

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 13TH SEPTEMBER 2006

SCOTTISH PLANNING POLICY (SPP) 11

PHYSICAL ACTIVITY AND OPEN SPACE CONSULTATION DRAFT

Joint Report by Executive Director of Development & Property Services and Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise the Committee and obtain the Committee's views on a Scottish Executive publication entitled 'Scottish Planning Policy, SPP11: Physical Activity and Open Space: Consultation Draft'.

2. BACKGROUND INFORMATION

- 2.1 As part of its ongoing programme to update current national planning policy guidance, the Scottish Executive has produced consultation draft Scottish Planning Policy SPP11 on the subject of Physical Activity and Open Space. The SPP reflects the Scottish Minister's commitment to protecting open space resources and ensuring that the future needs of communities are planned for, and also sets out national policy on planning for open space and facilities for sports and recreation. In addition, the SPP introduces national minimum open space for open space in new developments. Once finalised, the SPP will replace NPPG 11: Sport, Physical Recreation and Open Space. Representations on the SPP are requested by 3 November 2006.

3. THE CONSULTATION DRAFT

- 3.1 The SPP sets out how the planning system should help create and safeguard a range of attractive open spaces and places where people can take part in sport and other forms of physical activity, both within urban and rural areas. The key objectives of the SPP are:
- to ensure local authorities take a strategic approach to sport and open space provision;
 - to protect and enhance networks of open space;
 - to support opportunities for active and passive recreation;
 - to set standards for the quantity and quality of open space in new developments and to provide for its long term maintenance; and
 - to provide guidance on planning for development of new sports and recreation facilities.

- 3.2 The SPP aims to ensure that local authorities take a strategic, long term approach to managing open space within their areas, objectively assessing both current and future needs. It also aims to provide protection to those open spaces that can help meet those needs and to ensure that areas of important open space and sports facilities are not lost permanently to other forms of development. With regard to new development in and around towns and cities, the SPP advocates that open space should be included as an integral part of the design process.
- 3.3 The SPP addresses various aspects of open space provision and specifically focuses on the issues of raising standards and improving the quality, quantity and accessibility of open space, particularly within urban areas. In this regard, the SPP advocates that local authorities should prepare an audit of the open space resource within their areas, using identified agreed typologies, and to use this base information in the preparation of an open space strategy, to be reviewed on a regular basis. The issue of protecting open space is also specifically addressed in the SPP, the document presuming against development of particular types of open space in certain stated circumstances.
- 3.4 Planning for open space in new development is also given special attention in the SPP, the document focussing on the issues of open space design, the requirement for minimum standards to be met and the management and maintenance of the open spaces provided. The SPP also addresses the issues of planning for new sport and recreation facilities and planning for outdoor access and recreation, and concludes with a summary of the key responsibilities of local authorities, communities and developers in relation to open space provision in general terms.
- 3.5 A series of consultation questions are posed in the document and these are addressed in the Annex attached to this report.

4. GENERAL COUNCIL OBSERVATIONS AND COMMENT ON THE SPP

- 4.1 The production of SPP11 has a number of direct implications for East Ayrshire Council, the most notable of which is the requirement for Local Authorities to carry out an audit of open space provision and to produce an open space strategy within their particular authority areas. To date, East Ayrshire Council has not prepared such an audit or strategy. It is considered, however, that the preparation of an audit and an accompanying strategy would be of considerable benefit to the Council as both Planning and Leisure Authority and, in particular, in the preparation of the finalised version of the Alteration to the East Ayrshire Local Plan. The SPP provides general guidance on the purpose, content and range of both the open space strategy and the open space audit on which it is based.
- 4.2 Much of the information contained in the SPP document is already enshrined in the adopted East Ayrshire Local Plan and the consultative draft version of the East Ayrshire Local Plan Alteration.

Some provisions of the SPP are, however, not currently addressed in these documents and will require to be incorporated in the plans at an appropriate time, once the SPP has been finalised and agreed by the Scottish Ministers. In addition to the requirement to prepare an open space audit, a series of new procedures and provisions that local authorities are required to meet are contained in the SPP, these comprising the following:

Protection of Open Space

- development plans will require to identify open spaces which are to be protected and enhanced;
- where an open space audit has identified a clear, long term surplus of a particular type of open space in an area, the development plan should identify other appropriate open space uses for such areas;
- development of functional open space identified in a development plan for non open space purposes will only be permitted in certain exceptional circumstances and any application that the Council may wish to grant will require to be notified to Scottish Ministers;
- local authorities should specifically protect open space in their ownership and any application that the Council may wish to grant, relating to open space in which the Council has a financial or ownership interest, will require to be notified to Scottish Ministers;
- playing fields and sports pitches should not be redeveloped except in certain stated circumstances;
- **sportscotland** will require to be consulted on applications relating to development on playing fields and development likely to prejudice or lead to the loss of land either currently or last used as tennis courts, bowling greens, multi-courts, athletic tracks and other community sports facilities;
- school playing fields should be designated as open space in the development plan; and
- sports facilities within new schools should be designed to allow flexible access and to allow use by the wider community outwith school hours.

Planning for Open Space within New Developments

- local authorities and developers should aim to create new open spaces that are fit for purpose, sustainable in the long term, well designed, well built and capable of adaptation along with changes in the needs and requirements of users;
- local authorities must adopt the new national minimum standards and thresholds for open space provision detailed in the SPP and should also establish their own local quality and accessibility standards, to ensure that open space is well designed and suitable for the needs of the community that will use it;
- the development plan must indicate the type or types of open space provision that are to be provided in conjunction with new development;
- the development plan should set out a sequential approach to open space delivery, informed by the open space strategy; and

- planning authorities should work with developers and use planning conditions / planning agreements to ensure that proper arrangements are in place for the long term management of open space.

Planning for New Facilities for Sport and Recreation

- where a need has been identified for new indoor or outdoor facilities, the development plan should identify sites where they can be appropriately located; and
- where appropriate, planning authorities should consult with **sportscotland**, Scottish Natural Heritage and any specialist organisation for a particular sport or activity.

Outdoor Access and Recreation

- local authorities should promote green networks in urban areas and consider the scope for green corridors to be established as an integral part of new, large scale development proposals; and
- the development plan should cross refer to core path plans, incorporate relevant material and set out policy protection for core paths, along with other important paths such as long distance routes and rights of way.

- 4.3 The Council is fully supportive of the general approach taken by the Scottish Executive in the consultative draft SPP and welcomes, in particular, the requirements for local authorities to carry out a comprehensive quantitative and qualitative audit of open space in their areas and to prepare an open space strategy. Support is also given to the proposal to introduce minimum thresholds and standards for open space provision and to the application of these open space standards to retail, business and industry, and leisure developments as well as residential developments.

5. FINANCIAL IMPLICATIONS

- 5.1 The requirement for the Council to carry out an open space audit as an integral part of preparing an open space strategy may have some financial implications for the Council, particularly if the audit is to be carried out by external consultants commissioned by the Council. Otherwise, it is considered that there are no financial implications for the Council as a direct result of the consultation draft of the SPP.

6. LEGAL IMPLICATIONS

- 6.1 There are no legal implications for the Council as a direct result of the consultation draft of the SPP.

7. POLICY IMPLICATIONS

- 7.1 There are no direct policy implications for the Council as a direct result of the consultation draft of the SPP. However, once finally approved by the Scottish Ministers, some amendments to the open space policies proposed in the emerging Alteration to the East Ayrshire Local Plan may be required to reflect the provisions of the document.

8. COMMUNITY PLAN IMPLICATIONS

- 8.1 There are no community plan implications for the Council as a direct result of the consultation draft of the SPP.

9. RECOMMENDATIONS

- 9.1 It is recommended that the Committee agrees:
- (i) to note the contents of this report;
 - (ii) to authorise the Executive Director of Development and Property Services to submit a copy of this report to the Scottish Executive as representing the views of the Committee on the draft SPP; and
 - (iii) to authorise the Executive Director of Development and Property Services and the Executive Director of Neighbourhood Services to jointly prepare an open space audit and open space strategy for East Ayrshire.

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Executive Director of Development
and Property Services

William Stafford
Executive Director of
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WS/JL/JAG/TR

22nd August 2006

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy SPP11: Physical Activity and Open Space: Consultation Draft

For further information on the contents of this report contact Karl Doroszenko, Policy and Projects Manager or John Lilley, Principal Planning Officer on 01563 576751 or 01563 576754 respectively.

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ANNEX 1

CONSULTATION QUESTIONS POSED IN THE SPP AND SUGGESTED COUNCIL COMMENTS ON THE ISSUES RAISED

The SPP contains a series of consultation questions which are reproduced below, together with a suggested Council Response on the questions posed.

Consultation Question (i)

We propose that the audit and strategy should be updated at least every 5 years to inform the review of the development plan. Comments are invited on this proposed timescale for updating the audit and the strategy. Do you consider that there is a need for annual monitoring of changes in local provision of green / open space?

The Council would agree that the audit and strategy should be fully reviewed and updated at regular intervals and a 5 yearly review, tied in with the proposed 5 yearly review of development plans, would appear to be a logical and acceptable suggestion. The Council would also advocate continuous regular monitoring of changes in open space provision, specifically as part of any regular monitoring of the development process, generally carried out by planning authorities on an annual basis.

Consultation Question (ii)

Do you agree that the SPP should include a model development plan policy for protection of open space, such as:

'Development on areas of open space shown on the proposals map, including playing fields and green networks, will not be permitted unless the area has been identified as being surplus to the community's current and future requirements through the Council's open space strategy. Where, exceptionally, development affecting an area of designated open space is permitted, the effects of openness will be minimised and the area will be improved and managed for its recreational, educational and natural heritage values in the long term. The planning authority may use conditions or agreements to achieve the objectives of this policy'

The Council has no objections in principle to the introduction of a model development plan policy for the protection of open space. However, the Council has some concerns about the wording of the policy as proposed above, namely:

- (i) the policy would only be appropriate for adoption by those authorities which have an open space audit and strategy in existence. It would not therefore be possible for East Ayrshire to adopt the policy in the form as proposed.**
- (ii) the phrase 'the effects of openness will be minimised' is not understood. The statement is exceptionally fuzzy and unclear and needs rewording and clarification.**

- (iii) It is difficult to imagine how a former area of open space which has been developed for other alternative non open space purposes can be 'improved and managed for its recreational, educational and natural heritage values in the long term'.

Consultation Question (iii)

*For development proposals likely to affect other types of open space not included in the remit of **sportscotland**, is there a need for further consultation arrangements, for example with Scottish Natural Heritage or Greenspace Scotland?*

In general terms, the remit of sportscotland relates only to active recreational and sporting facilities, including playing fields and other, purpose built, community leisure and recreational facilities. Box 3 in PAN 65: Planning and Open Space lists a wide range of other types of open space, many of which may have a more passive or amenity function. Some sites, such as green corridors and natural / semi-natural green spaces may be significant nature conservation interest and others, such as civic space, could be of built heritage importance. Some sites may also be of archaeological significance etc. The Council would therefore recommend that the SPP should specifically encourage full consultation with all appropriate consultees, depending on the particular nature of the open space and the particular use proposed for the area. The SPP could also encourage full consultation between the planning authority and all other relevant Council departments with a responsibility for leisure, recreational or sporting activities and facilities, regarding any development proposal with related open space issues.

Consultation Question (iv)

*Should controls extend to demolition of facilities, to avoid the potential for removal of sports facilities without consultation with **sportscotland**?*

It is considered unlikely that any application to demolish sports facilities would be submitted in the absence of any related planning application to redevelop the site concerned for alternative purposes. Consequently the Council considers that the extension of controls to cover such demolition, simply to ensure that sportscotland is consulted on the demolition proposal, is possibly not warranted or justified. Sportscotland would, in any case, undoubtedly be consulted on any proposed redevelopment proposal which would potentially involve the loss of recreational or sporting facilities.

Consultation Question (v)

These standards are derived from the research into Minimum Standards for Open Space. Do you consider the proposed standards and thresholds to be appropriate? Are there other types of development that you consider should be included in the standards?

The Council is fully supportive of extending the requirement to provide new areas of open space to developments other than residential developments, which is normally the case. On the assumption that Table 1 of the SPP has been compiled following substantial research, the Council would consider the standards and thresholds to be acceptable.

Consultation Question (vi)

These standards are intended as minimum standards with local authorities adopting their own more stringent standards where appropriate. Should there be a different set of minimum standards for the quantity of open space required in developments in rural areas? Do you have views on appropriate thresholds and quantities?

While accepting that the standards are considered minimum standards, the Council welcomes the opportunity to establish higher standards, should this be considered justified in the open space audit. On the basis that the vast majority of all retail, business and industry, residential and leisure developments will be directed to urban rather than rural areas, the Council would not consider that a separate set of thresholds and minimum standards would be required for rural area developments.