

# **WEST DUNBARTONSHIRE COUNCIL**

## **Report by Director of Housing, Regeneration and Environmental Services**

**Planning Committee: 4 October 2006**

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### **Subject: Scottish Planning Policy SPP 11 – Physical Activity and Open Space Consultation Draft**

#### **1. Purpose**

- 1.1** To inform the Committee of the publication of the Scottish Planning Policy SPP 11 – Physical Activity and Open Space Consultation Draft and to recommend the Council's formal response to the Scottish Executive.

#### **2. Background**

- 2.1** The Draft SPP 11 will, when finalised, replace National Planning Policy Guideline NPPG 11 Sport, Physical Recreation and Open Space which was introduced in June 1996. Whilst the title has been changed, the Draft SPP 11 essentially covers the same policy areas as the previous document.
- 2.2** SPP 11 aims to ensure that local authorities take a strategic, long term approach to managing open space, objectively assessing both current and future needs, and protecting spaces which help meet those needs. SPP 11 defines open space as any vegetated land, structure, water or geological feature in an urban area, including trees, woodland and paths and civic space such as squares. This includes what is known as 'greenspace' with the addition of civic spaces such as public squares.

#### **3. Main Issues**

- 3.1** Local authorities must prepare an open space audit and strategy and these should be reviewed on a regular basis – every 5 years has been suggested in the SPP. Authorities are expected to inform the Scottish Executive when an open space audit has been completed and strategy finalised. Authorities are expected to make use of the Planning Advice Note PAN 65 'Planning and Open Space' typology as a starting point for auditing open space but may wish to consider further classification for some categories. The audit should cover all open space, recreational and sporting facilities, civic space, public and privately owned space, including those owned by schools and voluntary clubs. Informal open space should be assessed as well as formal established areas. The audit should establish the value and use of existing open space. Members of the community, including voluntary groups and sports clubs should have full opportunity to provide input during the audit and help influence the future management of spaces through the strategy.

- 3.2** This strategy should set out the vision for new and improved open space and be seen as a statement of political support to safeguard open space and guide the allocation of resources. The strategy is expected to include consideration of path networks outwith open space areas. The SPP indicates that it is important that local authorities work corporately to ensure an agreed approach to open space and playing field provision. The open space strategy should not duplicate other strategies, such as sport pitch strategy, access strategies etc., but be prepared in a flexible way drawing together other relevant strategies within the community planning framework.
- 3.3** There is a presumption against development on existing valued and functional open space or space capable of being brought into functional use. Only where there is strong justification, and where replacement open space forms part of the proposal, should open space which is functional, or capable of being brought back into functional use, be developed either partly or fully. Such justification must include evidence from the open space audit that the development would not result in a deficit of open space in the locality and that community concerns have been addressed. Where planning consent is proposed to be granted for development on land designated for open space in the local plan, whether it be public or private open space, the application must be notified to Scottish Ministers.
- 3.4** There is a presumption against local authorities disposing of areas of open space except where they have been identified in the open space strategy and development plan as surplus to current and future community requirements. With regard to Council owned open space, where a planning authority proposes to permit development on open space in which it has an interest, and there is a substantial body of objection, the application must be notified to Scottish Ministers. The SPP also specifies the circumstances when playing fields may be redeveloped and requires that playing field strategies be a key material consideration. Sportscotland must be informed of any application affecting sports pitches and if Sportscotland object the application must be notified to Scottish Ministers. Sports pitches include land last used as a playing field which has not subsequently been built on. Sportscotland must be consulted on any development likely to lead to the loss of land either currently or last used as tennis courts, bowling greens, multi-courts, athletics tracks or other community sports facilities.
- 3.5** The SPP refers to local authority development and schools redevelopment which is expected to respect existing public open space and school playing fields. School playing fields are required to be designated as open space in development plans. Where a school is being closed, consent for development on the playing field should only be allowed where the open space strategy provides evidence that the site is no longer required either for educational or community use, including passive recreational use.
- 3.6** National Standards for open space, set higher than current WDC standards but including 'open space' as defined above, are suggested by the SPP to be adopted by all local authorities unless higher standards are set by authorities with justification from an open space strategy. These include standards for

retail, business, industrial, distribution and leisure uses above 5ha or 10,000sqm as well as residential. Authorities are expected to establish their own local quality and accessibility standards. Development plans are to set out the standards for new development and the provision of open space is expected to be the preferred approach however off-site provision may be appropriate. Financial contributions towards improvement or management of existing open space may be appropriate where an open space strategy indicates a surplus in the quantity of space in a local area. Development plans are expected to set out a sequential approach to open space provision informed by an open space strategy. Development plans are expected to identify sites for indoor or outdoor sports and recreation facilities if a need has been identified. Also the development plan should accurately designate areas of existing open space taking account of the open space audit and strategy.

- 3.7** Recognising that the principle of what is proposed by the Scottish Executive is relevant to West Dunbartonshire, arrangements are being made to complete an audit of open space. Thereafter it is proposed to prepare an open space strategy.

#### **4. Personnel Issues**

- 4.1** There are no personnel issues.

#### **5. Financial Implications**

- 5.1** There are no financial implications at present.

#### **6. Conclusion**

- 6.1** The Consultative Draft SPP 11 sets out the Scottish Executive's position with regard to open space and physical activity. If finalised in its current form it places an obligation on the Council to prepare an open space audit and strategy, and sets out the requirements should Councils seek to develop or dispose of areas of open space, or where areas of either public or private open space, are proposed for development.
- 6.2** The SPP clearly sets out the protection afforded to areas of open space and confirms the presumption against the development of such areas. It also sets out the requirements for Local Plans on a range of open space issues, including the establishment of standards.

## **7. Recommendation**

### **7.1 The Committee is invited to:**

- **note the contents of this report on the Scottish Planning Policy SPP17 – Physical Activity and Open Space Consultative Draft; and**
- **agree that the report and Annex form the Council's response to the Scottish Executive.**

**David McMillan**

**Director of Housing, Regeneration and Environmental Services**

**Date: 8 September 2006**

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**Wards Affected:** All

**Appendix:** Appendix 1

**Background Papers:** Scottish Planning Policy SPP 11 Physical Activity and Open Space Consultative Draft; Scottish Executive Development Department; August 2006

**Person to Contact :** Steve Marshall  
Section Head Forward Planning & Regeneration  
Tel : 01389 737164  
E-mail : [steve.marshall@west-dunbarton.gov.uk](mailto:steve.marshall@west-dunbarton.gov.uk)

## **Appendix 1**

### **Scottish Planning Policy 11 – Physical Recreation and Open Space Consultative Draft**

#### **Formal Response of West Dunbartonshire Council**

In general terms SPP 11, when approved, should provide a useful framework for the planning of open space facilities. It should provide guidance to developers on what is expected of them in terms of open space provision so that discussions on open space may start at the pre-application stage rather than during the application negotiations. Also the document clearly links the relationship between open space strategies and sport and physical activity and sports pitch strategies.

Para 23      The SPP indicates that an Open Space audit be carried out for all the open spaces included in the PAN 65 typology. There is however no minimum size of open space given for such an audit although 0.2ha appears to be the usual minimum size used by local authorities undertaking recent audits following SNH advice. It is recognised that functional uses of existing open space may include sites below 0.2ha therefore criteria for choosing open spaces below would be required. It would therefore be appropriate to indicate the minimum size of site for the open space audit and a set of criteria for surveying sites below that size.

Question (i)   To update the audit and strategy every 5 years could fit in with the preparation of local plans and allow the open space land use strategy to be co-ordinated with other land uses and new developments. The timescale of 5 years is realistic in terms of open space planning and allows sufficient time to implement relevant action plans and achieve targets between strategies. Such an update would however have severe resource implications particularly if the open space was monitored on an annual basis. There is no current mechanism for registering changes to open space facilities as these are carried out by various agencies including the private sector. Research into best practice for the monitoring of open space would be useful. The Scottish Executive should recognise these resource implications and provide additional funding if audit and strategy renewal are to be required every 5 years.

Question (ii)   The model policy given is very onerous and is unlikely to be adopted by authorities unless an extremely comprehensive open space audit and strategy has been completed. The policy assumes that all open space designated will be sacrosanct in the long term. There are situations where the policy would not be helpful. There may be cases of urban renewal when contaminated brownfield land is found to be more suitable for open space whilst existing open space could be developed allowing urban restructuring. The proposed policy is thus inflexible and may not serve the regeneration of urban brownfield land where development in West Dunbartonshire is being strategically directed. It may be more useful to have a range of model policies that may be suitable for differing circumstances.

Para 34      The definition of playing fields as including land last used as a playing field which has not subsequently been built on will be particularly difficult to define. Is a detailed search of historic mapping expected to delineate all playing fields ever

constructed? How far should this research go and could there be legal or planning challenges if such a comprehensive search was not carried out? The definition of a former playing field needs to be defined more accurately.

Question (iv) A clear definition of what is meant by sports facilities would be required in order to distinguish public facilities from commercial leisure uses. Commercial uses may be speculative and if not successful the beneficial use of the building for alternative uses needs to be considered. It would not be appropriate to limit the re-use of buildings due to a speculative development having a sports or recreational use.

Whilst there could be value in Sportscotland being consulted on the proposed demolition of sports facilities concern has been expressed regarding potential additional burdens being placed on local authorities. What would occur if a local authority needed to withdraw from use or demolish a heavily vandalised facility for public safety reasons and does not have the resources for a replacement? The response of Sportscotland to such situations should be closely monitored.

Question (v) The proposed National Standards, whilst being higher than the 2.4ha/1000 population '6 acre Standard' of the National Playing Fields Association, are not meaningful without reference to the quality and use of the open space for residential uses. There is no allowance for high density urban residential development in which high quality design could compensate for less space devoted to informal play space. For commercial uses the design of the spaces between and of the units and the use and accessibility by sustainable modes of transport through the spaces is more important than the total amount of open space. There is potential that the standards would result in the amenity open space requirements increasing the openness and poor design quality of retail parks and other commercial estates. It would be appropriate to link the National Standards to design quality.

There is no guidance on the accessibility of open space, particularly children's play space. There has been various suggested accessibility distances given by studies and it would be useful for the Scottish Executive to provide guidance or recommend suitable accessibility distances to be used in association with the Proposed National Standards.