

SG LSD5: Public open space

A. We will approve new development, subject to other policies, if:

- 1) the provision of open space reflects the hierarchy and standards set out in Appendices 1 and 2 in the Aberdeenshire Parks and Open Space Strategy; AND**
- 2) the area of public open space meets one of the following criteria:**
 - (i) In the case of major developments (of 50 or more dwellings, or of 2 hectares or more industrial, commercial or retail land), at least 40% of the site must be provided for open space; or the developer must demonstrate that the site is a constituent part of an approved development framework or master plan in which 40% of the overall land is provided for open space.**
 - (ii) In the case of new development of less than 50 dwellings, at least 120m² of open space must be provided per dwelling as open space. Alternatively, where a need has been identified in the Open Space Audit, this may take the form, in whole or in part, of an equivalent contribution to improving the quality of existing open space provision elsewhere in the settlement.**
 - (iii) In the case of new development on land previously allocated in the Aberdeenshire Local Plan for housing, no less than 40m² of open space per dwelling must be provided as open space. Alternatively, where a need has been identified in the Open Space Audit, this may take the form of an equivalent contribution, in whole or in part, to improving the quality of existing open space provision elsewhere in the settlement.**

In each of these cases, the developer must also have demonstrated that arrangements for the establishment and maintenance of the open space have already been agreed. In most cases these will be secured through a section 75 or other legal agreement with the Local Authority.

B. We will refuse development that would result in the loss of an area of open space within a settlement, unless:

- 1) the proposed development is ancillary to the principal use of the site as open space, and the integrity of that use is maintained; OR**
- 2) it is for an essential community facility, where:**
 - (i) its public benefits clearly outweigh the value of the site to the settlement's character or amenity; AND**
 - (ii) evidence from the open space audit, or other audit, shows it will not result in a deficit of open space provision of that type within the settlement; AND**
 - (iii) it has been demonstrated that there are no alternative sites.**

In the exceptional cases where a development proposal otherwise satisfies criteria 1) or 2), but would result in or increase an open space

deficit, replacement open space of an appropriate type, quantity, accessibility and quality must be provided.

Areas of open space of particularly high community value are identified as “protected” on the proposals maps.

Reasoned Justification

The aim of this policy is to ensure that all new housing developments are accompanied by adequate public open space, as required in the Aberdeenshire Parks and Open Space Strategy.

The policy also aims to ensure that valuable areas of open space in settlements, as identified in the Open Space Audit are not lost to development. This includes a presumption against development of any playing fields or sports pitches. Major areas of open space are specifically identified as protected within each settlement statement in this plan. However, for the avoidance of doubt, this supplementary guidance applies to all areas of public open space, whether specifically identified or not.

Public open space includes spaces that serve a variety of functions, for instance, recreation (formal and informal), civic areas, local food production, amenity, wildspace including the creation of habitats and shelter, linkages, core paths, and sustainable drainage systems. Each of these functions constitutes an essential part of the environment for everyone, without which our quality of life would diminish. New development is required to provide for each of them in proportion to the scale of the proposal.

In order to deliver the range of functions, 40% of major development sites will be identified as open space. The requirement is reduced for smaller developments and on effective housing land previously identified in the Aberdeenshire Local Plan (2006), which is reallocated in the Aberdeenshire Local Development Plan. This reflects the fact that this land is likely to have already been purchased with an expectation of a financial return based on the standards set out in the previous Local Plan.

The open space requirement for each development will be made up of a combination of compulsory and discretionary elements depending on the potential and needs of the site, and the most appropriate way of complementing and improving on what already exists. Areas identified as open space must be well located, properly maintained and designed for their purpose.

Phased developments that are part of a major proposal may not meet the 40% open space requirement in each individual phase. In these cases, it must be demonstrated that they will contribute towards the 40% requirement in an overall development plan framework or master plan.

In most cases delivery of open space in accordance with the standards and its long-term management is likely to be secured through a limitation on the planning application, together with the use of conditions. For this purpose Section 75 agreements, the requirement for bonds to be deposited, or arrangements under other statutes will be used.

Appendix 3 lists improvements identified as necessary through an audit of open space within settlements.