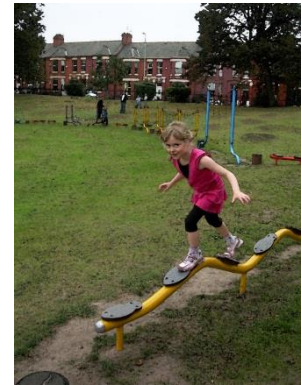


# Open Space

## Supplementary Planning Document



**September 2017**



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**Note:** The commuted sums referred to are shown at 2024-2025 rates (as agreed by the Council) rather than the original 2017-18 rates. Appendix 1 of the SPD makes clear that these rates rise annually, as agreed by the Council.

## 1. Introduction and Context

### Purpose

1.1 The aim of the Open Space Supplementary Planning Document (SPD) is to provide clear advice to developers, agents and others for the following policies in the Sefton Local Plan<sup>1</sup>:

- **EQ9 'Provision of public open space, strategic paths and trees in development'**
- **NH5 'Protection of open space and Countryside Recreation Areas'**

The Council will use it when assessing planning applications against these policies.

1.2. Open space makes an important contribution to the physical and mental health and wellbeing of communities. It is part of Sefton's green infrastructure, and can also provide other benefits such as flood water storage and habitats. Providing high quality recreational opportunities close to where people live - in most cases away from the Sefton Coast - also makes an important contribution to managing recreation pressure on the internationally designated nature sites on the Sefton Coast. **Open space** is defined in the Local Plan and comprises two elements with an emphasis on recreational use:

- public open space and
- other outdoor sports and recreation facilities available to the public.

1.3. **Public open space** in the Local Plan includes main, neighbourhood and local parks, Countryside Recreation Areas, play areas, public nature sites in the urban area, larger public amenity green spaces, public playing fields, pitches and outdoor sports sites, public water bodies used for recreation (Crosby and Southport Marine Lakes), the canal and public cemeteries. The Open Space and Recreation Study (2015) (see link in Section 7) gives more details of these different categories. Local Plan policy EQ9 applies only to public open space in new housing developments. Once provided, public open space is protected by policy NH5.

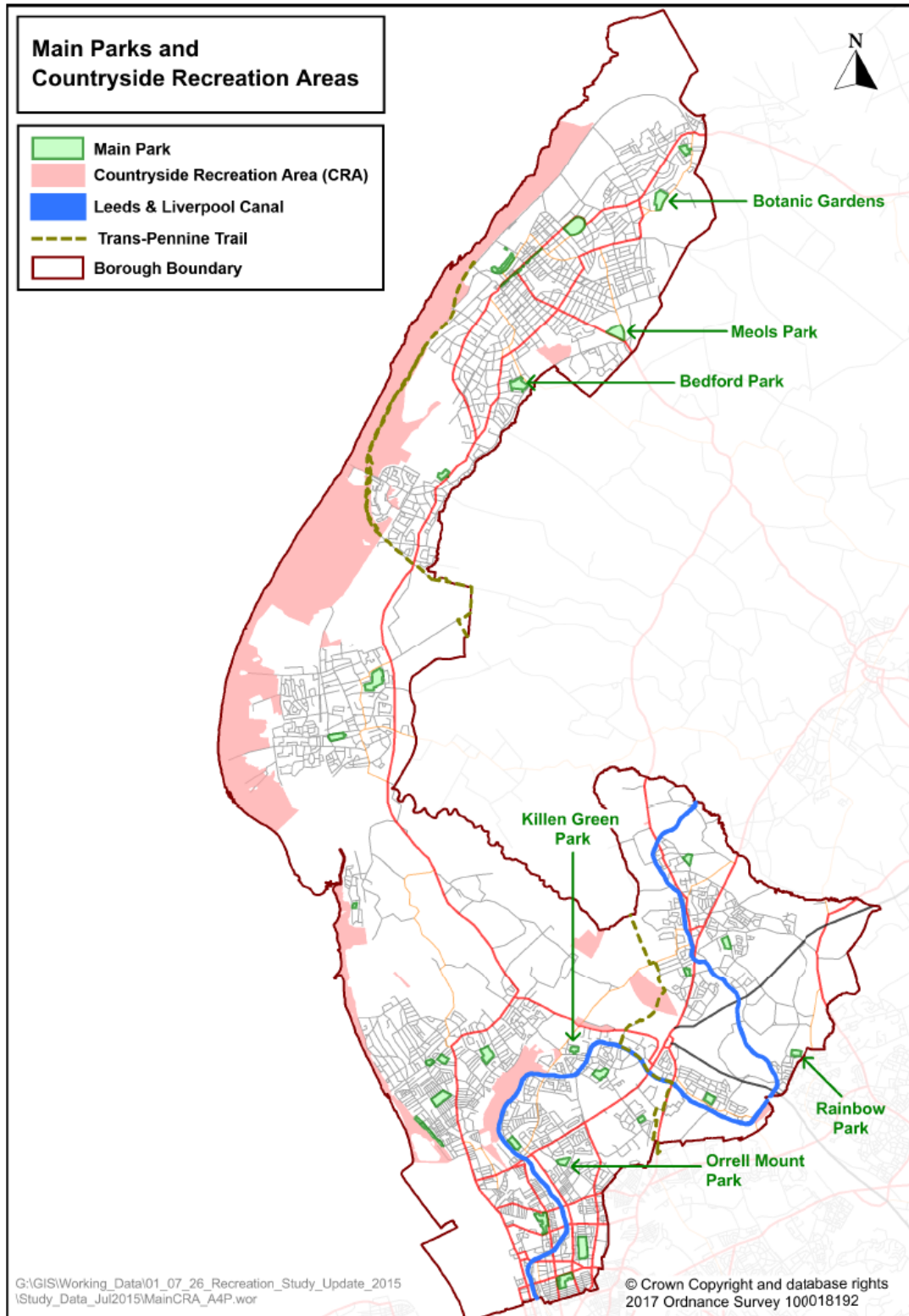
1.4. **Other outdoor sports and recreation facilities** include sports club pitches and outdoor sports sites used by local teams and sports' leagues along with those last used for sport. The Sefton Playing Pitch Strategy (2016) gives more details. These facilities are also protected by Policy NH5.

1.5. The key areas of open space in the borough are shown in Figure 1.

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<sup>1</sup> Sefton Local Plan and other Sefton Council documents available at [www.sefton.gov.uk/localplan](http://www.sefton.gov.uk/localplan) Further information available in Section 7 of this SPD.

Figure 1: Main Parks and Countryside Recreation areas



N.B. The parks named on this map are those referred to in Appendix A of this SPD. All main parks and other parks are listed in the Open Space and Recreation Study.

1.6. The objectives of the Open Space SPD are as follows:

- For **policy EQ9**: to set out what **public open space** provision and strategic paths the Council expects in new housing developments.
- For **policy NH5**: to provide guidance to assess whether an **open space** or an **outdoor sports and recreation facility** is surplus to requirements and what constitutes appropriate replacement provision.
- To bring together the open space requirements under **EQ9 and NH5** for the sites allocated for new housing development in the Local Plan.
- To set out broad design principles and expectations for management and maintenance, so that open space is of the same high quality irrespective of who provides or manages it.

1.7. It is essential to ensure that appropriate, high quality public open space is provided in the right location to meet local recreational needs and that there are suitable arrangements in place for its long term maintenance and management. Local Plan Policy **MN2 'Housing, Employment and Mixed Use Allocations'** allocates sites for new housing development. It identifies a number of sites (listed in Appendix A) for which there are also site-specific policies and/or requirements for adjacent areas of **'Proposed Open Space'** which are to be provided in tandem with the housing development and incorporate public open space, flood or surface water management and new habitats. Other site-specific requirements are set out in **Appendix 1** of the Local Plan.

1.8. **Policy NH2 'Nature'** of the Local Plan and its HRA Reports reflect the need to avoid or mitigate any adverse effects of development on the internationally important nature sites on the Sefton Coast. This is referred to in paragraphs 4.1 and C2 of this SPD. For housing sites there may be some circumstances where additional requirements are needed, notably in relation to mitigation for increased recreation pressure on the Sefton Coast.

1.9. The SPD is structured as follows:

- **Section 2** sets out the requirements for public open space provision. It introduces Appendix A which brings together all the public open space, proposed open space recreational requirements, strategic path and compensatory provision for the housing sites allocated in the Local Plan.
- **Section 3** sets out design principles for new public open space. These apply to allocated sites, sites in the Council's Strategic Housing Land Availability Assessment (SHLAA) and unanticipated sites that are granted permission for housing, known as windfall sites.
- **Section 4** sets out the Council's expectations when existing open space is enhanced as part of new housing development nearby
- **Section 5** looks at the protection of open space and providing replacement open space.
- **Section 6** considers the procedures relating to public open space and the planning application process, including implementation, enforcement and monitoring.
- **Section 7** provides links to further information and documents referred to.
- **Appendix A**: Summary of open space requirements for allocated housing sites.
- **Appendix B**: Maps of showing the open space deficiency areas
- **Appendix C**: Commuted sums.

## 2. Requirements for new open space

2.1. This section assesses how open space provision is evaluated in proposals for new housing development. Not all parts of policy EQ9 are relevant. For example, part 6 on trees and landscaping will be covered in the Design SPD which will be produced in the future. Public open space provided under policy EQ9 is for recreational purposes.

**Policy EQ9 'Provision of public open space, strategic paths and trees in development' requires:**

**In part 1:** Appropriate high quality new public open space of at least 40 square metres per new-build home must be provided for the following developments:

- Proposals for 150 or more new-build homes
- Proposals for 11 to 149 new-build homes on sites which are more than 2 kilometres from a main park or Countryside Recreation Area

**In part 6:** Links to or extensions of existing public rights of way, strategic paths or cycleways will be required where they improve the accessibility of an existing community or a development site.

2.2. **Proposals for 150 or more homes** require public open space to be provided at a rate of 40 square metres per dwelling together with appropriate path and cycle linkages. This should generally be provided within the site, in line with part 2 of policy EQ9 and funded by the developer. The circumstances in which enhancement away from the site is more appropriate are set out in Section 4 of this SPD. In these circumstances commuted sum payments may be required, as set out in Appendix C.

2.3. **Proposals for 11 to 149 homes** on sites which are more than 2 kilometres from a 'main park' or Countryside Recreation Area require the provision of public open space together with appropriate path and cycle linkages (see paragraph 3.5c for examples). These are classed as '**recreational deficiency areas**' and are illustrated in the maps in Appendix B of this SPD. More details can be found in the Open Space and Recreation Study.

2.4. For **proposals of 11 to 149 homes in recreational deficiency areas**, enhancement away from the site is more likely to be appropriate. In these circumstances commuted sum payments may be required, as set out in Appendix C. If there are no suitable opportunities for enhancement locally then provision will be required on-site at a rate of 40 square metres per dwelling. These sites will provide a smaller area of public open space than the 0.6 hectares recommended in paragraph 10.71 of the Local Plan.

2.5. For **proposals on site MN2.47** please see Local Plan policy MN3 Land East of Maghull and the **Land East of Maghull SPD**.

2.6. If new homes are proposed on existing areas of public open space shown on the Local Plan policy map, or on pitches which are currently or have previously been used for outdoor sports then Local Plan policy NH5 will apply. Section 5 provides more details covering these circumstances.

2.7. When designing new areas of public open space the general principles set out in Section 3 must be followed. It is also important to consider from the outset how the future management and maintenance of new areas is to be provided as Sefton Council will not adopt these areas. Part 4 of policy EQ9 requires development proposals which include new public open space to incorporate



suitable arrangements for long-term management and maintenance and public access to the space. More details are provided in Section 6.

2.8. For major sites in the urban area and urban edge sites, particularly those adjoining the Green Belt, there are **additional criteria** to help ensure an appropriate transition between the urban edge and Green Belt, in line with policy EQ2 'Design'. The principles are set out in paragraph 3.6 below.

2.9. There may also be policy requirements for open space for purposes other than recreation. For example policies HC7 'Education and care institutions', EQ1 'Healthy Sefton', EQ8 'Flood risk and surface water', NH1 'Natural assets', NH2 'Nature' and the heritage policies NH9-NH14 may have additional requirements for providing open space (see also paragraph 3.6 below). Requirements under these policies **will not necessarily contribute towards providing recreational public open space under policy EQ9 for a housing site**. Further advice on other types of open space is provided in the Nature SPD, and the Design SPD and the Sustainable Drainage Systems Information Note.

### Allocated sites

2.10. The table in Appendix A of this SPD brings together the requirements under policies EQ9 and NH5 for each site allocated for housing in policy MN2 of the Local Plan. It also includes other relevant requirements set out in **site-specific policies** or **under policy MN2** and in **Appendix 1** of the Local Plan and when there are areas of adjacent '**Proposed Open Space**' to be provided in tandem with the housing.

2.11. If the indicative site capacities change the requirements for public open space may also change in line with policy EQ9. Requirements for open space will be subject to the implementation, enforcement and monitoring provisions as set out in Section 6.

### Other types of site

2.12. Approximately half of all future housing will be on sites not identified in the Local Plan. These include windfall (unanticipated) sites and sites in the Council's Strategic Housing Land Availability Assessment (SHLAA) or in the Brownfield Register. Requirements for providing and protecting open space on these sites will be in accordance with Local Plan policies EQ9 and NH5 and the advice given in this SPD.

2.13. Any proposals affecting strategic paths must also follow the advice given in the Sefton 'Developers Pack -Street Design Guide' (see Section 7).

### 3. Design principles

3.1. Before considering design principles, developers and others working up proposals for housing should bear in mind the arrangements for the future management and maintenance of the public open space (see paragraphs 4.17 - 4.24)

3.2. The design of new public open space and strategic paths must meet the relevant requirements of Local Plan policy EQ1 'Healthy Sefton' and must:

- Be easy to maintain,
- Be safe and attractive public areas
- Reduce the opportunity for crime and the fear of crime, and
- Encourage people to take physical exercise including walking, cycling, outdoor recreation and sport.

#### General design principles

3.3. Public open spaces and strategic path networks must be designed with regard to the degree of openness, natural assets, layout, choice of species and other requirements such as flood risk or nature management. Depending on the size of the open space, these include:

- A range of recreational experiences allowing for active exercise and enjoying the outdoors
- Open, 'soft landscaped' areas including grassed areas, tree and shrubs
- Path networks with high quality surfacing designed to meet the intended use (pedestrians, cyclists, horse riders etc.)
- Street furniture (e.g. benches, bins, signage, gates, lighting in some cases) and structures (e.g. walls, gates, fencing and access controls, cycling parking).

3.4. Open space and strategic paths must also meet the requirements of Local Plan policy **EQ2 'Design'** which refers to site context, site design layout and access, the design of buildings and structures.

3.5. In relation to **site context, design, layout and access**, a high quality of approach and materials is required. To achieve this new public open space must generally be:

- a. Located centrally within the development site, unless there are site specific reasons why it is likely to serve the community more effectively if located elsewhere
- b. Overlooked by the principal frontages of new dwellings, to provide natural surveillance and security
- c. Integrated into the area it serves providing visual, walking and cycling links to and between new and existing facilities such as schools, bus stops, stations, local shops, health services and existing path networks
- d. At least 0.6 hectares in size, so that it is functional and provides sufficient space for formal and informal recreation. Smaller areas, lines of trees, narrow grass strips or 'left over spaces' will not count as public open space provision, even if together they total 0.6 hectares
- e. Provided with equipped play areas (see paragraph 3.12 onwards). Other facilities for formal recreation or outdoor sport may also be provided
- f. Fully accessible to all - with entrances, ramps, dropped kerbs, paths and other features to provide for wheelchair users, those with limited mobility or sensory impairments
- g. Free of narrow, enclosed alleyways when existing footpath routes are present
- h. Appropriately signed, including way-marking and interpretation boards if relevant
- i. Well landscaped, with high quality, durable and easy to maintain hard and soft landscaping.

3.6. Policy EQ2 'Design' applies **additional criteria** for major sites in the urban area and 'urban edge' sites. This particularly affects those sites adjoining the Green Belt, which includes many of the allocated housing sites. In these cases new open space must also:

- a. Retain key landmarks or provide new gateway features to ensure the sites are locally distinctive
- b. Incorporate structural planting to soften the urban edge and provide a suitable transition to open countryside.

3.7. Features such as ponds and water courses, geodiversity, cultural or heritage assets, as well as the landscape character of the area would all be considered when assessing what additional criteria may be appropriate for a site.

3.8. New public open space may also be designed to offer opportunities for other benefits, for example to reduce existing flood risk, or to generally enhance biodiversity in line with policy NH1 'Natural assets'. However, these approaches are constrained by other policy requirements. Public open space is unlikely to meet the specific requirements for mitigation or compensatory provision for loss or harm to nature under policy NH2 'Nature'. **Land provided for this purpose will, almost without exception, not count as usable public open space.** Further advice is available in the Nature SPD.

3.9. In relation to policy EQ8 'Flood risk and surface water', water features such as attenuation ponds can count as public open space if they are designed with a specific amenity function in mind, for example a boating lake or strategically located pond. Swales that only fill during certain storm events will also count provided they do not permanently hold water or are designed to be permanently wet. Further advice will be available in the Sustainable Drainage Information Note.

3.10. In some instances, a formal risk assessment may be required to take into account issues such as closeness to highways, rail lines, watercourses etc. For example, any public open space that is provided adjacent to a railway line should be designed to prevent trespass. An applicant should consult with Network Rail about how best to do this. Applicants should also consult with the Canal and River Trust regarding sites adjacent to a canal or main river, and the Lead Local Flood Authority regarding sites adjacent to ordinary watercourses.

### Formal provision for children and teenagers

3.11. Paragraph 10.71 of the Local Plan confirms that the Council would generally expect an equipped play area when open space is provided on site. These must be located on at least one key walking route through the open space and located outside any sustainable drainage areas designed permanently to hold water or be wet and outside the functional flood plain (Flood Zone 3b). They must be located at a reasonable distance from people's homes (so residents are not unnecessarily affected by noise). Equipment and associated structures, street furniture and landscaping must meet approved safety and quality standards.

- 3.12. Equipped play areas must typically incorporate:
- a. At least 5 pieces of play equipment for the 0-5 age group
  - b. At least 5 pieces of play equipment for the 6-12 age group
  - c. Fencing using steel railings and self-closing gates to keep the area dog free
  - d. Signage to encourage a smoking-free environment

3.13. In addition, other formal play facilities such as multi-use games areas (MUGAs), skate parks and ‘teen shelters’ may also be provided following consultation with the local community and others who are interested. ‘Natural play’ items (such as large boulders, large logs and tree stumps) may also be provided. Green or outdoor gyms are also encouraged.

### **Other types of open space**

3.14. Other types of open space that could be considered in new housing developments include allotments, community gardens, orchards and other food growing initiatives. They need to be suitably sized (around 2 hectares) and appropriately located, taking into account soil quality, drainage and flood risk, access and amenity.

3.15. Allotments and other initiatives cannot generally be provided instead of new public open space under policy EQ9 due to their specialist nature and the need for security, as well as the above considerations. They can contribute towards open space enhancements (see part 4 below). Similarly new public open space required under policy EQ9 will not generally include sports pitches.

## 4. Enhancement of existing facilities

4.1. This section sets out the Council's expectations when existing open space is enhanced as part of new housing development nearby including the factors that could be taken into consideration to demonstrate enhancement of existing open space away from the site is more appropriate than providing new open space within the site.

**Policy EQ9 requires:**

**In part 2:** New public open space to be provided within the site unless it can be demonstrated that enhancement of existing off-site provision is more appropriate, based on:

- the type and density of the housing development and site size, or
- proximity to existing main, neighbourhood and community parks, or
- other site-specific factors

**In Part 5:** Sefton's green network of paths and cycleways must be maintained and where possible enhanced.

4.2. Enhancement of existing public open space or outdoor sport and recreation facilities is likely to be appropriate for developments of 11 to 149 homes in recreation deficiency areas (see Appendix B) when there is a community or neighbourhood park nearby. It may also be appropriate for developments of more than 150 new homes if there is an existing public open space close by that is suitable and appropriate for enhancement. This will particularly apply if the development is close to a main park. A combination of some provision within the site and some enhancement may also be appropriate.

4.3. For example, if the development is next to a main park, within 1 kilometre of a neighbourhood park, or within 400 metres of a community park, enhancement may be appropriate, where this is consistent with the management plan for that park and/or a parks asset management strategy. Sefton Council will also take into account, in line with paragraph 204 of the National Planning Policy Framework, that enhancements should be:

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

4.4. Other factors not included in the box above that could result in a preference for enhancement off-site might include the type of accommodation proposed (such as elderly persons' or flats), size (number of bedrooms) or density. Finally if the site is adjacent to an existing park as is the case with several allocated housing sites, enhancement of existing open space is considered more appropriate. An overview of these sites is provided in Appendix A and the same principles will be applied to windfall sites.

4.5. Where off-site enhancements are appropriate, the improvements will be funded by a **commuted sum payment** as set out in Appendix C. The money provided will be used to provide improvements appropriate to the location and could include one or more of the following:

**Works to enhance existing parks or playing fields** could include the provision of:

- a. Nature enhancements (on self-contained sites or parts of other parks or playing fields) as long as these are not already required to mitigate or replace habitat lost elsewhere or will prejudice the use of playing pitch(es)
- b. An appropriate Sustainable Drainage System (away from playing fields, play areas and paths) to serve the park or playing field
- c. Interpretation boards and linked publicity
- d. Access improvements such as:
  - Directional signs within and near to the open space
  - Surfacing and paving improvements
  - Making safer crossing points on nearby roads
  - Changes to 'access controls' preventing unauthorised vehicles such as motor cycles
- e. Improvements to or provision of facilities such as lighting, seating, bins, drainage, enhanced planting and play equipment
- f. Earth modelling or landscaping
- g. Other appropriate improvements agreed by Sefton Council.

**Works to enhance other existing open space** such as sports provision could include:

- a. New pitches or improvements to existing pitches including changing accommodation, where this will help to increase pitch capacity
- b. Provision of outdoor 'green' gyms
- c. Enhancements to existing allotments, or new allotments, community gardens, orchards and other food growing initiatives (see paragraph 3.14 above)
- d. Other appropriate improvements agreed by Sefton Council.

## 5. Protection and replacement provision

### Policy EQ9 states

**In part 3:** new public open space (including outdoor sports facilities) created during the Plan period will be protected under policy NH5.

### Policy NH5 'Protection of open space and Countryside Recreation Areas' states:

**In part 1b)** that development is acceptable in principle on open space where:

- i. An assessment has been undertaken which clearly shows the public open space or outdoor sports facilities to be surplus to requirements; or
- ii. They will be replaced by equivalent or better provision (quantity and quality) in a suitable location; or
- iii. The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

### When are open space, sports pitches or facilities surplus to requirements?

5.1. Policy **NH5** and paragraph 74 of the National Planning Policy Framework say that open space, sports and recreational buildings and land can only be considered surplus to requirements if an assessment has been undertaken which has clearly shown this to be the case.

5.2. The onus is on the applicant to demonstrate clearly that the open space, field or sports facility is surplus to requirements. This can be done in one of two ways:

- By relying on the Council's evidence; currently the Open Space and Recreation Study and the Sefton Playing Pitch Strategy, or
- The applicant undertaking their own assessment, consistent with Sport England or other approved guidance (see Section 7), which must be to the satisfaction of Sefton Council.

5.3. Where the applicant can demonstrate, to the satisfaction of the Council, that an open space or outdoor sports facility is surplus to requirements, development will be acceptable in principle in relation to policy NH5. However, there are other regulations which place additional restrictions on development on playing fields generally, and school playing fields and former school playing fields in particular (see link to Department of Education Guidance in Section 7), especially those used in the last 5 years and on school playing fields and land used as school playing fields in the last 10 years. As well as complying with policy NH5, proposals will also need to comply with these other regulations.

### Open space surplus to requirements

5.4. The Open Space and Recreation Study provides a detailed analysis of open space in Sefton. It explains how open space is assessed and compares different types of open space for each settlement area in the borough to identify surpluses and deficits. The study identifies that a surplus of open space may exist in Sefton only where **all** of the following factors are met:

#### Accessibility

- The site or open space is within 2 kilometres of a main park and within 1 kilometre of one or more neighbourhood parks and within 400 metres of one or more community parks; and where there is duplication in the type and range of functions of community and neighbourhood parks.

**Quantity**

- The settlement area has around, at or meets the quantity of open space, and any loss would not have a significantly detrimental impact on the quantity of open space

**Quality**

- It is not possible to have a quality surplus. However, loss of open spaces which have a Green Flag award would generally be resisted.

5.5. This SPD maintains this approach, whilst also adding considerations relating to heritage and environmental assets. Some open space makes an important contribution to the character of a Conservation Area, the setting of a Listed Building or to the character or setting of other designated or non-designated heritage or archaeological asset. In these circumstances, as well as the criteria above, development which harms elements of the open space that contribute to the significance of these assets will only be acceptable where it is demonstrated that the public benefits outweigh the harm. More information is set out in policies NH9-NH14 of the Local Plan.

**Sports pitches/facilities surplus to requirements**

5.6. The Playing Pitch Strategy identifies sites which are currently used for outdoor pitch sports. It also identifies selected pitches which are lapsed, disused or infrequently used, together with recommendations to bring these back into use (or mitigate the loss on a replacement site).

5.7. There are **currently no outdoor pitch sports sites in Sefton that are surplus to requirements**. All currently used playing field sites in Sefton require protection and cannot be deemed surplus to requirements, because of shortfalls now and in the future. Lapsed, disused underused and poor quality sites cannot normally be deemed surplus to requirements, as there is a need for playing field land to accommodate more pitches to meet the identified shortfalls.

5.8. This means that, unless a subsequent playing pitch assessment concludes otherwise, to the satisfaction of the Council, **no outdoor pitch sites should be developed unless one of the other provisions of Local Plan policy NH5 applies**.

5.9. The Playing Pitch Strategy also identifies sites which are currently used for outdoor non-pitch sports, notably tennis, bowls and athletics. It states that **there is sufficient capacity available to meet current or future demand. However this does not mean that sites for non-pitch sports can automatically be considered surplus to requirements. A developer must demonstrate this through their own assessment**.

5.10. Where proposed housing development is located within suitable access of an existing high quality playing pitch, this does not necessarily mean there is no need for further pitch provision or improvements to the existing pitches in that area to accommodate the additional demand arising.

5.11. The Playing Pitch Strategy lists pitches not in use, classified as disused or lapsed and sites which are used for pitch rotation. Many of these include former school sites.

5.12. Where housing is proposed on a disused site the Playing Pitch Strategy recommends that opportunities are explored to bring the pitch back into use to meet shortfalls identified in the Assessment. Alternatively, if bringing the site back into use is not feasible or sustainable or viable, or disposal of the site is inevitable, the requirements of the second criterion of paragraph 74 of NPPF must be met. This requires replacement provision of an equivalent or better quantity and quality in a suitable location before the playing field is lost.



### What is equivalent or better provision?

5.13. In assessing whether the proposed replacement provision is equivalent or better than that to be lost, the Council will consider the following factors when comparing the existing open space or sports provision which could be lost with the proposed replacement:

- a. The type of recreation provision and the quality of the recreation benefits and their importance to the local community
- b. Accessibility and location (at least as accessible to current and potential new users)
- c. The size and quality of the respective facilities
- d. Whether the replacement open space meets the needs of the community as determined by local consultation
- e. The closeness, quality and location of other existing open spaces and the type of benefits which they provide (for example green corridor links as shown on the Local Plan Policies Map)
- f. The importance of any other 'green infrastructure' benefits (see paragraph 1.2 for definition)
- g. Whether enhancing existing provision nearby is a more appropriate means of securing replacement provision (see below).

5.14. Proposals to replace sports pitches must also consider:

- a. The closeness to the field or facility being lost
- b. The location that offers the greatest sporting benefit for the cost
- c. Any recommendations in the Sefton Playing Pitch Strategy, related Council or partner strategies and /or an assessment carried out by the applicant.

5.15. Planning conditions, planning obligations, other legal agreements or mechanisms will be used to secure such provision (see Section 6).

### Replacement by enhancing existing open space

5.16. In addition to the above factors, the Council considers that enhancements to the accessibility and quality of **one or more** existing open spaces or Countryside Recreation Area may be the best means of securing equivalent or better replacement provision, where:

- a. There is a main park or Countryside Recreation Area within 2km, a neighbourhood park within 1 km or a community park within 400 m of the existing open space
- b. The importance of the open space to the community is high, however there is potential to improve its accessibility and/or the quality of its facilities
- c. There is potential to increase the range of facilities, including providing other 'green infrastructure' benefits (see paragraph 1.2 for definition).

5.17. Where off-site enhancements are appropriate the improvements would be funded by a commuted sum payment. This would relate either to a specific scheme, for specific enhancements, or, where this has not been agreed, on a per dwelling basis as set out in Appendix C.

### Replacement by enhancing existing sports pitches/facilities

5.18. There are six sites allocated for housing in the Local Plan where replacement, compensatory provision for sports pitches is required under Policy NH5. The Sefton Playing Pitch Strategy recommends the creation of strategic 'hub' sites and key centres, with provision of '3G' (all-weather) pitches to serve both current and future demand for football and rugby union at Meols Park, Southport for developments in the north of the borough or at Litherland Sports Park for developments in the south of the borough where this applies. These policy NH5 requirements are set out in Appendix 1 of the Local Plan and are repeated in Appendix A of this SPD.

5.19. The Council considers that financial contributions towards enhancing existing sports fields/facilities may be an appropriate means of securing equivalent or better replacement provision of outdoor sports pitches, as set out in the Playing Pitch Strategy where:

- a. The existing playing field or facility has been disused for over 5 years (except where required by Appendix 1 of the Local Plan); and
- b. The existing playing field or facility is not of high quality; and
- c. The financial contribution would result in there being no net loss of sporting provision.

5.20. Any compensatory provision, including compensatory financial provision, must be set within the context of implementation of the Playing Pitch Strategy. Currently the Council's priority is to help secure the provision of 3G football pitches. Alternatively, provision should be based on Sport England's cost guidance unless the applicant can demonstrate this would not be appropriate. Planning conditions, planning obligations, other legal agreements or mechanisms would be used to secure financial contributions.

### **What alternative sports and recreation provision would be acceptable?**

5.21. In assessing the suitability of alternative sports and recreation provision, in addition to the considerations regarding equivalent or better provision, the following issues will also be considered:

- a. The need for the existing facility compared to the need for the proposed facility
- b. The views of the local community and others with an interest
- c. The ability of the alternative provision to better meet local needs (for example the replacement of poor quality grass pitches with artificial 3G pitches on site, or elsewhere)
- d. The recommendations of the Sefton Playing Pitch Strategy
- e. The recommendations of the Open Space and Recreation Study.

## 6. Open space and the planning process

### Before you make a planning application

#### Pre-application discussions

6.1. Sefton Council provides a Pre-Application service where advice can be obtained from Planning Officers (and other specialists if appropriate) before making a planning application. Pre-application discussions are encouraged and can provide an opportunity to highlight issues, confirm requirements and refine the site-specific details before making an application. There is a charge for this service. In relation to highways and public rights of way, the Council's Developers Pack is also relevant. Web links to both these are given in Section 7.

6.2. Advice on the open space required on sites allocated in the Local Plan will be based on the details set out in the table in Appendix A. For other sites advice will cover what public open space would be expected for a particular proposal, in line with the principles set out in this SPD.

#### Consultation with community and others

6.3. A co-ordinated discussion with interested parties in the local neighbourhood such as local Councillors, the Town or Parish Council, any Neighbourhood Plan steering group, 'Friends of' groups and park users including children and teenagers is strongly encouraged. This is best held at an early stage in developing the scheme. Such pre-application consultation will help identify what local people value for public open space and walking and cycling links, including how key facilities could link together in the area. This would help to make sure that it is what people want. The suitability of open space and the walking and cycling links proposed will be assessed through the Design and Access Statement, or other specific document or plan you put in with your planning application.

#### Information to be submitted with a planning application

6.4. To ensure the appropriate level of detail is provided for different types of planning application the following principles will apply in relation to policy EQ9 in new housing. **For outline planning permission**, headline open space proposals and layouts and intentions regarding new strategic paths, and headline points for long-term management plans, funding and legal agreements should be provided, for the whole site. This may be included on a site layout and landscape plan or in an initial Design and Access Statement and Landscape Framework.

6.5. **For full planning permission and approval of relevant reserved matters**, a comprehensive plan to include landscaping and details of all facilities to be provided in the area of open space must be submitted. This could be in a site layout and landscape plan and/or in the Design and Access Statement and Landscape Framework or other suitable document. Full details of management and maintenance plans including monitoring, review, funding arrangements and legal agreements should also be provided.

6.6. The government intends to bring in **Planning Permission in Principle** for housing led development on sites allocated in local and neighbourhood plans or identified on brownfield registers. In the future, if Planning in Principle is obtained for any site, public open space requirements would be classed as matters of technical detail. If the details relating to the public open space did not fulfil the requirements of policies EQ9 and NH5 and this SPD they would not be acceptable and planning permission would not be granted.

6.7. Where the location of public open space for the whole site or a wider area is set out in a Council-approved document, development brief or Masterplan, sufficient information must be

provided based on the general design principles set out in Section 3 to demonstrate that the public open space requirements of the approved document, development brief or Masterplan will be met.

6.8. The following principles will apply In relation to policy NH5 for replacement open space. For both **outline planning permission** and **full planning permission** including approval of **reserved matters**, information about the type, location, timing, partnership arrangements and management arrangements should be provided.

#### Commutated payments and their timing

6.9. When open space is provided entirely on site the developer is responsible for funding the necessary provision as set out in paragraph 2.2. Where off-site enhancements are appropriate the improvements would be funded by a **commuted sum payment** as set out in Appendix C. The factors to be applied in calculating commuted sums for each of the sites allocated for housing development in policy MN2 of the Local Plan where public open space would be required is indicated in Appendix A. For any housing site there may be some circumstances where additional requirements apply in relation to the need to mitigate for increased recreation pressure on the Sefton Coast, in line with policy NH2 of the Local Plan and its Habitats Regulations Assessment Reports.

6.10. For public open space provided under policy EQ9, the trigger for timing of provision or for the payment of a bond or commuted sum will be included within the Section 106 Agreement or other legal agreement or mechanism. The developer will be required to notify the Council prior to any phasing triggers being reached.

6.11. When phasing of **compensatory provision** of open space under policy NH5 is required this will be achieved as follows:

- a. **Where there is a single funding source** (for example the applicant, landowner or developer), compensatory provision should be implemented prior to the occupation of the first home.
- b. **Where there is more than one funding source** (for example the applicant, landowner or developers plus a sports club affiliated to the national sporting body plus an existing provider and/or 'Lottery' funding), compensatory provision should be implemented within a timescale agreed by the Council.

#### Partial development of larger sites

##### Policy EQ9 explanatory text clarifies:

**In paragraph 10.70:** Public open space will be required, on a proportional basis, for incremental or phased developments on parts of larger sites. A financial contribution or a financial bond secured through a Section 106 agreement or other legal agreement will be required to secure appropriate provision.

6.12. The need for a phasing mechanism for the payment of a bond or commuted sum is needed to safeguard the provision of open space when only part of a larger site is developed. .

6.13. In the absence of an indicative layout the capacity (number of homes) of a site would be based on the density calculation used in the Council's Strategic Housing Land Availability Assessment (SHLAA). In this the majority of sites are assessed against a standard site density of between 30 and 40 dwellings per hectare, depending on the shape of the site and the character of the surrounding area. A higher density was applied to a minority of sites that were considered most suited to

apartment development. Lower densities were applied in areas characterised by low density housing.

6.14. In such situations, Sefton Council would require all applicants to contribute a fair proportion to a larger open space to serve the entire site, regardless of the size of their particular application. This is to make sure that the public open space needs of the whole site are met in line with the principles set out in Local Plan Policy EQ9 and this SPD.

6.15. If it is not possible to meet the requirements in policy EQ9, financial contributions or a financial bond may be required to help fund the creation and future maintenance of the larger public open space to serve the whole site. This will be secured through a Section 106 agreement or other legal agreement (see paragraph 4.9 onwards). The Council's preferred approach is for this to relate to an outline planning permission or a masterplan for the whole site.

### Viability

6.16. Where an applicant seeks to depart from the open space requirements under policy EQ9 on the grounds of economic viability, the Council will require a full financial assessment to be submitted by the applicant. The planning application will be appraised by the Council's economic viability consultants and the applicant will be required to meet the full cost of this work.

### Completion of open space

6.17. New, enhanced and replacement open space, strategic paths and sports facilities must be available for use by members of the public in line with the planning permission. For new public open space and strategic paths provided under policy EQ9 this will generally be before practical completion<sup>2</sup> of the final house, or of 150 homes (whichever is the lower figure). For replacement open space or sports facilities under policy NH5 this would be before the first home is occupied.

### Management and maintenance

#### Policy EQ9 requires:

**In part 4:** Development proposals which include new public open space must incorporate suitable arrangements for long-term management and maintenance of and public access to the new open space.

6.18. It should not be assumed that Sefton Council or a Parish or Town Council will adopt any new public open space. The Council will need to be satisfied that, for the lifetime of the associated development, suitable arrangements are in place for access, operation, management and maintenance of new, replacement or enhanced open space, and any Sustainable Drainage System or habitats integral to it.

6.19. It may be that the applicant retains the ownership of the public open space within their development site, in which case they will be solely responsible for management and maintenance and ensuring that it remains publically accessible. Alternatively, applicants may appoint a maintenance company, land trust or other appropriate body to manage and maintain the public open space on their behalf. A further option would be establishing an independent management company where ownership is shared between all residents. Residents would then be responsible for monitoring its performance.

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<sup>2</sup> Practical completion will take place when a dwelling is complete for all practical purposes and is available for occupation.

- 6.20. If Sefton Council or a Parish or Town Council do agree to adopt and maintain the open space, the period used for the calculation of management and maintenance monies should reflect the requirement for the public open space to be available for the lifetime of the development.
- 6.21. Completion of new areas of open space must be followed by a three-year establishment period during which the replacement of failed planting and landscaping including repair of any damaged play equipment, paths, hard surfaces and structures in line with the submitted plans is required. All management, maintenance and repair are the responsibility of the nominated management company or organisation as set out in the management plan submitted with the planning application. This should set out how all planting will be managed as it matures over time as well as routine maintenance regimes.
- 6.22. When enhancements to existing open space are proposed, the organisation currently responsible for the management and maintenance of the space must be made aware of any additional requirements arising from the enhancements. Planning conditions, section 106 agreements, other legal agreements or legal mechanisms will be used to secure additional funding to be used by the organisation to provide this service where this is necessary. The Council encourages new public open space to be managed in line with Green Flag principles. Further information can be found by following the link to Green Flag Awards in Section 7.
- 6.23. Details of the company responsible for managing and maintaining the open space must be made known to those occupying the properties and the Council's Parks and Greenspaces team. They must also be informed if the management company changes in order to maintain a permanent record of who is responsible for the open space should a problem occur.
- 6.24. Public open space or other open space such as sports pitches, tennis courts or bowling greens must be freely available (subject to a reasonable charge for specific, formal activities) at all reasonable times for the lifetime of the development.

### Enforcement and monitoring

- 6.25. Planning conditions, section 106 agreements, other legal agreements or other mechanisms used to secure the provision of new or replacement open space will be subject to the standard planning permission condition or other discharge procedures as appropriate. Replacement open space provision will usually require a section 106 agreement unless the applicant can demonstrate this is not appropriate. This is to ensure all new public open space provided under policy EQ9 and replacement open space provided under policy NH5 is completed in line with the planning application. If the scheme is not carried out to the standards agreed it will be followed up through enforcement action or other means.
- 6.26. Progress on the implementation of open space on site with reference to the approved planning permission will be monitored by the Council or other signatories to legal agreements, at any point during the period of construction and afterwards.
- 6.27. Appendix 3 of the Local Plan sets out monitoring indicators for policies EQ9 and NH5. These include:
- The area of new public open space approved on schemes of 150 or more dwellings
  - The area of new public open space approved on proposals for 11-149 dwellings on sites which are more than 2km from a main park or Countryside Recreation Area
  - Financial contributions secured through section 106 or other mechanism to improve existing public open space.

6.28. The following will also be monitored and all results will be recorded in the Authority Monitoring Report:

- Number of open spaces securing or maintaining Green Flag awards in each settlement area
- The amount of new open space and length of strategic paths designed and implemented
- The area (ha) of compensatory public open space (including pitches) approved and provided following development of open space
- Financial contributions secured through s106 or similar mechanisms to enhance existing or provide compensatory open space.

## 7. Further information

### Sefton Council

**Applying for planning permission:**

<http://www.sefton.gov.uk/planning-building-control/apply-for-planning-permission/how-to-make-a-planning-application.aspx>

**Conservation and Heritage:**

<http://www.sefton.gov.uk/planning-building-control/conservation-and-heritage/>

**Design:**

<https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan/adopted-supplementary-planning-documentsguidance.aspx>

**Developers Pack - Street Design Guide:**

<https://www.sefton.gov.uk/media/700872/sefton-developers-pack-street-design-guide.pdf>

**Open Space and Recreation Study (2015):**

<https://www.sefton.gov.uk/media/813841/OP3-Open-Space-and-Recreation-Study-SMBC-November-2015-.pdf>

**Pre-Application advice:**

<http://www.sefton.gov.uk/planning-building-control/apply-for-planning-permission/pre-application-advice-on-development-proposals.aspx>

**A Local Plan for Sefton (2017):**

<https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan/local-plan-examination-library.aspx>

**Sefton Playing Pitch Strategy (2016):**

<https://www.sefton.gov.uk/media/814258/OP4-Sefton-Playing-Pitch-Strategy.pdf>

**Sefton Supplementary Planning Documents (Adopted and emerging):**

<https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications.aspx>

### Other organisations

**Green Flag Award (online):** [www.greenflagaward.org.uk](http://www.greenflagaward.org.uk).

**National Planning Policy Framework (2012) and guidance (online):**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

**Planning Portal:** <http://planningguidance.planningportal.gov.uk/blog/guidance/making-an-application/>

**Sport England:**

Development of community sports hubs and costs: <https://www.sportengland.org/>

Active Design: <http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/>

**Department of Education:**

Guidance on protecting school playing fields and schools' powers to protect land:

<https://www.gov.uk/government/publications/protection-of-school-playing-fields-and-public-land-advice>



**Appendix A: Summary of open space requirements for allocated housing sites**

Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
MN2.1 Bartons Close, Southport	1.0 ha 36 homes	No	No	-	No requirements.
MN2.2 Land at Bankfield Lane, Southport	9.0 ha 300 homes	Yes	No	MN2 Appendix 1	<b>EQ9 public open space</b> to be located in the adjacent <b>Proposed Open Space</b> , subject to balancing other green infrastructure requirements (see below). <b>Additional open space requirements:</b> This <b>Proposed Open Space</b> should also provide for Sustainable Drainage Systems, habitat creation, and take account of the Local Wildlife Site designation as per <b>Appendix 1</b> and other relevant plan policies notably EQ8 (flood risk and surface water) and NH2 (nature). <b>Strategic paths:</b> <b>Appendix 1</b> of the Local Plan also requires additional pedestrian/cyclist access to be provided directly onto Bankfield Lane.
MN2.3 Former Phillips Factory, Balmoral Drive, Southport	6.0 ha 158 homes	Yes (off-site)	No	-	It is considered appropriate for <b>EQ9 public open space</b> provision to be in the form of off-site enhancements to Botanic Gardens. This main park is within 400 metres of the development site. A commuted sum will be sought.
MN2.4 Land at Moss Lane, Churchtown	18.3 ha 450 homes	Yes	No	MN2 MN6A	<b>EQ9 public open space</b> should be located within the housing site and include formal provision for equipped play. A path link to the woodland (see below) and to site MN2.5 (Land at Crowland Street, Southport) via the existing bridge and a path in West Lancashire should be provided, and the possibility of providing a footpath link across the golf course investigated. <b>Additional open space requirements:</b> <b>Site specific policy MN5</b> requires the retention of the woodland abutting Moss Lane and its long term management and provision of footpaths through and public access. While Policy MN5 refers to the identified <b>Proposed Open Space</b> to the north-east corner of the site, this is not of sufficient size or in a suitable location for the main public open space on the site. There are additional requirements relating to the planting of trees and retaining existing mature trees for heritage purposes (see policy MN5) and creating a landscape buffer to provide

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
					habitat creation alongside Three Pools Waterway.
MN2.5 Land at Crowland Street, Southport	25.8 ha 678 homes	Yes (maybe some off-site)	No	-	<p><b>EQ9 public open space</b> should be located within the housing site and include provision for formal equipped play areas.</p> <p><b>Additional open space requirements:</b> Environment Agency byelaws require an 8m easement to Fine Jane’s Brook and Sandy Brook. There may be scope to incorporate part of this within public open space. A greenway link should be provided alongside these watercourses to provide part of a traffic free route to Meols Cop High School, KGV College and Meols Cop main park. The foot/cycle paths / greenways would need to link to Foul Lane, alongside the vehicular access, via the bridge under the railway. There should not be any hard surfacing or structures within 5m of the top of the bank - see the Nature SPD for more details. It may also be appropriate for part of the public open space provision for the site to include enhancements to Meols Cop main park and/or Compton Road Recreation Ground neighbourhood park along with improved foot/cycle path links to them.</p>
MN2.6 Land adj Dobbies Garden Centre, Benthams Way, Southport	6.8 ha 174 homes	Yes	No	MN2 Appendix 1	<p><b>EQ9 public open space</b> should be located in the adjacent <b>Proposed Open Space</b> (see below) subject to balancing other green infrastructure requirements, as well as within the housing site area or off-site provision to enhance Crompton Road Recreation Area or Bedford Park. The other green infrastructure requirements may limit the extent and scope of public open space within the Proposed Open Space, although it is important that the public open space forms a green corridor for path networks between the housing sites, and existing roads, paths and public open spaces (see below).</p> <p><b>Additional open space requirements:</b> The <b>Proposed Open Space</b> is at high risk of surface water flooding and must provide flood water storage and incorporate surface water management water for itself, the housing site, and if practicable the surrounding area. It must also provide suitable habitat for water voles to mitigate and compensate from the effects of the related development, as well as other nature conservation issues including the need to eradicate invasive species on the site. These requirements are set out in <b>Appendix 1</b> of the Local Plan and other relevant plan policies notably <b>EQ8 (flood risk and surface water) and NH2 (nature)</b>.</p>

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
					<p><b>Strategic paths:</b>  <b>Appendix 1</b> of the Local Plan requires for foot/cycle path links to be provided through and from the housing development and Proposed Open Space linking them both to the Town Lane community woodland (including provision of a bridge over the watercourse), Compton Road community park, the existing Warwick Street link, Benthams Way and Broome Road, and the local cycle network. (This may include provision of lighting). There should not be any hard surfacing or structures within 5m of the top of the bank - see the Nature SPD for more details.</p>
MN2.7 Land at Lynton Road, Southport	1.5 ha 25 homes	No	No	-	No requirements.
MN2.8 Former Ainsdale Hope School, Ainsdale	9.2 ha 120 homes	No	Yes	MN2 Appendix 1	<p><b>NH5 compensatory provision of sports pitches</b> to be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch or pitches at Meols Park or adjacent land as set out in <b>Appendix 1</b> of the Local Plan.</p> <p><b>Additional open space requirements:</b>  While part of the site will form an Ecological Improvement Area (EIA), the extent, design, habitat and level of public access (if any) will be determined by a future ecological appraisal and the information provided to enable the Council to make a Habitats Regulations Assessment (HRA). The main purpose of the EIA is to mitigate and compensate for adverse effects on the adjacent internationally important nature site and on the nature value of the housing site (under policy NH2), rather than for recreation.</p> <p>The information provided to enable the Council to make a HRA will also indicate whether any further public open space provision or other measures within or outside the site will be required to mitigate for any impacts of additional recreational pressure from residents of the new homes on the integrity of internationally important nature sites.</p> <p><b>Strategic paths:</b>  A foot/cycle path link should be provided across the site, linking to Sandringham Road and Osborn Road, unless nature conservation issues show this to be inappropriate.</p>

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
MN2.9 Former St John Stone School, Meadow Lane, Ainsdale	1.4 ha 40 homes	Yes (part) (off site)	Yes	Appendix 1	<p><b>EQ9</b> public open space is required as the southern part of the site is more than 2 km from a main park or Countryside Recreation. It is considered most appropriate to achieve this by enhancing the Sandbrook Road Recreation Ground neighbourhood park and foot/cycle path links from the site to it, perhaps along Sandy Brook and/or Kings Meadow. There should not be any hard surfacing or structures within 5m of the top of the bank - see the Nature SPD for more details.</p> <p><b>NH5 compensatory provision of sports pitches</b> to be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch or pitches at Meols Park or adjacent land as set out in <b>Appendix 1</b> of the Local Plan.</p>
MN2.10 Land at Sandbrook Road, Ainsdale	2.6 ha 83 homes	No	No	-	No requirements.
MN2.11 Land south of Moor Lane, Ainsdale	3.2 ha 69 homes	Yes (part) (off-site)	No	-	<p><b>EQ9</b> public open space is required within the site as the eastern part of the site is more than 2 km from a main park or Countryside Recreation Area.</p> <p>It is considered appropriate for at least part of this provision to be achieved by providing a functional foot/cycle path link from the site to the Trans Pennine Trail which runs along Moor Lane, and by improved signage and accessibility from this route to Cherry Lane, Sandbrook Road woodland and Pinfold Lane community parks and to Sandbrook Road Recreation Ground neighbourhood park. Alternatively it may be appropriate to enhance Sandbrook Road Recreation Ground neighbourhood park and foot/cycle path links from the site to it.</p> <p>On this site the public open space should be provided as informal open space and informal 'natural' play within the site linked to open space needed to meet surface water management or heritage requirements for open space as set out in <b>Appendix 1</b> of the Local Plan.</p>
MN2.12 Land north of Brackenway, Formby	13.7 ha 286 homes	Yes (may be part off-site)	No	MN6	<p><b>EQ9 public open space</b> must be located within the housing area of the site due to policy MN6 requirements (see below) and include provision for formal equipped play. It is anticipated that it may not be possible to provide all of the open space required under EQ9 (including an equipped play area) within this area. If this is the case then part of the provision should take the form of offsite enhancements to the Deansgate Lane playing fields (including if necessary an equipped play area), and by improved signage and accessibility from the site to the</p>

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
					<p>Deansgate Lane Playing fields.</p> <p><b>Additional open space requirements:</b>  <b>Site specific policy MN6</b> requires the retention and management of 7.9ha of grassland and wetland habitat adjacent to the site. Main watercourses within the site must be maintained and enhanced with watercourse buffer habitats. Flood risk mitigation is also required. The main purpose of this grassland and wetland habitat is to mitigate and compensate for harm to the Local Wildlife Site which this site lies within. Management of this habitat must provide a major ecological enhancement and a significant net ecological benefit. A second important purpose of this area is to mitigate existing flood risk problems. While it is also anticipated that constructive management of this area will help reduce recreational pressure on the nearby internationally important nature sites, the 7.9 ha of grassland and wetland habitat and water course buffer habitats <b>is additional to the open space provision required under policy EQ9.</b> The information provided to enable the Council to make a Habitats Regulations Assessment will also indicate whether any additional (in excess of policy EQ9 requirements) public open space provision or other measures within or outside the site will be required to mitigate for any impacts of additional recreational pressure from residents of the new homes on the integrity of internationally important nature sites.</p> <p><b>Strategic paths:</b>                      Formby No. 39 &amp; 40 public bridleways (Eight and Sixteen Acre Lanes) and Formby No. 7 footpath run along the site’s southern boundary. The bridleways should be upgraded using appropriate resin bound surface to form bridleways which are suitable for use by cycles. A signal controlled toucan crossing is required across Formby By-pass to provide residents of the site with access to the wider footpath network.</p>
MN2.13 Land at West Lane, Formby	1.9 ha 40 homes	No	No	Appendix 1 Maybe	<p>No requirements.</p> <p><b>Additional open space requirements:</b>                      The information provided to enable the Council to make a Habitats Regulations Assessment will indicate whether any further public open space provision or other measures within or outside the site will be required to mitigate for any impacts of additional recreational pressure from residents of the new homes on the integrity of internationally important nature sites.</p>

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
					<p><b>Strategic paths:</b> The development must provide appropriate links to Formby No. 5a footpath adjacent to the eastern boundary of site. Formby No 4 Bridleway continues on from Brewery Lane.</p>
MN2.14 Former Holy Trinity School, Lonsdale Road, Formby	1.0 ha 50 homes	No	No	-	<p>No requirements. (The site is specifically allocated for older persons housing reserved for residents aged 55 and over.)</p> <p><b>Strategic paths:</b> There is a need to provide appropriate links to Formby No 25 footpath on the eastern boundary of site.</p>
MN2.15 Land at Shorrocks Hill, Lifeboat Road, Formby	3.3 ha 34 homes	No	No	Appendix 1	<p>No requirements.</p> <p><b>Additional open space requirements:</b> Policy <b>MN2</b> and <b>Appendix 1</b> of the Local Plan set out a number of requirements which relate to open space and paths provision and enhancement and land management within and next to the site. It is possible that the HRA requirements regarding recreation pressure may necessitate other new or enhanced public open space:</p> <ul style="list-style-type: none"> <li>• Ensure that sufficient information is provided with the planning application to enable the Council to make a Habitats Regulations Assessment. Any planning application at this site should seek to avoid increased recreational pressure upon the SAC and address any likely</li> <li>• significant effects upon these habitats as a result of the individual project alone;</li> <li>• Secure the long term management of the adjacent woodland Local Wildlife Site between the site and Formby Point Caravan Park, to minimise impact on the adjacent internationally important nature sites;</li> <li>• Provide for full public access into the area of woodland between the site and Formby Point Caravan Park in a manner which minimises impact on the adjacent internationally important nature sites;</li> <li>• Extend the existing Formby no. 52 Bridleway through the woodland area from Lifeboat Road to Alexandra Road;</li> <li>• Provide a new 100 space public car park in the northern part of the allocation; and</li> <li>• Provide a new public toilet block adjacent to the car park and secure its long term management.</li> </ul>

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
MN2.16 Formby Professional Development Centre, Park Road, Formby	1.6 ha 15 homes	No	No	-	No requirements.
MN2.17 Land at Liverpool Road, Formby	14.2 ha 319 homes	Yes (part off-site)	No	-	<b>EQ9 public open space</b> should be located within the housing site and include provision for formal equipped play. It is considered appropriate for some of this provision to take the form of an extension of the adjoining Alt Road playground into the site and include enhancements to the playground and its play equipment. <b>Additional open space requirements:</b> <b>Appendix 1</b> of the Local Plan also requires the setting of Grade II Loveladys Farmhouse and adjacent buildings to be preserved. <b>Strategic paths:</b> Little Altcar No. 8 footpath runs across site. This should be retained and enhanced, and links provided to the entire site, and the public open space.
MN2.18 Land at Altcar Lane, Formby	0.7 ha 29 homes	No	No	-	No requirements.
MN2.19 Power House phase 2, Hoggs Hill Lane, Formby	0.4 ha 12 homes	No	No	-	No requirements. <b>Strategic paths:</b> Little Altcar No. 5 footpath runs along north-western boundary of site. Little Altcar No. 8 footpath runs across site. These should be retained and enhanced, and links provided to the entire site.
MN2.20 Land at Andrew's Close, Formby	3.3 ha 87 homes	No	No	MN2 Appendix 1	No requirements. <b>Additional open space requirements:</b> Policy <b>MN2</b> and <b>Appendix 1</b> of the Local Plan require the adjacent <b>Proposed Open Space</b> shown on the Policies Map to be provided in tandem with the housing development. This area should provide for public open space and also Sustainable Drainage Systems, habitat creation, and take account of the Local Wildlife Site designation as set out in <b>Appendix 1</b> of the Local

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
					Plan and other relevant plan policies notably EQ8 (flood risk and surface water) and NH2 (nature). It may be appropriate for this proposed open space to include provision of new allotments, in consultation with Little Altcar Parish Council and Sefton Council. <b>Strategic paths:</b> The connection of the existing Formby footpath no.35 through the development onto Andrew’s Lane is required as set out in <b>Appendix 1</b> of the Local Plan.
MN2.21 Land at Elmcroft Lane, Hightown	6.5 ha 120 homes	Yes	No	-	<b>EQ9</b> public open space is required within the site as the southern part of the site is more than 2 km from a main park or Countryside Recreation Area. It is accepted that this space is likely to be less than 0.6 ha. <b>Strategic paths:</b> Provide appropriate path links to Sandy Lane and improved signage and accessibility to Hightown Play Park.
MN2.22 Land at Sandy Lane, Hightown	0.7 ha 10 homes	No	No	-	No requirements.
MN2.23 Land at Hall Road West, Crosby	1.1 ha 14	No	No	-	No requirements.
MN2.24 Land at Southport Old Road, Thornton	3.9 ha 85 homes	Yes (maybe part off-site)	No	Appendix 1	<b>EQ9</b> public open space is required as the whole site is more than 2 km from a main park or Countryside Recreation Area. It is considered most appropriate for the majority of this provision to be within one larger public open space (including provision for equipped play) to be provided to serve jointly the residents of this site and site MN2.25. This open space could be provided either within site MN2.24 or within MN2.25 (they are both currently in Council ownership and it is anticipated that this will be set out in a development brief). <b>Strategic paths:</b> The rest of this provision should be provided as part of the corridor setting for the required, appropriate, walking and cycle paths links through the site and connecting with sites MN2.25, MN2.26, and MN2.27, and the path north of Thornton Cemetery as set out in <b>Appendix 1</b> of the Local Plan.



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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
MN2.25 Land at Holgate, Thornton	8.4 ha 221 homes	Yes (maybe part off-site)	No	Appendix 1	<p><b>EQ9 public open space</b> should include provision for formal equipped play. It is considered most appropriate for the majority of this provision to be within one larger public open space to serve jointly the residents of this site and site MN2.24. This open space could be provided either within site MN2.24 or within MN2.25 (they are both currently in Council ownership and it is anticipated that this will be set out in a development brief).</p> <p><b>Strategic paths:</b> The remaining provision should be as part of the corridor setting for the required, appropriate, walking and cycle paths links through the site and connecting with sites MN2.24, MN2.26, and MN2.27, and the path north of Thornton Cemetery. This includes links to Thornton No. 8 bridleway and Thornton No. 2 footpath to give access to paths in and around the cemetery as set out in <b>Appendix 1</b> of the Local Plan.</p>
MN2.26 Land at Lydiate Lane, Thornton	10.2 265 homes	Yes (part off-site)	No	Appendix 1	<p>It is considered appropriate for <b>EQ9 public open space</b> provision to be in the form of off-site enhancements to Runnells Lane Park (including the equipped play area), and of a path and cycle network connecting the whole of the site to a signal-controlled crossing of Lydiate Lane to Runnells Lane Park. Runnells Lane park is a community park and enhancements to its range of facilities would secure its recreational role within the local area. <b>Strategic paths:</b> The remainder of the provision should be at a gateway feature to the Lydiate Lane crossing within the site and as part of the corridor setting for the required, walking and cycle paths links through the site, connecting with sites MN2.24, MN2.25, and MN2.27, and the path north of Thornton Cemetery. This includes links to Sefton No.13 bridleway to the west of site and the strategic path that runs north-south through site as set out in <b>Appendix 1</b> of the Local Plan.</p>
MN2.27 Land south of Runnell's Lane, Thornton	5.3 137 homes	No	No	Appendix 1	<p>No EQ9 or NH5 requirements.</p> <p><b>Strategic paths:</b> Walking and cycle paths links through the site and connecting with sites MN2.24, MN2.25 and MN2.26, and the path north of Thornton Cemetery and an accessible route to Runnells Lane Park should be provided as set out in <b>Appendix 1</b> of the Local Plan.</p>

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
MN2.28 Land at Turnbridge Road, Maghull	1.6 ha 40 homes	No	No	-	No requirements. The site is adjacent to Leeds and Liverpool Canal and appropriate access and improvements should be provided to the towpath.
MN2.29 Land north of Kenyons Lane, Lydiate	10.1 295 homes	Yes (maybe part off-site)	No	-	<b>EQ9 public open space</b> should include provision for formal equipped play. Applicants may wish to discuss with Lydiate Parish Council whether some but not all of this provision should be to enhance nearby existing public open spaces at Kenyons Lane playing field and playground (a community park) or Ridgeway park (a neighbourhood park); together with improved signage and accessibility from the site. Commuted sum payments will be sought for this. <b>Strategic paths:</b> A path should be provided linking to Liverpool Road, with potential to connect with safeguarded site MN8.1 'Land at Lambshear Lane, Lydiate' and an off-road cycle route along the A59.
MN2.30 Former Prison site, Park Lane, Maghull	13.6 ha 370 homes	-	-	-	Site has planning permission.
MN2.31 Land east of Waddicar Lane, Melling	6.0 ha 178 homes	Yes (mostly off-site)	No	-	It is considered appropriate for <b>EQ9 public open space</b> provision to be in the form of off-site enhancements to Rainbow Park. This main park is adjacent (separated by a watercourse) to the site and enhancements to its range of facilities would secure its recreational role within the local area. A green open space gateway within the site and a foot/cycle bridge across the watercourse would be required. There should not be any hard surfacing or structures within 5m of the top of the bank - see the Nature SPD for more details. There is a requirement to address flood risk elsewhere and implement any appropriate solutions as set out in <b>Appendix 1</b> of the Local Plan. This may require additional open space provision under policy <b>EQ8 (flood risk and surface water)</b> . <b>Strategic paths:</b> Melling No.3 footpath runs along the southern boundary of the site. Links through the site to connect with this and to Rainbow Park should be provided.

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
MN2.32 Wadacre Farm, Chapel Lane, Melling	5.5 ha 135 homes	No	No	-	No requirements. <b>Strategic paths:</b> Signed and accessible footpath and cycling links to Rainbow Park (a main park) should be provided, including a safe crossing point on Waddicar Lane.
MN2.33 Land south of Spencers Lane, Melling	0.6 ha 18 homes	No	No	-	No requirements.
MN2.34 Land at Wango Lane, Aintree	1.8 ha 25 homes	No	No	-	No requirements. <b>Strategic paths:</b> The site is adjacent to Leeds and Liverpool Canal and appropriate access and towpath improvements should be provided to the towpath.
MN2.35 Aintree Curve, Ridgewood Way, Netherton	3.1 ha 109 homes	-	-	-	Site has planning permission.
MN2.36 Former Z Block Sites, Buckley Hill Lane, Netherton	3.5 ha 100 homes	No	No	-	No requirements. <b>Strategic paths:</b> Signed and accessible footpath and cycling links to Killen Green Park (a main park) should be provided.
MN2.37 Former St Raymond's School playing field, Harrops Croft, Netherton	1.9 ha 53 homes	No	Yes	Appendix 1	No requirement for public open space. <b>NH5 compensatory provision of sports pitches</b> to be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch or pitches at Litherland Sports Park as set out in <b>Appendix 1</b> of the Local Plan. Appropriate path links to the adjacent Killen Green Park (a main park) should be provided.
MN2.38 Land at Pendle Drive, Netherton	1.4 ha 29 homes	No	No	-	No requirements.

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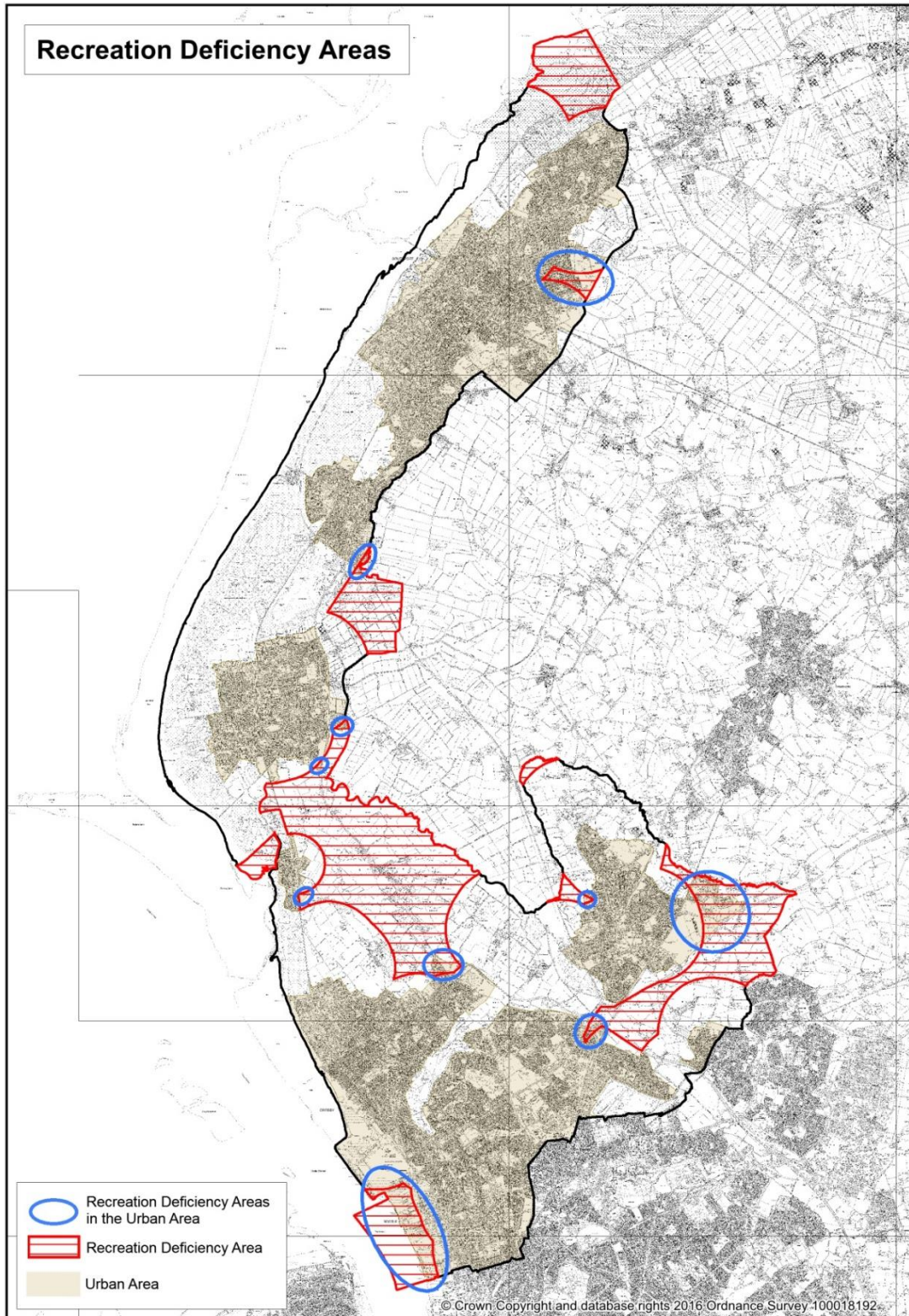
Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
MN2.39 Land at former Bootle High School, Browns Lane, Netherton	1.7 ha 63 homes	No	No	-	No requirements.
MN2.40 Former Daleacre School, Daleacre Drive, Netherton	1.0 ha 37 homes	No	Yes	Appendix 1	<b>NH5 compensatory provision of sports pitches</b> to be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch or pitches at Litherland Sports Park as set out in <b>Appendix 1</b> of the Local Plan. <b>Strategic paths:</b> Appropriate links for the site to cycle routes 42 to the west and 22 to the south along the Leeds and Liverpool Canal including appropriate towpath improvements should be provided.
MN2.41 Former Rawson Road Primary School, Rawson Road, Bootle	1.0 ha 20 homes	No	No	-	No requirements.
MN2.42 Former St Wilfrid's School, Orrell Road, Bootle	6.6 ha 160 homes	Yes (off-site)	Yes	Appendix 1	It is considered appropriate for <b>EQ9 public open space</b> provision to be in the form of off-site enhancements to Orrell Mount Park together with improved signage and accessibility from the site. This main park is within 400 metres of the development. <b>NH5 requires the retention and improvement of the disused football pitches within the site</b> to bring them back into use as set out in <b>Appendix 1</b> . <b>Strategic paths:</b> Cycle path links to cycle route 108 to the east of the site, and path and cycle links between Orrell Road and Hawthorne Road must be provided as set out in <b>Appendix 1</b> of the Local Plan.
MN2.43 Klondyke Phases 2 and 3, Bootle	3.6 ha 142 homes	No	No	-	No requirements. <b>Strategic paths:</b> Provide appropriate links to cycle path 108 to north-west and to Orrell Mount Park and the cemetery.

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Site Ref / Location	Area / indicative capacity	Open space required for EQ9, NH5 or other (as listed)			Comments – Please read in association with the design principles set out in Section 3 of the Open Space SPD
		EQ9	NH5	Other	
MN2.44 Peoples site, Linacre Lane, Bootle	2.9 ha 110 homes	No	No	-	No requirements. <b>Strategic paths:</b> Appropriate links from the site to Linacre Lane to facilitate use of the canal towpath should be provided.
MN2.45 Former St Joan of Arc School, Rimrose Road, Bootle	1.3 ha 51 homes	-	-	-	Site has planning permission and has been developed.
MN2.46 Former St Mary's Primary School playing fields, Waverley Street, Bootle	1.6 ha 72 homes	No	Yes	Appendix 1	<b>NH5 compensatory provision of sports pitches</b> to be achieved via a commuted sum payment (on a per dwelling basis) towards the provision of a new 3G pitch or pitches at Litherland Sports Park as set out in <b>Appendix 1</b> of the Local Plan. <b>Strategic paths:</b> Provide appropriate links to Bank Road and to cycle path 176 along the Leeds and Liverpool Canal towpath, including appropriate towpath improvements.
MN2.47 Land East of Maghull	85.8 ha 1,400 homes	Yes	No	MN3 SPD	<b>Site specific policy MN3</b> and the 'Land East of Maghull' Supplementary Planning Document (SPD) apply to this strategic site.

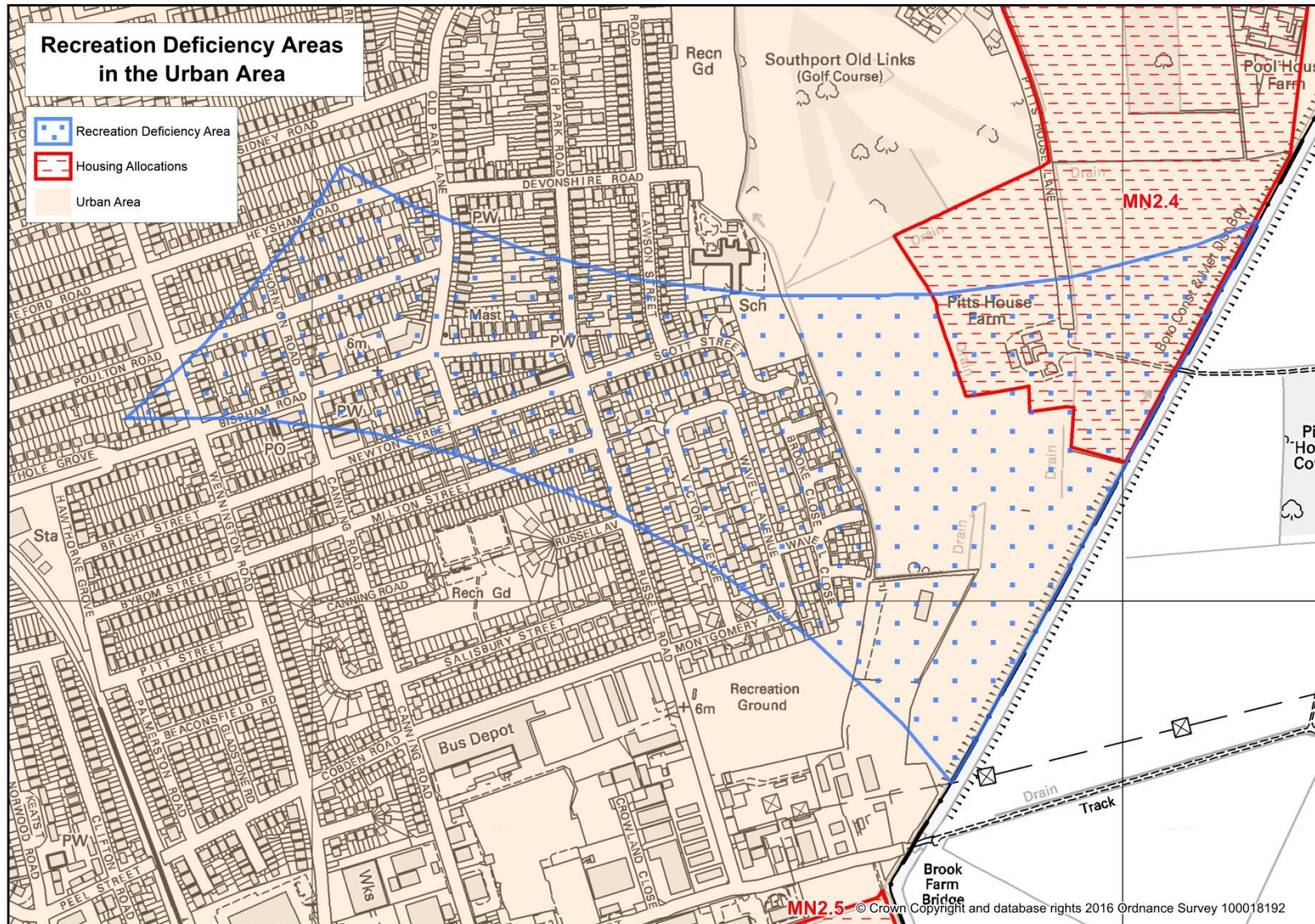
## Appendix B: Parks and Countryside Recreation Areas – Areas of deficit

The maps on the following pages show recreation deficiency areas as defined in the Open Space and Recreation Study.

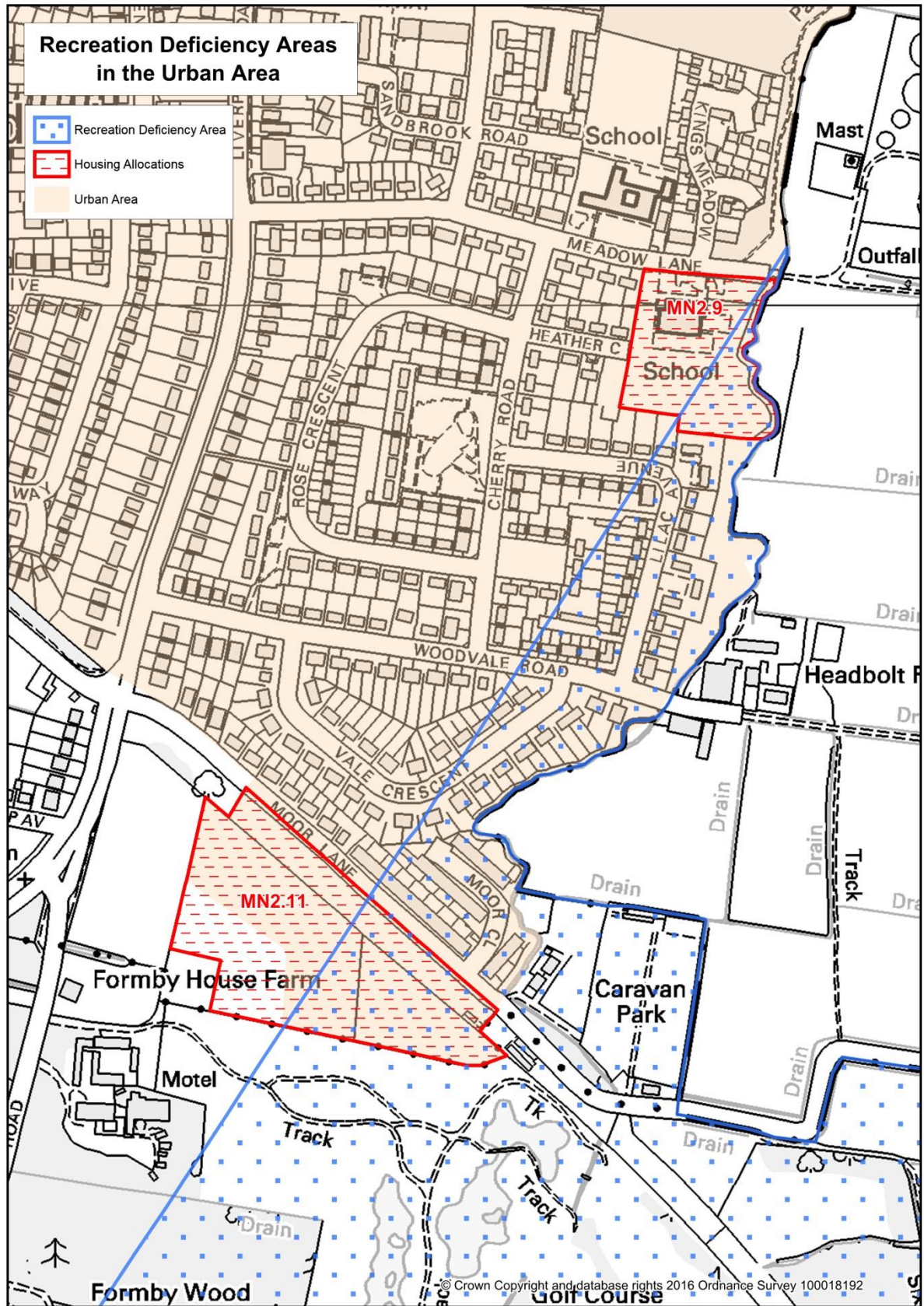


Areas more than 2km from a main park or Countryside Recreation Area

### Recreation deficiency area eastern Southport

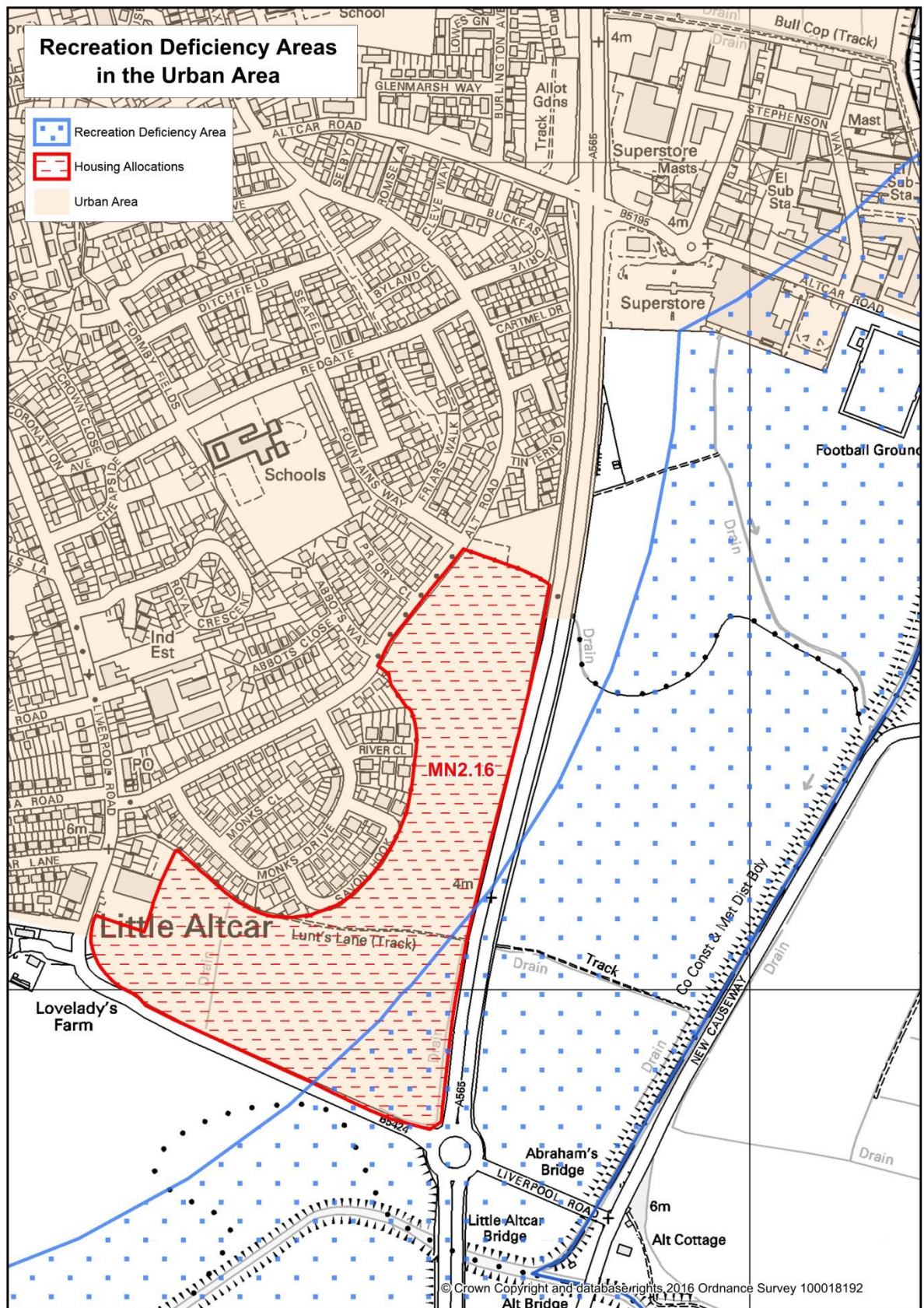


# Recreation deficiency area south-eastern Ainsdale

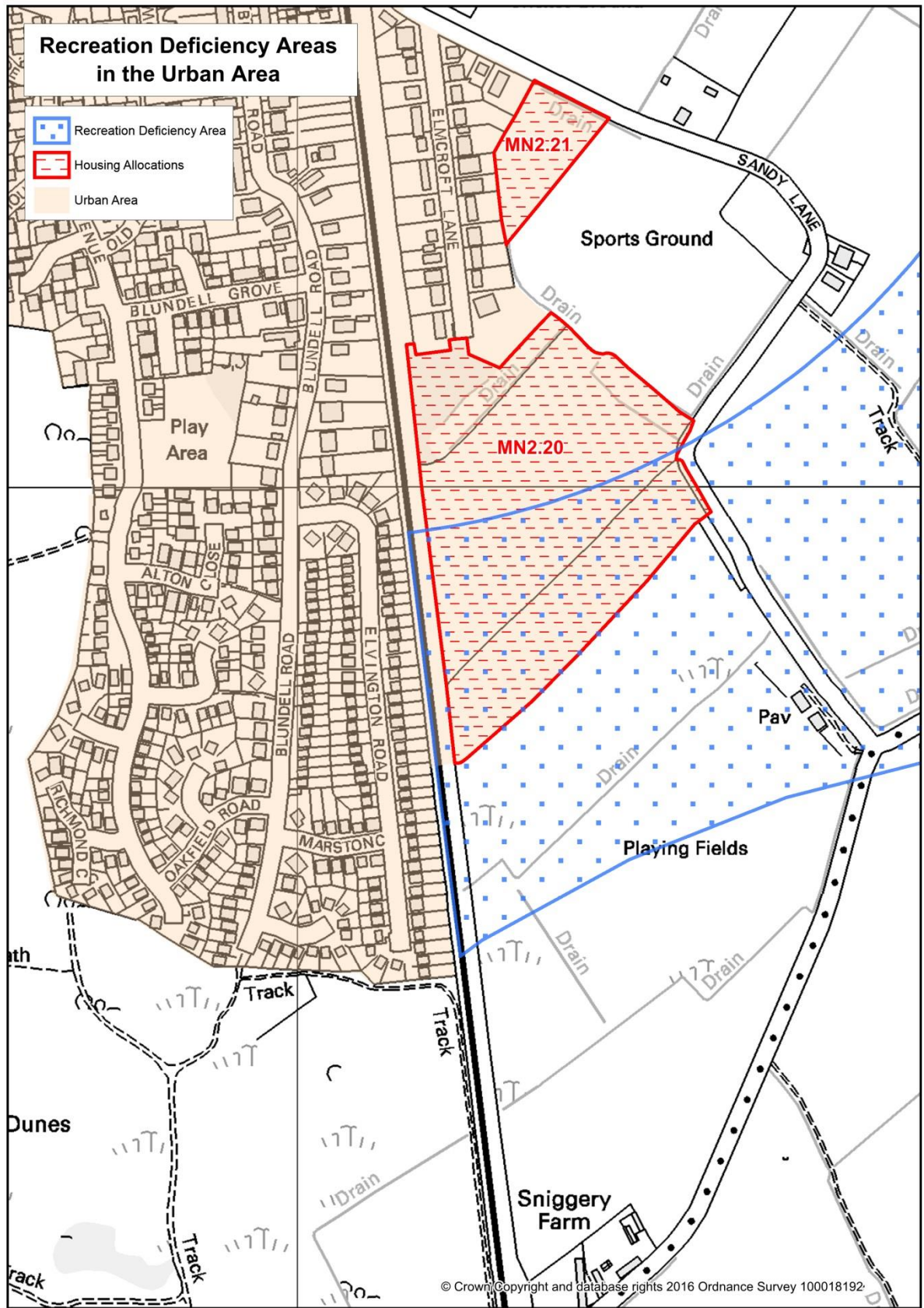




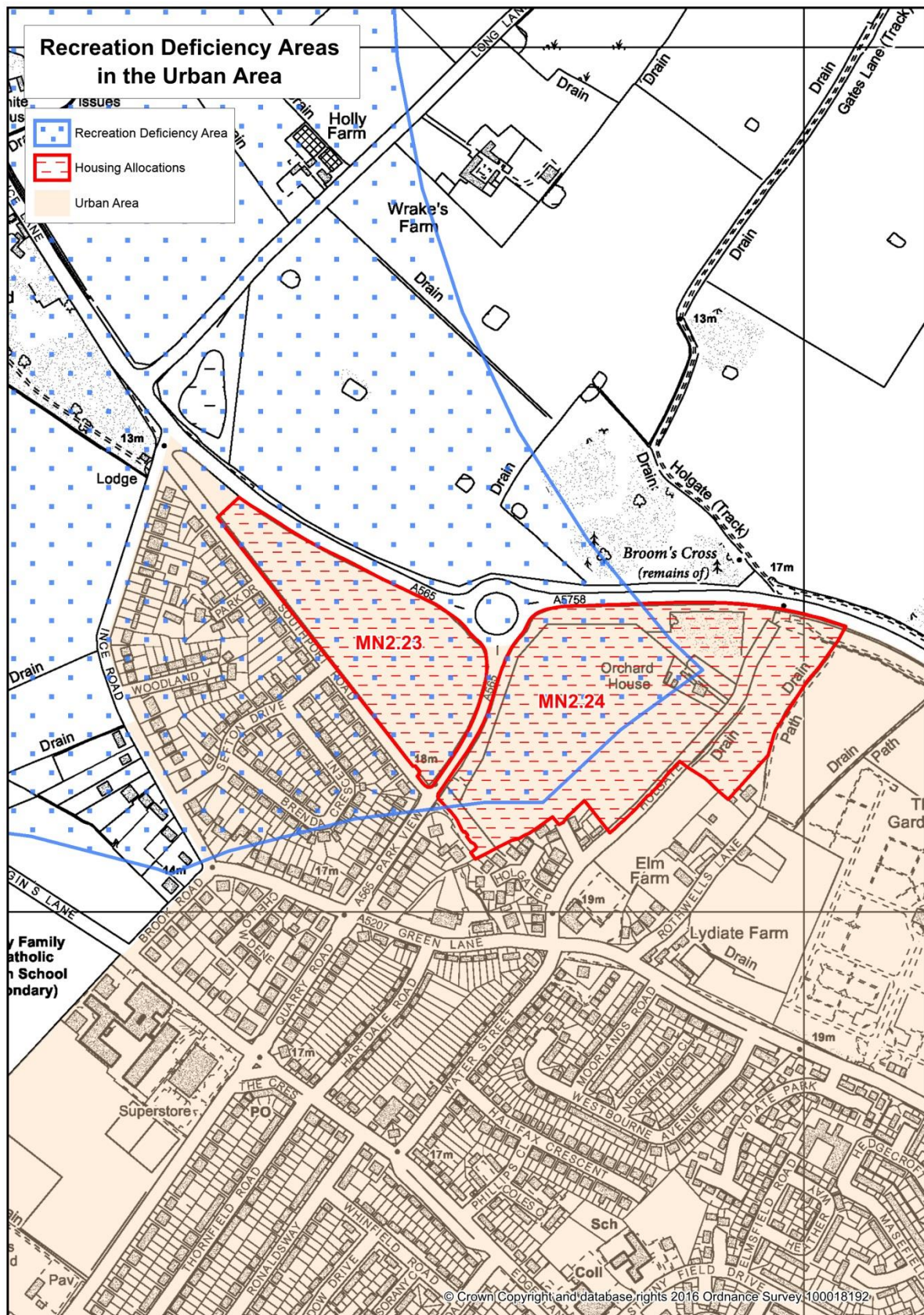
# Recreation deficiency area south-eastern Formby



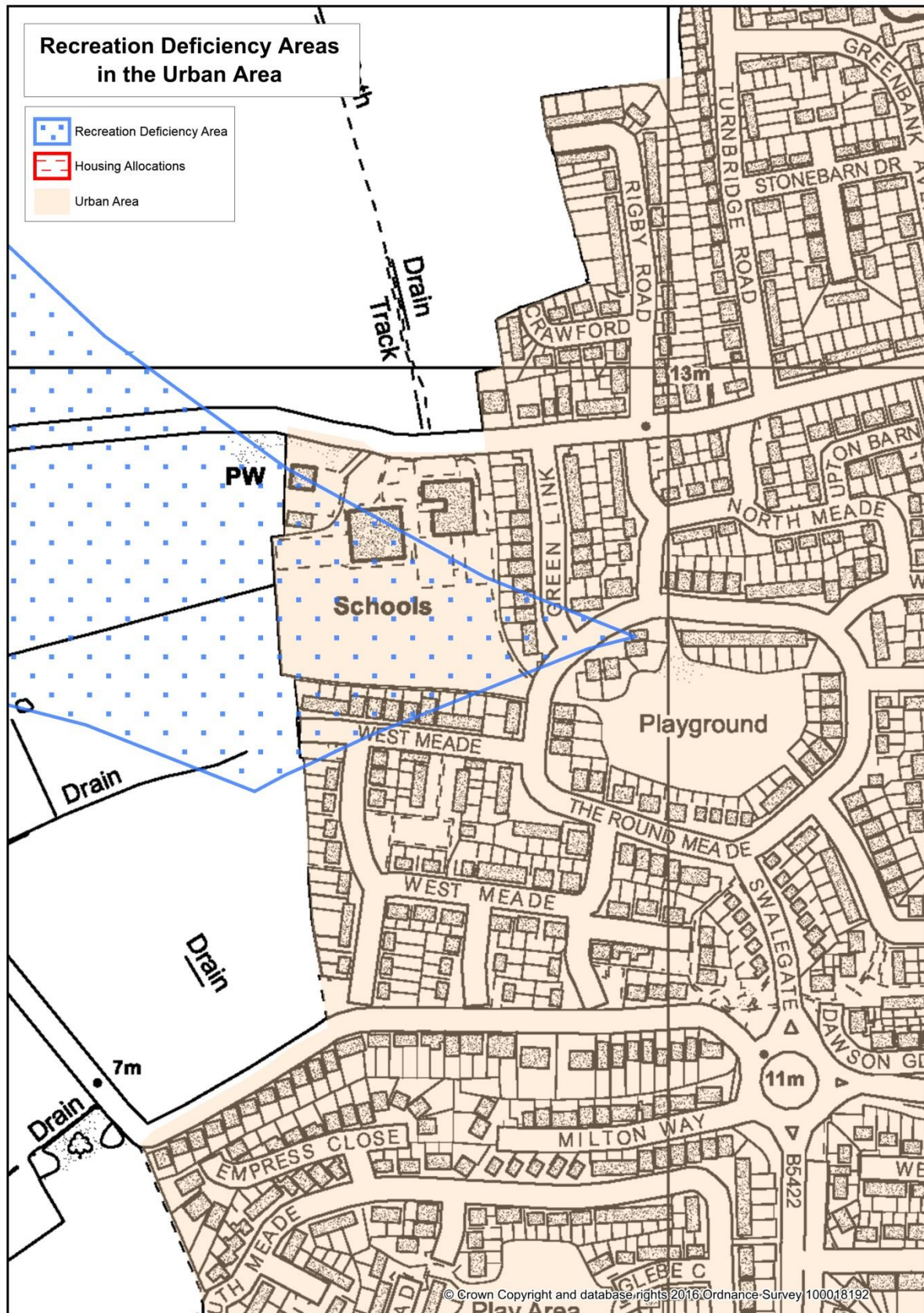
# Recreation deficiency area Hightown



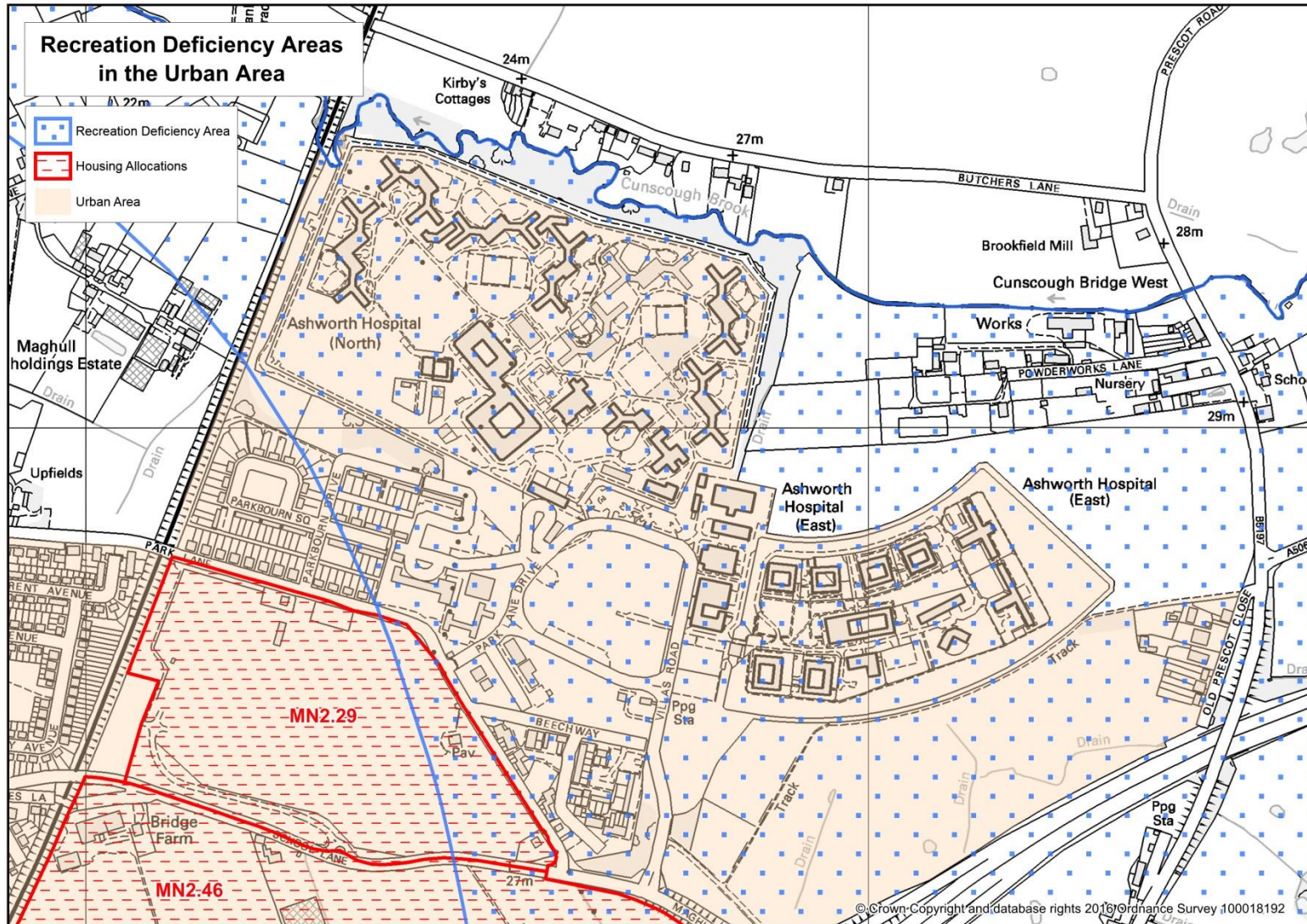
# Recreation deficiency area Thornton



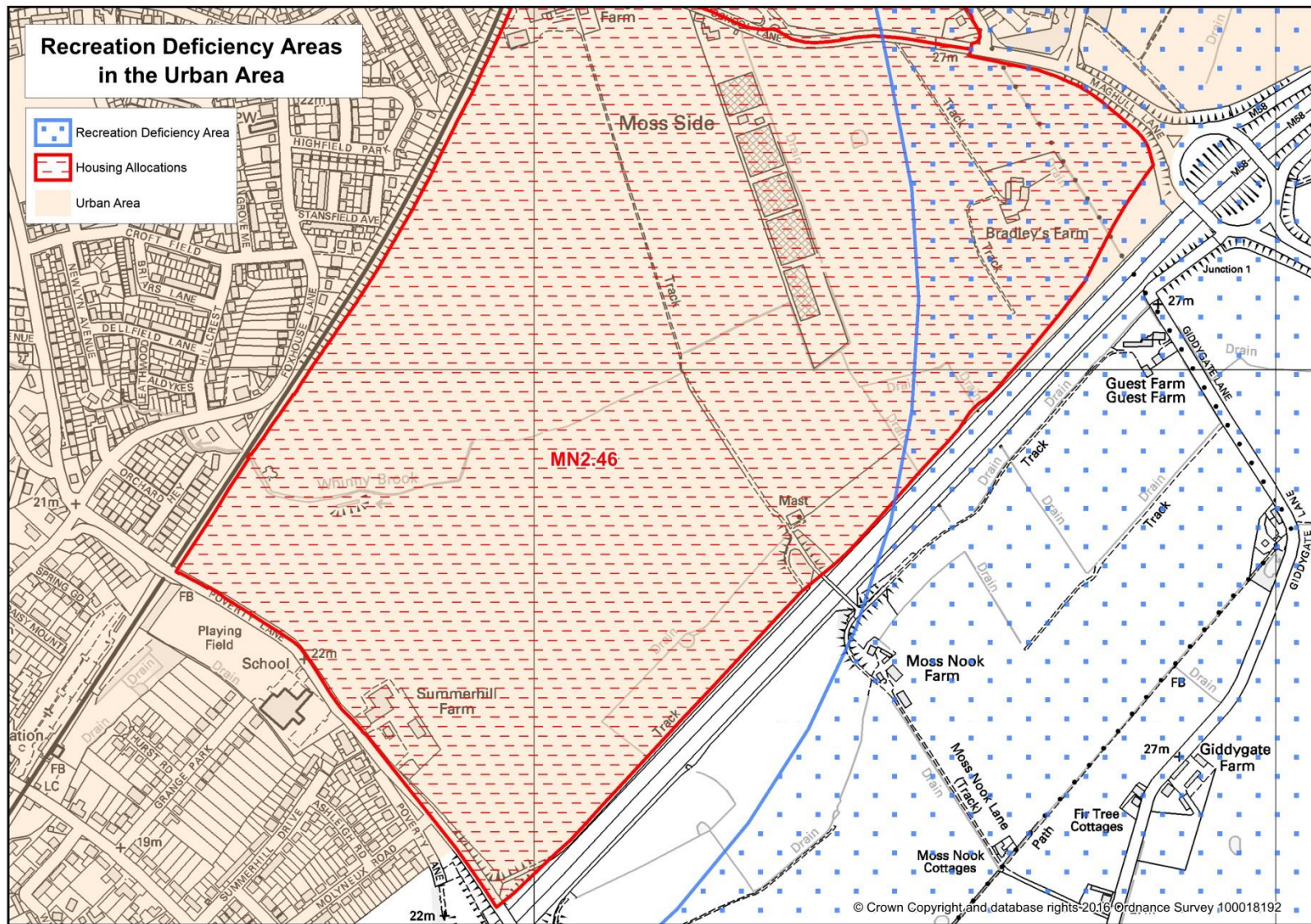
# Recreation deficiency area western Maghull



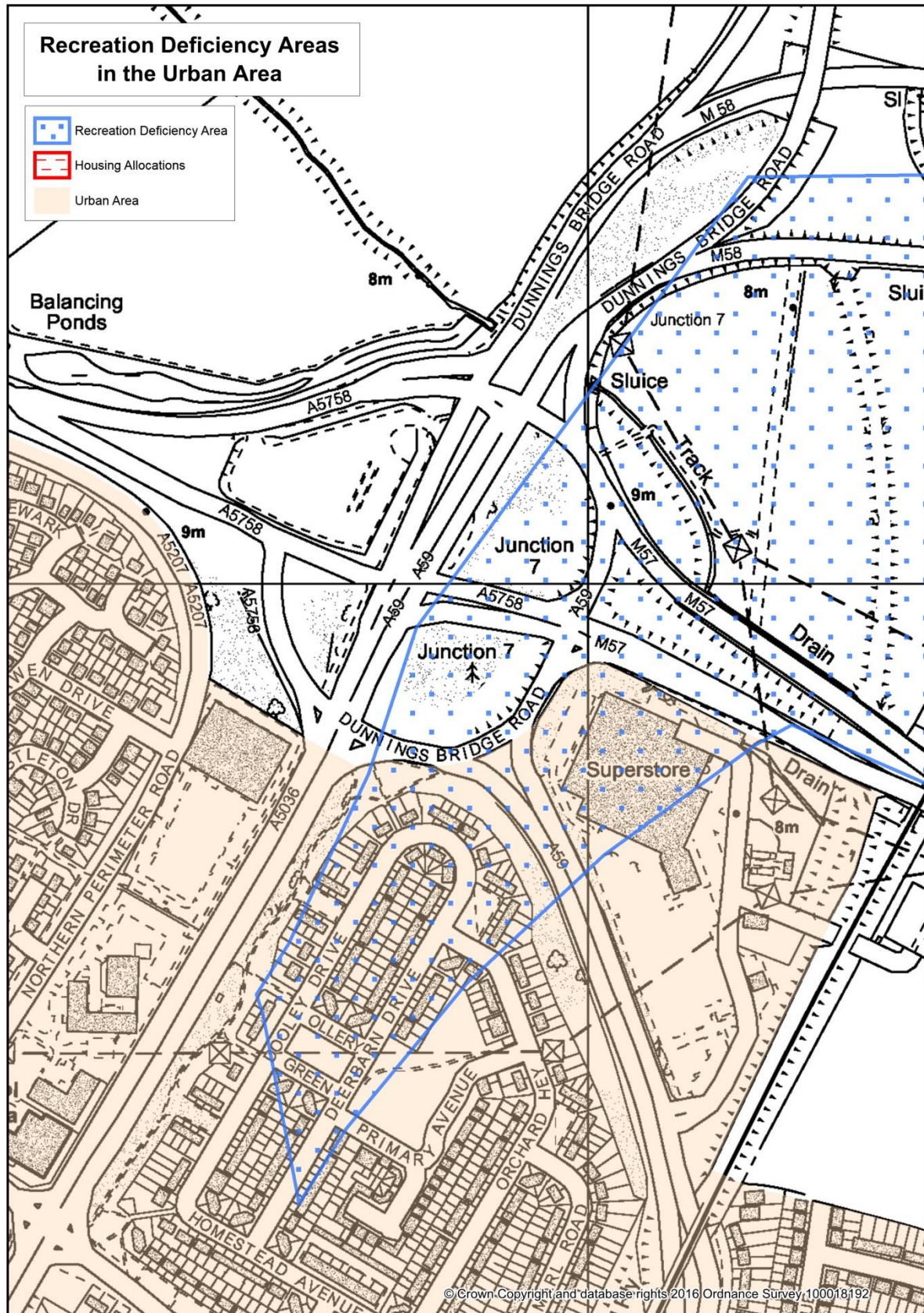
# Recreation deficiency area eastern Maghull



# Recreation deficiency area Land East of Maghull



# Recreation deficiency area Old Roan, Netherton



## Appendix C: Commuted sums

C1. Commuted sums would be secured as part of planning obligations (legal agreements) made under section 106 of the 1990 Town and Country Planning Act (as amended).

### What is the commuted sum?

Off-site enhancements of existing public open space would be funded by **commuted sum payments of £2,680\* per new-build home (at 2024-25 prices).**

\* adjusted each year in line with inflation.

**Additional sums are likely to be sought if there are site-specific requirements which are necessary to make the development acceptable.**

C2. Examples of site specific requirements where these additional commuted sums are likely to be sought include:

- A strong landscape structure – when the allocated site boundary is adjacent to the Green Belt or other strategic open area; or other site-specific reasons, e.g. in relation to Local Plan policies HC7 ‘Education and care institutions’, EQ1 ‘Healthy Sefton’ and heritage policies NH9-NH15.
- Path and cycleway links – where housing sites need to be linked appropriately to the existing network (including sites where this is required in site-specific policies or Appendix 1 of the Local Plan)
- Designated flood risk areas and sustainable drainage systems(SuDS) – where the site or new public open space has existing flood risk or surface water issues which require mitigation, or where there is a requirement in site-specific policies or Appendix 1 of the Local Plan in relation to opportunities to reduce flood risk in the wider area, or for flood storage or SuDS areas to be provided within Proposed Open Space
- Habitat creation or enhancement - including where there is a requirement in site-specific policies or Appendix 1 of the Local Plan for habitat creation or enhancement including within Proposed Open Space
- Additional, specific enhancements or contributions towards proposals to offset the impact of increased recreational pressure on the internationally important nature sites on the Sefton Coast.

The commuted sum may be used as the basis for **bonds in phased development**, as set out in Section 4 of the SPD.

C3. **Where specific proposals for enhancement of existing public open space have been drawn up, costed and agreed by Sefton Council, commuted sums would relate to these proposals.** This includes bonds for phased development, as set out in section 4 of this SPD.



### How has the commuted sum been calculated?

C4. The baseline commuted sum of £2,050 (2017-2018 prices) is carried forward from the 'Green space, trees and development' SPD (2008). This sum has been adjusted each year to reflect inflation rates, and this annual adjustment would continue (£2,680 in 2024-2025). This sum has been used successfully to secure public open space in Sefton since 2008 and it is considered appropriate to apply a rate that continues to provide open space of the same high quality in the future, irrespective of who provides or manages it. However, this is likely to be a minimum figure since additional site specific requirements are only identified at the planning application (or pre-application) stage and it is impossible to calculate the final commuted sum for a particular scheme in advance. No maximum figure is therefore proposed. The Council is aware that planning obligations must meet the tests set out in para 204 of the National Planning Policy Framework and the SPD makes this clear in paragraph 4.3.

### How will the commuted sum be spent?

C5. It is intended the total of the commuted sum per new home (100%) would be split in the following way, broadly in line with this previous SPD:

- At least 65% towards the costs of improving existing public parks, play spaces or public open space as set out in paragraph 3.19 of the SPD,
- Up to 10% contribution towards an initiative forming part of a strategic approach to managing visitor pressure on the Sefton Coast as set out in paragraph 1.2 of the SPD,
- 10% for 3 years' establishment,
- 10% for maintenance (for up to 10 years), and
- 5 % for the costs of administering the commuted sum.

C6. Sefton's Legal officers may also charge an additional fee for preparing legal agreements ('section 106' planning obligations), on an agreed scale of charges. For more complex agreements additional sums may be requested to cover the costs of obtaining advice from external expert consultants, legal and administration costs.

### What if the applicant does not agree with this commuted sum assessment?

C7. If the applicant does not agree with the final commuted sum calculation for a site, they should provide designs and costs for the public open space and any related requirements such as those in site-specific policies or Appendix 1 of the Local Plan and in relation to associated Proposed Open Space to demonstrate, to the satisfaction of the Council, the total alternative costs.