



Dudley Metropolitan Borough Council Supplementary Planning Document on Open Space, Sport and Recreation Provision

Adopted 13th June 2007

OPEN SPACE, SPORT AND RECREATION PROVISION

This SPD guidance advises on Council requirements in terms of provision, access arrangements, design and maintenance for sport, children's play and recreation facilities and public open space and landscaping.

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- Policy DD8 - Provision of Open Space, Sport and Recreation Facilities.
- Policy DD7 – Planning Obligations
- Policy LR1 – Open Space
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The Open Space, Sport and Recreation Provision Supplementary Planning Document (SPD) (June 2007), the accompanying "Statement of Consultation", "Sustainability Appraisal report", and related documents can also be found on the Council's website at:

www.dudley.gov.uk/environment--planning/planning/local-development-framework

Copies of the SPD and related documents are also available from the Council's Planning reception, located at:-

- Council offices, main reception, 3 St James's Road, Dudley, West Midlands, DY1 1HZ or at
- The Dudley Council Plus reception, located at 259 Castle Street, Dudley Town Centre, Dudley, West Midlands.
- Alternatively, a reference copy can be viewed at the reception at Council offices at Mary Stevens Park (MSP), Council House, Stourbridge, West Midlands, DY8 2AA
- Reference copies can also be viewed at all main Dudley Libraries, or
- Copies can be obtained by contacting the Council's Planning Policy Section on above telephone number.

This and other Local Development Framework (LDF) documents are or will be made available on request in large copy print, audio cassette,

Braille or languages other than English. If you require the document in one of these formats please contact:

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Arabic

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Bengali

এই দলিল বা ডকুমেন্ট এবং অন্যান্য স্থানীয় উন্নয়ন বিষয়ক কাঠামো সম্পর্কিত দলিলসমূহ অনুরোধে বড় অক্ষরের লেখা বা লার্জ প্রিন্টে, অডিও কেসেটে, ব্রেইলে কিংবা অন্যান্য ভাষায় পাওয়া যাবে। আপনি যদি এই দলিলটি উপরোক্ত যে কোন মাধ্যম বা ফরমেটে পেতে চান, তাহলে দয়া করে যোগাযোগ করুন:
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Chinese

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Gujarati

આ તેમજ લોકલ ડિવેલોપમેન્ટ ફેમવર્કના અન્ય દસ્તાવેજો વિનંતી કરવાથી મોટા અક્ષરોમાં છાપેલા, ઓડિયો કેસેટ પર, બ્રેઇલમાં અથવા અંગ્રેજી સિવાયની બીજી ભાષાઓમાં મળી શકે છે અથવા મેળવી આપી શકાશે. જો તમને આમાંથી કોઈ સ્વરૂપમાં દસ્તાવેજ જોઈતો હોય, તો કૃપા કરીને આ સરનામે સંપર્ક કરો:
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Punjabi

અનુરોધ કરન કે, ઇવ ડાક્યુમેન્ટ (લિખત જાણકારી દસતાવેજ), અકે સથાનક વિકાસ યોજના (ફરેમવર્ક) સંબંધી હેર ડાક્યુમેન્ટસ વૅબ પર્સિટ, આઢીઈ કસેન્ટ કે રીકારડ કીકે હેકે, થરેલ ફારમેન્ટ, અકે અંગ્રેજી થાસા કે નાલ નાલ હેર થાસાવં વીચ વી મિલ સકકે હન જાં મિલ સકકે. જેકર તુસાં કોઈ ડાક્યુમેન્ટ ઇનું વીચેં કિસે ફારમેન્ટ (થરેલ) વીચેં લેના ચાહુકે હે, તાં ક્રિપા કરકે હેન લિથે પકે કે સંપરક કરકે: પલેનિંગ પોલિસી ટીમ, ડાઈરેક્ટરેટ ઓફ ઇઅરથન ઇનવાઈરનમેન્ટ, ડડલી મેટરોપોલિટન થરે કાઉન્સિલ, 3 સેન્ટ જેમસ રોડ ડડલી Planning Policy Team, Directorate of the urban environment, Dudley Metropolitan Borough Council, 3 St. James's Road, Dudley DY1 1HZ - ટેલીફોન નંબર: 01384-816967 - ઈ-મેલ પકા: udp.plan@dudley.gov.uk

Urdu

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SUMMARY OF KEY ISSUES

- This SPD is triggered for residential planning applications of five or more units (five or more dwelling houses, flats, or bungalows). The SPD relates to residential conversions (e.g. existing buildings that are converted to residential apartments) as well as new-builds. (See paragraphs 6.2 and 7.6).
- The SPD is also triggered for new larger scale commercial development (larger scale shops, offices and industrial development) planning applications which are likely to generate 50 potential users per day. (See paragraphs 3.14 and 6.8 to 6.13).
- The Council will require the developer to provide appropriate facilities and maintain them for “15 years” or make arrangements by way of commuted sums implemented through planning obligations, or other arrangements. (See paragraphs 6.1 and 7.3).
- The calculations for working out the set-up and maintenance costs for public open space (POS), children’s play areas, playing fields and public realm can be found under Section 11 (See paragraphs 11.1 to 11.3) of this SPD.
- Where necessary commuted sums from developers will be pooled into a “ring fenced” fund to be used within a 7 year period. (See paragraph 11.4)
- New on-site recreational public open space (POS) provision will be explored by the Council on new housing developments containing 80 units and above (80 or more dwelling houses, flats, or bungalows). For schemes below 80 units, on-site “recreational” POS provision will not be required. However, a commuted sum will still be required by the Council for off-site public open space maintenance and enhancements for schemes below 80 units. (See paragraphs 7.1 to 7.6)
- For proposal sites of 80 units and above which are already well-served to existing nearby off-site recreational public open space (POS) which is safely accessible from the direction of the proposal site, the developer will not be expected to provide new on-site recreational POS provision within the residential layout. However, a commuted sum will still be required for improving and maintaining nearby off-site public open space. (See paragraphs 7.1 to 7.6)

- When considering where to spend a particular commuted sum for existing off-site public open space (POS) improvements and maintenance, at the Development Control Planning Application stage, the Council will identify where the nearest existing publicly accessible open space area(s) are located within walking distance of the proposal site (approximately 1,500 metres distance) and target spend improvements accordingly, in order to address key POS improvement needs and priorities within each local area. (See paragraph 8.1).
- When considering proposals for new equipped children's play areas and young persons outdoor recreational facilities, the Council will not use set or specific minimum buffer distances from the edge of the new-build equipped children's play area to the nearest residential curtilage (the residential boundary line). This approach would be inflexible and would not be able to adapt to unique site characteristics such as site topography. More detail on this issue can be found under Section 9.

EXECUTIVE SUMMARY

The Adopted Dudley Unitary Development Plan (UDP) (October 2005) requires new development to take account of open space, sport and recreation requirements. This Supplementary Planning Document (SPD) provides detailed guidance as to how those requirements will be expected to be fulfilled and how Dudley MBC will implement the saved policies within the UDP and in particular, policy DD8 'Provision of Open Space, Sport and Recreation Facilities'.

The purpose of this Supplementary Planning Document (SPD) will be to provide up-to-date information and further supporting guidance for developers, agents, landowners and the public on developer contributions required, primarily as part of new housing developments (but also including larger scale commercial developments which generate 50 potential users per day), for the maintenance and provision of "new" on-site public open space areas and recreational facilities, or for financial contributions towards the maintenance and enhancement of "existing" off-site publicly accessible open space, sport and recreation facilities already located in the area. This is required in circumstances where new development places an increased burden, increased wear and tear and additional usage pressures on existing publicly accessible recreational open space, and a demand for new or enhanced recreational facilities, as a direct result of the increased number of users created by the new development proposal. The SPD will help to ensure that all sections of the community within the Borough have access to a better supply of open space areas, sports and recreational facilities that are of a good quality, well maintained, well-planned and designed, and in the right location to meet the outdoor recreational needs of the community.

This SPD aims to deliver the objectives of national planning policy in Planning Policy Statement 1 (PPS1) (2005) by improving access by all to open space, sport and recreation so promoting sustainable development and inclusive communities. It also embodies Planning Policy Guidance Note 17 (PPG17) (2002) which states that local planning authorities will be justified in seeking planning obligations where the quantity or quality of open space, sport and recreational provision is inadequate or under threat, or where new development increases local needs.

Furthermore, this SPD will help to deliver the aspirations of the Dudley Borough Community Strategy, "Dudley Borough Challenge" (2005-2020) by safeguarding and improving the environment through improving and enhancing parks and open spaces, and by promoting a sense of well-being and good health for everyone.

This SPD will assist the Council in protecting and enhancing sporting, leisure and recreational facilities by supporting the policy framework that enables:

- The protection of sites from development;
- The creation of new open space or facilities either within new development or on other land;
- The upgrading of existing sites; and

- Improving and reinforcing accessibility in the use of open space.

Where it is warranted, the Council will require the developer to satisfy the open space, sport and recreation needs of the existing and increased population generated by their development by providing appropriate facilities and maintaining them for 15 years. Alternatively, commuted sums secured through planning obligations would be acceptable where appropriate.

Adequate provision for publicly accessible open space, sport and recreation must be provided as part of any new residential development containing five or more units (five or more dwelling houses, flats or bungalows). Larger scale commercial development also generates demand for facilities and where commercial development generates 50 potential users per day, a contribution will be required.

For major residential sites of 80 units (80 dwelling houses, flats or bungalows) or more the Council will explore the requirement for new on-site public open space provision (a well-maintained, publicly accessible on-site amenity grassed public open space area suitable for informal recreation purposes and well-observed informal children's play) within the residential layout. For other schemes, the Council will require a commuted sum payment for off-site public open space or hard landscaped public realm communal areas improvements.

Developers will be required to submit a 'Landscape Design and Method Statement' to provide information and justify their proposals in the context of their development and the site.

1. INTRODUCTION

- 1.1 The starting point for this Supplementary Planning Document (SPD) is the Dudley Metropolitan Borough Council (MBC) Adopted Unitary Development Plan (UDP) (October 2005). The Adopted UDP, as the statutory land use plan for Dudley contains both the strategic policy objectives and more detailed local planning proposals and development policies necessary to guide development in the Borough up to 2011. The Open Space, Sport and Recreation Provision Supplementary Planning Document (SPD) itself is a separate document. It will complement Policies on open space, sport and recreation provision set out in the Council's Adopted UDP (2005), in particular Policy DD8, and will be a material consideration in the determination of planning applications by the Council's Development Control Committee. The full "Provision of Open Space, Sport and Recreation Facilities" Policy (Policy DD8) is attached as Appendix 2 at the end of this SPD.
- 1.2 Dudley MBC's "Provision of Open Space, Sport and Recreation Facilities" Policy (Policy DD8) is set out in the Council's Adopted UDP (2005) and confirms that where development is proposed, it will be required to take into account the open space, sport and recreation requirements (including standards) as set out in the Council's Adopted UDP (2005). Policy DD8 underpins the need for developers to replace facilities that are lost because of the development by provision at least equivalent in size, usefulness, attractiveness and quality and at least accessible to current and new users. Policy DD8 confirms the importance of developers providing for, or contributing to, recreation facilities/ open space in line with the increase in users caused by the development. The policy also reinforces the need for developers to upgrade existing publicly accessible open space, sport and recreation facilities if sufficient open space (which would have to be safely accessible for pedestrians from the direction of the proposal site) for formal and informal recreation already exists in close proximity to the proposal site.
- 1.3 This SPD forms part of the Council's Local Development Framework (LDF) and will supplement the saved policies in the Dudley MBC's Adopted UDP (October 2005) (i.e. Policy DD8). The SPD will be taken into account as a material planning consideration in determining planning applications. The Secretary of State will also accord substantial weight to Supplementary Planning Documents that are consistent with development plan policy when making planning decisions.

2. PURPOSE

- 2.1 The provision of open space and facilities for outdoor sport and recreation helps underpin people's quality of life. In a modern, equitable, and fair society it is critical that the community's needs for well-maintained and designed publicly accessible open spaces, sports, leisure, and recreational facilities, in the right location, are met and adequately addressed. Particularly in circumstances where new development creates new demand for additional or enhanced facilities. This is critical in order to make development proposals acceptable in land use planning terms. Within a heavily urbanised area such as Dudley, access to publicly accessible open spaces, outdoor sport, leisure and recreational facilities, close to where people live, shop and work is essential, in order to improve the communities health and well being. They are also essential for promoting social inclusion, community cohesion, nature conservation and biodiversity, local distinctiveness and landscape, and for making the urban area an attractive place in which people choose to live, visit, work, and invest.
- 2.2 The most recent national planning guidance for open space, sport and recreation provision (set out in Revised Planning Policy Guidance Note 17 (PPG 17) (July 2002)) reinforces that local planning authorities will be justified in seeking planning obligations where the quantity or quality of open space, sport and recreational provision is inadequate or under threat, or where new development increases local needs.
- 2.3 The purpose of this Supplementary Planning Document (SPD) is to provide up-to-date information and further supporting guidance for developers, agents, landowners and the public on developer contributions (secured via planning obligations) required for the maintenance and set-up of new on-site public open space, outdoor sport and recreation facilities or for financial contributions towards the maintenance and enhancement of existing open space, outdoor sport and recreation facilities already located within the area. The SPD will help to ensure that all sections of the community within the Borough, have access to a better supply of open space areas, sports and recreational facilities, that are of a good quality, well maintained, well-planned and designed, and in the right location to meet the outdoor recreational needs of the community. It will therefore help to deliver sustainable development as required by government guidance in Planning Policy Statement 1.
- 2.4 This Supplementary Planning Document (SPD) sets out the Council's approach to the provision of open space, sport and recreation in conjunction with new developments, in particular, new housing developments. The SPD details how the Council's Adopted Unitary Development Plan (UDP) (October 2005) saved policies for open space, sport and recreation will be implemented, and should be read in conjunction with the Council's Local Development Framework (LDF) and saved policies in the Council's Adopted Unitary Development Plan (UDP) (October 2005), as well as other relevant planning guidance published by the Council.

- 2.5 The guidance has been prepared to give developers, agents, landowners and the public up-to-date information on developer contributions (secured via planning obligations) that are reasonably related in scale and kind to development proposals. It has been prepared, and will be operated, in accordance with national and regional planning guidance. The scales of contributions, and other relevant matters, will be updated when required.

3. POLICY CONTEXT

National Planning Policy Context

Planning Policy Statement 1 (PPS 1) (2005) “Delivering Sustainable Development”

- 3.1 Planning Policy Statement 1 (PPS 1) (2005) “Delivering Sustainable Development” sets out the overarching planning policies on the delivery of sustainable development through the planning system. The guidance reinforces the important role of Development Plans in promoting development that creates socially inclusive communities, which includes the provision of sufficient open space as part of major new developments, in order to help deliver sustainable development. The guidance confirms, in paragraph 18 that: *“...Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and the provision of public space...”* Paragraph 16 states that *“Development plans should promote development that creates socially inclusive communities, including suitable mixes of housing. Plan policies should: support the promotion of health and well being by making provision for physical activity.”*
- 3.2 Paragraph 20 (indent two) emphasises that: *“Development plan policies should take account of environmental issues such as: the protection of the wider countryside and the impact of development on landscape quality....including the provision of good quality open space...”* Paragraph 27 (indent .v.) confirms that: *“In preparing development plans, planning authorities should seek to: Provide improved access for all to...health, education, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car...”* Paragraph 35 states that: *“...High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring together people and provide opportunities for physical activity and recreation...”* Paragraph 34 confirms that: *“...Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”*

Planning Policy Statement 3 (PPS3) (2006) “Housing”

- 3.3 National planning guidance on new housing development is set out in Planning Policy Statement 3 (PPS3) (2006) “Housing”. PPS3 sets out the national planning policies for housing which regional planning bodies and local authorities should take into account in developing regional spatial strategies and Local Development Frameworks (LDFs), required under the new planning system. Under the heading *“Achieving*

high quality housing,” paragraph 16 (indents two and seven) state that: “Matters to consider when assessing design quality include the extent to which the proposed development: Provides, or enables good access to, community and green and open amenity and recreational space (including play space)....Provides for the retention or re-establishment of the biodiversity within residential environments...”

- 3.4 PPS3 confirms an emphasis on good design, mixed communities that incorporate more family homes and a requirement to consider the needs of children by providing green space. This aspect is reinforced in paragraph 17 which states that: *“Particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well-designed, safe, secure and stimulating areas with safe pedestrian access...”* In paragraph 13 the guidance is clear in its view that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 3.5 PPS3 refers to the need for local planning authorities to provide sufficient housing land, but attaches considerable weight and importance to giving priority to re-using previously-developed land within urban areas, bringing empty homes back in to use and converting existing buildings, in preference to the development of green field sites.

Planning Policy Statement 9 (PPS9) (2005) “Biodiversity and Geological Conservation”

- 3.6 Planning Policy Statement 9 (PPS9) (2005) “Biodiversity and Geological Conservation” sets out national planning policies on protection of biodiversity and geological conservation through the planning system. Under the heading “*Key principles*” in paragraph 1 (indents two and six) the guidance states that: *“...Regional planning bodies and local planning authorities should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered: Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests...Plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development...”*
- 3.7 In paragraph 14, under the heading “*Biodiversity within Developments*” the guidance confirms: *“Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning*

authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.”

Planning Policy Statement 6 (PPS6) (2005) “Planning for Town Centres”

- 3.8 Planning Policy Statement 6 covers town centres and main town centre uses. The guidance seeks to promote high quality design, improve the quality of the public realm and open spaces, and protect and enhance the architectural and historic heritage of centres. These aspects are reinforced in paragraph 1.5 (indent five) of the guidance.

Planning Policy Statement 12 (PPS12) (2004) “Local Development Frameworks”

- 3.9 Planning Policy Statement Note 12 (PPS12) (2004) “Local Development Frameworks” provides guidance on the procedures to be followed in the preparation of Local Development Documents (LDDs), introduced under the new planning system by the Planning and Compulsory Purchase Act 2004.
- 3.10 PPS12 (2004) outlines the important role that Supplementary Planning Documents (SPDs) can play in supplementing plan policies and proposals, whilst maintaining a consistency with national and regional planning guidance, as well as the policies set out in the adopted Unitary Development Plan (UDP) or Local Development Framework (LDF) under the new planning system. PPS 12 maintains that Supplementary Planning Documents (SPDs) may include site or issue based guidance. The guidance emphasises that SPDs do not form part of the statutory development plan and are not subject to independent examination, but will still be subject to rigorous community and stakeholder involvement.

Revised Planning Policy Guidance Note 17 (PPG 17) (July 2002) “Planning for Open Space, Sport and Recreation”

- 3.11 The most recent national planning guidance on open space, sport, leisure and recreation is set out in Revised Planning Policy Guidance Note 17 (PPG 17) (July 2002) “Planning for Open Space, Sport and Recreation”. A companion guide to PPG 17 was published in September 2002 giving more information about the production of open space strategies for local authorities. PPG 17 recognises that urban parks, open spaces, sport and recreation facilities all underpin people’s quality of life. The guidance confirms that well designed and implemented planning policies for open space, sport and recreation are fundamental for delivering broader Government objectives, including supporting an urban renaissance, by acting as “green lungs” assisting in meeting objectives to improve air quality, promotion of social inclusion and community cohesion, health and well being, and for

achieving sustainable development. PPG17 aims to deliver networks of accessible, high-quality open spaces and sport and recreation facilities with an appropriate balance between providing new spaces and enhancing existing provision.

- 3.12 Paragraph 33 reinforces the importance of planning obligations, stating that: *“Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs...”*
- 3.13 Paragraph 23 expects local authorities to *“ensure that provision is made for local sports and recreational facilities (either through an increase in the number of facilities or through improvements to existing facilities) where planning permission is granted for new development (especially housing). Planning obligations should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities, and the enhancement of existing facilities...”*
- 3.14 Within the “Assessing Needs and Opportunities: A Companion Guide to PPG17 (2002)” document, under the heading “Civic Spaces”, in paragraph 6.7, the guidance is clear in its view that: *“In principle, if it is not realistic to make on-site provision, and the development will result in a quantitative or qualitative deficiency in provision, authorities can also require developers of commercial premises such as shops or offices, to contribute to civic spaces or local greenspaces, such as parks, in the vicinity of their developments and likely to be used by their staff or customers. A high quality setting for a commercial development can enhance its rental value and therefore the developer can ultimately gain by contributing to the public realm...”* Under the heading “Commuted Maintenance Sums”, in paragraph 6.19, the guidance states that: *“Good planning requires that new open spaces and facilities are provided where they are needed and financially and environmentally sustainable. The payment of a commuted maintenance sum will be appropriate when a developer hands over title and responsibility for the long term maintenance of on-site provision to a local authority...”*

The Urban White Paper, “Our Towns and Cities: The Future (2000)”

- 3.15 The Urban White Paper refers to the benefits of well managed public open spaces and their contribution to enhancing our quality of life. The “Green Spaces, Better Places” the Final Report of the Urban Green Spaces Taskforce” was published in 2002. It promotes the positive

benefits that can be derived from open space and covers recreation and health benefits together with funding issues.

Start with the park: Creating sustainable urban green spaces in areas of housing growth and renewal – CABE Space (June 2005)

- 3.16 On page 7 the guidance reinforces the view that successful places where people are attracted to live, work, visit and invest, have successful green spaces. The guidance states that: *“Since 2003 CABE Space has been contributing to a growing body of evidence that demonstrate how green spaces can offer lasting economic, social, cultural and environmental benefits. This work confirms the link between high-quality green spaces and increased house prices; their benefits in improving the image of an area and attracting investment; their contribution to biodiversity; their contribution to promoting exercise and the benefits to health; and the role of public space design and management in tackling social issues such as risk and anti-social behaviour...”* The guidance goes on to state that *“ninety-one per cent of people say that parks and public spaces improve people’s quality of life. Surveys indicate that the urban population of England makes 2.5 billion visits a year to urban green spaces. And there is compelling evidence of the value of urban green spaces for quality of life. The clear conclusion is that successful green spaces can have a major positive impact on local communities...”*
- 3.17 On page 54, referring to catchment areas (e.g. how far people typically travel to use a particular publicly accessible open space area), the guidance recognises that larger spaces or more special parks in central urban areas tend to serve both local and wider needs.
- 3.18 Concerns relating to the steady decline in the quality of urban public parks due to reducing levels of investment are highlighted on page 11. The guidance confirms that: *“Many of the UK’s 27,000 urban public parks suffered from steady decline in quality during the last decades of the twentieth century. The public parks assessment showed that falling local authority budgets were the principal culprit, representing an estimated cumulative under-investment of £1.3 billion between 1979/80 and 1999/2000. This led to the closure of facilities such as cafes and toilets, a reduction in policing and management (much of which used to be carried out by park keepers) and the creation of banal, low-maintenance landscapes. The assessment found that 39 per cent of the stock of local authority managed open space had declined in quality. Only 18 per cent of local authorities reported that their stock was in good condition. The Urban Green Spaces Taskforce reported that poor-quality parks and green spaces had left many communities with depressing, poorly used, inaccessible and often dangerous spaces that could drag a whole neighbourhood down.”*
- 3.19 Under the heading “Why it is vital to secure revenue funding” on page 90, the guidance states that: *“...if parks budgets are cut year after year,*

the cumulative lack of maintenance will result in a poor landscape lacking in the very facilities that visitors love – on-site staff, cafes, flowerbeds, good paths, well-drained sports pitches and so on. It is therefore vital to find sources of funding that can be ring-fenced for parks maintenance, rather than being added to the central funding pot, where they may too easily be diverted to support other services...Planning obligations, strategic tariffs and regeneration funds can also provide capital funding. However, it is often very difficult to secure revenue funding. All too often, parks and other spaces are restored to a very high standard, yet within a few years can decline again because they have not been maintained.”

Climate Change

- 3.20 Climate change will present many challenges to communities and is one of the most serious threats facing the human race this century. There is a need to reduce our contribution to global warming, and discussions continue internationally about this, principally around the Kyoto Protocol.
- 3.21 As well as providing great amenity and leisure value, urban green spaces and urban parks are also essential in providing climate change mitigation, reducing extremes in temperature and moderating humidity (especially in summer months). They are also essential for providing flood protection and clean air within cities and other heavily urbanised environments.
- 3.22 Well-placed urban greenery can significantly reduce overheating and improve the urban air quality (the foliage found in green spaces helps improve air quality by reducing particulate air pollutants and gases such as ozone) reducing the need for air conditioning, which in turn reduces carbon emissions. The presence of trees for example within urban green spaces can help to make urban environments pleasantly cooler in summer months by providing increased shading opportunities. The shade provided by mature tree canopies will become increasingly important in the future as the summers become hotter and drier. Trees and woodlands can also help to protect us from global warming by absorbing carbon dioxide and plants within green spaces also contribute to moisture in the air which produces a cooling effect. They can also help to reduce air pollution and improve air quality (beneficial for human health), and reduce urban noise pollution. Green space areas are also essential as they can provide green corridors within heavily urbanised areas which can allow the movement of wildlife species between habitats. This is critical in order to help protect biodiversity levels as the uncertainties of a changing climate are just as relevant for wildlife as they are for people. This is becoming more important as wildlife species are needing to adapt to the changing climate.

- 3.23 Evidence suggests that urban green spaces can also help reduce flood risk from localised flash flooding caused by intense rainfall by slowing down the rate at which rainfall runs off land into watercourses and sewers. Green spaces within built up areas can absorb and retain more water than hard landscaping. The presence of urban green spaces and vegetated landscaped areas can also help to reduce the overheating of urban environments (referred to as the urban heat island effect). Typical urban surfaces such as concrete and asphalt get much hotter than vegetated green space surfaces during the day, particularly during the hotter summer months (the urban heat island effect is caused by the storage of solar energy in the urban fabric during the day and release of this energy into the atmosphere at night). Preserving and creating pockets of urban green space and vegetation can help to cool areas naturally. This is caused by the cooling effect of water as it evaporates into the air from leaves and vegetation through the process called transpiration. As water evaporates from the leaves of plants it cools the surrounding air. The “urban heat island effect” causes increased demand for air conditioning in buildings (which in turn requires more combustion of fossil fuels to generate more electricity), as well as being directly related to increased ozone formation, a major pollutant in our cities. The most important factor in creating an urban heat island is a lack of green space in built up areas.
- 3.24 The provision of sufficient, well-planned and designed public greenspace, outdoor sports and recreation facilities, and canal corridor networks close to where people live, shop and work can also help to reduce vehicular congestion and associated resultant air pollution by encouraging greener travel modes. For example, trail and pathway systems located within well-planned urban green spaces can help to save energy and protect air quality by encouraging more environmentally sustainable non-motorized transportation modes, such as walking and cycling. Communities will also be encouraged to travel less and discouraged from travelling further distances by the private motorcar if there is already publicly accessible recreational open space located on their doorstep, close to where they live, shop and work.
- 3.25 The impact of future climate change on green space maintenance and management will also be important, in the main in terms of the resultant financial implications. For example, urban green spaces will require investment to help them adapt to climate change. For example, the introduction of drought-resistant planting and the creation of additional shade cover.
- 3.26 National planning guidance set out in Planning Policy Statement 25 (PPS25) (2006) “Development and Flood Risk” in paragraph 2 supports the view that climate change over the next few decades is likely to mean milder wetter winters and hotter drier summers in the United Kingdom. The guidance states that these factors will lead to increased and new risks of flooding within the lifetime of planned developments. There is also likely to be an increased risk of water shortages during

the hotter drier summers. The draft supplement to Planning Policy Statement 1 (PPS1) on climate change titled: "Planning and Climate Change" (2006) under the heading "Identifying land for development" confirms in paragraph 19 (indent five) that: *"...planning authorities should take account the contribution to be made from existing and new opportunities for open space to urban cooling..."* Reinforcing the importance of open space areas further, paragraph 35 (indent four) states: *"In their consideration of the environmental performance of proposed development, taking particular account of the climate the development is likely to experience over its expected lifetime, planning authorities should require the provision of public and private open space as appropriate so that new development offers accessible choice of shade and shelter."*

- 3.27 The evidence would appear to further reinforce the vital importance of green spaces within urban areas, not just in terms of their landscape, nature conservation and recreational value, but also now their role in helping to deliver environmentally sustainable urban environments which can more successfully adapt to future climate change.

Circular 05/2005 "Planning Obligations"

- 3.28 The revised Circular on planning obligations was issued in July 2005. It gives guidance on the concept and use of planning obligations under Section 106 (s106) of the Town and Country Planning Act. Planning obligations are an established part of the system of determining planning applications. They are normally entered into through a legal agreement between the developer and the Council (reference to the developer also include the applicant or landowner where appropriate). They can also be done through a unilateral undertaking by the developer. Such obligations can be used to **prescribe** the nature of development e.g. requiring a proportion of affordable housing as part of a larger housing development; to secure **compensation** from the developer for loss or damage caused by the development e.g. loss of open space; or to **mitigate** a development's impact e.g. through increased public transport or recreation provision. Obligations can take the form of a financial contribution in lieu of works being undertaken.
- 3.29 The aims of the Circular are to increase transparency, predictability, accountability and speed. The Circular emphasises the importance of clear policies in the Local Development Framework (LDF) to set out circumstances where planning obligations will be sought. Amongst others, it sets out the principle that where contributions are secured towards the provision of facilities it may be appropriate to seek contributions covering maintenance in perpetuity. It also sets out the principle that contributions can be pooled from a number of developments to fund facilities. Authorities are advised to set out standard charges and requirements openly and use of Supplementary Planning Documents (SPDs) covering these issues is encouraged. A

good practice guide on planning obligations was published by DCLG in July 2006.

The Council's Approach

- 3.30 In terms of public open space, play, and sports facilities the basic principle is that new housing estates and large scale commercial developments create additional demands on facilities. Where these additional demands cannot be met by existing provision, it is legitimate to seek planning obligations from the developer in mitigation.
- 3.31 In accordance with Circular 05/2005, the Council will only seek to secure planning obligations which are:
- relevant to planning;
 - necessary to make the proposed development acceptable in planning terms;
 - directly related to the proposed development;
 - fairly and reasonably related in scale and kind to the proposed development;
 - reasonable in all other respects.
- 3.32 It is important to note that “necessary” may extend beyond what is physically needed to make the development go ahead and could include broader issues of planning policy.
- 3.33 The use of planning obligations does not mean that planning permission can be bought or sold. Unacceptable development will not be permitted because of benefits offered which are not necessary to make development acceptable in planning terms. For further additional information on Planning Obligations please refer to the Council’s emerging draft Planning Obligations Supplementary Planning Document (SPD) and Adopted UDP (October 2005) Policy DD7 “Planning Obligations”.
- 3.34 The guidance in this document relates to the following “saved” policies in the Dudley MBC Adopted Unitary Development Plan (UDP) (October 2005), these are set out in Appendix 2:

Policy DD8 - Provision of Open Space, Sport and Recreation Facilities
Policy DD7 – Planning Obligations
Policy LR1 – Open Space
Policy LR2 – Access to Public Open Space
Policy LR3 – Children’s Play Areas
Policy LR4 – Young Person’s Informal Recreation
Policy LR5 – Playing Fields

Policy SO6 – Parks
Policy HE7 - Canals
Policy NC1 – Biodiversity
Policy AM13 – Public Rights of Way

Regional Policy Context

Regional Spatial Strategy (RSS11) for the West Midlands (2004)

- 3.35 The new planning system has also brought about changes in regional planning policy. Under the 2004 Planning and Compulsory Purchase Act, Regional Planning Guidance for the West Midlands (RPG 11) dated June 2004 has now become the Regional Spatial Strategy (RSS) for the West Midlands. The RSS provides a spatial framework up to the year 2021 (i.e. it will set out the broad location of development proposals) for each region over a 15 year period including policies for housing, economic development and environmental protection. RSS emphasises that access to quality green space can contribute greatly to the region's urban renaissance, improving the quality of life in urban areas by providing opportunities for sport and recreation and supporting biodiversity. Under the heading "Urban Greenspace" RSS states that access to quality green space can contribute greatly to the Region's urban renaissance, improving the quality of life in urban areas by providing opportunities for sport and recreation and supporting biodiversity.
- 3.36 RSS Policy UR1 (Implementing Urban Renaissance – The Major Urban Areas) emphasises the importance of raising the quality of urban design, architecture and public art and spaces. Policy CF3 (Levels and distribution of housing development) states that there should be no added pressure on urban open space/ playing fields and greenspace consistent with PPG 17. Policy QE4 (Greenery, Urban Greenspace and Public Space) underlines the importance of significantly improving the quality of public spaces, especially in city and town centres, and maintaining and enhancing sports, playing fields and recreation grounds. RSS recognises that recreational resources are an important component in the overall quality of life in the Region.

Review of RSS for the West Midlands (2004)

- 3.37 The Regional Spatial Strategy is now going through a phased revision process. Phase 1 relates to the Black Country and the Draft Revision proposing changes to some policies was submitted to the Secretary of State in May 2006. An Examination in Public (EIP) was held in January 2007 and the panel report was published in March 2007. Among other things this identifies that improving the quality of the environment is of central importance to the achievement of urban renaissance in the Black Country. A key component in this process will be to give physical expression to the concept of the 'Black Country as Urban

Park'. The Black Country local authorities will work on a Landscape Action Plan to progress this.

Birmingham and The Black Country Biodiversity Action Plan – A Framework for Action (July 2000)

- 3.38 This document reinforces the important role of urban green space areas for providing an important recreational resource for the community and at the same time providing important sites for wildlife. Under paragraph 8.8 the document states: *“...Formal parks, playing fields, public open space, cemeteries, and all land managed chiefly for use by the public as an amenity are a major land use in our area. Cultural history and social factors have given us these sites and they are all managed for the benefit of the public. The dominant habitat of this land use is closely mown grass, but other important components are individual trees, shrubberies, scrub, pools and lakes, flower beds and ornamental planting areas. By definition such areas are well used and generally valued by the public. In more built up parts of Birmingham and the Black Country, these sites represent the only large areas of accessible greenspace to local people, and the only way in which nature and wildlife can be seen and experienced close to home...”*

Local Policy Context

Dudley MBC Adopted Unitary Development Plan (October 2005)

- 3.39 This Open Space, Sport and Recreation Provision Supplementary Planning Document (SPD) is associated with Dudley Metropolitan Borough Council's Local Development Framework (LDF) and saved policies in Dudley MBC's Adopted Unitary Development Plan (UDP) (October 2005), in particular, Policy DD8 on the "Provision of Open Space, Sport and Recreation Facilities". PPS 12 confirms that an SPD cannot set policy; rather it should build on and expand existing local plan policies.
- 3.40 The Dudley Metropolitan Borough Council Local Development Framework (LDF), saved policies in the Council's Adopted Unitary Development Plan (UDP) (October 2005), and indeed the Dudley Borough Community Strategy (2005), recognise the importance of improving and enhancing Parks and other open space areas within the Borough, promoting sustainable development by encouraging new major built developments that contain high quality open spaces suitable for outdoor recreation, and the importance of open space areas and participation in sport and recreation for helping promote healthy lifestyles and community well-being.
- 3.41 The Adopted Unitary Development Plan (UDP) (October 2005) has a major role to play in the achievement of these objectives. Policy DD8 (Provision of Open Space, Sport and Recreation Facilities) sets out the

Council's approach to the provision of open space, sport and recreation facilities (see Appendix 2). The SPD, through providing additional guidance in relation to Adopted Unitary Development Plan (October 2005) Policy DD8 (Provision of Open Space, Sport and Recreation Facilities), is thus significantly influenced by the provisions of this Policy, and has identifiable parameters within which it is able to operate.

Dudley MBC Community Strategy (2005)

3.42 The Dudley MBC Local Development Framework (LDF) and saved policies in the Council's Adopted Unitary Development Plan (October 2005) provides the mechanisms for delivering the aspirations of the Dudley Borough Community Strategy, "Dudley Borough Challenge" (2005). The aim of the Community Strategy is to set out a vision up until the year 2020 for a prosperous and attractive Borough. The Community Strategy identifies a series of six key priorities all of equal importance which together contribute towards a "Stronger Communities" overall vision. These are:

- Creating a Prosperous Borough.
- Promoting a Sense of Well-Being and Good Health for Everyone.
- Celebrating our heritage and the diversity of local culture.
- Safeguarding and Improving the Environment.
- Promoting Individual and Community Learning.
- Making Dudley a Safe and Peaceful Place to live.

3.43 Under the "Safeguarding and Improving the Environment" priority, the Community Strategy places importance on "improving and enhancing Parks and open spaces through the Friends of the Parks groups and delivering physical improvements, measured by the Green Flag quality standard." The importance of working towards a "sustainable settlement" agenda, which encourages mixed use development that reduces the need to travel, with high quality open spaces around buildings is also recognised.

3.44 Under the "Promoting a sense of well-being and good health for everyone" priority, the Community Strategy attaches importance to tackling obesity levels locally due to poor diet and lack of exercise, and the need to encourage healthy lifestyles among children and the wider local population. The Strategy also reinforces the importance of reducing health conditions such as coronary heart disease and cancer as key actions in order to help deliver broader objectives which underpin the "Promoting a sense of well-being and good health for

everyone” priority. Clearly therefore it can be seen that the Open Space, Sport and Recreation Provision Supplementary Planning Document (SPD) will have a key role in supporting the work of the Community Strategy.

4. THE COUNCIL'S APPROACH TO OPEN SPACE, SPORT AND RECREATION PROVISION

4.1 The policy framework for the Council's approach to open space, sport and recreational provision is set out in Chapter 8 of the Adopted Unitary Development Plan (UDP) (October 2005), and the purpose of this section of the guidance is to detail the Council's overall approach to the framing of these policies.

4.2 The Council will protect and enhance sporting, leisure and recreational facilities, by adopting the following policy framework:

- Protecting sites from development through:-
 - Specific allocations contained on the proposals map,
 - The application of policies in Chapter 8: Sport, Leisure and Recreation.
 - The protection of Parks as outlined in Policy SO6: Parks (Policy numbers relate to the Adopted Unitary Development Plan (UDP) (October 2005)).
- Pursuing opportunities for new open space or facilities:-
 - on vacant, disused, or reclaimed land,
 - upgrading of existing sites,
 - within new developments, e.g. through the use of planning obligations.
- Reinforcing accessibility in the use of open space:-
 - promoting residential developments within a reasonable distance of open space areas, in order to positively improve the quality of life,
 - identification of community parks,
 - greater involvement in relation to the site and facility selection process.

Protection and Enhancement of Open Space

4.3 The Council views the protection of public open space as of critical importance, and intends to actively protect the portfolio of existing sensitive public open space throughout the Borough.

4.4 It is important to distinguish between the range and types of open space, which the Council intends to protect. The process to be followed when determining planning applications for the development, or the change of use of Open Space is outlined below. Open Space is

defined in Policy LR1 (Open Space) of the Council's Adopted Unitary Development Plan (UDP) (October 2005).

4.5 To establish whether, in principle, the site can be developed, it will be considered against the criteria set out in (a) to (c) below:

a) Is the site allocated for an open space use, as part of the UDP? (e.g. a park).

It is impractical to identify all open space on the Proposals Map. However, open space areas not formally allocated within the plan, may still be essential to the community for a number of reasons, as defined in Policy LR1.

b) Is the site within public ownership, or has public access?

Policy LR2 (Access to Public Open Space) sets the access standards for public open space. A key policy aim is to ensure that local people have sufficient access to areas of open space in order to pursue formal and informal recreation, for the purposes of children's play, and to ensure an acceptable standard of access to areas of natural green space. If the proposed open space falls below the minimum threshold, then a development will be refused.

c) Does the site fulfil a certain role or has a specific function? Refer to Policy LR1 for definition.

If it is established that the site is not subject to the three criteria outlined above and can therefore be developed, Policy DD8 (Provision of Open Space, Sport and Recreation Facilities) will apply.

Protection of Sport and Recreation Facilities

4.6 Facilities such as Playing Fields (Policy LR5), Children's Play Areas (Policy LR3) and Major Sport Facilities (Policy LR7) are protected through their own policies.

4.7 There are, however, a range of other leisure facilities the Council wishes to protect from inappropriate development. These are covered by Policy LR6 (Protection of Sport and Recreation Facilities). The use of allotments is considered in Policy LR9 (Allotments). It is impractical to identify all sport and recreation facilities on the proposals map. However, sport and recreation facilities not formally allocated within the plan may still be essential to the community for a number of reasons, as defined in Policy LR1.

4.8 There are a number of other policies relating to the protection of Sport and Recreation Facilities within the Adopted Unitary Development Plan (UDP) (October 2005). The main policies are considered to be:

Provision of Open Space, Sport and Recreation Facilities. Policy DD8

This policy gives clear guidance for developers in terms of requirements for open space, sport and recreation facilities.

Horse keeping. Policy SO5.

Requirements for the keeping and exercising of horses are set out in Section 11 : Strategic Open Space.

Parks. Policy SO6.

The strategic functions of the Borough's network of formal parks is recognised and detailed in Section 11 : Strategic Open Space.

Corbett Hospital Open Space. Policy SO7.

The policy to protect this open space in Stourbridge can be found in Section 11 : Strategic Open Space.

Canals. Policy HE7.

The boroughs' canal network provides an excellent infrastructure for outdoor recreation. The policy can be found in Section 10 : Historic Environment.

Areas of Value for Nature Conservation.

Nature conservation aspects are dealt with in section 9: Nature Conservation.

Public Rights of Way. Policy AM13.

Rights of way are an important recreational facility within the borough. The Council will therefore endeavour to protect and enhance them as well as seeking opportunities to provide better facilities for walkers, cyclists and horse riders, for example by adding links to existing rights of way networks.

- 4.9 It is important to note that as well as the Adopted UDP (2005) policies referred to above, there are also a number of other important Council strategies, Plans and guidance which relate to and support this SPD. Including Dudley MBC's emerging draft Play Strategy, emerging draft Parks and Green Space Strategy, The "Liveability Projects Programme", Playing Pitch Strategy, the "Design for Community Safety Supplementary Planning Guidance (SPG)" (adopted March 2002), Tree Strategy, various Nature Conservation Management Plans, and Neighbourhood Improvement Plans.

5. DEFINITIONS AND CLARIFICATION OF TERMS

- 5.1 Please note that the Council is currently using National Playing Field Association (NPFA) national open space access standards within this Supplementary Planning Document (SPD). The Council recognises the importance and need to use local access standards which are tailored to closely reflect and mirror on-the-ground local circumstances present within the Dudley Metropolitan Borough in accordance with national planning guidance set out in Revised Planning Policy Guidance Note 17 (PPG 17) (July 2002) "*Planning for Open Space, Sport and Recreation*". However, at this present time, the Council does not have in place a PPG 17 compliant adopted, Borough-wide Parks and Green Space Strategy which would provide a robust evidence base and platform from which to help the Council identify local open space access standards which closely mirror local circumstances. The companion guide to PPG 17 titled "Assessing Needs and Opportunities: A Companion Guide to PPG17" (2002) recognises that these assessments will require time to prepare. Work is currently being completed by Council officers on the emerging draft Parks and Green Space Strategy, and once adopted, this Parks and Green Space Strategy will be used to form the required robust evidence base in which to identify local open space access standards. On the basis of the above information, NPFA standards are currently being used within this SPD. This SPD will be updated when the Council has an adopted PPG17 compliant Parks and Green Space Strategy.

Outdoor recreation/playing space

- 5.2 In accordance with the National Playing Field Association publication entitled "The Six Acre Standard", Outdoor Recreation/Playing Space is defined as "Space that is safely accessible and available to the general public, and of a suitable size and nature, for sport, active recreation or children's play."

Minimum Standards

- 5.3 Standards set by Policy LR2 Access to Open Space are the minimum for public open space, children's play areas and playing fields i.e. a minimum of 2.4 hectares of outdoor recreation/playing space per 1,000 population, which pro rata, consists of the following:-
- At least 0.8 Ha of play space for children consisting of:-
 - Outdoor equipped playgrounds for children to Dudley standards of Local Equipped Areas for Play (LEAPS), and Neighbourhood Equipped Areas for Play (NEAP). (See Chapter 8 (Sport, Leisure and Recreation) of the Adopted UDP (October 2005) for further guidance).
 - Other designated play facilities, e.g. adventure playgrounds.

- At least 1.6 Ha for outdoor sporting purposes which should include a minimum of 1.2Ha of formal pitch facilities and at least 0.4Ha of non-pitch sports facilities as defined by the National Playing Fields Association which could be:
 - owned by local authorities, or
 - within the educational sector, which are available for public use, or
 - within the voluntary, private, industrial and commercial sector used for outdoor recreation by their members, or the public.

Access To Public Open Space And Children's Play

- 5.4 Access should be safe and within convenient walking distance - normally 1,500 metres. In applying these standards, careful consideration will be taken to the location of the development site within a catchment of 1000 population, having regard to physical barriers such as main roads, canals, and railway lines.-

Public Use

- 5.5 Public use of sport and recreation facilities is defined by the Council as access by the general public at all times, and/or access via a membership arrangement into which the public can enter. This also applies to facilities used by any educational institution, including universities.

Identifying Demand and Priorities

- 5.6 Contribution for Open Space and Sport and Recreation facilities will be sought to reflect community requirements and priorities (see Section 8) established in accordance with demand identified through Sport England's Facility Planning Model (where there is data or against bench marks), and the Dudley Sport and Recreation Strategy.

Maintenance

- 5.7 The developer must make arrangements for maintenance to the satisfaction of Dudley MBC maintenance standards (see Section 6 below). Developers may do this via payments of commuted sums to Dudley MBC, or make provision for private maintenance in-house, management companies, or a combination of the above.

6. PROVISION OF PUBLIC OPEN SPACE, AND SPORT AND RECREATION FACILITIES IN RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT

- 6.1 Policy DD8 - Provision of Open Space requires development to provide open space and sport and recreation facilities to serve the needs of the existing and increased population generated by the development. The Council will require the developer to provide appropriate facilities and maintain them for 15 years or make arrangements by way of commuted sums implemented through planning obligations, or other arrangements. As part of major developments of 80 dwellings and above (see Section 7) the developer may wish to design and lay out the new public open space themselves within the development site, in which case, the developer will be liable for all design and layout to the standard required by the local authority. However, alternatively, the preferred Council option, by agreement, is for the developer to offer an area for public open space within the development to the Borough Council at no cost, together with a "lump sum" contribution to cover the design, implementation and a contribution towards future maintenance costs.

Provision in Residential Development

- 6.2 Adequate provision for sport and recreation must be provided as part of any new residential development containing five or more units (five or more dwelling houses, bungalows or individual flats) to satisfy new demand for additional or enhanced facilities.
- 6.3 Although the provision of replacement and/or additional facilities may be implemented and carried out by the developers themselves, the preferred option is by making an appropriate contribution to Dudley MBC in order that the Council arrange for their construction and maintenance.

Quantity and quality of sport and recreation facilities

- 6.4 When establishing the amount and type of new, enhanced or replacement facilities, the Council will take into account the quantity, range, quality and accessibility of existing facilities in proximity.

On-site/off-site provision

- 6.5 Where the on-site provision of new, enhanced or replacement sport and recreation facilities would not be suitable because of the size and the location of the proposed development, such facilities can be provided in reasonable proximity.

Providing new or upgrading existing facilities

- 6.6 Where the development does not generate sufficient demand to fully warrant additional new facilities, the Council will accept the enhancement or upgrading of existing facilities through commuted sum payments.

Children's Play

- 6.7 The Council will require the provision of children's play equipment or facilities to reflect the scale and nature of the development. This should be provided on site, on a pro rata basis according to the number of child bed spaces provided by the development. To reflect the demography of the Borough this will be calculated as follows:-

- It will be assumed that 25% of two bedroom properties will contain one child, the calculation will therefore be the number of two bedroom units provided divided by four.
- For units with three or more bedrooms child spaces will be calculated to be the number of bedrooms in the unit minus 1.75.

Provision in Non-Residential Development

- 6.8 The Council recognises that commercial development (larger scale shops, larger scale offices and larger scale industrial development) generates potential demand for additional opportunities for participation in leisure activities during lunch time or after work, which differ from residential demand. This aspect is supported in PPG17 guidance (see SPD paragraph 3.14). This can range from gyms and swimming halls to small scale landscaped areas.
- 6.9 To cater for this change in recreation pattern, the Council will encourage the provision of sport and recreation facilities in conjunction with commercial development.
- 6.10 The calculation for demand for sport facilities is traditionally based on residents, i.e. facilities per 1000 population. There are no standards identified for employees or customers as yet. In the absence of national guidance, the Council estimates that demand per person for recreation facilities in non-residential development will be a third of the requirements established for residential development.
- 6.11 The Council considers it reasonable to encourage these contributions from commercial development above a certain size, estimated to generate 50 potential users per day, including employees and other occupants.

- 6.12 The criteria for calculating the costing for such sport and recreation facilities cannot be determined in a fixed formula but will be established by the Council in negotiation with the developer. Calculation for construction and maintenance cost will be based on the capital and revenue cost of similar facilities already in existence.
- 6.13 With regards to commuted sums, the use of ring-fenced pools and maintenance will be as for residential development. Facilities should be located within reasonable proximity of the development and the proposed locations for these will be as defined by the objective assessment process set out in Appendix 1 and under Section 8 of this SPD.

7. CONSIDERATION OF WHETHER AN ON-SITE OR OFF-SITE CONTRIBUTION IS REQUIRED

- 7.1 For schemes of **80 residential units (80 dwelling houses, flats or bungalows) and above** which are considered by the Council as major residential sites in the context of requiring on-site recreational open space, at the Development Control Planning Application stage, the Council will explore, where it is practical to do so, the requirement for new on-site **recreational** public open space provision. Essentially, a well-maintained, **useable**, publicly accessible, on-site amenity grassed public open space area suitable for informal recreation purposes and well-observed informal safe children's play within the residential layout. This would be secured via a planning obligation. This all depends on how well served the proposal site is to existing off-site, publicly accessible recreational open space provision, which is safely accessible from the direction of the proposal site. Heavily scrubbed and densely wooded urban green space areas, whilst important for visual amenity value, local distinctiveness, and in many cases nature conservation value, will not be considered as suitable outdoor recreational and safe, well-observed play open space provision. Severance effects (which would restrict safe pedestrian access) caused by busy highway networks, canal corridors, rail networks, etc, will all be taken into account by the Council when assessing how accessible a proposal site is to any existing off-site open space provision which is available to the general public. Typically, a 1,500 metres (or thereabouts) approximate catchment radius assessment will be completed by the Council around the proposal site to carefully examine what existing publicly accessible open space provision is available within the locality.
- 7.2 For proposal sites of 80 units (80 dwelling houses, flats or bungalows) and above which are already well-served to existing nearby off-site recreational public open space which is safely accessible from the direction of the proposal site, the developer will not be expected to provide new on-site **recreational** public open space provision within the residential layout.
- 7.3 New recreational public open space areas located within major new-build residential layouts should be sited where they are well-overlooked, safe, **useable** and accessible to all residents and designed to local authority criteria. Further guidance (particularly on safe open space design) can be found in Dudley MBC's "Design for Community Safety" Supplementary Planning Guidance (adopted March 2002). Normally, the layout of the open space will be secured through a

Section 106 agreement. Where public open space is to be transferred to the local authority, a sum to cover 15 years maintenance will be required. Highway verges, and open space provided as visibility splays for highways will not be counted towards the recreational open space provision.

- 7.4 For isolated and poorly served proposal sites (of 80 residential dwellings and above), where it is practical to do so, on-site recreational public open space provision will be required (a well-maintained, **useable**, publicly accessible amenity grassed informal recreation open space area within the new-build residential layout). Each proposal site is very carefully assessed by the Council, on a site-by-site and case-by-case basis, on its own unique set of circumstances and individual planning merits.
- 7.5 As well as an on-site, well-maintained, publicly accessible amenity grassed public open space area suitable for informal recreation purposes, this may also include an on-site, equipped new-build children's play area on suitable sites where noise buffer distances from the edge of the play area to the nearest residential curtilage (the residential boundary line) can be effectively accommodated and achieved without adverse impacts on residential amenity. When exploring new on-site public open space provision and detailed siting matters within the layout, Council officer's from a range of Departments including Landscape, Development Control, Environmental Protection, Greencare (grounds maintenance), Planning Policy and Geo-technics will all be involved in assessing a particular sites suitability. (See Section 9).
- 7.6 For schemes **below 80 residential units (80 dwelling houses, flats or bungalows) and of 5 or more units which are not** considered by the Council as major residential sites in terms of requiring new on-site recreational public open space provision, the Council will require a commuted sum (secured via a planning obligation) for off-site public open space (POS) or hard landscaped public realm communal areas improvements. Commuted sums for off-site public open space (POS) or hard landscaped public realm communal areas improvements are triggered for residential schemes of five residential units (dwelling houses, flats or bungalows) and above (either conversion proposals or new-build proposals). The five units threshold aspect is referred to under Section 6 of this SPD, under "Provision of public open space, and sport and recreation facilities in residential and non-residential development".

8. CRITERIA USED BY THE COUNCIL TO HELP IDENTIFY WHERE TO SPEND A PARTICULAR SECTION 106 (S106) COMMUTED SUM FOR OFF-SITE EXISTING PUBLIC OPEN SPACE IMPROVEMENTS.

8.1 When spending commuted sums for off-site public open space and public realm area improvements which address local area improvement needs, at the Development Control Planning Application stage, the Council will carefully consider a range of information including:-

- The Council will only seek to secure planning obligations under circumstances where they are in full accordance with tests set out in Department of Communities and Local Government (DCLG) Circular 05/2005 "Planning Obligations". Notably, they have to be relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects.
- Establishing where are the overriding public open space/ hard landscaped public realm area local spend priorities required within the wider vicinity of the proposal site? To obtain this robust and up-to-date evidence base, and to ensure that monies are targeted to the right location in order to address required local area needs, internal consultation will take place across a range of Council Departments, including the Landscape Section, Parks and Nature Conservation. Consultation will also take place with Greencare (grounds maintenance), Countryside Services, Historic Environment Team, Regeneration and Directorate of Children's Services in order to help identify where the nearest key spend priorities are within each particular local area, within the vicinity of the proposal site.
- The Council will identify where the nearest existing publicly accessible open space area(s) are located within walking distance of the proposal site (approximately 1,500 metres distance) and undertake improvement works according to what the identified, current, overriding local public open space needs and key priorities are within each particular local area. For example, nearby open space sites which fall under criteria set out in Policy LR1 (Open Space), Policy SO6 (Parks), public realm areas within existing town, district or local centres, or designated nature conservation sites falling under policies set out in Chapter 9 (Nature Conservation) of the Council's Adopted Unitary Development Plan (UDP) (October 2005).
- When determining where to spend a particular Section 106 (s106) off-site commuted sum for public open space outdoor recreational improvements and to help identify the right type of improvement works required to address current local area needs, consultation with Area

Managers from Dudley MBC's Greencare Section will be essential. Primarily because Greencare have very detailed, specialist, site-based knowledge from a grounds maintenance perspective, relating to a range of diverse, publicly accessible green space areas across the borough. This up-to-date, specialist and detailed site-based knowledge which focuses down to the very local level is invaluable for helping to identify robust spend priorities within each particular local area and helps to strengthen and reinforce the process when deciding where to spend individual S106 monies for public open space maintenance and enhancement improvements.

- Establish where the nearest Adopted Unitary Development Plan (UDP) (October 2005) designated Town, Historic or Local Park (Policy SO6) is located within the vicinity of the proposal site, and direct spending accordingly to address key identified spend priorities within each local area.
- The Council will consult and carefully consider existing, up-to-date relevant Plans and Strategies. These include the Council's adopted Playing Pitch Strategy, Liveability Projects Programme, Wheeled Sport Strategy, once adopted, the Parks and Greenspace Strategy, the Council's Play Strategy and Draft Cultural Strategy. Further relevant plans include the Dudley MBC Tree Strategy, Dudley Sport and Recreation Strategy, Visitor Economy Strategy, Economic Strategy, relevant health promotion plans and strategies, the Black Country Sports Strategy, and various Nature Conservation Management Plans. Other relevant Plans include Neighbourhood Improvements Plans and any other relevant Council Plans and other Strategies in order to help effectively target monies and identify key spend priorities within the vicinity of the proposal site.
- Establish whether Community support can be demonstrated for the Section 106 open space proposed improvement works. For example, by consulting and involving locally-based Friends Groups, Neighbourhood Improvements Plans, wildlife groups operating within the Borough, and locally-based outdoor sports and recreation groups.
- Exploring whether the site proposed for Section 106 open space improvement works falls within a Priority Neighbourhood.
- Establish whether the off-site improvement works being proposed as part of the section 106 commuted sum would support the objectives of the Council's Safe and Sound Strategy, in particular to create diversionary activities for young people.

8.2 Please note that the above list of criteria should not be regarded as an absolute and fully complete or exhaustive list. It is intended to provide an illustrative indication of the type of criteria the Council would typically use. Where necessary, other criteria may also be used by the Council in order to ensure that the s106 off-site open space commuted

sum is effectively targeted to the right location to address current area improvement needs.

9. CHILDRENS PLAY AREAS AND YOUNG PERSONS OUTDOOR RECREATIONAL FACILITIES

9.1 Where children's play and young persons new outdoor recreational facilities are proposed as part of a new residential development proposal or as part of any other type of proposal, the Council will not use set or specific minimum buffer distances from the edge of the recreational facility to the nearest residential curtilage (residential boundary line). This approach would be inflexible and would not be able to take account, adapt to, or remain sensitive to unique and individual site characteristics such as site topography. By a process of high quality and good design the Council are seeking outdoor recreational facilities which fully take account of individual site characteristics. The "Landscape Design and Method Statement" which would be required for new children's play and young persons outdoor recreational facilities would include and carefully take account of the following issues:

- The prominence of the site and its relation to its surroundings;
- Views into and out of the site;
- Site topography;
- Nature conservation;
- Existing trees and their role in the landscape;
- Take into account and carefully consider the proposal against criteria set out in Policy DD4 "Development in Residential Areas" in Dudley MBC's Adopted Unitary Development Plan (UDP) (October 2005) in order to ensure that the recreational proposal has no adverse impact upon residential amenity;
- Contaminated land;
- Every new recreational proposal for each proposal site would be carefully assessed on a case-by-case basis, on its own unique set of individual circumstances and individual planning merits;
- Mine opening, limestone workings and other geotechnical issues;
- Public rights of way;
- Services;
- Archaeology.

9.2 Please refer to Appendix 1 of this SPD which contains further detail in relation to "Landscape Design and Method Statement" considerations.

10. THE VALUE OF URBAN GREENSPACE FOR THE ELDERLY

- 10.1 Good quality and well-maintained urban parks, other green spaces and town centre public realm areas make a vital contribution to the quality of urban life for all age groups, including the elderly. Urban green spaces and town centre public realm areas help to make neighbourhoods more attractive to live in and provide opportunities for urban dwellers to relax, take exercise, and meet friends and neighbours. Well-maintained urban parks and other publicly accessible green spaces also make a vital contribution to the achievement of a range of Government objectives. For example, access to green space is a powerful weapon in the fight against common health conditions.
- 10.2 It is important to note that urban green space does not just benefit young people, but also benefits a range of age groups including the elderly. It is critical therefore that the needs of the elderly are considered alongside the needs of the wider community when considering public open space provision as part of new development proposals.

11. CALCULATION OF COMMUTED SUM PAYMENTS FOR COST OF SET-UP AND MAINTENANCE

- 11.1 Costs for maintenance and set up will be reviewed annually in line with inflation and calculated based, initially, on an assumption of 2.43 persons per dwelling (DoE 2001 Household Projections for Dudley Borough).
- 11.2 With regard to the costings set out in the table below under paragraph 11.3, please note that it is unlikely that all of these costings would be used simultaneously together for one single proposal site (e.g. public open space, children's play, playing fields, and public realm). The costing(s) used by the Council when assessing a particular development proposal **at the Development Control planning application stage**, will depend solely on what the overriding and current lead public open space priorities are within each particular local area within the vicinity of the proposal site. For example, when pursuing off-site contributions, if the lead priority within the vicinity of the proposal site is for public open space improvements then quite simply the public open space costing figure will be pursued by the Council. If the lead priority is for both public open space and children's play improvements, then both these costings will be pursued. Please refer to Section .8. of this SPD which explains the process used by the Council in more detail.

11.3 The below costing figures apply from the 13th June 2007 which is the date when this SPD was adopted. The cost of maintenance and provision is:-

Public Open Space:	<p>Maintenance- £46.67 per dwelling per annum (pa).</p> <p>Set up – £484.71 per dwelling.</p> <p>(Please note the Council requires a 15 year maintenance sum (see paragraph 6.1 above)). Therefore all of the “maintenance” costings figures referred to throughout this table will need to be multiplied by 15).</p>
Children’s Play:	<p>Maintenance - (£37.78 x bedspace pa) minus £284.92 where this is greater than zero</p> <p>Set up - (£659.79 x bedspace) plus £298.39 where this is greater than zero.</p> <p>The minus figure allows the equation to be applied to all developments where the resultant contribution to be made by the developer is greater than zero.</p>
Playing Field:	<p>Maintenance - £31.11 per dwelling per annum (pa)</p> <p>Set up - £950.35 per dwelling</p>
Public realm	<p>Maintenance - £4.31 per square metre per year. This figure is multiplied by 15 to provide a 15 year maintenance cost.</p> <p>Set-up - £305.16 per square metre</p>

Example calculation: For a planning application involving 20 dwelling houses, flats or bungalows the “public open space” calculation would equate to:-

Maintenance - £46.67 x 20 dwellings x 15 years maintenance = £14,001.00
 Set-up - £484.71 x 20 dwellings = £ 9,694.20

Total contribution required = **£23,695.20**

- 11.4 Where necessary commuted sums from developers will be pooled into a 'ring fenced' fund to be used if possible in the neighbourhood and within a 7 year period. When sufficient contributions have accrued, it will be used to provide appropriate facilities, based on deficiencies, needs, requirements and priorities identified.

Justification of costs for provision of Open Space, Children's Play and Playing Fields

Set up costs for Public Open Space.

- 11.5 To provide a realistic assessment of the costs of laying out open space, the total costs (including construction, professional fees and contingencies) of 6 recent projects delivered by the Council's Landscape Architects were collated. The total cost for each project was then divided by the area of each site and a construction cost per metre prepared. The average of all of these 6 costs equalled £7.79 per square metre and this figure was applied to the then proposed Adopted Unitary Development Plan (UDP) (October 2005) allocation of 2.4 hectares of open space per 1000 population, or 24 square metres per person. This would equate to a cost of £186.96 per person, which at 2.43 persons per dwelling equals £454.31 per dwelling. These costs have subsequently been updated on an annual basis using a cost of living index to provide the figures referred to in paragraph 11.3.

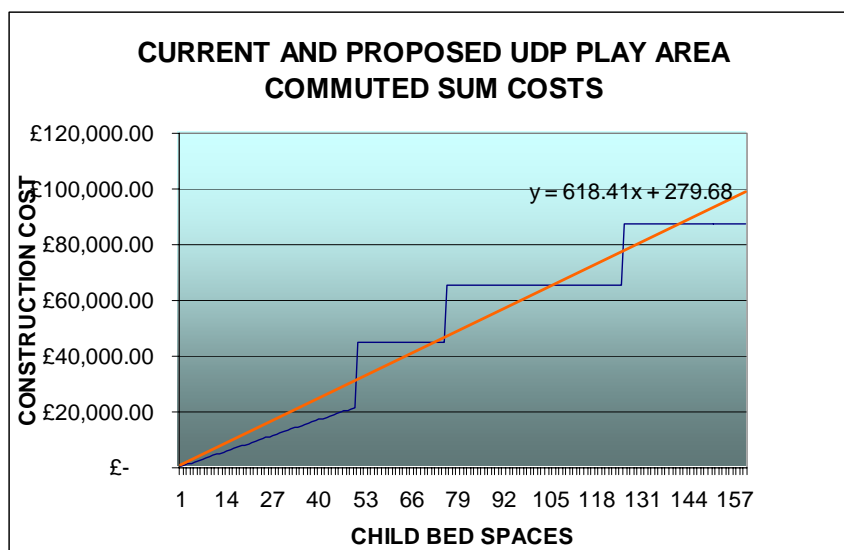
Maintenance Costs for Public Open Space.

- 11.6 The exercise referred to above was applied to the annual maintenance costs of the 6 sites referred to, this equates to £0.75 per square metre. If we assume that there is a requirement of 24 square metres per person we can multiply this by the average maintenance cost of £0.75 per square metre which provides a cost of £18 per person per year. This equates to a cost of £43.74 per dwelling per year at an average of 2.43 persons per dwelling. This figure is then multiplied by 15 to provide a 15 year maintenance cost. These costs have subsequently been updated on an annual basis using a cost of living index to provide the figures referred to in paragraph 11.3.

Set up costs for children's play

- 11.7 The figures for children's play provided in this guidance are derived from the figures provided in the extant 1993 adopted UDP. The costs set out in the extant 1993 UDP have proven, with the annual inflation multiplier, to be a realistic indicator of the true costs involved. However, as these costs were allocated in child bed space bands, a small variation in developer's layout may at times have led to a significant adjustment (up or down) in the developer's contribution as they fell into a different band. In order to provide a fairer basis for

calculation, a best fit line has been applied to the 1993 figures (with subsequent inflation added up to 2001) and this is shown below. The equation that describes this best fit line has been proposed as the new cost accordingly. This is diagrammatically illustrated below.

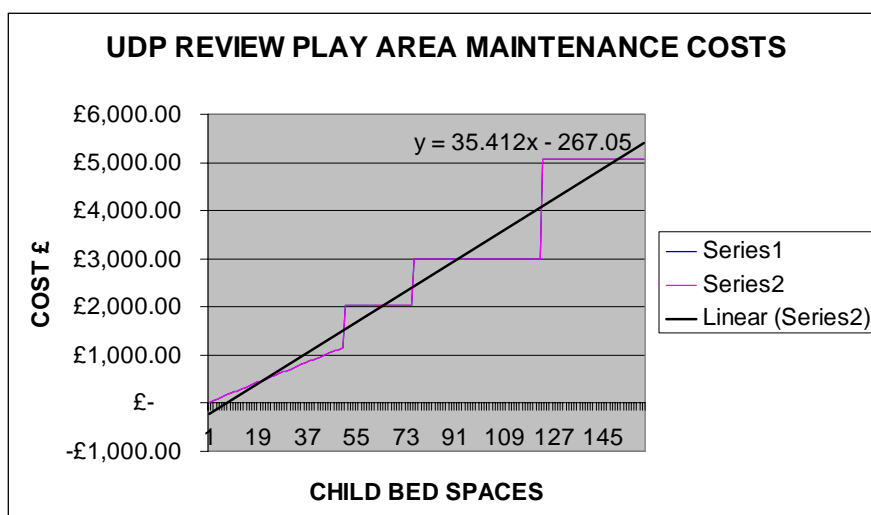


Y= CONSTRUCTION COST
X= No CHILD BED SPACES

- 11.8 For example to calculate the requirement for 144 child bed spaces at 2001 prices would be $144 \times £618.41 + £279.68 = £89,330$. This equation is the best fit line derived from the original 1993 figures. This diagram purely seeks to explain the method used. These costs have subsequently been updated on an annual basis using a cost of living index to provide the figures referred to in paragraph 11.3.

Maintenance of Children's Play areas

- 11.9 The figures for the extant 1993 adopted Unitary Development Plan have proven, with the annual inflation multiple to be realistic basis of the true costs. Similar to set up costs, the stepped basis can lead, where there is a small change in child bed spaces, to significant changes in contributions. In order to provide a fairer basis a best fit line has been produced. This is diagrammatically illustrated below.



Y= CONSTRUCTION/ MAINTENANCE COST
X= No CHILD BED SPACES

11.10 Thus at 2001 prices, the calculation for a development creating 127 child bed spaces would read $127 \times 35.412 - 267.05 = £4,230$. The annual cost is multiplied by 15 to reflect the proposed 15 year period. This diagram purely seeks to explain the method used. These costs have subsequently been updated on an annual basis using a cost of living index to provide the figures referred to in paragraph 11.3.

Set up costs for playing fields

11.11 To provide a realistic assessment of the costs of laying out playing fields and associated access and car parking, the total costs (including construction, professional fees and contingencies) of 2 recent projects delivered by the Council's Landscape Architects were collated. The total cost for each project was then divided by the area of each site and a mean construction cost of £22.91 per square metre was generated. This figure was applied to the Adopted UDP (October 2005) allocation of 1.6 hectares of open space per 1000 population, or 16 square metres per person. This would equate to a cost of £366.56 per person which is multiplied by 2.43 persons per dwelling to create a requirement of £890.74 per dwelling. These costs have subsequently been updated on an annual basis using a cost of living index to provide the figures referred to in paragraph 11.3.

Maintenance costs for playing fields

11.12 The exercise referred to above in terms of public open space was applied to the establishment of playing fields (the cost of which, being a combination of grass cutting and maintenance of hard and soft landscape, may be seen as comparable with the cost of maintaining amenity open space) based on the 6 sites referred to above in the open space calculations. This produced a figure of £ 0.75 per square metre. This figure is multiplied by 16 (which is the average area of

playing fields per person in square meters) to create a figure of £12 per person; this figure is then multiplied by 2.43 which is the average persons per dwelling figure. This produced an annual maintenance cost of £29.16 per dwelling per year. This figure is then multiplied by 15 to provide a 15 year maintenance cost. These costs have subsequently been updated on an annual basis using a cost of living index to provide the figures referred to in paragraph 11.3.

Public Realm

11.13 The Public Realm for the purposes of this SPD on Open Space, Sport, Sport and Recreation Provision relates to areas that are open to all members of the public such as streets and spaces between buildings, and outdoor civic squares such as those areas containing hard landscaping located in existing town, district or local centres. It includes all the streets, public squares and other rights of way, whether predominantly in commercial, residential, community or civic uses.

11.14 Development that attracts visitors, shoppers and employees into the public realm can result in increased wear and tear. This may result in the following additional needs including:

- New and improved public spaces;
- Surfacing;
- Street lighting and furniture;
- Hard and soft landscaping;
- Improved signage;
- Public art;
- Litter bins.

11.15 The justification for requiring obligations in respect of the provision of areas of Public Realm is set out in Circular 05/2005 “Planning Obligations” (paragraphs B15, B16 and B19) and policies DD1 “Urban Design”, DD7 “Planning Obligations”, DD8 “Provision of Open Space, Sport and Recreation Facilities”, DD9 “Public Art”, and CR5 “Regeneration and Development of Centres” of Dudley MBC’s Adopted Unitary Development Plan (UDP) (October 2005). National planning guidance set out in PPS1 (2005), PPS6 (2005) and PPG17 (2002) also reinforces the importance of improving public realm areas. (See SPD paragraphs 3.2, 3.8 and 3.14).

Trigger for the Public Realm obligation

The trigger level for the Public Realm obligation will apply on:-

- Residential sites (Use Class C3) of 5 dwellings and above (five or more dwelling houses, flats or bungalows); and for
- Larger scale commercial development (larger scale shops, offices and industrial development).

Set up costs for Public Realm

11.16 To provide a realistic assessment of the costs of laying out public realm (public realm costs which are closely tailored to reflect local circumstances here in the Dudley Metropolitan Borough), the total costs (including construction, professional fees and contingencies but excluding acquisition) of four urban centre improvements delivered by the Council's Landscape Architects within the Dudley Metropolitan Borough were collated. These recent projects were at the Stone Street Square (new civic square – located in Dudley Town Centre), Somers Square (new civic square – located in Halesowen Town Centre), Talbot Passage (renovated pedestrian access link – located in Stourbridge Town Centre), and Fingerpost Gardens (Town Centre "Pocket Park" renovated with hard and soft landscaping – located in Halesowen Town Centre). The total cost for each project was then divided by the area of each site and a construction cost per metre prepared. The average cost of providing public realm improvements equates to £305.16 per square metre and this figure is used by the Council as the basis for negotiations.

Maintenance costs for Public Realm

11.17 The exercise referred to above was applied to the maintenance costs of the four sites referred to, based either on the tendered post-completion maintenance costs or the current maintenance costs incurred by the Council's Street Care service and this equates to £4.31 per square metre per year. This figure is then multiplied by 15 to provide a 15 year maintenance cost.

12. REPLACEMENT FACILITIES LOST TO DEVELOPMENT

- 12.1 Policies LR3 Children's Play, LR5 Playing Fields, LR6 Protection of Sport Facilities, DD8 Provision of Sport and Recreation Facilities and LR1 Open Space require developers to ensure full replacement in terms of quality, quantity, proximity and accessibility of any facility lost to development.
- 12.2 The Council will not accept sums in lieu of outdoor recreation space or facilities if the minimum standards cannot be met in terms of quality, quantity, proximity or accessibility.

13. SITE SELECTION FOR YOUNG PERSON'S INFORMAL RECREATION

- 13.1 Policy LR4 Young Persons Informal Recreation supports, in principle, the creation of appropriate facilities for the recreation of young persons of teenage years. It is important that strict criteria are followed when identifying locations and the design of such facilities in order to protect existing amenity.
- 13.2 The Council will seek extensive consultation with the affected community, i.e. target the young persons and local residents. Sites will be selected on the basis of the criteria set out in Sections 8 and 9 and Appendix 1 of this SPD.

14. SITE SELECTION FOR COMMUNITY PARKS

14.1 Policy SO6 Parks will formally recognise Community Parks as having Local Park status so long as:

- The park selection and the type of design, facilities, activities and landscaping are decided in partnership with the local community;
- The park is accessible by the community it is intended to serve;
- Adequate arrangements for maintenance of the park are in place; and
- The park is formally adopted as a Local Park by Council resolution.

15. LAYOUT OF OPEN SPACE TO BE PROVIDED BY THE DEVELOPER

- 15.1 Landscaping of associated public and private open space is an integral part of most development proposals. Applicants, where appropriate, will be expected to discuss landscaping requirements with Council officers at the earliest opportunity prior to submission of detailed plans and the detailed Design and Access Statement.
- 15.2 A landscape design and method statement will be required. This should include consideration of planning guidance for nature conservation, the historic environment and site specific guidance. Please refer to Appendix 1 of this SPD which provides further detail in relation to the Council's requirements for landscape design and method statements.

16. FURTHER GUIDANCE DOCUMENTS

- 16.1 Detailed standards for landscaping and maintenance of Public Open Space are described in Appendix 1 of this SPD.
- 16.2 The level of provision for sport and recreation facilities needed in an area other than public open space, playing fields and children's play areas are indicated in the Dudley Sport and Recreation Strategy or will be determined with the Facility Planning Model (Sport England), where established.
- 16.3 Other relevant documents include:
- Design for Community Safety Supplementary Planning Guidance (SPG) (adopted March 2002) (Dudley MBC).
 - Dudley MBC's draft Dudley Play Strategy
 - Dudley MBC's emerging draft Planning Obligations Supplementary Planning Document (SPD).
- 16.4 The documents above can be obtained from Dudley Metropolitan Borough Council, Directorate of the Urban Environment (DUE), Landscape and Urban Design, Mary Stevens Park (MSP), Council House, Stourbridge, West Midlands, DY8 2AA. The Council's Planning Policy Section would need to be contacted regarding the emerging Planning Obligations SPD. The Council's "draft Dudley Play Strategy" can be obtained by contacting the Council's Directorate of Children's Services (Education).

17. LOCATION MAP SHOWING KEY OPEN SPACE, OUTDOOR SPORT AND OUTDOOR RECREATION SITES LOCATED WITHIN DUDLEY BOROUGH

- 17.1 Please note that this location plan of key open space, outdoor sport and outdoor recreation sites is for indicative and illustrative purposes only and should not be regarded as a fully complete or exhaustive list of all the sites within the Dudley Metropolitan Borough. Other sites which possess recreational value and urban green space value which have not been identified or included within this indicative location plan still remain protected by a range of local planning policies including open space, sport and recreation policies, set out in the Council's Adopted Unitary Development Plan (UDP) (October 2005) as well as by national and regional planning guidance.

Appendix 1

LAYOUT OF OPEN SPACE TO BE PROVIDED BY THE DEVELOPER

Landscaping of associated public and private open space is an integral part of most development proposals. Applicants, where appropriate, will be expected to discuss landscaping requirements with Council officers at the earliest opportunity prior to submission of detailed plans.

A landscape design and method statement will be required. This should include consideration of the following factors taking into account guidance for nature conservation, the historic environment and site specific guidance.

- The prominence of the site and its relation to its surroundings.
- Views into and out of the site.
- Site topography.
- Nature Conservation.
- Existing trees and their role in the landscape.

Provision of information on and seeking the Council's approval of identification and mitigation of any risks with respect to;

- Mine opening, limestone workings & other geotechnical issues
- Nature Conservation
- Archaeology
- Public rights of way
- Services
- Contaminated land
- Flood risk and water resource protection

Provide information on and seek approval of proposals with respect to;

- Permeability/Equality of access
- Legibility
- Vitality
- Robustness
- Distinctiveness
- Cleanliness
- Climate
- Ecology
- Safety and security
- Hydrology
- Post-completion maintenance
- Post-completion health and safety

Provide & seek approval of detailed specifications and drawings for the proposals.

Provide & seek approval of application of the Construction (Design & Management) Regulations, responsibilities of parties under the regulations, and any resultant actions required.

Provide information on the level of details of the proposals that have been issued to prospective purchasers.

Pay the Council's reasonable supervision costs for the above (via S106 Agreement).

Where work is to be carried out on land in the ownership of the Council, provide information on & seek approval of details relating to;

- The Contract Administrator
- The Contractor
- Insurances held by the above
- Indemnity arrangements

For all works:

- Provide and seek approval of application of Construction (Design & Management) Regulations, responsibilities of parties under the regulations, and any resultant actions required
- Permit reasonable access to the Council to inspect the works in progress and agree when the works are complete.
- Pay the Council's reasonable supervision costs for the above (via S106 Agreement)
- Where the developer is to maintain the completed open space;
 - provide & seek approval of detailed maintenance schedules
 - permit reasonable access to the Council to inspect the site in maintenance, and agree when the maintenance is complete
 - pay the Council's reasonable supervision costs for the above (via S106 Agreement)
- Where the developer is to provide funding for the maintenance of the completed open space;
 - Request and seek agreement to date of completion of the works
 - Pay the maintenance sums as set out in Section 11 (Calculation of commuted sum payments for cost of set-up and maintenance) of this SPD (via a S106 Agreement).

DESIGN STANDARDS

The landscape design and method statement will need to take account of the following qualitative criteria:

General site characteristics

The public open space (POS) must be located on a usable area of land with good access from more than one point. Steeply sloping or densely vegetated sites with primarily north or north-east aspects will not be acceptable.

The boundary of the public open space (POS) must be clearly defined on the ground as appropriate to the situation, by one of the following means:

- Hedge and protective fence
- Timber closeboard fence.
- Edging (concrete or brick units).

The boundary should follow a smooth alignment, to allow for ease of maintenance.

Fences

A mowing margin, minimum of 225 mm wide (concrete, brick or bare earth) is to be provided at the base of fences, where they abut grass areas.

Footpaths

Where site is enclosed a lockable maintenance access is to be provided a minimum 3.5 metre wide. All footpaths to be a minimum of 4 metres wide, macadam surfaced with concrete edgings or brick edging. All paths to have a cross fall and where appropriate channels, gullies and drains. Widths of less than the above are with the agreement of the highway authority. If paths are to remain private or under the maintenance of the Council's Leisure Department, a lesser specification may be permissible.

Site furniture

To be provided where appropriate

Topsoil

To be good quality medium fibrous top spit loam, free from perennial weeds and other extraneous matter with a pH value of 6.5 and in accordance with BS 38822. 1965.

Grass

All areas to follow smooth flowing levels and marry in with levels of existing features and adjacent land, 25 mm above footpaths, tracks and mowing margins and to a maximum gradient of 1 in 3. Topsoil to be 150 mm depth over all grass areas with no stones in excess of 25 mm in any direction, subsoil to be cultivated to a depth of 300 mm prior to top soiling. Grass seed/turf to be an approved low maintenance grass mix.

Shrub Planting Areas

Topsoil to be 450 mm depth, with no stone exceeding 50 mm in any direction. Subsoil to be cultivated to a depth of 300 mm before deposition of topsoil. Design of planting to include a range of species compatible with the location, shape and aspect of the site, should provide all year round interest and colour. Initial size of plants and planting density should reflect the need to produce an established scheme within the earliest reasonable time. Quality of plant material to be in accordance with BS 3936 and areas to be mulched to a depth of 75 mm with coarse bark mulch (15-100 mm nominal particle size)

Bare Root Tree And Shrub Planting

Feathered trees and transplants to be pit planted on a 2 metre staggered grid with ground to be ripped to a depth of 400 mm at 2 metre centres, direction of ripping to allow for drainage run-off. Protective fencing to be erected around plantations. Fencing to be 100 mm diameter, machine-rounded posts (stained black), with galvanised steel square mesh. Finished height above ground level to be minimum of 900 mm. Choice of species and size of plant material to be compatible with location and aspect of the site.

Specimen Tree Planting

Individual trees, or small groups of trees, shall be advanced nursery stock 12-14 cm to 16-18 cm girth at 1000 mm above ground level, root balled with underground guying.

Maintenance

The maintenance proposals to be prepared are intended at all times during the maintenance period to:

- Keep the whole site in a safe and tidy condition, weed and litter-free.
- Keep all plant materials looking fresh, healthy and encourage rapid establishment.
- Keep all grass areas neatly mown to encourage dense sward.
- Empty litter bins on a regular basis.
- Keep site furniture in good repair and free of graffiti.

Grass Areas

HIGH MAINTENANCE: Maintain the cut height of the grass at approximately 25 mm and do not allow the sward height to be greater than 50 mm and remove cuttings to Contractor's tip.

GENERAL AREAS: When grass reaches 75 mm in height cut to a height of 40 mm, gather up grass cuttings and remove from site to tip.

Shrubs

Maintain areas weed-free by hand weeding (remove weeds to tip) and keep level of mulch up to 75 mm depth. Prune as necessary to promote vigorous growth.

Carry out plant replacements annually.

Forestry Planting

Maintain planted areas and fence lines weed-free by chemical means at all times.

At all times keep fences and gates in good repair/condition: Tighten and adjust slack straining wires, Re-firm loose posts and struts.

PLAY AREAS/YOUNG PERSON'S INFORMAL RECREATION (Multi Use Games Areas and wheeled sports facilities)

Where these facilities are proposed, a design statement is to be prepared as part of the landscape design and method statement referred to in Section 9 of this SPD. This statement is to provide information on the suitability of the location and design of the facilities with regards to the criteria set out in this Appendix but with specific reference to how the proposed facilities impact on residential amenity, and where appropriate, the mitigation proposals required to make them acceptable.

The design of all play areas should undergo a thorough risk assessment covering in particular the following areas highlighted by the HSE

- Extent of surfacing
- Spacing between play structures
- The height at which barriers are required

TYPE OF PLAY AREA

Dudley Leap - Local Equipped Area for Play

- All equipment and facilities must have been assessed as safe for continued use by a competent playground inspector
- All equipment with a fall height greater than 600mm must have appropriate impact absorbing surfacing to BSEN1177 and BS7188
- Each site must have a minimum of five different activities. Multi play equipment may be counted as having up to three separate activities (e.g. Sliding, climbing, rocking, swinging or social play)
- Each site must have a small games area (may be grassed) within the boundary of the play area
- Each site must be entirely fenced with 1 self closing gates & 1 dog grid
- Each site must have signs excluding dogs, with the exception of guide dogs and hearing dogs
- Each site must be overlooked by housing, pedestrian routes, or other well used public facilities
- Suitable for unsupervised 4-8 year olds, but also for 0-4 year olds

DUDLEY Neap - Neighbourhood Equipped Area for Play

- All equipment and facilities must have been assessed as safe for continued use by a competent playground inspector
- All equipment with a fall height greater than 600mm must have appropriate impact absorbing surfacing to BSEN1177 and BS7188
- Each site must have a minimum of five different activities. Multi play equipment may be counted as having up to three separate activities (e.g. Sliding, climbing, rocking, swinging or social play)
- Each site must have a hard surfaced kickabout/skating/cycle play area sited outside the fenced play area
- Each site must be entirely fenced with 1 self closing gate & 1 dog grid
- Each site must have signs excluding dogs, with the exception of guide dogs and hearing dogs
- Each site must be overlooked by housing, pedestrian routes, or other well used public facilities
- Suitable for children in the 8-14 age group

DESIGN

The design of the play area shall give adequate play challenge and a quality appearance. A grassed area for free play shall be provided in addition to and adjacent to the formal play area. The longevity of the feature designs within recreational open space, the ease of maintenance and the types of materials used (i.e. availability and locality of materials and their lifespan) would also be important considerations. Standards of work and maintenance etc of formal recreation facilities and equipped children's play areas should be in line with current Green Flag parameters. The impact of the recreational improvement design proposals on nature conservation habitat and biodiversity would also be important. For example the existing open space where the recreational improvements are proposed may provide bat foraging habitat and provide corridors for movement of wildlife species. These issues will particularly apply for sensitive green space areas which are within or immediately adjacent to designated nature conservation sites. For such sites, guidelines set out in the Council's Nature Conservation Supplementary Planning Document (SPD) (adopted 13th September 2006) and nature conservation policies set out under Chapter 9 (Nature Conservation) of the Council's Adopted Unitary Development Plan (UDP) (October 2005) would need to be carefully considered.

The need to "design out crime" would be important. All security issues should be addressed within the design such as fencing, lighting, suitability of materials to withstand attack and vandalism. Guidelines set out in the Council's "Design for Community Safety Supplementary Planning Guidance (SPG)" (adopted March 2002) provide important guidance in relation to this issue and would need to be considered at the design stage.

Services would also be important at the design stage. For example, each new recreational open space, formal play area and other outdoor recreational facility, should include any present and future requirements for services (electronic and water etc) and drainage (including land and rainfall). These should be identified, considered and designed at the detailed planning stage. Within layout plans showing publicly accessible recreational amenity open space and formal equipped play areas and other outdoor recreational facilities, areas of each new site (the curtilage/ boundary) should be clearly defined and marked on to scale layout plans showing the responsibility for boundaries, lighting and any other potentially contentious issues. This is important in order to help protect the authority from future expensive maintenance and litigation.

Sustainable Development

The use of recycled and sustainable materials to be favoured wherever possible and waste materials produced should be kept to a minimum. Any waste/arising produced on site should, where practicable, be recycled or reused on site

Playground equipment safety standards

All playground equipment shall conform to European Standards BSEN 1176 Parts 1- 7.

All impact absorbing playground surfacing shall conform to BSEN1177 and BS7188 1998

Impact Absorbing Surfaces

Rubber wet pour safer surfacing shall be laid by specialist contractors under all equipment with a maximum of three colours in large blocks. Tarmacadam is to be used to surface outside safety zones. Play bark shall be used as safer surfacing only where the site is to be supervised on a regular basis within a park environment.

Play Equipment

Shall be manufactured by specialist play equipment companies and be made in the European Union (EU). Locally available or manufactured materials should be used wherever possible. A maximum of two manufacturers' equipment shall be used on any one play area.

Companies supplying equipment shall produce written guarantees that items will be supplied and installed to meet the full recommendations of BSEN 1176, 1177 and BS 7188 or where this is not possible the equipment shall meet the full recommendations of BS5696 or DIN 7926 and be installed to the full recommendations of EN1176.

Spares shall be supplied within 4-6 weeks of order and supplying a maintenance package handed over from the supplier at practical completion of installation as a condition of sale

The following materials may not be used:

- Timber, Removable plastic coating or plastic mouldings and handholds, Nets without a steel core (other than chain)

The following equipment shall not be used

- Wooden clatter bridges, Giro discs, Directors chairs, Spinning discs, Space nets, Tyre swings, Scale swings, Talk tubes, Plastic/timber canopies, Plastic/timber infill panels

Anti wrap swing fittings must be used

Seat types should not be mixed within swing bays

Two swings per bay shall be the maximum

Equipped areas for older and younger children on the same site should be physically separated

Where appropriate facilities such as basketball, seating etc should be provided for teenagers separate from the play area but within the same site

Dogs

Shall be prevented from entering the play area (guide dogs and hearing dogs excepted) by use of dog grids and dog proof fencing and gates

Fencing: metal, dog proof, powder coated finish, 1 metre high, 12 mm minimum gauge to BS. Painted one colour only. Posts set into concrete maintenance strip min 300mm width

Dog Grids: metal cattle type dog grids in two parts 1.5 metres wide x 2 metres long, grids run horizontal to entrance, hinged in centre with lockdown facility. Grids to incorporate an escape ramp for small animals.

Pedestrian Gates: metal dog proof gate to match fence design, painted a contrasting single colour to fence, powder coated finish, 1 metre high 1.25 metres wide, 12mm minimum gauge with self closing hinge.

Standard Signage

Dudley M.B.C laminate play area signs 594 x 420mm shall be erected in an easily visible position by the contractor at all entrances prior to practical completion.

Planting

Planting shall not be carried out within 10 metres of the play area and all grass reinstatement within 10 metres of new play areas shall be turf

Vehicular / Maintenance Access

Access minimum 3 metre wide with turning for vehicles adjacent to the play area

Pedestrian Access

A minimum of one gridded pedestrian access point minimum 1.5 metres wide and one gated access point minimum 1.25 metres for prams and wheelchairs shall be provided.

Cycle Parking

Parking for a minimum of 3 cycles shall be provided outside the fenced play area. Cycle ways should be of a minimum of 4.25 metres wide. Widths of less than the above are with the agreement of the highway authority. If the cycle way is to remain private or under the maintenance of the Council's Leisure Department a lesser specification may be permissible.

Maintenance information

A maintenance information pack shall be provided by the developer detailing, painting, lubrication requirements, removal of graffiti, contact numbers etc as EN1176 pt 7. Where required by the CDM Regulations this information will be included in the Health & Safety File

In the case of a detailed planning application, planning permission will not normally be granted unless the application includes an acceptable landscape design and method statement in accordance with the above principles.

Appendix 2

DUDLEY MBC ADOPTED UNITARY DEVELOPMENT PLAN (UDP) (OCTOBER 2005) POLICIES

Below is a copy of Dudley MBC's Adopted Unitary Development Plan (UDP) (October 2005) key policies which relate to this SPD:-

Policy DD8 - Provision of Open Space, Sport and Recreation Facilities.

Where development is proposed, it will be required to take into account the open space, sport and recreation requirements (including standards) as set out in this Plan. Any development as specified in Supplementary Planning Guidance (Open Space, Sport & Recreation Provision) must:

- Replace facilities that are lost because of the development by provision at least equivalent in size, usefulness, attractiveness and quality and at least as accessible to current and new users;
- Provide for, or contribute to, recreation facilities/ open space in line with the increase in users caused by the development.

If sufficient open space for formal and informal recreation exists in close proximity to the proposal, the following alternative provision may be considered in consultation with the affected community.

- indoor sport and recreation facilities;
- upgrading existing open space, sport and recreation facilities;
- contribution to the management of the open space associated facilities or indoor sport and recreation facilities.

If new development would lead to a reduction of open space for formal and informal recreation as defined, and alternative provision at least equivalent in terms of size, usefulness, attractiveness and quality and at least as accessible to current and potential users cannot be made, then planning permission will not be granted. In that case the Council will not accept commuted sums for the irreplaceable loss of such facilities.

Policy DD7 – Planning Obligations.

The Council will require applicants to enter into planning obligations where the scale and impact of development proposals can be shown, in accordance with government advice, to result in a consequential planning loss to the existing community.

The planning obligation must, where appropriate and necessary:-

- a) make appropriate provision for the infrastructure requirements of the development
- b) ensure that there is no unacceptable adverse impact on the environment, nor consequential unacceptable loss to the existing level of services enjoyed by the community.

Policy LR1 – Open Space.

Proposals for development will be resisted if they would result in the loss of open space, which is defined as land with or without public access, in private or public ownership, taking into account its value for the following reasons:-

- It is an important component of local distinctiveness.
- It enhances visual amenity.
- It provides a facility for informal recreation, formal sporting recreation or children's play.
- It provides a necessary buffer zone between incompatible uses.
- It provides an area of proven interest for nature conservation, landscape, archaeology or historical features.
- It is an uninterrupted link between separate open areas.
- It is within an area deficient in open space.
- Development affecting open space may only be allowed in the following exceptional circumstances if:-
 - It is for a recreational or community use in keeping with the use of the open space.
 - It results in the improvement of open space provision.
 - Alternative provision of the same or better quality and quantity is provided in the proximity.

Policy LR2 – Access to Public Open Space.

Appropriate public access to open areas will be protected and improved. The Council will produce a set of local standards for appropriate public access to

open areas. Details of these standards will be incorporated into Supplementary Planning Guidance.

As opportunities occur, the Council will seek to secure voluntary agreement to provide public access for all areas of natural green space in a manner that would not harm the nature conservation value of a site.

Policy LR3 – Children’s Play Areas.

Areas of value for children’s play will be retained and where necessary improved. Development that results in a loss of such areas will require replacement to at least the same standard and provide additional recreation facilities/ open space in line with the increase in users caused by the development as set out in Policy LR2 (Access to Public Open Space) for development in residential areas.

The Council will produce a set of Local Standards for appropriate public access to open areas. Details of these standards will be incorporated in Supplementary Planning Guidance (SPG).

The Council will prioritise new provision for children’s play areas of deficiency.

Policy LR4 – Young Person’s Informal Recreation.

Provision of outdoor recreational facilities for young persons will be supported in areas of recognized need and where there is no significant loss of amenity. Sites will be selected in consultation with the affected community.

Policy LR5 – Playing Fields

The Council will produce a set of Local Standards for appropriate public access to playing fields. Details of these standards will be incorporated in Supplementary Planning Guidance (SPG).

The loss of any playing fields will be resisted and their improvement and upgrading will be encouraged including the upgrading of existing changing facilities and the provision of new facilities where necessary. Planning applications for the development or change of use of playing fields will not be granted unless the criteria below is satisfied:-

- The applicant provides a replacement playing field or fields of equivalent or better quantity and quality and in a suitable location which are operational before development is occupied.
- Planning permission will not be granted simply because a playing field has been allowed to fall out of use and become derelict.

Sites for new or additional playing fields in areas of deficiency are shown on the Proposals Map. The Council will protect these areas from development that would prevent future use as playing fields.

The Council will, where appropriate, encourage the upgrading of standard pitches to multi-use areas and will promote the dual use of school playing fields, unless there is an overriding need to safeguard specific grass facilities.

Policy SO6 – Parks

The Historic, Town and Local Parks are delineated on the Proposal Map. The Council will protect identified parks from inappropriate development that would jeopardise their existing and future role, function, and setting and is committed, in consultation with the local community, to improve and upgrade them to a standard appropriate to their identified function.

Leasowes Historic Park:

Leasowes Park will be restored as far as possible to the original design and setting taking into account the needs for nature conservation.

Town Parks:

The following parks will be upgraded to cater for formal and informal recreation, entertainment and culture. The Council and its partners will prepare strategies for each of the Town Parks, taking account of their individual characteristics. These parks are:-

- Marsh Park, Brierley Hill
- Stevens Park, Wollescote
- Stevens Park, Quarry Bank
- Mary Stevens Park, Stourbridge
- Netherton Park
- Grange Park, Dudley
- Priory Park, Dudley
- King George V Park, Wordsley
- King George VI Park, Kingswinford
- Silver Jubilee Park, Coseley
- Sedgley Hall Farm Park

Local Parks:

The Council will continue to maintain and, where necessary, enhance these parks to their identified role and function. The type of facilities will be determined in consultation with the local community, and nature conservation interest will have to be taken into account. It is possible that Local Parks may be improved and/or enhanced to the point where they may be considered for re-classification as Town Parks.

Community Open Space:

The Council will formally recognise appropriate sites as Local Parks where these are identified in partnership with the local community.

Policy HE6 – Canals

The Council will seek to improve the recreational, environmental, historic and nature conservation value of the canal network and enhance its attractiveness to visitors by methods such as restoration and will seek to ensure adherence to the guidance, and pursue the implementation of the proposals, contained in the Council's "Strategy for Dudley's Canals".

Development adjacent to canals will be required to:

- preserve and/or improve public access to, and use of, canals;
- conserve and/or enhance buildings and structures of historic or architectural merit;
- conserve and/or enhance areas of value for nature conservation; and where feasible create new areas;
- front onto the waterway;
- enhance the canal environment; and
- maintain canals as navigable waterways and restore them where appropriate.

Development on sites including sections of disused or filled in canals should protect the line of the canal through the detailed layout of the proposal.

Policy NC1 - Biodiversity

The Council is committed to the protection and enhancement of biodiversity. Opportunities will be sought, through the planning process, to contribute to the delivery of UK and Birmingham and Black Country Biodiversity Action Plan targets for habitats and species. The Council will encourage the sympathetic management of features important for the movement of wildlife such as linear open space, river and canal corridors, hedgerows, small woods and grasslands, and ponds. The Council will endeavour to maintain up to date biodiversity information and as part of this commitment will support EcoRecord, the local biological records centre.

Policy AM13 – Public Rights of Way

Planning permission will not normally be granted for development which would obstruct or adversely affect a public right of way unless satisfactory provision is made for an alternative alignment. Rights of way are an important recreational

facility within the borough. The Council will therefore endeavour to protect and enhance them as well as seeking opportunities to provide better facilities for walkers, cyclists and horse riders, for example by adding links to existing rights of way networks

The Council will encourage the improvement or creation of public rights of way where development proposals have an effect on non vehicular movements.