

## **EAST AYRSHIRE COUNCIL**

**CABINET – 1 APRIL 2009**

### **OPEN SPACE STRATEGY**

#### **Report by Executive Director of Neighbourhood Services**

#### **1. PURPOSE OF REPORT**

- 1.1 To update Cabinet on work carried out so far in the development of the East Ayrshire Open Space Strategy and Environmental Report, to seek approval to implement the amendments to the Strategy, to adopt the SEA Statement and to adopt the Open Space Strategy and Environmental Report.

#### **2. BACKGROUND**

- 2.1 In 2003, the Scottish Government issued Planning Advice Note 65: Planning and Open Space giving guidance to Scottish Planning Policy 11: Sport, Physical Recreation and Open Space (1996). East Ayrshire Council, in addressing the Scottish Government guidance in PAN 65 Planning and Open Space, commissioned an Open Space Audit and Open Space Strategy. The Strategy provides a strategic vision for provision, development, regeneration and management of Open Space within East Ayrshire Council.
- 2.2 Prior to the Open Space Strategy being prepared, a comprehensive audit of all open spaces within the East Ayrshire settlements based on the PAN65 typologies was carried out. In addition other larger spaces outside the settlement boundaries were audited. These were predominantly Green Corridors and Semi Natural Green Spaces. The methodology for the open space strategy is based on *The Guidelines for Landscape and Visual Impact Assessment, Second Edition* (The Landscape Institute and the Institute of Environmental Management and Assessment 2002) which may be applied to all types of landscape including townscape and urban areas. Further guidance has been obtained from *PAN 65 Planning and Open Space*, Scottish Executive, 2003 and *SPP 11: Sport, Physical Recreation and Open Space*, Scottish Executive, 1996.
- 2.3 The overall aim of the study was to produce an Open Space Strategy which will be used to guide the future planning and management of open space within East Ayrshire in a more co-ordinated, proactive and sustainable fashion. The study area included 33 settlements of varying degrees of size and scale with a wide range of open spaces in terms of size and function.
- 2.4 An open space audit was undertaken and included a comprehensive audit of Public Parks and Gardens, Private Gardens or Grounds, Amenity Green Space, Sports Areas, Natural/Semi Natural Green Space, Green Corridors, Civic Space, Play Space and Cemeteries as listed in PAN65. The audit catalogued each open space through a series of site visits and survey sheets and then mapped on a series of plans and illustrations the level of open space provision at a local and regional level. The audit information includes maps of all the space typologies, quantitative and qualitative assessment and survey of

distance between different spaces. The audit assessment evaluated the open spaces in terms of their value to the local area, their fitness for purpose and their quality and condition.

- 2.5 The strategy includes regional and settlement reviews identifying deficiencies in the provision of open space, potential for increasing the hierarchy or typology and creation of new spaces. There are also strategic and local recommendations for linkage and development of spaces via path/woodland/river corridor network.
- 2.6 The Open Space Strategy also includes a Cemetery Strategy and a Sports Pitch Strategy will follow later this year. If demand for allotments is identified an Allotments Strategy will also be produced.

### **3. CONSULTATION**

- 3.1 The formal consultation of the Open Space Strategy was from the 17<sup>th</sup> October 2008 to the 28<sup>th</sup> November 2008.
- 3.2 22 representations were received during the formal consultation period. 25% of these related to the layout of the document and suggested improvements to aid comprehension of the plan. These have been taken into account in finalised document. The majority of the comments have also been made during the formal consultation exercises for the Leisure and Cultural Strategy and the Core Path Plan and have been considered in the development of all 3 documents. All comments and their responses have been included in a Consultation report.
- 3.3 A total of 3 representations were received by the Council in respect of the Open Space Strategy Environmental Report. The representations were received from the Statutory Consultees, who are:
  - Scottish Environmental Protection Agency (SEPA);
  - Historic Scotland; and
  - Scottish Natural Heritage (SNH).
- 3.4 No responses were received from members of the public on the Environmental Report.
- 3.5 All of the points of representation received are detailed individually in the Strategic Environmental Assessment Post Adoption Statement which includes an appropriate Council response to each representation.
- 3.6 Some minor changes to the Environmental Report are also suggested for consideration by Cabinet in a Schedule of Modifications within the Strategic Environmental Assessment Post Adoption Statement as a means of addressing those representations which justify an appropriate amendment being made.

## **4. PERFORMANCE MEASUREMENT**

4.1 The monitoring and evaluation of the Open Space Strategy will be important to enable proper feedback and ensure the Strategy is a progressive document. The monitoring process will address the following issues in relation to the strategy:

- Open Space Audit;
- Future stakeholder and community engagement;
- Capital and funding programme;
- Open Space quality improvements; and
- User satisfaction.

4.2 The monitoring of the Open Space Audit will address the scope of audit and accessibility of information. Updating of information to ensure the work is up to date which could include new open spaces and inclusion of other baseline data from other organisations e.g. designations and core paths. The information in the audit will be kept up to date every five years using the Greenspace Scotland Quality assessment cross referred to audit sheets within the Strategy. There are currently management systems in place within Leisure Services to monitor quality and quantity of maintained open spaces.

## **5. RISK ASSESSMENT**

5.1 The Open Space Strategy addresses guidance produced by the Scottish Government in PAN 65 and SPP 11. By not adopting the Open Space Strategy, the requirements within these Planning Advise Notes will not be met.

5.2 The East Ayrshire Open Space Strategy aims to guide the future planning and management of open space within East Ayrshire in a more co-ordinated, proactive and sustainable fashion. Without a strategy to protect and manage open spaces, many sites could deteriorate or be lost.

## **6. STRATEGIC ENVIRONMENTAL ASSESSMENT**

6.1 The East Ayrshire Open Space Strategy is likely to have significant environmental impacts and is a land use document that outlines the existing provision of open space and will guide future development in order to protect or enhance this provision. Therefore, a Strategic Environmental Assessment (SEA) under the provisions of the Environmental Assessment (Scotland) Act 2005 was required. As the East Ayrshire Open Space Strategy is a qualifying plan or programme, as defined by Section 5(3) of the above Act, it avoided the requirement to undertake screening as defined in Section 9 of the Act. East Ayrshire Council made the determination that the Open Space Strategy required an SEA on 2<sup>nd</sup> October 2008 and complied with the advertisement requirements in Section 10 of the Act.

6.2 East Ayrshire Council have determined in relation to Section 7(1) of the Act that the Cemetery Strategy which makes up volume 4 of the Open Space Strategy is exempt from an Environmental Assessment as it has no or minimal

effects in relation to the environment and this determination was made on 2<sup>nd</sup> October 2008.

- 6.3 The overall purpose of the SEA of the East Ayrshire Open Space Strategy was to identify, describe and evaluate the likely significant effects, positive or negative, that the plan may have on the environment.
- 6.4 The next legislative requirement in progressing the Strategic Environmental Assessment to its conclusion, as required by Sections 18(1)(c),(2)(b) and 3 of the Environmental Assessment (Scotland) Act 2005, is for the Council to produce a 'statement' (hereinafter referred to as an SEA Statement), detailing how the SEA process has been taken into account in the preparation of the Open Space Strategy.
- 6.5 The contents of the SEA Statement are specified by Section 18(3) of the Act, which are as follows:
- (a) how environmental considerations have been integrated into the plan or programme;
  - (b) how the environmental report has been taken into account;
  - (c) how the opinions expressed in response to the invitations mentioned in Section 16 have been taken into account;
  - (d) how the results of any relevant consultation under Regulation 14 of the Environmental Assessment of Plan and Programmes Regulations 2004 (SI 2004/1633) have been taken into account;
  - (e) the reasons for choosing the plan or programme as adopted, in light of the other reasonable alternatives considered; and
  - (f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.
- 6.6 The results of the SEA, which are detailed in the Environmental Report, are required to be taken into account when finalising the Open Space Strategy. It should be noted that although the environmental assessment must be taken into account when making the decision on the final content of the Masterplan, the Masterplan does not necessarily need to take on board any of the recommendations that have been made in the Environmental Report or during the consultation process. Therefore, it is vital that the Council shows how the Environmental Report and the consultation responses have been taken into consideration, even if they do not lead to any changes in the Open Space Strategy.
- 6.7 The Open Space Strategy SEA Statement outlines the consultation responses and the environmental considerations which have been taken into account during the development of the Open Space Strategy and fully complies with the requirements of Section 18(3) of the Environmental Assessment (Scotland) Act 2005.

## **7. NEXT STEPS**

- 7.1 Sections 18(1)(a), (b) and (c) and 18(2)(a) and (b) of the Environmental Assessment (Scotland) Act 2005 require the following steps to be undertaken

after the Open Space Strategy has been adopted and the SEA Statement approved:

- To make a copy of the Open Space Strategy, Environmental Report and SEA Statement available for inspection by the public, free of charge, at the Council's principal office;
- To place an advertisement in the local newspaper detailing that the Open Space Strategy has been adopted, the date of adoption, the address where the relevant documents may be inspected, the times at which inspection of the documents can be made, and that inspection may be made, free of charge;
- To display a copy of the relevant documents on the Council's website; and
- To inform the Consultation Authorities that the Open Space Strategy has been adopted and to send them a copy of the adopted Open Space Strategy and SEA Statement.

7.2 The final stages of the process, required by Sections 19(1) and (2) of the Environmental Assessment (Scotland) Act 2005 are in relation to monitoring the significant environmental impacts of the implementation of the Open Space Strategy:

- Section 19(1) places a specific duty on the Council to monitor the significant environmental effects that potentially will occur due to implementation of the Open Space Strategy;
- Section 19(2) states that the Council will undertake monitoring measures in such a manner (which may comprise or include arrangements established otherwise than for the express purpose of compliance with Section 19(1)) which enables the Council to:
  - (a) identify any unforeseen adverse effects at an early stage; and
  - (b) undertake appropriate remedial action.

7.3 The SEA Statement contains the monitoring arrangements to be undertaken to enable the Council to comply with the legislative requirements.

## **8. FINANCIAL IMPLICATIONS**

8.1 As a result of the legislative monitoring requirements, there may be a requirement for financial and staffing resources, to ensure that the potential significant negative or negative environmental impacts are monitored effectively. These funding and staffing implications will be met from within existing service resources.

## **9. LEGAL AUTHORITY / IMPLICATIONS**

9.1 Approval of the Open Space Strategy Environmental Report will require:

- the production of an SEA Statement in accordance with the provisions of Sections 18(1)(c), (2)(b) and 3 of the Environmental Assessment (Scotland) Act 2005 (as detailed in paragraphs 4.2 and 4.3 above); and
- the requirements to monitor the significant environmental effects of the implementation of the Open Space Strategy, as required by Sections 19(1) and (2) of the Environmental Assessment (Scotland) Act 2005 (as detailed in paragraph 5.2 above).

## **10. POLICY IMPLICATIONS**

10.1 The project is informed by the East Ayrshire Outdoor Access Strategy and Core Path Plan, the Community Plan and local/national strategies relating to tourism and economic development, biodiversity, health promotion, health inequalities and social inclusion. The Open Space Strategy will integrate with the Local Plan and Leisure and Cultural Strategy, and will contribute to delivery of the Community Plan outcomes, particularly within the Delivering Community Regeneration Action Plan and the following aims:

- regenerate our towns centres and villages and deal with run down areas;
- grow tourism and increase visits and participation in cultural and leisure activities;
- protect, conserve and enhance the natural and built environment;

## **11. PERSONNEL IMPLICATIONS**

11.1 Nil

## **12. CONCLUSION**

12.1 The Open Space Strategy meets the requirements of the PAW65 Planning and Open Space guidance and will help to ensure that open space is protected and enhanced where appropriate.

12.2 Combined with an up-to-date open space audit and a monitoring system, the Open Space Strategy will contribute to the East Ayrshire Council Asset Management System.

12.3 The Corporate Management Team has considered and approved the Open Space Strategy for submission to Cabinet.

## **13. RECOMMENDATIONS**

13.1 It is recommended that Cabinet:

- (i) approve the amendments to the Draft Open Space Strategy and Environmental Report
- (ii) approve the responses to the comments received to the Consultative Draft Environmental Report

- (iii) adopt the Open Space Strategy and Environmental Report;
- (iv) approve the SEA Statement and authorise the Head of Leisure Services to undertake the necessary advertisement requirements as specified in the Environmental Assessment (Scotland) Act 2005; and
- (v) otherwise note the contents of the report

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WS/JAG  
25<sup>th</sup> March 2009

### **LIST OF PAPERS ON MEMBERS' PORTAL**

1. East Ayrshire Open Space Strategy including Cemeteries Strategy

### **LIST OF BACKGROUND PAPERS**

1. East Ayrshire Audit Report
2. Environmental Report
3. The Open Space SEA Statement

Any person wishing to inspect the background papers listed above should telephone (01563) 554748 and ask for Anneke Freel, Countryside Development Manager

### **GLOSSARY**

PAN	Planning Advise Note
SEA	Strategic Environmental Assessment
SEPA	Scottish Environmental Protection Agency
SNH	Scottish Natural Heritage
SPP	Scottish Planning Policy

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