some such space will be expected to be provided on all sites above one hectare.

No meaningful youth/adult provision can normally be made on sites of less than one hectare and in such cases contributions will be sought from developers for the provision of new off-site facilities.

### ***Other Amenity Space***

Provision of areas of amenity space within new housing which are too small to make any contribution to recreational use such as verges and incidental landscaping areas do not contribute to NPFA standards or to this Council's Policy R5 open space requirement.

Larger areas of amenity open space such as wildlife habitats, woodlands, ornamental gardens or ponds which are specifically landscaped or safeguarded from development for their nature conservation or environmental importance similarly do not contribute to the Council's Policy R5 open space requirement.

### **Children's playspace: 7sq.m per person.**

Children's play space comprises equipped playgrounds and other informal playspace for children within convenient walking distance of their homes. Provision will normally be required on site to meet the needs of all developments over about 20 dwellings.

Table 2 overleaf sets out three different scales of children's play provision, based on the definitions of required facilities by the NPFA, ranging from a small toddlers housing playspace to a large neighbourhood recreation ground.

Facilities should be provided on site whenever the population size of a new development is sufficient to justify a realistic and usable provision. Exceptions may be made only where convenient and satisfactory opportunities exist to improve off-site provision nearby to which the developer can make a contribution.

The design of children's play areas must carefully consider the age of intended users and the amenities of nearby properties. The provision of a minimum specified area will not, if poorly designed and/or located, satisfy the requirement.

Where no meaningful provision can be made on site, contributions will be sought from developers for the provision of new off site facilities to serve the needs of the development. Children's play space to be of value must be provided within the immediate catchment of the development it is to serve.

TABLE 2: CHILDREN'S PLAYSPACE PROVISION

Facility	Walking Time	Walking Distance	Target Users	Minimum size		Nearest house property boundary	Characteristics	Population of proposed development
				Activity zone	Total (incl. buffer)			
Housing Playspace	1 min	100m	3-6 *	(80m) ** 100m	(200m) ** 400m	5m from Activity Zone	Small, low key play area (may include 'demonstrative' play features)	(29)** 57
Local Playground	5 min	400m	4-8 *	400m	3600m	20m from Activity Zone	About 4 types of equipment. Small games area	514
Neighbourhood Recreation Ground	15min	1000m	8-14 *	1000m	8500m	30m from Activity Zone	About 10 types of equipment. Kickabout and wider play opportunities	1214

\* But may also attract younger supervised children

\*\* Within the densely built up inner areas of the Borough a lower minimum will be acceptable, reflecting the limited opportunities for new playspace

## On-Site Provision by Developers

The type and amount of open space that can physically be provided on site by developers will vary according to the size and type of development. Variations will also occur to reflect differences in the availability of existing facilities, in the configuration of sites, road layouts, the availability of nearby off site opportunities to expand provision and the need for safe and convenient walking times to any new children's facilities. The basis for the level of provision on all sites in accordance with the Blackpool Borough Local Plan's required standard of provision of 24 sq. metres per person is set out below:

### Site size

Below 1 hectare - 7 sq. metres per person for children's play/casual space will be sought on sites for more than 57 persons, typically about 20 dwellings.

where possible in central Blackpool the provision of 7sq.m. per person children's playspace will be sought on smaller sites of about 10 dwellings.

1-2 hectares - Total provision, of at least 10 sq. metres per person, including 7 sq.m. children's playspace and 3sq.m. youth/adult space.

2-4 hectares - Total provision of at least 15 sq. metres per person, including 7sq.m. children's space, and 8 sq. m. youth/adult space.

4-6 hectares - Total provision of at least 20 sq. metres per person, including 7 sq.m. children's space and 13 sq.m. youth/adult space.

6 hectares+ - The full level of provision of 24 sq. metres per person, including 7 sq.m. children's space, and 17 sq.m. youth / adult space.

On all housing sites, including small sites below one hectare, where physical conditions preclude meaningfully making the full rate of provision of 24 sq. metres per person, the developers may instead pay a commuted sum towards the cost of improving open space provision off site. Commuted sums will only be sought where there is a realistic prospect that alternative children's, youth or adult recreation open space can be provided which directly meet the open space needs generated by the development.

Consistent with the above approach Table 3 set out below summarises the rate of on-site provision of open space (m<sup>2</sup> per person) that will normally be required for sites of different sizes, and the corresponding level of shortfall in provision required to be provided off site.

TABLE 3: OPEN SPACE PROVISION RATE  
ON-SITE / OFF-SITE REQUIREMENT (m<sup>2</sup> per person)

Size of Development	On Site Provision			Off Site Provision
	Children	Youth/ Adult	Total	
<1 hectare &< 57 persons	-	-	-	24
< 1 hectare &57+ persons	7	-	7	17
1-2 hectares	7	3	10	14
2-4 hectares	7	8	15	9
4-6 hectares	7	13	20	4
6 hectares+	7	17	24	-

\* Where practical to do so, on-site provision of 7 sq.m. children's space per person may be sought on smaller sites of 30+ persons in Blackpool's inner wards where there is already a very high density of existing development and little open space.

To illustrate how this would work in practise Table 4 overleaf gives examples of the type of open space that would need to be provided by developers of different sized housing sites based on average 3 bedroom dwellings.

Variations will occur to reflect the specific circumstances of each site, but it gives a guide to the amount of on site and off site provision normally expected for typical developments. The actual level of provision will be based on the expected population (see Table 1) and size of the site (see Table 3).



TABLE 4: GUIDE TO AMOUNT AND TYPE OF OPEN SPACE PROVISION

No. of dwellings	Population	Children's Playing Space		Youth/Adult Recreation Amenity Space		On-Site Total (m ) Area	Characteristics/ Descriptions of on-site facilities to be provided	Provision Shortfall to be met off-site	
		Rate (m per person)	Total	Rate (m per person)	Total			Rate (m )	Area (m )
10	30	-	-	-	-	-	(See page 7, re Central Blackpool)	24	720
20	60	7	420	-	-	420	1 housing play space with flat well drained grass or hard surface 100m activity zone for low key games, with landscaped buffer	17	1020
25	75	7	525	3	225	750	1 slightly larger housing playspace, possibly with static play features and expanded amenity greenspace buffer	14	1050
50	150	7	1050	8	1200	2250	2 housing playspaces with expanded amenity greenspace buffer as above expanded or with separate additional amenity greenspace with paths, planting, seating	9	1350
100	300	7	2100	13	3900	6000	2 housing playspaces with bufer as above and 1 local playground with swings, play equipment, ball games area, and expanded amenity landscaped buffer zone with paths, seating	4	1200
150	450	7	3150	17	7650	10800	4 playspaces and 1 local playground as above, with adjoining small playing fields/kickabout area	-	-
400	1200	7	8400	17	20400	29200	6 playspaces and 1 local playground with kickabout area as above. 1 recreation ground with equipped playground for 8-14 children with adjoining playing field/sports pitch, butter with paths and planted areas	-	-

\* Precise provision type dependent on site configuration, walk-in time etc (see table “)

## **Specialised types of development**

Some more specialised types of development may create less demand for open space. For example if a development has been specifically designed with single person one-bedroom dwellings the requirement could appropriately be reduced to 24m<sup>2</sup> per dwelling based on single person occupancy.

The occupants of a sheltered housing scheme for the elderly would also justify reduced provision as they would not require space for children and off-site space away from the development could also not be justified as generally meeting the needs of the residents of sheltered housing. It would however, be appropriate to require equivalent provision of 7-10 sq. metres per person of amenity open space, conveniently located either within or adjoining the development, and in accordance with the minimum requirement for open space provision as set out in Policy R5 of the Local Plan.

## **Availability of existing facilities**

"The Guidance has been prepared against the background of an audit of existing public open space in the Borough. This audit shows that most areas of the Borough are deficient in their level of open space provision, with only 0.2 hectares of children's playing space and 1 hectare of youth and adult space per thousand population compared with the NPFA standards of 0.7 hectares per thousand children's playing space and 1.7 hectares per thousand youth and adult space.

All proposed developments will be assessed to establish their open space needs and if it can be demonstrated that existing provision in the vicinity already exceeds the minimum requirement in terms of the quantity and quality of facilities, exceptions will be made and the requirements under the Guidance reduced in full or in part.

For youth and adult provision it is anticipated that in terms of capacity the vast majority of new developments would normally generate their own need for further youth/adult provision, reflecting the general Borough wide shortfall in provision and the fact that people generally travel some distance to use such facilities.

For children's play there is a need for much closer accessibility, but it is also the case that there is an existing and often substantial shortfall in levels of provision across most areas of the Borough. Where appropriate facilities do already exist to the required standard within close accessibility to proposed developments and in accordance with the requirements set out in Table 2, the requirement for new additional children's play provision will be reduced in whole or in part."

## **Off-Site Provision and the Payment of Commuted Sums**

### **Calculating contributions**

The open space needs of a development will be calculated on the basis of 24 square metres per person, in accordance with Tables 1 and 3 and having regard to the individual characteristics of each site. The charge to the developer will be dependent on the costs of providing any shortfall of open space provision.

The charges approved by the Council in 1999 per square metre comprise two elements: -

- The costs of provision.
- Maintenance costs.

A more detailed breakdown of these costs is set out below: -

### **The Costs of Provision**

The supply/installation costs of laying out public open space are: -

TABLE 5: OPEN SPACE COST PER PERSON (PER 24 SQUARE METRES REQUIREMENT)

Size	Requirement per person	Costs per sq. metre	Total cost
Youth & adult	17 sq.m	£12	£204
Children's play	7 sq.m	£20	£140
<b>TOTAL PROVISION</b>	<b>24 sq.m</b>	<b>£14.33</b>	<b>£344</b>

These figures are based on the estimated standard costs of facilities supplied by the Director of Community Services and are as realistic as possible for a reasonable standard of facilities.

Based on the above, the full commuted cost of making provision for open space for a development which includes no provision on site is £344 per person (which equates to £14.33 per sq. metre).

*If a development was required to make this full level of provision of open space, this would mean:*

*If a development includes no public open space provision, then the developer must make a commuted payment to meet the full cost of making provision elsewhere (at a cost of £344 per person).*

*If a development includes some provision, then he must make a commuted payment to cover the costs of providing any shortfall of provision off-site.*

*If a development includes the full on-site provision of 24 sq. metres public open space per person in accordance with the Council's standards, then no commuted payment will be required for the provision of the open space.*

*Where any open space provided is to be dedicated to the local authority, an additional commuted payment will be required to cover the cost of future maintenance in accordance with the Council's normal adoption procedures.*

*In accordance with the detailed open space costs per person (Table 5) and the open space requirements (Table 1), Table 6 set out below enables the calculation of the total commuted payment required where a proposed development includes no provision of public open space.*

TABLE 6: TOTAL COMMUTED PAYMENT PER DWELLING (REQUIRED FOR FULL LEVEL OF PROVISION OF PUBLIC OPEN SPACE, WHERE NO PROVISION IS MADE)

Size of dwelling	Open Space Requirement (m2)	Commuted Sum
1 bedroom	36 x £14.33	£516
2 bedroom	48 x £14.33	£688
3 bedroom	72 x £14.33	£1032
4+ bedroom	96 x £14.33	£1376

The calculation of the full commuted payment in other instances where there is some on-site provision of public open space will be determined by the level of shortfall in provision below the full requirement of 24m<sup>2</sup> per person. To clarify the approach and how it works, example calculations are considered for two developments below:

**Example A:** A development of twenty 3-bed houses and ten 2-bed houses where 800m<sup>2</sup> of open space is provided within the development.

(i) The full open space requirement (from Table 1) would be: -

20	x	72	=	1440 sq. metres
10	x	48	=	480 sq. metres
		Total		1920 sq. metres
		Less on-site provision	=	800 sq. metres
		Shortfall	=	1120 sq. metres

(ii) The required commuted payment for the provision of open space would be

$$1120 \times \text{£}14.33 = \text{£}16,050$$

**Example B:** A larger development of sixty 3-bed houses and twenty 4-bed houses where 6000m<sup>2</sup> of open space is provided on site.

(i) The full open space requirement (from Table 1) would be: -

60	x	72	=	4320 sq. metres
30	x	96	=	2880 sq. metres
		Total		7200 sq. metres
		Less on-site provision	=	6000 sq. metres
		Shortfall	=	1200 sq. metres

(ii) The required commuted payment for the provision of open space would be

$$1200 \times \text{£} 14.33 = \text{£}17,196$$

### **Maintenance**

Where open space provided by a developer is to be dedicated to the Council, then the Council's existing adoption procedures will apply. In addition to any commuted sum in lieu of the provision of open space, a separate commuted sum will be required for maintenance of any open space which is provided by the developer. This will be assessed by the Council's Community Services Department (Grounds Maintenance) after the agreed layout of open space has been implemented and maintained by the developer (normally for a period of twelve months, to allow any defects in landscaping or equipment to become apparent). The developer will be informed of the commuted sum required by the Community Services Department based on the cost of future maintenance for 10 years. The Council will adopt the open space after this period on receipt of the commuted sum.

In these cases, future maintenance is dealt with at adoption, rather than in determination of the planning application.

Where alternative provision has to be made by the Council off-site, additional sums to cover the costs of future maintenance will only be required in instances when provision can conveniently be made on adjoining land or in the immediate vicinity, specifically and principally to meet the needs of the development. Any commuted sums for maintenance of off-site open space will be required in advance of any development, in conjunction with the determination of the planning application. The sum required will be directly related to the scale and range of facilities to be provided based on maintenance costs for similar open spaces on other sites tendered to the Council.

In circumstances where developers contribute to off site developments which will confer significant wider benefit as well as meeting the needs of the development, the costs of subsequent maintenance will be borne by the Council.

Where developers choose to retain the management and maintenance of open space provided within their site, future maintenance will be dealt with by planning condition in the determination of the planning application.

### **How Will Funds Be Used?**

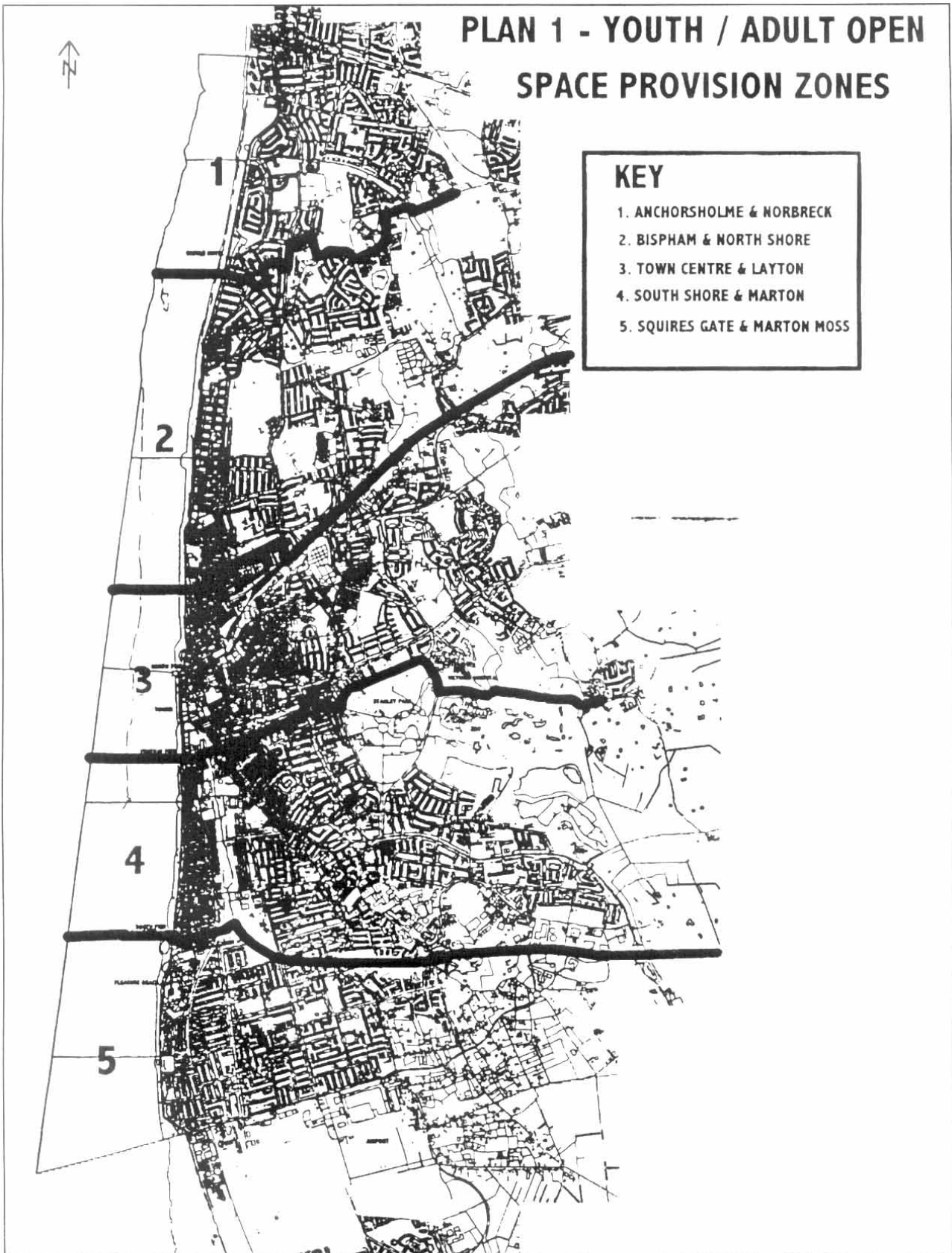
Funds will be held by the Local Authority in an interest earning account until they can be used. The Local Authority has established the level and distribution of open space provision that exists within the Borough and will decide how funds can most appropriately be used. An Audit of the existing amount of public open space in the Borough is set out in the Local Plan.

#### *Category A Youth Adult Open Space*

Funds collected in lieu of physical (actual) provision on site for Category A facilities may be used by the Local Authority to provide or improve facilities elsewhere in the Borough. It is accepted that people will travel some distance for these facilities, and funds collected will be used by the Council to provide or improve facilities as required. Blackpool's compact built up urban area means people make use of youth/adult facilities across the Borough. To ensure any facilities provided directly meet the needs of any development, any alternative provision made by the Council will need to be located either within the area in which the development is located or within an adjoining area of the Borough.

Five areas are identified below and shown on plan 1 overleaf: -

- Anchorsholme and Norbreck.
- Bispham and North Shore.
- Town centre and Layton.
- South Shore and Marton.
- Squires Gate and the Moss.



Map at Scale: 1:50000

Produced on Tuesday,  
May 18, 1999.

Planning  
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BLACKPOOL BOROUGH COUNCIL  
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*Category B Children's Playing Space*

The use of commuted payments in lieu of physical (actual) provision on site of children's play facilities will be limited geographically to ensure that any Children's play facilities created with those payments are conveniently within easy walking distance of the development.

Funds collected in lieu of physical (actual) provision on site for casual/children's play will only be used to provide new facilities within the immediate catchment area of where the new housing development is to take place. The catchment areas applied would be in accordance with the NPFA's maximum walking times for LAPS, LEAPS, and NEAPS as set out in Table 2 of this Guidance.

To ensure any facilities provided directly meet the needs of any development, commuted payments would only be collected where opportunities exist to either provide new facilities or enhance existing facilities within the required catchment areas. Opportunities to provide facilities at new sites are limited, and the Local Authority are more likely to lay out a new facility at an existing site or improve an existing facility. However funds may be used to buy land and lay out a new facility where appropriate opportunities arise to do so.

Dual use of education facilities

Where opportunities for the provision of either youth/adult or children's space are limited within the area to meet the needs of the development, the Council will alternatively investigate opportunities for appropriate community dual use of education open space and recreation facilities. Within current physical and financial constraints, the need is to ensure optimum usage of funds coming forward to meet the recreational needs of a development. Where the most direct way such needs can be met is via improving school facilities for wider community use, this will be mutually beneficial to educational needs, and be a cost effective way of meeting the needs of new residential developments.

*Types of Improvements*

Any funds collected will only be used for improvements, or increasing provision to provide for more intensive use. They will not be used for more general purposes, such as to cover maintenance or running costs of existing facilities. The Council, resources permitting, may supplement the funds collected from new developments.

Types of improvements will include: -

- Laying out new or improving existing sports grounds.
- Constructing or improving changing facilities.
- Laying out new, extending or improving casual/children's play areas.
- Provision of new play equipment.
- Additional seating.
- Planting and screening / landscaping to minimise impact on adjacent residential areas.
- Creating better links between a development and existing areas of open space.

## Operation of the System

The principle of commuted payments should be implemented as follows: -

- The Head of Planning and Transportation will inform prospective developers or purchasers of sites for housing development of the requirements for open space provision in the Borough.
- Information will be given at pre-application discussions.
- A note regarding the open space system will be issued with all relevant planning application forms. This will allow the developer to be aware of all their responsibilities.
- The open space requirements shall be assessed as part of the processing of the planning application and deficiencies will be calculated.
- The amount of financial contribution (if any) will be calculated covering the lack of physical provisions and its maintenance (except where land is to be dedicated to the local authority, when maintenance will be considered as part of the adoption procedure).
- The contribution required will be notified to the applicant.
- If planning permission is likely to be granted the applicant may either: -
  - (i) make a unilateral undertaking to pay the required financial contribution before the decision is issued or;
  - (ii) enter into a planning obligation with the Council (under Section 106 of the Town and Country Planning Act).

In either case this will require the financial contribution to be made into the open space account prior to commencement of the development (or specific phases). A standard format will be used to simplify procedures.
- The decision notice will only be issued after one of the above 2 options has been completed. If the latter of the two options is followed, there will be an additional charge for the drafting of the legal agreement. If the option followed involves a legal agreement and a delayed payment, the amount required is likely to be higher than that required for immediate payment, therefore, contributions calculated for provision and maintenance shall be index linked from the date of the Section 106 agreement.
- If the application is an outline application, any approval will be subject to a condition to ensure that the appropriate level of public open space is considered at the detailed reserved matters application stage.
- Funds shall be held in an interest earning account. Any commuted sums collected will be returned to the developer with interest if they are not spent within 10 years of the commencement of the development.
- Once open space has been laid out and established for one year, it shall be inspected to ensure it meets the Authority's requirements before adoption can take place.

If an application is refused and would have come under the guidelines prescribed above, a reason for refusal will relate to the failure to make adequate provision for open space. If the applicant then appeals, the Local Authority would seek to enter into an agreement for the appropriate open space contribution to be paid, to ensure that provision for open space is made if the appeal is allowed and to restrict the appeal debate to those other issues of concern to both parties. In this way, development allowed on appeal would then be subject to the same requirements for open space provision as other housing developments in the Borough.



The financial aspects of the open space funding mechanism will be monitored and reviewed on an annual basis to ensure that costs and the level of contributions required remain up to date. Open space costs will be index linked to the annual review of the Council's own Grounds Maintenance contracts for open space.

Details of this approach to open space provision will be reviewed and revised, if necessary, as circumstances change.



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