



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## **MID ULSTER**

**Open Space, Recreation and Leisure Policy Review**

**April 2015**

## **Open Space, Recreation and Leisure**

**Purpose:** To provide members with an opportunity to consider existing planning policies as they pertain to open space, recreation and leisure and to consider the need for alternative policies in light of the forthcoming Local Development Plan.

**Content:** The paper provides information on:

- (i) The legislative requirements for open space, recreation and leisure and existing planning policies**
- (ii) Mid Ulster District Council (MUDC) objectives for open space, recreation and leisure and the linkages between the MUDC objectives for future growth and the Sustainability Appraisal, Regional planning policy and Strategic Planning Policy Statement objectives**
- (iii) Consider existing policies and consider preferred and alternative policy options for open space, recreation and leisure within the Local Development Plan**

**Recommendation:** That the Planning Committee notes the findings and considers how this paper shall be used to inform the Preferred Options Paper (POP) and strategic policies in the Local Development Plan (LDP)

### **1.0 Introduction**

1.1 The purpose of this paper is to inform the Planning Committee of current planning policies associated with open space, recreation and leisure and assess whether or not they are fit for purpose against the Council's objectives to provide adequate facilities for recreational, social, physical and cultural activities for their area through the new Local Development Plan (LDP) 2030.

1.2 This paper contains an assessment of how existing planning policies relevant to open space, recreation and leisure take account of the Regional Development Strategy 2035 (RDS 2035), the Single Planning Policy Statement (SPPS), Sustainability Appraisal themes and MUDC's objectives through the proposed LDP objectives.

### **2.0 Legislative Context**

2.1 The Planning Act (NI) 2011, is the key piece of planning legislation governing the development of Open Space, Recreation and Leisure. Part 1, Section 1 sets out the general functions of Department with respect to development of land; and Part 2, Section 5 sets out to further sustainable development.

- 2.3 The above legislation is complemented by a variety of non-binding policy mechanisms i.e. strategies, programmes and action plans belonging to a number of departments, agencies and other bodies involved in the promotion, management and development of open space, recreation and leisure in Northern Ireland as outlined in Position Paper Seven<sup>1</sup>.
- 2.4 It should be noted MUDC has primary responsibility for the provision of public open space facilities within the area as it has a statutory responsibility<sup>2</sup> to secure the provision for their area of adequate facilities for recreational, social, physical and cultural activities. Under the Access to the Countryside (NI) Order 1983, the council also has a duty “to assert, protect and keep open and free from obstruction or encroachment, any public right of way....” And has discretionary powers to repair and maintain rights of way, to create, divert or close public paths and to make access agreements or orders to open land.
- 2.5 In addition to the Council there are a number of other key bodies who make a valuable contribution to the provision of such facilities in the area these include the Sports Council for Northern Ireland (Sport NI), the Department of Agriculture and Rural Development (DARD), the Northern Ireland Housing Executive (NIHE) and the Education and Library Boards (Education Authority). This is by no means an exhaustive list.

### **3.0 The Objectives**

#### **(a) Regional Development Strategy 2035 (RDS) and the Strategic Planning Policy Statement (SPPS)**

- 3.1 The RDS provides an overarching strategic planning framework to facilitate and guide the public and private sectors. It addresses economic, social and environmental issues aimed at achieving sustainable development and social cohesion. It highlights the need to provide adequate provision for green and blue infrastructure in cities, towns, neighbourhoods and new developments. And sets out clear policy aims and objectives regarding open space, recreation and leisure (see Appendix 1) that have been fully considered in formulating the objectives of the SPPS.
- 3.2 The SPPS is a statement of the Department’s policy on important planning matters that should be addressed across Northern Ireland (NI). Formally adopted in September 2015, agreed with the NI Executive, its objectives have been judged to be in general conformity with those of the RDS 2035. The Regional Strategic Objectives contained within the SPPS for open space, sport and outdoor recreation are to:
- safeguard existing open space and sites identified for future such provision;

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<sup>1</sup>Mid Ulster Position Paper Seven: Open Space, Recreation and Leisure, June 2015

<sup>2</sup> Set out in the Local Government Order 1972 and the Recreation and Youth Service (NI) Order 1986. Specific functions regarding the adoption and subsequent maintenance of open space by councils are contained in the Open Spaces Act 1906.

- ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;
- facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents;
- ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older people and those with disabilities;
- achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

3.3 To achieve its objectives the SPSS sets out Regional Strategic Policy<sup>3</sup> which Councils must take into account in the preparation of LDP's and in the determination of planning applications. And outlines a number of Implementation<sup>4</sup> measures to be followed.

For further details on the Open Space, Sport and Outdoor Recreation Regional policy please refer to Appendix 2.

#### **(b) Mid Ulster Council**

3.4 Position Paper One<sup>5</sup> set out key baseline data and presented a potential growth strategy to generate ideas on how planning can best meet the needs of a growing community and the different groups within that community.

3.5 It outlined that a LDP designed to complement a community plan can assist in combating many of the issues highlighted by formulating policy and proposals for the area designed at truly achieving sustainable development

3.6 Accordingly, it outlined three principle policy objectives alongside a number of goals that will assist in formulating the aim and objectives for open space, recreation and leisure in the LDP, the most relevant, outlined below:

#### Accommodating people and creating places to enhance the environment and improve infrastructure

- To build Cookstown, Dungannon and Magherafelt as economic and transportation hubs and as the main service centres for shops, leisure activities, public administrative and community services including health and education. These are the most populated places and the town centres are the most accessible locations for people to travel to, including those without a car.

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<sup>3</sup> Regional Strategic Policy for Open Space, Sport and Outdoor Recreation, paragraphs 6.202 to 6.208, pages 86 to 88, Single Planning Policy Statement

<sup>4</sup> Implementation of Open Space, Sport and Outdoor Recreation, paragraphs 6.209 to 6.213, pages 88 to 89, Single Planning Policy Statement

<sup>5</sup> Mid Ulster Position Paper One: Population and Growth, September 2014

- To protect and consolidate the role of local towns and villages so that they act as local centres for shops and community services meeting the daily needs of their rural hinterlands
- To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.
- To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of transportation in accordance with the community plan.
- To accommodate cultural differences between communities whilst promoting “shared spaces” to bring people together with equality of opportunity.

#### Creating jobs and promoting prosperity

- To promote diversity in the range of jobs recognising the importance of employment in the primary sector (agriculture forestry and mining), secondary sector (industry and manufacturing) and tertiary sector (administration, commerce, retailing, leisure and tourism).

#### Enhance the environment and improve infrastructure

- The need to protect and enhance the natural and built environment to achieve biodiversity, quality design, enhanced leisure and economic opportunity and promote health and welling.

### **(c) Sustainability Appraisal (SA)**

3.7 MUDC has a statutory requirement in the formulation of its LDP, to further sustainable development by ensuring that it is subject to a Sustainability Appraisal incorporating a Strategic Environmental Assessment (SA/SEA). An SA/SEA is an appraisal of the economic, environmental, and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development. Key objectives of the SA<sup>6</sup> that current planning policy should take account of are the need to:

#### Improve health and well-being

- Improve affordability of essential services;
- Encourage healthy lifestyles and provide opportunities for sport and recreation;
- Reduce health inequalities;
- Improve physical and mental health.

#### Maintain and enhance the character and quality of landscapes

- Improve the landscape character and visual amenity of open spaces;
- Enhance the quality of priority areas for townscape and public realm enhancements;

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<sup>6</sup> Appendix II Mid Ulster Sustainability Assessment Incorporating Strategic Environmental Assessment June 2015

- Protect and enhance local distinctiveness and sense of place;
- Minimise visual intrusion and protect views; and
- Decrease litter in urban areas and open spaces.

Improve accessibility to key services especially those most in need

- Improve the level of investment in key community services;
- Make access more affordable; and
- Make access easier for those without access to a car.

Conserve and enhance biodiversity and conserve and where appropriate enhance the historic environment and cultural assets. Effective care of the natural and built environment, can improve health and wellbeing, promote economic development and address social problems. A premise of the Environmental Justice Agenda is that everyone should have the right to, and be able to live in, a healthy environment, with access to sufficient and appropriate environmental resources for a healthy life.

#### **(d) Community Plan**

Section 66 (6) of the Local Government Act (NI) 2014 requires that;

*‘...in the discharge of its duties under subsection (1) a council must where appropriate have regard to its plan strategy and its local policies plan under sections 8 and 9 of the Planning Act (NI) 2011.’*

- 3.8 Subsection (1) states that the Council must initiate, maintain, facilitate and participate in community planning for its district. In other words the Local Development Plan must have regard to the community plan and vice versa.
- 3.9 The Community Planning Team of MUDC carried out public community consultation in October – December 2014 in the preparation of the draft Community Plan<sup>7</sup>. Some high-level findings from the surveys were as follows:

- More employment was the priority for change, however alongside better transport, better access to health care more sports/play/leisure facilities were respondents’ main priorities for change
- A number of core Council services such as parks/open spaces and sport/leisure facilities are seen to perform well.

And in response to what hasn’t worked well respondents listed lack of play provision in some rural areas/communities

#### **4.0 Evaluation and Assessment of Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation**

- 4.1 The purpose of this section is to assess the effectiveness of PPS 8 in more detail and to attempt to address the following questions:

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<sup>7</sup> The Mid-Ulster Community Plan: Community Consultation Feedback A Summary, March 2015

1. Do the policies of PPS 8 accord objectives of the SPPS and the LDP in relation to open space, recreation and leisure?
  2. Whether or not the policies require any amendments to ensure that they accord with the objectives of the SPPS?
  3. Are the current policies fit for purpose in the context of MUDC or is there a need to adapt policies which will reflect the aims and objectives of the SPPS, tailored to the specific circumstances of the plan area?
- 4.2 PPS 8 sets out key planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans. It embodies the Government's commitment to sustainable development, to the promotion of a more active and healthy lifestyle and to the conservation of biodiversity.
- 4.3 Prior to commencing it is worth noting the SPPS brought forward the existing objectives of PPS 8, with only some minor, non-substantive amendments made as the result of a public consultation exercise – but the thrust remains unaltered, see Appendix 3.

### **Open Space, Recreation and Leisure Workshop**

- 4.4 In considering and assessing the policy approach to be taken in Mid Ulster in relation to open space, recreation and leisure a workshop was held with Council members and officers to explore the current planning policy within PPS 8 and discuss where it may need to be tailored to meet local circumstances. Below are a list of key points raised, discussed and suggested in relation to each of the 7 policies contained with PPS 8.
- 4.5 Policy OS1: Protection of Open Space
- Highlighted open space provision is currently measured against NPFA standards and a surplus may still be insufficient, depending on local uptake.
  - Recognised Councils in past adopted different approaches to provision (Cookstown Centre of Excellence / Dungannon cycleways and links around town to open spaces).
  - Emphasised Councils duty to designate additional land to enable expansion of clubs etc. Though highlighted they simply don't know if they'll be able to purchase land in the plans lifetime. With site by site policies suggested setting out clearly to developers what is expected on each site.
  - Highlighted land used to be zoned for open space and developers asked for a "Certificate of Alternative Use". Depending on Certificate and site value (zonings push up) Councils could buy or forget it. Subsequently suggested Councils purchase land as settlements grow before it's within the limits as at that stage there is no alternative value. Also noted compulsory purchase laws do not favour Councils.
  - Discussed DOE position of past as flawed, that open space should be an integral aspect of development questioning the existing exceptions to policy as too lenient. Felt there should be exceptions but policy strengthened, with

the suggestion the exception should be for community benefits outweighing the value of the site and (not or) where there is no loss of open space.

- Felt developers in the past encouraged piecemeal effect resulting in loss of open space, “death by a 1000 cuts.” That councillors supported developers but that now with recent planning reforms including a new planning committee and onus on councillors there is a new way of thinking.
- Highlighted NIHE developments traditionally had a greater degree of private and public space, though felt it often lacked function and acted more as a ‘safety valve’, relieving the pressure for open space.
- That more children’s play is essential and that we could attract residents to Mid Ulster by providing higher quality areas.

#### 4.6 Policy OS2: Public Open Space in New Residential Development

- Suggested ‘unless in town centre’ there should be no exception to providing existing standards of open space in new housing developments. Further suggested there should be no exception in every urban development even infill. And that Mid Ulster should strive for more open space.
- “Communable Charge” suggested, developers pay to a “Pot” MUDC could use to contribute to purchasing open space land and if land can act as Local Park or meaningful space perhaps council should take it on.
- Suggested existing policy has failed and must be changed proposing every scheme should be accompanied by an ‘Open Space Strategy’. And in terms of the management / maintenance of open space provision in housing developments policy needs strengthened.
- Sharing sports fields and play facilities with schools was recognised though also highlighted further work is needed for MUDC and schools to work together. Raised the question is PPS 8 too focused, should new schools etc. be required to provide additional open space, placing greater emphasis on the role of the Education Authorities and NIHE etc.
- Making better use of Planning Agreements to provide alternative open space where there is a loss.
- Notional block plans for developments within new housing zones were suggested though it was also highlighted this had been done in England in the past and that DOE were reluctant as it goes over and above....

#### 4.7 Policy OS3: Outdoor Recreation in the Countryside

- Suggested “will permit” outdoor recreation in the countryside principle fine however considerations laid out are generic and would apply to all developments.
- Some discussion around hubs within rural areas and the dual use of many facilities like Rugby, GAA, and Football facilities which would lend themselves to shared use unlike others such as Golf.

#### 4.8 Policy OS4: Intensive Sports Facilities



- Suggested presumption against rural development be removed that there are enough control mechanisms already in place. Though this then raised the question about possibility of houses being built / approved around these facilities.

#### 4.9 Policy OS5: Noise Generating Sports and Outdoor Recreational Activities

- Noted policy appears case specific to proposals generating high levels of noise and questioned necessity of bespoke policy, given noise disturbance is a material consideration.
- Discussed “locations valued for silence and solitude.”

#### 4.10 Policy OS6: Development of Facilities ancillary to Water Sports

- Highlighted access to water is a problem and that a recent audit showed facilities need upgraded and infrastructure improved.
- That MUDC’s drumlin landscapes and lakes could be more receptive to new business ventures, acknowledging Lough Neagh is more complex.
- Lough Fea recognised as an opportunity for more recreation.

#### 4.11 Policy OS7: The Floodlighting of Sports and Outdoor Recreational Facilities

- Highlighted this is a difficult policy to implement and questioned necessity of a bespoke policy, given loss of amenity is a material consideration.
- Discussed “Dark Skies Areas” e.g. Davagh Forest.
- And that lighting can have negative impacts, but also recognised where communities utilise such facilities by enlarge, they live with them e.g. GAA.

### **Requirements of the Strategic Planning Policy Statement (SPPS)**

- 4.12 The SPPS has two clear requirements. One, that councils should in plan making bring forward an Open Space Strategy, and two, that the LDP should be informed by a survey/assessment of existing open space provision and future needs.

#### Open Space Strategy

- 4.13 The SPPS Regional Strategic Policy states, “In plan making councils should bring forward an Open Space Strategy (OSS) that must reflect the aim, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.”
- 4.14 PPS 8 does not reference any requirement for an OSS. It predates the SPPS by some 11 years and in itself was used as part of a broad brush approach to dealing with open space within all of the existing LDP’s.
- 4.15 In effect the SPPS introduces for the first time the concept of an OSS that in so far as it takes account of the RDS, SPPS, the current community plan and has

regard to other information it considers relevant, can be tailored to Mid Ulster's specific needs.

- 4.16 MUDC has already carried out substantial preparatory work in the preparation of an OSS in Position Paper Seven<sup>8</sup>. This paper provides an overview of matters relating to open space, recreation and leisure and implications for land use in the Mid Ulster District. The evidence it presents provides the basis for considering an OSS. And in taking into account the objectives of the RDS and SPPS to provide adequate provision for green and blue infrastructure in towns, neighbourhoods and new developments it sets out options to address the open space, recreation and leisure needs of the district over the plan period, highlighting a preferred option. That option is a "balanced approach," which would protect existing open space in planning policy and zone land for new open spaces or indoor leisure where the Council is financially committed to acquiring the land. Outlining that the key actions of the LDP at strategy level need to be as follows:
- (i) provide policy for the protection and safeguarding for public open space;
  - (ii) require the provision of open space in housing developments and where appropriate equip it for children play;
  - (iii) facilitate large scale leisure on opportunity sites within or near town centres and smaller scale elsewhere within settlement limits.
  - (iv) protect environmental open spaces for example parks, gardens and linear open spaces such as pedestrian and cycle routes/walkways and river corridors that have open space value.
- (At Local Policies Plan important existing open spaces to be protected will be designated, new sites zoned and protection offered through other means such as Local Landscape Policy Areas.)
- 4.17 The basic aim of MUDC's OSS will be to understand supply and demand for open spaces, to identify deficiencies, to secure new provision, and to improve quality through better management. As open space is multi-functional a strategy should reflect a widely shared vision, as such many stakeholders should be consulted and involved.
- 4.18 The benefit of the strategy is the protection and creation of a network of high-quality open spaces tailored to the local needs of the district that can amongst many other things enhance the physical character of an area, shaping existing and future development; provide connected routes between places for wildlife, recreation, walking and cycling, and safer routes to schools; protect and enhance biodiversity and ecological habitats; provide for children and young people's play and recreation and boost the economic potential of tourism, leisure and cultural activities.
- 4.19 The spatial elements of MUDC's OSS will feed into the LDP and be a material consideration in the determination of planning applications.

### Survey / Assessment

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<sup>8</sup> Position Paper 7, Open Space, Recreation and Leisure, 2 June 2015.

- 4.20 The SPPS Regional Strategic Policy states, “The LDP should be informed by a survey/assessment of existing open space provision and future needs. This should include both public and private open space, and identify the different needs they serve. Councils should generally focus on open spaces within or adjoining urban areas, but may also consider outdoor recreational facilities in the countryside. Councils should liaise with other interested bodies such as the Sports Council as part of this process. Councils should also take account of the provision and role of other forms of open space, such as children’s play areas, and the availability of indoor sports facilities. The distribution and accessibility of such spaces and facilities together with the amenity value, environmental assets and linkages they may provide will be important considerations. Arising from this, councils should bring forward appropriate local policies and proposals for the plan area.”
- 4.21 “In preparing LDPs councils should assess existing provision of open space in the plan area against the National Playing Fields Association (NPFA) recommended minimum standard of 2.4 hectares of ‘outdoor playing space’ per 1000 population (commonly referred to as the ‘6 acre standard’)’. These assessments should consider both the level of ‘outdoor playing space’ provision in the plan area, and the distribution and accessibility of such land use.”
- 4.22 PPS 8 in accordance with the SPPS sets out the same approach to the survey/assessment of open space in the preparation of a LDP. Again referring to Position Paper Seven, MUDC has already carried out a significant body of work in terms of the surveying and assessing existing open space provision and future needs in the district over the plan period, utilising the NPFA’s Standards. A summary of the key findings were as follows:
- Application of the NPFA standards, as required by the SPPS, demonstrates that at this point, when excluding education grass, Mid Ulster would require 4 additional playing pitches however if education grass was included it would in fact have a surplus of 51 pitches. Given the recent Community Use of Schools guidance published by Sport NI and the Department for Education, it is important to recognise the potential value of school sports facilities in addressing any current shortfall and it is considered that no immediate action is necessary at this time.
  - In terms of future need over the plan period when excluding education grass 46 additional pitches would be required, however when including education grass there would be a surplus of 10 pitches over the period up to 2030. The dual use of education facilities is again an important consideration in this finding.
  - Outdoor space in terms of children’s play provision is deficient. The three regional towns do not adequately provide equipped play areas. In terms of overall quantum, Cookstown is best provided for. However in Cookstown, most play areas are located on the west section of the town. This distribution means that many people, particularly children, do not have convenient access to such play areas.
  - Dungannon and in particular Magherafelt town are both deficient in terms of both quantum and distribution children’s play provision.

- The smaller towns of Coalisland and Maghera do have play areas however in terms of convenience, these would not be easily assessed by all section of the community, particularly by foot.
- Many childrens play areas are located within residential developments and provide safe, easily accessible facilities particularly to young children and the elderly.
- The Mid Ulster Area benefits from numerous informal and passive recreation facilities which are well distributed throughout the plan area, in both urban areas and in the countryside. These are not included in the open space calculations but do provide invaluable recreational spaces.
- Mid Ulster District also benefits from indoor recreational and leisure facilities. However the Council owned facilities are located within the regional and small towns only. Villages in the District do not benefit from any such council owned indoor leisure facilities.

4.23 The key findings above provided the basis for considering an OSS for the district, as detailed earlier (paragraph 4.15). It must however be recognised that much of the evidence gathered and perhaps subsequently the OSS will need to be revisited, amended or supplemented during the LDP process. For example we know with reference to playing pitch provision that Sport NI are undertaking work in partnership with the District Councils to develop a Sports Facilities Strategy for NI to identify sports facility needs across the region and District Council Area Reports reflecting the local facility need, as such any need for future pitch provision must be considered further once the outcome of the strategy/reports are completed.

4.24 The SPPS also stated, “Zonings for future needs should take into account the following:

- accessibility to and from existing and proposed housing areas;
- the potential for any detrimental impact on biodiversity or on sensitive environmental areas and features;
- the contribution that open space can make to the quality of the environment, sense of place and community life;
- the importance of protecting linear open spaces such as pedestrian and cycle routes, community greenways, former railway lines and river and canal corridors many of which are valuable in linking larger areas of open space and providing important wildlife corridors/ecological networks;
- promoting and protecting public access to and along the coast;
- making adequate provision of green and blue infrastructure; and
- Identifying and designating areas of open space which perform a strategic function, such as landscape wedges in urban areas.”

4.25 And, “where appropriate, key site requirements for zoned residential land should include guidance on the provision of areas of public open space (including formal and informal recreation areas) as an integral part of the development. Where residential zonings occur in close proximity to existing or zoned open space, plans will normally provide guidance on the need for linkages between the development and these areas in order to facilitate ease of access.

- 4.26 Notably regarding zoning for future needs, unlike the SPPS, PPS 8 does not reference the contribution that open space can make to, “**sense of place,**” recognise the importance of protecting linear open spaces for their value in, “**providing important wildlife corridors/ecological networks,**” nor take into account the following three considerations:
- **the promoting and protecting public access to and along the coast;**
  - **making adequate provision of green and blue infrastructure; and**
  - **Identifying and designating areas of open space which perform a strategic function, such as landscape wedges in urban areas.**
- 4.27 MUDC will take into account the additional considerations raised by the SPPS when zoning for future needs at Local Policies Plan. Insofar as promoting and protecting public access to and along the coast although not applicable to Mid Ulster, there may be an opportunity to tailor this consideration to the district i.e. due consideration to promoting and protecting public access to and along the Lough shores. (Neagh, Beg etc.)

## **5.0 Comparison of SPP and Planning Policy Statement 8 (PPS8)**

### **Presumption Against the Loss of Open Space - PPS 8 Policy OS1**

- 5.1 Policy OS1 Protection of Open Space (PPS 8) accords with the Regional Strategic Policy (SPPS).
- 5.2 The SPPS states, “There will be a policy presumption against the loss of open space<sup>9</sup> to competing land uses in Local Development Plans (LDPs) irrespective of its physical condition and appearance.” PPS 8 reinforces this stating, “The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.”
- 5.3 Notably the SPPS simply refers to open space whereas PPS 8 is more specific and therefore perhaps more restrictive referring to, “existing open space or land zoned for the provision of open space.”
- 5.4 The SPPS continues, “Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.” PPS 8 outlines the same exceptions stating, “An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact....”
- 5.5 In terms of their first exception to policy both the SPPS and PPS 8 make it clear and simple that the loss of open space to redevelopment will be permitted where it is clearly shown / demonstrated that it will bring substantial community

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<sup>9</sup>For the purposes of the SPPS, open space is taken to mean all open space of public value, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity.

benefits that decisively outweigh the loss of the open space. With PPS 8 in its Justification and Amplification (J&A) further stating that, “in such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community”.

- 5.6 In terms of their second exception to policy it's not just as clear cut. Both state that the loss of open space to redevelopment will be permitted where it is demonstrated that its loss will have no significant detrimental impact. The SPPS simply leaves it there, PPS 8 however, goes on to firstly highlight that, “no significant detrimental impact”, is assessed against, “the amenity, character or biodiversity of an area’, before being more prescriptive, stipulating that this exception only applies in conjunction with two specific circumstances whereby:
- (i) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or
  - (ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.
- 5.7 Within its J&A PPS 8 states, where an exchange is acceptable in principle the Department will secure this through use of planning conditions or, where appropriate, a Planning Agreement. Likewise where it's demonstrated that redevelopment of an area in the case of playing fields and sports pitches is required for the retention and enhancement of the facility a Planning Agreement will normally be required to tie redevelopment to the provision of the new facility and ensure that this is capable of being maintained adequately through appropriate management agreements.
- 5.8 Overall PPS 8 accords with the SPPS however as seen above in relation to their second exception to policy whereby the loss of open space to redevelopment will be permitted where it is demonstrated that its loss will have no significant detrimental impact, it gets very prescriptive stipulating that such an exception will only apply in conjunction with two specific circumstances in the case of 1) an area of open space of 2 hectares or less and 2) playing fields and sports pitches within settlement limits. Key points being it sets a caps on areas which can be developed and requests alternative provision to the loss of open space in specific circumstances.
- 5.9 Also significant, regarding their first exception to policy whereby, the loss of open space to redevelopment will be permitted where it's demonstrated it'll bring community benefit outweighing its loss, neither PPS 8 or the SPPS ask for its alternative provision. The SPPS doesn't stipulate alternative provision be made for either its two exceptions to policy however its perhaps more noticeable in relation to PPS 8 as it does asks for it in relation to its second

exception, where open space could be redeveloped so long as it's demonstrated its loss will have no significant detrimental impact.

### **Options for Presumption Against the Loss of Open Space**

- 5.10 **Option 1 - Adopt the existing policy approach.** Whilst PPS 8 takes account of the RDS, SPPS and sustainability objectives and highlights compensation can and should be sought in certain circumstance for the loss of open space, the policy is considered overly prescriptive and therefore restrictive for development. It is felt caps on development could unless based in a clear rational potentially stifle acceptable development. Therefore this policy approach is considered overly restrictive for Mid Ulster, it would not necessarily meet local circumstances and should be tailored and simplified to do so while still according with the SPPS.
- 5.11 **Option 2 - A more flexible policy approach.** This approach in line with the SPPS would be less prescriptive than PPS 8. There would be a policy presumption against the loss of open space to competing land uses in LDPs irrespective of its physical condition and appearance. And any exception to this general approach would only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.

This approach would remove the two specific circumstances PPS 8 stipulates with regard its second exception to policy (where it is demonstrated that the loss of open space will have no significant detrimental impact).

It would remove the cap on how much open space and percentage of playing fields can be developed. Whilst the existing policy caps aim to protect open space and sports pitches they may in effect stifle potentially acceptable development particularly in sites / areas where there is / or potentially is a surplus of such provision. Our Open Space Strategy could guide us to where there is surplus / deficient open space / pitches.

- 5.12 **Option 3 - A Strengthened approach.** Strengthened by combining the existing two exceptions to policy outlined by both PPS 8 and the SPPS. That the only exception to the policy presumption, against the loss of open space to competing land uses in the LDP irrespective of its physical condition and appearance should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space and (not or) where it is demonstrated that the loss of open space will have no significant detrimental impact on open space provision, amenity, character or biodiversity of an area.

Additionally requesting compensation in all development proposals when open space will be lost unlike at present where it's only requested by PPS 8 whereby it's demonstrated that the loss of open space will have no significant detrimental impact. For example at present where redevelopment will bring substantial community benefit that decisively outweighs the loss of open space (1<sup>st</sup> exception to policy), Policy OS 1 does not seek compensation yet where it is demonstrated that the loss of open space will have no significant detrimental impact (2<sup>nd</sup> exception to policy) compensation is requested. Even though its

loss in both circumstances is important, perhaps even more so in relation to the first exception where a proposal could cause a significantly detrimental impact.

### **Preferred Option**

- 5.13 **Option 3: A Strengthened approach** is considered to be the preferred option. While it takes account of the RDS, SPPS and sustainability objectives it also allows for development on its individual merits where it accords with the general planning principles. This is important in Mid Ulster in order to cater for the local circumstances of the district. It is suggested that the wording of a more simplified policy could be as follows:

***Development that results in the loss of open space shall not accord with the LDP irrespective of its physical condition and appearance.***

***An exception can be made where it is demonstrated it will bring substantial community benefits that outweigh the loss of the open space, will have no significant detrimental impact on open space provision, amenity, character or biodiversity of an area.***

***Where appropriate compensatory measures to include provision for more intensive recreational use (3 sports pitches) on site or in other locations capable of serving the area will be given consideration.***

### **Open Space in New Residential Development - PPS 8 Policy OS2**

- 5.14 PPS 8 Policy OS2 Public Open Space in New Residential Development is being addressed in the separate paper 'Housing in Settlements - Quality Residential Environments'. It is felt that there is no need to reiterate its findings here.

### **Recreation and Sports Facilities (Outdoor and Indoor)- PPS 8 Policies OS3 and OS 4.**

- 5.15 Policy OS3 Outdoor Recreation in the Countryside (PPS 8) accords with the Regional Strategic Policy (SPPS).
- 5.16 The SPPS highlights "The Northern Ireland countryside lends itself to accommodating a wide range of recreational activities. LDPs should contain policy for the consideration of development proposals for outdoor recreation in the countryside. In doing so councils should have regard to a range of issues including:
- visual and residential amenity;
  - public safety, including road safety;
  - any impact on nature conservation, landscape character, archaeology or built heritage; and accessibility.
- 5.17 PPS 8 recognises that the countryside lends itself to accommodating a wide range of recreational activities and in line with the SPPS contains Policy OS3 Outdoor Recreation in the Countryside for the consideration of development proposals for outdoor recreation in the countryside. This policy has regard to the range of issues listed above by the SPPS and provides the following quite



detailed criteria all of which must be met to permit development proposals for outdoor recreational use in the countryside:

(ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

(iv) there is no unacceptable impact on the amenities of people living nearby;

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

- 5.18 Within its Justification and Amplification PPS 8 acknowledges the importance of the countryside for recreation, the contribution it can make to the rural economy and the promotion of tourism. Then listing the most popular and growing countryside recreational pursuits it outlines that such activities often bring with them a resulting need for ancillary facilities.
- 5.19 It outlines government policy seeks to encourage farm diversification to strengthen the rural economy and in recent years this has generated an increasing number of proposals for sporting and outdoor recreational activities in the countryside, growing concern regarding the environmental impact of certain countryside pursuits and their related developments. As such PPS8 wishes to ensure that new recreational development in the countryside is sustainable and does not conflict with the need to preserve, and wherever possible, enhance our environment for future generations.
- 5.20 PPS 8 then provides additional guidance on assessing proposals and sets out specific guidance on the assessment of golf courses, golf driving ranges, equestrian uses, noisy sports (also refers policy user to Policy OS 5 Noise Generating Sports and Outdoor Recreational Activities), temporary recreational uses and additional development based on recreational use.

5.21 PPS 8 clearly accords with the SPPS outlining detailed criteria and further guidance within its J&A to aid the assessment of sports developments in the countryside.

5.22 Policy OS4 Intensive Sports Facilities (PPS 8) accords with the Regional Strategic Policy (SPPS).

5.23 The SPPS also highlights, “The precise location of intensive sports facilities<sup>10</sup> can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues.” It then clearly states two things:

1: Such facilities shall be located within settlements in order to maximise the use of existing infrastructure.

2: As an exception a sports stadium may be allowed outside of a settlement, but only where clear criteria is established, which can justify a departure from this approach.

5.24 PPS 8 accords with point 1 above clearly stating, “The Department will only permit the development of intensive sports facilities where these are located within settlements.” It also accords with point 2 stating, “An exception may be permitted in the case of the development of a sports stadium.” And sets out the following criteria all of which must be met to justify a departure from the policy approach:

(i) there is no alternative site within the settlement which can accommodate the development;

(ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;

(iii) there is no adverse impact on the setting of the settlement; and

(iv) the scale of the development is in keeping with the size of the settlement.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

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<sup>10</sup>An ‘intensive sport facility’, for the purpose of the SPPS, is defined as a purpose built indoor or outdoor resource which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community.

- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and
- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.”

5.25 PPS 8 also within its Justification and Amplification like the SPPS recognises intensive sports facility developments can be contentious and offers the policy user additional guidance e.g. highlighting important factors in assessing such proposals; detailed information that should accompany them to enable their full assessment; and in the case of exceptional circumstances whereby development outside the settlement may be accepted outlining that applicants will need to provide specific justification for their site together with details of what alternative were considered and why these could not accommodate the development, emphasising that ease of access will be a key issue in assessing such proposals, particularly the availability of public transport.

5.26. Overall we can clearly see above the policy objectives for PPS 8 and the SPPS are the same, to locate intensive sports facilities within settlements to maximise the use of existing infrastructure and only in exceptional circumstance should there be a departure from this approach, to allow a sports stadium outside the settlements. The SPPS highlights such circumstances may only be permitted where there is clear criteria to justify it. PPS 8 has established criteria for such instances, which must be met alongside additional bullet pointed criteria which is to be used in all cases of intensive sports facility developments.

**Noise Generating Sports and Outdoor activities - PPS 8 Policy OS5**

5.27 Policy OS5 Noise Generating Sports and Outdoor activities (PPS 8) accords with Regional Strategic Policy (SPPS).

5.28 The SPPS states, “Planning authorities should carefully consider development proposals for all sport and outdoor recreational activities.” Having listed noise amongst many relevant planning considerations it highlights, “Particular attention should be paid to those development proposals which generate high levels of noise.” Giving examples of such proposals, it outlines these activities:

- 1) are more likely to conflict with, disturb and cause nuisance to nearby noise sensitive uses (For example schools, hospitals, places of worship, and residential neighbourhoods).
- 2) can also be disruptive to farm animals and wildlife and

3) may also have a detrimental effect on the natural environment, as well as local character.

And that such, “developments must only be permitted where there is no unacceptable level of disturbance.”

5.29 PPS 8 contains Policy OS5, specific to noise generating sports and outdoor activities, it clearly uses the three potentially detrimental issues associated with such developments, as raised above by the SPPS as criteria for their assessment. PPS 8 states the development of sport or outdoor recreational activities that generate high levels of noise will only be permitted where all the following criteria are met:

- (i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;
- (ii) there is no unacceptable level of disturbance to farm livestock and wildlife; and
- (iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

**Development Ancillary to Watersports - PPS 8 Policy OS 6**

5.30 Policy OS6 Development Ancillary to Watersports (PPS 8) accords with Regional Strategic Policy (SPPS).

5.31 The SPPS states, “Planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to watersports. Relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.”

5.32 PPS 8 contains Policy OS6, a specific policy providing the following quite detailed criteria all of which must be met to permit development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways:

- (i) it is compatible with any existing use of the water, including non-recreational uses;
- (ii) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape;
- (iv) it will not result in water pollution or an unacceptable level of noise or disturbance;
- (v) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the

surrounding environment in terms of their siting, layout and landscape treatment;

(vi) the proposed facility takes into account the needs of people with disabilities; and

(vii) there is no conflict with the provisions of any local management plan

**The Floodlighting of Sports and Outdoor Recreational Facilities - PPS 8 Policy OS 7**

5.33 Policy OS7 The Floodlighting of Sports and Outdoor Recreational Facilities (PPS 8) accords with Regional Strategic Policy (SPPS).

5.34 The SPPS states, “Planning authorities should carefully consider development proposals for all sport and outdoor recreational activities,” and that, “relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; **floodlighting**; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.

5.35 PPS 8, Policy OS7 outlines the following criteria all of which must be met to permit the development of floodlighting associated with sports and outdoor recreational facilities:

- (i) there is no unacceptable impact on the amenities of people living nearby;
- (ii) there is no adverse impact on the visual amenity or character of the locality; and
- (iii) public safety is not prejudiced.

**6.0 Options for Open Space, Recreation and Leisure in LDP**

6.1 Having considered the findings of the Preparatory Paper on this subject and also having considered the current policy contained within PPS8 against the working objectives of the LDP as well as the strategic policy within the SPPS it is considered that there are a number of options available to address operational planning policy within the new LDP. It is considered that the way in which the policy is currently set out in PPS8 currently can at times be unnecessarily cumbersome and perhaps confusing in terms of the policy that applies to particular proposals. For this reason moving forward it is considered that the policy can be divided into four aspects: protection against loss of open space; protection of river corridors; outdoor sport and recreation; and indoor sport and intensive outdoor sports facilities. The policy wording and options in relation to the protection against the loss of open space are set out earlier in the paper.

**Protection of River Corridors**

- 6.2 Open space alongside sport and outdoor recreation provides many cultural, social, economic and environmental benefits and contributes positively to physical and mental health and a better quality of life.
- 6.3 It is therefore important that we protect our open spaces which includes not just outdoor sports facilities, parks and gardens, amenity green space and children's play areas, natural and semi-natural urban green spaces, allotments, cemeteries, green corridors and civic spaces. But also inland bodies of water that offer important opportunities for sport and outdoor recreation and which can also act as a visual amenity.
- 6.4 Water is a key feature in many of the Plan area's settlements and the public's use, enjoyment and appreciation of rivers and their banks has increased greatly in recent years, for passive recreational purposes, nature conservation interest and general public amenity. Some settlements, have already enhanced sections of river bank for public access; for others, this is an asset yet to be exploited. There are a range of interests and activities that can occur along and on rivers, often to mutual benefit. Where sites are adjacent to a main river, the Department will normally require, as part of any development proposal, that public access is provided to and along the river corridor. Access for maintenance purposes is also to be safeguarded for Rivers Agency. The water environment also provides a unique and valuable habitat for various forms of wildlife, flora and fauna, either within the watercourse, along the river corridors, or on any land subject to flooding. The provision of a buffer strip establishes a continuous green link, parallel and immediately adjacent to the water, and provides an area of undisturbed refuge and habitat for wildlife. Where public access is provided, sensitively located routes with appropriate planting and landscaping and surfaced paths sympathetic to the surroundings will be required.
- 6.5 Areas of land adjacent to watercourses will often perform a primary function of providing for the storage and conveyance of flood-water during times of flood. It is essential that this function is not lost or compromised. It is considered that the following policy option is appropriate for the ne LDP. This policy applies to the following main rivers: (a). Ballinderry (b). Moyola (c). Blackwater (d). Bann (e). Owenkillew.

**Proposals on sites adjacent to a main river will conflict with the plan unless it has been demonstrated that:**

- a) a biodiversity strip of at least 10 metres from the edge of the river is provided and accompanied with an appropriate landscaping management proposal;**
- b) public access and recreation provision is provided where appropriate;**
- c) there is no significant adverse impact on nature conservation;**
- d) the proposal will not compromise or impact on the natural flooding regime of the main river and complies with the requirements Flood Risk Policy; and**
- e) any development would not prejudice future opportunities to provide a riverside walk.**

### **Outdoor Sport and Recreation**

- 6.6 A key issue in the consideration of outdoor sport and recreation is the provision of such facilities by clubs and societies who generally cannot afford to obtain land for such facilities within settlements due to the costs involved. Much of the outdoor sports facilities in Mid Ulster are provided by the local community and clubs such as GAA, soccer and rugby clubs etc who can't normally afford to buy land within settlements. In towns it is normally the Council who aids or provides such developments. Furthermore there are times when outdoor sports facilities are not always good neighbours when they are noise generating or floodlit. Therefore a key issue for the new LDP is how we facilitate these groups when such facilities often have an urban base but more often have a rural catchment.

### **Outdoor Sport and Recreation Policy Options**

- 6.7 **Option 1:** Adopt the existing planning policy approach of PPS8 which directs that outdoor sports facilities (such as pitches) are to be located within settlements unless it can be demonstrated that there is no alternative within the settlement and the proposal is located close to the edge of the settlement etc.
- 6.8 The existing policy also controls noise generating sports and outdoor recreational facilities and recognises the importance of people living nearby, farm livestock and wildlife and environmentally sensitive features and locations or areas valued for their silence and solitude.
- 6.9 And with regards to development of facilities ancillary to water sports (water based sports) there is a need to ensure that such proposals are (a) compatible with any existing use of the water, including non-recreational uses and that (b) there is no conflict with the provisions of any local management plan.
- 6.10 **Option 2:** To relax the planning policy approach for the determination of outdoor sports provision and recreation so that it could occur anywhere but subject to the tests of the existing PPS8 in relation to noise impacts and the tests relating to water activity and also ensuring that the development is open in character and does not include large scale stadia and that any buildings are ancillary and small in scale.
- 6.11 **Option 3:** To try to zone land within the LDP to meet all future need. This approach is not considered realistic since over the of the LDP needs will change and particularly in rural areas where provision will be led by communities and clubs etc. which may not even have formed yet.

### **Preferred Option:**

- 6.12 **Option 2:** To relax the planning policy approach for the assessment of outdoor sports provision and recreation. This is the preferred option because Mid Ulster's settlement pattern is much more rural based with high numbers living in the country and because it has such a proud tradition of sports clubs all already located in the countryside. The wording of the policy could be along the following lines:

**Proposals for outdoor recreation and sports facilities will accord with the plan where they are located in the settlements.**

**Proposals for outdoor recreation and sports facilities in the countryside will accord with the plan provided:**

- (a) they avoid permanent loss of the best and most versatile agricultural land; and**
- (b) remain open in character without large scale buildings such as stadia's and large scale stands and any buildings are ancillary and small in scale;**
- (c) it is demonstrated by the applicant that it will not result in unacceptable levels of disturbance to people living nearby, to farm livestock and wildlife or to any areas that are valued for their silence and solitude.**

**Proposals for development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways will accord with the plan provided:**

- (a) they are compatible with any existing use of the water, including non-recreational uses; and**
- (b) it is demonstrated that there is no conflict with the provisions of any local management plan.**

### **Indoor Sport and Intensive Outdoor sports facilities**

- 6.13 A key issue in the provision of indoor sport and recreation facilities is ensuring that these facilities are provided in a location to cater for our urban and rural population and that the larger scale indoor facilities are provided in a manner that is sustainable to meet the needs of all of the district. Many indoor facilities tend to be located in our towns in particular and this is something that we would wish to see continue in Mid Ulster. However, there are times when rural based clubs and societies require small scale indoor facilities in the rural area and it is the provision of these that the LDP in particular will need to be able to cater for. Current planning policy within PPS8 would not provide for such facilities unless they were located in settlements. Indeed the only exception contained within current planning policy is the provision of a stadium on the edge of a settlement provided no other sites is available etc. Issues such as noise and general amenity considerations are also important factors in any indoor proposal particularly where the sport being played is noise generating or where it attracts large audiences. Such issues will however be contained with General Policy and are not necessary in this particular policy. There are a number of options open to the LDP in how the provision of indoor sport facilities can be addressed.
- 6.14 **Option 1:** Adopt the existing policy approach that development of indoor type sports facilities should be located within settlements with an exception for stadia where it is demonstrated that there is no land within the settlement and the



proposal is located close to the edge of the settlement. The current policy approach does not allow for indoor facilities out with the settlement limit.

- 6.15 **Option 2:** To relax the policy approach in relation to the provision of indoor sport and recreation so that small scale facilities could be developed outside of villages and small settlements to reflect the predominantly rural population in Mid Ulster and the predominance of clubs and societies that require. This option would however require that indoor continues to be provided predominantly within the settlement limits and there is no provision for an exception of indoor on the edge of towns.
- 6.16 **Option 3:** To tighten the existing policy approach to remove all exceptions and to only allow for indoor facilities and stadia within settlement limits. This approach however would be overly restrictive and in no tailored to the rural nature and needs of Mid Ulster.

**Preferred Option:**

- 6.17 **Option 2:** To liberalise outdoor sports provision and recreation. This is the preferred option because Mid Ulster's settlement pattern is much more rural based with high numbers living in the country (church, community building etc.) and because it has such a proud tradition of sports clubs all already located in the countryside.

**In settlements proposals for indoor sport and recreation or outdoor sports requiring stadia, large scale stands or large ancillary buildings will accord with the Plan. Where there are no available sites available within a town a sports stadium may be acceptable close to the settlement limit.**

**Elsewhere within the countryside small scale indoor sport and recreation facilities will accord with the plan provided:**

- (a) it is outside a village or small settlement where there is no alternative site available within the settlement which could accommodate the development, it is located close to the edge of the settlement and is visually associated with it;**
- (b) it is part of a farm diversification or tourism project; or**
- (c) it involves the re-use of an existing locally important building.**

## **7.0 Conclusion**

The existing policies contained within PPS 8 provides detailed criteria, justification and amplification for the assessment of the use of land for sport and outdoor recreation and new development against the need to protect open space and provide new areas of open space in association with residential development.

The Mid Ulster Area benefits from a variety of informal and passive outdoor recreation facilities which are well distributed throughout the plan area. Other areas of open space with recreational opportunity exist include parks, playing fields and school facilities. Mid Ulster also benefits from a number of indoor recreational and leisure facilities. Open space, sport and outdoor recreation are important components of life. They provide many cultural, social, economic and environmental benefits and contribute positively to physical and mental health and a better quality of life. Everyone, particularly children, the elderly and those with disabilities, should have easy access to open space and the opportunity to participate in sport and outdoor recreational pursuits. For these reasons, great importance is attached to the retention of our existing open spaces, the creation of attractive new spaces and the promotion of more opportunities to participate in sport and outdoor recreation in the future.

Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation is over 12 years old now however it still appears to be working well, with no significant issues having been raised hitherto in relation to its implementation. The current planning policy is meeting the key objectives of both the Sustainability Appraisal and the Single Planning Policy Statement with perhaps some requirements for minor re-wording. The main thrust of the current planning policy meets the key objectives of the Mid Ulster Council. There is however an opportunity to update the current policy which was written in 2004. Existing planning policy may also be simplified and combined to make it more user friendly and to reflect more closely the key objectives and goals of the Council<sup>11</sup>.

## **6.0 Recommendation**

It is recommended that the policy options contained within this Paper together with the preferred options are subjected to the Sustainability Appraisal/Strategic Environmental Assessment, before any final decisions are made on which options will go forward for public consultation in the Preferred Options Paper.

## **Appendix 1: The Regional Development Strategy Regional (RDS) 2035**

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<sup>11</sup> Position Paper One; Population and Growth, September 2014, Mid Ulster

**Policy RG 7 Support urban and rural renaissance.**

The RDS recognises that regeneration is necessary to create more accessible, vibrant city and town centres which offer people more local choice for shopping, social activity and recreation. It aims to ensure that environmental quality in urban areas is improved and maintained, particularly with adequate provision of green infrastructure. Part of the process of urban and rural renaissance requires even greater significance being given to the design and management of the public realm. It is important to promote recreational space within cities, towns and neighbourhoods, and new developments or plans should make provision for adequate green and blue infrastructure. This is important near designated nature-conservation sites as it will help reduce recreational pressures on these sites.

**Policy RG 11 Conserve, protect and where possible, enhance our built and natural heritage.**

The policy recognises that built heritage is a key tourism and recreational asset and that it makes a valuable contribution to the environment, economy and society. Regarding built heritage the key policy aim is to identify, protect and conserve the built heritage and maintain the integrity of built heritage assets including historic landscapes. With regard to the natural heritage the key aim is to sustain and enhance biodiversity, protect and encourage green and blue infrastructure<sup>1</sup> within urban areas, and conserve, protect and enhance areas recognised for their landscape quality. This policy aims to identify, establish, protect and manage ecological networks. It states that such networks could also be of amenity value if linked to the green infrastructure provided by walking and cycling routes to heritage and other recreational interest. This policy also considers the establishment of one or more National Parks which would conserve and enhance the natural, built and cultural heritage of areas of outstanding landscape value while promoting the social and economic development of the communities they support.

**Policy SFG 13 Sustain rural communities living in smaller settlements and the open countryside.**

This includes establishing the role of multi-functional town centres for business, housing, administration, leisure and cultural facilities for both urban and rural communities.

## **Open Space, Sport and Outdoor Recreation**

**6.199** Government recognises that open space, sport and outdoor recreation is important to society now and in the future. It supports many cultural, social, economic, health and environmental benefits. Everyone, particularly children, older people and people with disabilities should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity or simply enjoy and have contact with nature. This is recognised in the Regional Development Strategy 2035 (RDS) which highlights the need to provide adequate provision for green and blue infrastructure in cities, towns and neighbourhoods, and new developments.

**6.200** Open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

### **Regional Strategic Objectives**

**6.201** The regional strategic objectives for open space, sport and outdoor recreation are to:

- safeguard existing open space and sites identified for future such provision;
- ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;
- facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents;
- ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older people and those with disabilities;
- achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

### **Regional Strategic Policy**

**6.202** The following strategic policy must be taken into account in the preparation of Local Development Plans (LDPs) and in the determination of planning applications.

**6.203** In plan making councils should bring forward an Open Space Strategy (OSS) that must reflect the aim, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area.

**6.204** The LDP should be informed by a survey/assessment of existing open space provision and future needs. This should include both public and private open space, and identify the different needs they serve. Councils should generally focus on open spaces within or adjoining urban areas, but may also consider outdoor recreational facilities in the countryside. Councils should liaise with other interested bodies such as the Sports

Council as part of this process. Councils should also take account of the provision and role of other forms of open space, such as children's play areas, and the availability of indoor sports facilities. The distribution and accessibility of such spaces and facilities together with the amenity value, environmental assets and linkages they may provide will be important considerations. Arising from this, councils should bring forward appropriate local policies and proposals for the plan area.

**6.205** There will be a policy presumption against the loss of open space to competing land uses in Local Development Plans (LDPs) irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.

**6.206** Councils must bring forward policy to require new residential development of an appropriate scale (generally 25 or more units, or on sites of one hectare and above) to provide adequate and well-designed open space as an integral part of the development. Councils should also ensure a suitable mechanism is in place to secure the future management and maintenance of open space in new residential developments.

**6.207** The precise location of intensive sports facilities<sup>12</sup> can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Such facilities shall be located within settlements in order to maximise the use of existing infrastructure. As an exception a sports stadium may be allowed outside of a settlement, but only where clear criteria is established, which can justify a departure from this approach.

**6.208** Particular attention should be paid to those development proposals which generate high levels of noise such as motorsports, shooting, water skiing and paintball adventure games. These activities are more likely to conflict with, disturb and cause nuisance to nearby noise sensitive uses (For example schools, hospitals, places of worship, and residential neighbourhoods). Such sports or activities can also be disruptive to farm animals and wildlife and may also have a detrimental effect on the natural environment, as well as local character. These developments must only be permitted where there is no unacceptable level of disturbance.

### **Implementation**

**6.209** In preparing LDPs councils should assess existing provision of open space in the plan area against the National Playing Fields Association (NPFA) recommended minimum standard of 2.4 hectares of 'outdoor playing space' per 1000 population (commonly referred to as the '6 acre standard'). These assessments should consider both the level of 'outdoor playing space' provision in the plan area, and the distribution and accessibility of such land use.

**6.210** Zonings for future needs should take into account the following:

- accessibility to and from existing and proposed housing areas;

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<sup>12</sup> An 'intensive sport facility', for the purpose of the SPPS, is defined as a purpose built indoor or outdoor resource which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community.

- the potential for any detrimental impact on biodiversity or on sensitive environmental areas and features;
- the contribution that open space can make to the quality of the environment, sense of place and community life;
- the importance of protecting linear open spaces such as pedestrian and cycle routes, community greenways, former railway lines and river and canal corridors many of which are valuable in linking larger areas of open space and providing important wildlife corridors/ecological networks;
- promoting and protecting public access to and along the coast;
- making adequate provision of green and blue infrastructure; and
- Identifying and designating areas of open space which perform a strategic function, such as landscape wedges in urban areas.

**6.211** Where appropriate, key site requirements for zoned residential land should include guidance on the provision of areas of public open space (including formal and informal recreation areas) as an integral part of the development. Where residential zonings occur in close proximity to existing or zoned open space, plans will normally provide guidance on the need for linkages between the development and these areas in order to facilitate ease of access.

**6.212** The Northern Ireland countryside lends itself to accommodating a wide range of recreational activities. LDPs should contain policy for the consideration of development proposals for outdoor recreation in the countryside. In doing so councils should have regard to a range of issues including:

- visual and residential amenity;
- public safety, including road safety;
- any impact on nature conservation, landscape character, archaeology or built heritage; and
- accessibility.

**6.213** Planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to watersports. Relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.

### Appendix 3: Comparison of Objectives for Open Space, Sport and Outdoor Recreation set out in PPS 8 and the SPPS

<b>Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation</b>  The main objectives of this Planning Policy Statement are:	<b>Comparison of PPS 8 and SPPS objectives</b>	<b>Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development</b>  The regional strategic objectives for open space, sport and outdoor recreation are to:
<ul style="list-style-type: none"> <li>• to safeguard existing open space and sites identified for future such provision;</li> <li>• to ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;</li> <li>• to facilitate appropriate outdoor recreational activities in the countryside;</li> <li>• to ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, <b>the elderly</b> and those with disabilities;</li> <li>• to achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and</li> <li>• to ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.</li> </ul>	<p><b>Identical</b></p> <p><b>Identical</b></p> <p><b>Thrust of policy remains however SPPS introduces</b></p> <p><b>Identical but for SPPS replacing ‘the elderly’ with ‘older people’</b></p> <p><b>Identical</b></p> <p><b>Identical</b></p>	<ul style="list-style-type: none"> <li>• safeguard existing open space and sites identified for future such provision;</li> <li>• ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;</li> <li>• facilitate appropriate outdoor recreational activities in the countryside <b>that do not negatively impact on the amenity of existing residents;</b></li> <li>• ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, <b>older people</b> and those with disabilities;</li> <li>• achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and</li> <li>• ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.</li> </ul>

## Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

### 3.0 Policy Objectives

3.1 The main objectives of this Planning Policy Statement are:

- to safeguard existing open space and sites identified for future such provision;
- to ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;
- to facilitate appropriate outdoor recreational activities in the countryside;
- to ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, the elderly and those with disabilities;
- to achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- to ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

### 4.0 The Role of Development Plans

#### Introduction

4.1 The preparation of a development plan provides the opportunity to assess existing open space provision within the plan area and to identify, where necessary, suitable locations for future open space development.

4.2 The primary responsibility for the provision of public open space facilities such as playing fields, parks and children's play areas rests with district councils. Accordingly, in assessing open space provision and considering future land needs, the Department will seek to work closely with district councils and take into account any local recreational strategies they may have. Where appropriate, the Department will also liaise with other interested bodies such as the Sports Council.

#### Assessment of Open Space Provision

4.3 The assessment of provision will commence with a survey of existing open spaces, both public and private, identifying the different needs they serve. This survey will generally focus on open spaces within or adjoining urban areas, but may also include outdoor recreation facilities in the countryside.

4.4 Based on the survey information, the Department will then assess provision against the National Playing Fields Association (NPFA) recommended minimum standard of 2.4 hectares of 'outdoor playing space' per 1000 population (commonly referred to as the '6 acre standard'). This assessment will consider not just the absolute level of provision of 'outdoor playing space', but will also look at the distribution and accessibility of such facilities.

4.5 While it is recognised that provision of open space facilities can vary greatly from one area to another, the NPFA standard is intended to reflect a minimum level of provision of 'outdoor playing space' that the Department considers should be aspired to by district



councils and exceeded wherever possible. Further information about the NPFA standard and the term 'outdoor playing space' is contained in Annex B.

**4.6** Recognising that the NPFA standard is directed at 'outdoor playing space', the Department also considers it appropriate, as part of the assessment of open space, to take account of the provision and role of other forms of open space and the availability of indoor sports facilities. Again it is important not only to consider the absolute level of provision, but the distribution and accessibility of the spaces and facilities together with the amenity value, environmental assets and linkages they may provide.

**4.7** The assessment of open space will be carried out for all large settlements and where appropriate assessments may also extend to include the entire plan area.

### **Zoning for Future Open Space Development**

**4.8** Based on the assessment of open space provision, land may be zoned for future open space purposes in the development plan to help meet the needs of local communities. The amount and location of land to be zoned will be determined following consultation with district councils who have primary responsibility for provision within their areas.

**4.9** In considering the location of land to be zoned, the Department will take into account:

- accessibility to and from existing and proposed housing areas, with particular attention being paid to the accessibility needs of young children, the elderly and people with disabilities;
- the potential for any detrimental impact on biodiversity or on sensitive environmental areas and features;
- the contribution that open space can make to the quality of the environment and community life; and
- the importance of protecting linear open spaces such as pedestrian and cycle routes, community greenways, former railway lines and river and canal corridors many of which are valuable in linking larger areas of open space.

### **Open Space and Residential Zonings**

**4.10** Development plans will, where appropriate, contain key site requirements for zoned residential land which should include guidance on the provision of areas of public open space required as an integral part of the development (see also Policy OS 2). Where residential zonings occur in close proximity to existing or zoned open space, plans will normally provide guidance on the need for linkages between the development and these areas in order to facilitate ease of access.

### **Existing Open Space**

**4.11** The Department will identify major areas of existing open space on development plan maps for information purposes. Within settlements these may include parks, playing fields and other sports and outdoor recreation facilities, both public and private. In the countryside this will normally include facilities such as regional, country and forest parks. Where proposals exist for the future development of existing open space as a recreational resource these will generally be highlighted in the plan. It should be noted, however, that existing open space, regardless of whether it is identified on plan maps or not, benefits from the protection afforded by Policy OS1 unless the site is identified for an alternative use in the plan itself.

**4.12** Areas of existing open space within or adjoining settlements may also be designated as landscape wedges, in particular those larger areas which perform a strategic function (see Annex A). In addition, some smaller open spaces may merit designation as a Local Landscape Policy Area. Local policies will be included in the development plan for these designations.

## **5.0 Planning Policies**

In exercise of its responsibility for planning control in Northern Ireland, the Department assesses development proposals against all planning policies and other material considerations that are relevant to it.

The planning policies of this statement must therefore be read together and in conjunction with the relevant contents of development plans and other planning policy publications, including the Regional Development Strategy. The Department will also have regard to the contents of published supplementary planning guidance documents.

The following policies set out the main planning considerations that the Department will take into account in assessing proposals for the use of land for sport and outdoor recreational activities, including the development of ancillary facilities, and for proposals affecting open space or sites allocated for such purposes. The policies also indicate the circumstances where the Department will require the provision of public open space as an integral part of residential development. The provisions of these policies will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision.

### **Policy OS 1 Protection of Open Space**

The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:

(i) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or

(ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.

### **Justification and Amplification**

**5.1** Open space is essential in any community for both amenity and recreation purposes and often contributes positively to the character, attractiveness and vitality of our cities, towns and villages. It provides areas for play - an essential element in the development of all children – and enhances the quality of the residential environment. It can also provide valuable areas for nature conservation and biodiversity, act as a buffer between conflicting land uses, help reduce flood risk, promote pedestrian linkages and provide ‘green lungs’ that can assist in meeting objectives to improve air quality. Ultimately open space and the use of such space contributes to the health and quality of life for all.

**5.2** In recent years there has been growing public concern at the loss of open space to alternative uses. The use of land as open space, however, is no less important than other uses. It is a valuable resource and the Department attaches great importance to its retention, for once built on it is almost certainly lost to the community forever. Accordingly, the Department will operate a general presumption against the loss of open space to competing land uses.

**5.3** The protection of open space is particularly important in urban areas where competing development pressures are greatest. Indeed, its retention and enhancement is now all the more important in support of the drive for urban renaissance. The aim of urban renaissance is to create a more sustainable form of development by encouraging compact urban forms and promoting more housing within existing urban areas without town cramming. This, however, should not lead to a loss of amenity and indeed places greater emphasis on the need to maintain a well distributed, well-connected and accessible supply of open space. For this reason, open space of public value does not fall within the definition of ‘brownfield / previously-developed sites’.

**5.4** The protection and enhancement of sporting and outdoor recreational facilities in urban areas may also reduce the demand for such activities in the countryside. This can sometimes help provide relief for more fragile environments in the rural area.

**5.5** The Department will permit an exception to the presumption against loss of open space where development would produce such community benefit that this would decisively outweigh its loss. In such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community.

**5.6** It is also recognised that development can on occasion provide an opportunity to recreate open space or outdoor recreational facilities in an alternative location to substitute for the loss of an existing open space or facility. This approach will only be considered for areas of 2 hectares or less and a key factor in assessing proposals will be the accessibility of the proposed new space to all the users of the existing space. It should not be assumed, however, that the Department will automatically grant permission when alternative provision is proposed. Existing open space is often of considerable value to the amenity, character and biodiversity of a local area and therefore worthy of protection in its own right.

**5.7** Where an exchange is acceptable in principle the Department will secure this through use of planning conditions or, where appropriate, a Planning Agreement under Article 40 of the Planning (NI) Order 1991. This will tie redevelopment to the provision of the new facility and ensure that this is capable of being maintained adequately through appropriate management agreements.

**5.8** In relation to playing fields and sports pitches in urban areas, there may be exceptional circumstances where it is demonstrated that the retention and enhancement of the facility can only be achieved by the redevelopment of a part of the area. This can, however, be detrimental to the quality and value of such facilities and call into question their overall viability. Consideration will therefore only be given to redevelopment proposals that are

judged to have no adverse effect on the sporting potential or overall amenity value of the open space and which are restricted to an area no greater than 10% of the total site.

**5.9** The above exception will be applied only once to guard against the piecemeal erosion of playing fields and sports pitches by a succession of small developments, possibly over a long period of time. In addition, the grant of planning permission will normally be reliant on the applicant entering into an Article 40 Planning Agreement tying the financial gain arising from redevelopment to the retention and enhancement of the open space facility.

**5.10** All proposals for the alternative use of open space will be assessed with regard to their effect on the amenity, character and biodiversity of the area and the wider locality and taking into account the needs of future generations. Any deterioration in the appearance or condition of open space due to inadequate management or maintenance, however, will not be sufficient justification in itself for the loss of the open space to alternative uses.

### **Policy OS 2 Public Open Space in New Residential Development**

**The Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.**

**An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided. An exception will also be considered in cases where residential development is designed to integrate with and make use of adjoining public open space.**

**Where the provision of public open space is required under this policy, the precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to the following:**

**(i) A normal expectation will be at least 10% of the total site area;**

**(ii) For residential development of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area; and**

**(iii) Provision at a rate less than 10% of the total site area may be acceptable where the residential development:**

- is located within a town or city centre; or**
- is close to and would benefit from ease of access to areas of existing public open space; or**
- provides accommodation for special groups, such as the elderly or people with disabilities; or**
- incorporates the 'Home Zone' concept.**

**For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The Department will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme.**

**Public open space required by this policy will be expected to conform to all the following criteria:**

- it is designed in a comprehensive and linked way as an integral part of the development;
- it is of demonstrable recreational or amenity value;
- it is designed, wherever possible, to be multi-functional;
- it provides easy and safe access for the residents of the dwellings that it is designed to serve;
- its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities; and
- it retains important landscape and heritage features and incorporates and protects these in an appropriate fashion.

**Planning permission will not be granted until the developer has satisfied the Department that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy. Arrangements acceptable to the Department include:**

**(a) a legal agreement transferring ownership of and responsibility for the open space to the local district council; or**

**(b) a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or**

**(c) a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.**

**In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.**

### **Justification and Amplification**

**5.11** Providing public open space as an integral part of a housing scheme contributes to the creation of a sustainable and quality residential environment. It has both recreational and social value, and helps to establish a sense of identity. The 'greening' of an area can also contribute to people's health, well-being and quality of life particularly that of children, and can help promote biodiversity.

**5.12** Through the Quality Initiative<sup>13</sup>, it is the Department's stated objective to secure a high quality of design, layout and landscaping in new housing developments. It is considered essential, therefore, that areas of pleasant, attractive and landscaped public open space, including children's play spaces, are provided as an integral element of new residential development.

**5.13** Public open space can be provided in a variety of forms ranging from village greens, kickabout areas and small parks through to equipped play areas and sport pitches. In

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<sup>13</sup>This encompasses the Ministerial Statement made by Malcolm Moss MP in January 1996 and Planning Policy Statements - PPS 1 General Principles (DOE, 1998) and PPS 7 Quality Residential Environments (DOE, 2001), as well as the guidance contained in the publication - Creating Places (DOE & DRD, 2000) and Development Control Advice Note 8 – Housing in Existing Urban Areas (DOE 2002).

addition, the creation or retention of woodland areas or other natural or semi-natural areas of open space can provide valuable habitats for wildlife and promote biodiversity. Through careful design, multi-functional areas combining activities and uses can often be successfully created. To provide for maximum surveillance areas of open space are best located where they are overlooked by the fronts of nearby dwellings.

**5.14** A particularly important consideration in determining the layout of new housing developments is the provision of safe opportunities for children's play. The main place where young children play is adjacent or near to their homes as generally they are constrained in terms of the distance they are allowed to venture from their house for supervision and safety reasons. It is important, therefore, that children's play areas and facilities are located within a reasonable walking distance of where they live. However, they should not be located so close to dwellings as to cause noise or nuisance problems for residents.

**5.15** In large developments, there may be a need to provide more formal outdoor recreation facilities, such as playing pitches, to meet the needs generated by the development. In such cases, the Department will consult closely with the recreation department of local district councils.

**5.16** In calculating the precise amount of public open space provision needed in an individual development proposal, only space of demonstrable recreational or amenity value i.e. 'useable' open space, will generally be counted. Accordingly, verges and visibility splays, which form part of the adopted highway, will not normally count towards the open space provision.

**5.17** Apartment developments and specialised housing will also require adequate provision of open space to meet the needs of future residents and to help integrate the development and promote a more attractive environment. In cases where private communal gardens are proposed as an integral part of the development, the Department will not require separate provision of public open space.

### ***Management and Maintenance in Perpetuity***

**5.18** The provisions made for the management and maintenance of public open space required under this policy are a key material consideration in the determination of planning applications. The Department will not adopt such open space areas. The onus, therefore, will rest on developers to ensure that such land will be made available and subsequently retained, managed and maintained in perpetuity as public open space.

**5.19** There are three approaches that the Department is satisfied provide reasonable assurance that such open space can be managed and maintained in perpetuity. These are:

(i) A legal agreement transferring ownership and responsibility for the open space to the local district council. Applicants are therefore advised to consult councils about their adoption policies at an early stage in the design process.

(ii) A legal agreement transferring ownership and responsibility for the open space to a charitable trust registered by the Charity Commission, such as The Woodland Trust or the Greenbelt Foundation, or a management company supported by such a trust.

(iii) A legal agreement transferring ownership and responsibility for the open space to a properly constituted residents' association with associated management arrangements. In this case, the ownership of the open space is divided equally among incoming residents who then employ a management company on their behalf to maintain the open space. The developer will be responsible for setting up a resident's association, putting in place the



initial management regime and ensuring this matter is clearly set out in the sale agreement. Any developer intending to follow this approach will also be required to demonstrate to the Department's satisfaction what alternative measures will take effect in the event that the residents' management arrangements were to break down.

**5.20** If an applicant wishes to follow an alternative approach to those outlined above, it will have to be demonstrated how such an approach can meet the Department's policy requirement for the open space to be managed and maintained in perpetuity.

**5.21** To ensure that planning applications are dealt with expediently and therefore avoid delays, the Department will expect full information on which of the above approaches that an applicant intends to follow to be provided as part of their application. This matter will need to be agreed in writing with the Department before full planning permission (or approval of reserved matters) is granted and any necessary legal agreements between the developer and third parties put in place before the development commences. A condition will be attached to planning permission tying the management and maintenance of the open space to the approach agreed with the Department.

**5.22** The Department will also attach appropriate planning conditions to address the following matters:

- the laying out and landscaping of the open space;
- the timing of its implementation; and
- the permanent retention of the open space.

**5.23** It should be noted that there may be occasions where the provision of open space in association with residential development can only be facilitated by the applicant entering into a Planning Agreement under Article 40 of the Planning (NI) Order 1991. Where this is the case, the Planning Agreement will need to be completed before planning permission is granted.

### **Policy OS 3 Outdoor Recreation in the Countryside**

**The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met:**

**(i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;**

**(ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;**

**(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;**

**(iv) there is no unacceptable impact on the amenities of people living nearby;**

**(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;**

**(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;**

**(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and**

**(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.**

### **Justification and Amplification**

**5.24** The Countryside Recreation Strategy for Northern Ireland<sup>14</sup> highlights the importance of the countryside for recreation, and acknowledges the contribution this can make to the rural economy and the promotion of tourism. This strategy advises that the spatially extensive and diverse nature of the Northern Ireland countryside lends itself to the provision of opportunities for a wide range of countryside recreation activities for both the local population and for an increasing number of tourists.

**5.25** Hill walking, rambling, cycling and angling are among the most popular countryside recreational pursuits. There is also a growing number of people now taking part in activities such as horse riding, golf, orienteering, mountain biking, rowing, sailing and canoeing. Such activities often bring with them a resulting need for ancillary facilities.

**5.26** Government policy seeks to encourage farm diversification and thereby strengthen the rural economy. In recent years this has generated an increasing number of proposals for sporting and outdoor recreational activities in the countryside. There is, however, growing concern regarding the environmental impact of certain countryside pursuits and their related developments. The Department is aware of these concerns and wishes to ensure that new recreational development in the countryside is sustainable and does not conflict with the need to preserve, and wherever possible, enhance our environment for future generations.

**5.27** In locations designated for their landscape, nature conservation or heritage importance, special care is needed in assessing proposals. It may be possible to meet the demand for outdoor recreation use so far as this is consistent with the conservation or enhancement of the interest for which the site or area is designated. The Department's policies for the protection of sites of nature conservation importance are set out in PPS 2 'Planning and Nature Conservation', while policies to protect our historic environment are contained in PPS 6 'Planning, Archaeology and the Built Heritage'.

**5.28** In assessing proposals, the Department will take account of the nature of the sporting or outdoor recreational activity and the ability of the land or the landscape to sustain that activity in the long term. The natural qualities inherent in certain areas, notably their silence, solitude or remoteness, also need to be considered. One location may be suitable for some pursuits but not others, while others may be suitable for a cluster of activities.

**5.29** The impact of development associated with certain outdoor recreational uses can be reduced by careful attention to scale, siting, layout, design and landscaping details. Any proposed activity or development should not, however, become a dominant feature in the landscape. In some cases, therefore, the provision of ancillary facilities may need to be severely limited or even prohibited.

### **Golf Courses**

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<sup>14</sup>A Countryside Recreation Strategy for Northern Ireland, A Report by the Countryside Recreation Working Group co-sponsored by the Sports Council for NI and the Environment and Heritage Service, 1998



**5.30** The development of golf courses can facilitate agricultural diversification and encourage tourism, but can also have a detrimental impact on the environment particularly because of the scale of such development. Golf courses and ancillary development associated with them can have a significant visual impact on the countryside. Poor siting, design and management can lead to loss of valuable landscapes or habitats. Golf courses should be located in harmony with the local landscape and designed to conserve the natural environment. Existing tree cover should be integrated into schemes and where additional planting is proposed preference will be given to native species. In addition attention should be given, where possible, to habitat creation and the management and protection of wildlife networks.

**5.31** The Department will carefully consider the impact of proposals for the development of golf courses on the landscape and wider environmental qualities of the countryside. Each proposal should contain full details of the site and its immediate environs, including the effect on any public rights of way together with information on potential adverse impacts or environmental benefits associated with the development. These details should include information on landscaping and land levels, both existing and proposed, access arrangements, car parking and ancillary facilities such as a clubhouse. Where appropriate the Department will use its powers contained in the General Development Order to request applicants to supply such additional information on the proposed development as is considered necessary to allow proper determination.

### ***Golf Driving Ranges***

**5.32** Golf driving ranges are generally more intensive land uses than golf courses with different visitor patterns and potentially higher levels of traffic generation. The buildings or the galleries, especially if they are two-tier, can be particularly intrusive unless sensitively sited and designed. Driving ranges often need high safety fencing and generally seek floodlighting to permit evening use. These features mean that driving ranges will generally only be acceptable where they will not be detrimental to the natural environment, the local landscape setting and the general character of the locality. Policy OS 7 sets out the Department's policy on the floodlighting of recreational facilities.

### ***Equestrian Uses***

**5.33** The keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside. Outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings. Wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals.

### ***Noisy Sports***

**5.34** Some outdoor recreational activities have the potential to generate high levels of noise and it is therefore necessary to pay special regard to the siting and location of such activities. Policy OS 5 sets out the Department's policy on noise generating sports and recreation activities.

### ***Temporary Recreational Uses***

**5.35** Part 4 of the Planning (General Development) Order (NI) 1993 provides rights for the temporary use of land for a specified number of days each year. These rights are often used to facilitate certain sporting and outdoor recreational activities, such as clay pigeon shooting

and certain equestrian activities. On occasion proposals are submitted to develop permanent buildings or structures in support of such temporary uses. Generally these will only be acceptable where the Department considers use of the site on a permanent basis would of itself be acceptable.

### ***Additional Development based on Recreational Use***

**5.36** Certain sports or outdoor recreation activities may on occasion create a demand for additional development, such as holiday chalets or a hotel. While it is acknowledged that such facilities can improve the attractiveness of an area to tourists and in turn bring employment benefits, they must be considered on their own planning merits. The existence of an outdoor recreational use, such as a golf course, will not therefore in itself provide the justification for approving an associated development if this would not be acceptable in its own right.

### **Policy OS 4 Intensive Sports Facilities**

**The Department will only permit the development of intensive sports facilities where these are located within settlements.**

**An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:**

**(i) there is no alternative site within the settlement which can accommodate the development;**

**(ii) the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;**

**(iii) there is no adverse impact on the setting of the settlement; and**

**(iv) the scale of the development is in keeping with the size of the settlement.**

**In all cases the development of intensive sports facilities will be required to meet all the following criteria:**

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;**
- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;**
- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;**
- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and**
- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.**

### **Justification and Amplification**

**5.37** Intensive sports facilities, for the purposes of this PPS, include stadia, leisure centres, sports halls, swimming pools and other indoor and outdoor sports facilities that provide for a wide range of activities. Apart from facilitating sport such facilities often serve as a focus for the community and are therefore best located in settlements where they can be accessed most easily by a significant local catchment population.

**5.38** The precise location of intensive sports facilities can be contentious. They can attract large numbers of people, particularly in the evenings and at weekends. They can also generate increased noise levels, operate long hours, attract a large number of vehicle movements and can require large car parking areas. Specific problems may also arise where floodlighting is proposed (see also Policy OS 7).

**5.39** The Department wishes to ensure that development of intensive sports facilities takes place in appropriate locations, are of good design and apply the principles of sustainability. Factors which are important in assessing development proposals include the need for the facility, the size and make up of the proposed catchment population, accessibility to this population in terms of walking and cycling distances, proximity to public transport, the impact on the local environment and residential amenity, traffic generation and, where appropriate, the proximity to existing facilities of a similar size and nature. Detailed information on these matters should accompany proposals for intensive sports facilities to enable the Department to make a full assessment of the development.

**5.40** It is acknowledged that specific difficulties may arise in seeking to locate a sports stadium within a settlement, particularly larger scale proposals. Exceptionally, the Department may be prepared to accept such development at the edge of a settlement. In such cases applicants will need to provide, as part of the application, specific justification for the choice of site together with details of what alternative sites were considered and the reasons these could not accommodate the development. Ease of access will be a key issue in assessing such proposals, in particular, the availability of public transport.

### **Policy OS 5 Noise Generating Sports and Outdoor Recreational Activities**

**The Department will only permit the development of sport or outdoor recreational activities that generate high levels of noise where all the following criteria are met:**

- (i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;**
- (ii) there is no unacceptable level of disturbance to farm livestock and wildlife; and**
- (iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.**

### **Justification and Amplification**

**5.42** The impact of noise is an important issue in assessing proposals for activities such as motorsports, shooting, water-skiing and paintball adventure games. The noise associated with such activities can cause disturbance to local residents and conflict with nearby noise sensitive uses such as schools, hospitals, nursing homes and places of worship. These sports or activities can also be disruptive to livestock and wildlife and have a detrimental effect on the natural environment.

**5.42** Appropriate sites for regular use by noise generating sports are not easy to identify. Much will depend on the type of activity, the tone, level, frequency and duration of any noise generated, the design of facilities, the nature of the local topography and the amount of existing and proposed screening. While measures can sometimes be taken to reduce noise at source, only those locations where the impact of noise can be effectively contained and minimized by the use of features such as landform or woodland should generally be considered.

**5.43** Suitable sites for noisy sports may include former mineral workings or locations where the ambient noise level is already high and the tone of noise produced by the proposed sporting or recreation activity will not appear dominant. There may be occasions where the Department may only consider it appropriate to grant a planning permission for a limited period to allow the impact of noise levels and any potential disturbance or nuisance to be assessed.

**5.44** The development of noisy sports or outdoor recreation activities will generally be inappropriate in or near environmentally sensitive features or locations, such as sites of nature conservation importance or historic parks, gardens and demesnes. Such activities can significantly, and sometimes irreversibly, harm these valued environments. Particular care will also be necessary in assessing proposals in areas of high landscape quality such as Areas of Outstanding Natural Beauty and there will be a presumption against noisy sports in areas valued for their silence and solitude.

**5.45** Where appropriate the Department will liaise with the Sports Council for Northern Ireland or the governing body of a particular noise generating sport to ascertain if the activity is subject to a code of practice or other means of control such as licensing conditions.

**5.46** It should be noted that a number of noise generating sports, such as clay pigeon shooting and motor racing, which may only function infrequently, operate within the confines of the temporary use rights currently provided by the Planning (General Development) Order (NI) 1993

### **Policy OS 6 Development of Facilities ancillary to Water Sports**

**The Department will permit the development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways where all the following criteria are met:**

**(i) it is compatible with any existing use of the water, including non-recreational uses;**

**(ii) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;**

**(iii) there is no adverse impact on visual amenity or the character of the local landscape;**

**(iv) it will not result in water pollution or an unacceptable level of noise or disturbance;**

**(v) buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;**

**(vi) the proposed facility takes into account the needs of people with disabilities; and**

**(vii) there is no conflict with the provisions of any local management plan.**

**Justification and Amplification**

**5.47** Water based sports in Northern Ireland are an increasingly popular activity and our rivers, reservoirs, lakes and canals are an important recreational resource. Water sports range from tranquil uses such as angling, sailing, canoeing, rowing and sail-boarding, to powered activities such as water-skiing, jet-skiing and other power boat uses. Management plans drawn up for particular water areas seek to address the compatibility of such varying demands.

**5.48** The development of ancillary facilities to support water sport uses, such as slipways, jetties, boat houses, toilet and changing facilities, parking areas and access, generally requires planning permission. In considering such development proposals, the Department will assess the impact on the visual amenity and character of the area. Particular attention will be paid to the potential for development to result in over-intensive use of a site especially in or adjacent to sites of nature conservation importance, or areas designated for their landscape quality. It is the general intention of the Department to conserve the environmental quality and character of inland bodies of water and to protect them and their surroundings from harmful development.

**5.49** The need for and impact of access across land to inland bodies of water will be addressed when considering proposals for water sports. Ancillary space requirements for launching, mooring and car parking can vary from modest dimensions to large compounds. Proposals for facilities must therefore demonstrate that they will not damage the wider environment. Noise, erosion of shorelines or river banks and the potential loss of amenity for other users will be considered. The Department will require good design in terms of layout, buildings and other structures and high quality treatment for boundaries either adjacent to the road or the actual waterway. Proposals should include details of all landscaping and surface treatments.

**5.50** Proposals for recreational development affecting the coastline of Northern Ireland will continue to be determined in line with the policies contained in the Planning Strategy for Rural Northern Ireland.

**Policy OS 7 The Floodlighting of Sports and Outdoor Recreational Facilities**

**The Department will only permit the development of floodlighting associated with sports and outdoor recreational facilities where all the following criteria are met:**

- (i) there is no unacceptable impact on the amenities of people living nearby;**
- (ii) there is no adverse impact on the visual amenity or character of the locality; and**
- (iii) public safety is not prejudiced.**

**Justification and Amplification**

**5.51** There has been an increasing trend in recent years towards the provision of floodlighting at sports and outdoor recreational facilities. This can extend the hours of operation of such facilities, thereby creating greater flexibility and potential for enhanced use by more people, both as participants or spectators. Care must be taken, however, to ensure that such development will not cause unacceptable harm to amenity or prejudice public safety.

**5.52** Where floodlighting is proposed as part of a new sports or recreational development or in association with an existing facility, a number of issues need to be considered. These include the potential for increased use of the facility, light pollution and increased traffic and noise generation. Such issues are particularly relevant where the proposed floodlighting is close to residential properties. The impact of the design and size of the floodlighting structures on visual amenity and their use on the character of the wider area are also important considerations. Particular care needs to be exercised in the countryside and those areas identified for their landscape, townscape or heritage value.

**5.53** In assessing the impact of floodlighting on public safety, the Department will have regard to its effect upon the safe use and operation of any form of traffic or transport on land, on or over water or in the air. For example, glare from excessively bright or poorly aimed floodlighting can cause dazzle with implications for transport users and pedestrians, particularly the elderly. The alignment and brightness of the lights are important considerations, therefore, in determining proposals for floodlighting.

**5.54** In certain cases it may be possible to permit proposals subject to the imposition of conditions limiting the hours during which the floodlights may be operated and/or the frequency of their use, restricting the luminance or brightness of the lights or requiring the installation of appropriate shielding.