

THE HIGHLAND COUNCIL
PLANNING, ENVIRONMENT AND DEVELOPMENT
COMMITTEE

19th November 2008

Agenda Item	
Report No	

Draft Supplementary Guidance: Open Space Provision in New Residential Development

A report by Director of Planning and Development

SUMMARY

This report describes the key elements of a draft Supplementary Guidance (SG) on Open Space in New Residential Development, the Executive Summary of which is attached as Appendix 1. The policy encourages developers to create high quality, fit for purpose open spaces as a central and early part of their development proposals. The draft document aims to make the process evidence based and transparent, and is based on improved quality in respect of provision, location and management of open space. The document also sets out the options available for the maintenance of open space in new developments. Members are asked to approve the content of this draft SG for public consultation in early 2009.

1. Introduction

- 1.1 In April 2008, Kit Campbell Associates were appointed by the Highland Council to produce Supplementary Guidance on Open Space Provision in New Residential Developments. The purpose of the SG is to set out in detail the approach which Highland Council expect developers and house builders to follow in providing, maintaining and managing open space provision in new residential development.
- 1.2 The focus is on securing the right amount and type of open space in places which provide most benefit to the population they serve. Criteria for achieving higher quality and more accessible sites are set out, as well as identifying the circumstances where enhancing existing sites is more appropriate. Arrangements for management and maintenance will also be clarified through the consultation process, including an assessment of where existing arrangements might be looked at retrospectively.
- 1.3 The SG has two main objectives;
 - To enhance the quality and maintenance of existing open spaces to maximise benefits for health, well being and biodiversity
 - To provide new open spaces that are maintained to a high quality and that are fit for purpose

- 1.4 This SG replaces the Council's Guidelines for the Provision of Open Space and Play Areas within Residential Developments in the Inverness Area (2004). The document is influenced by Scottish Planning Policy 11: Open Space and Physical Activity and Planning Advice Note 65: Planning and Open Space, which provided up to date thinking on the matter.
- 1.5 The SG forms one part of a suite of documents which the Planning and Development Service is producing to provide additional guidance and to support policies in the emerging Highland Wide Local Development Plan. The others are detailed in the Development Plan Scheme (2008).
- 1.6 One of the key aims of the supplementary guidance is also to dovetail with the emerging play strategy and the physical activity strategy and also help the GreenInverness partnership move its strategic vision forward. In addition the document works towards completion of two of the Council's Programme 2009-2011 aims;
 - What we will do for our environment - We will develop a policy for supporting allotments where there is demand and;
 - What we will do for children and families - We will give a high priority to Highland's children being healthy and active and implement the Highland Play Strategy.

2. Content of the Draft Supplementary Guidance

- 2.1 The executive summary for the supplementary guidance can be found as an appendix to this report and the full document can be found in the members' library.
- 2.2 The Draft SG can be broken down into three sections, however it is necessary to read the document as a whole rather than in part. The three sections are;
 - Guidance for Developers - This section provides applicants for planning permission for residential development all of the information they need on the Council's requirements in relation to greenspace, sport and recreation provision. The emphasis is on the need for open space to be the fundamental part of the design process
 - Provision Standards - This section sets out the provision standards in terms of quality, quantity and accessibility of open space, sport and recreation provision on-site.
 - Technical Appendix - This sets out the policy justification for the Council's requirements and other relevant background information.
- 2.3 The guidance contained within the SG will apply to all planning applications for a residential development for four or more houses or flats to reflect the approach being taken forward with respect to affordable housing.

3. Provision of Open Space

- 3.1 In order to meet the aim of creating high quality, fit for purpose green spaces and sports facilities that support and enhance biodiversity and the quality of life of residents and visitors, the Council may require developers to contribute to or provide any or all of the following types of provision:
- Amenity greenspaces
 - Provision for children and young people
 - Natural greenspace
 - Parks and gardens
 - Outdoor sports facilities
 - Other functional greenspaces, such as allotments.

4. Quality of Open Space

- 4.1 The provision standards have been formulated in line with advice from Planning Advice Note 65 - Planning and Open Space (PAN65). They set quality, quantity and accessibility standards. The quantity and accessibility standards are summarised in the Executive Summary attached as Appendix 1. The quality standards are explained in terms of general requirements, planting and biodiversity and facilities and features. An example of the quantity, quality and accessibility standards we will be seeking from developers in terms of Provision for Children and Teenagers can be found in Appendix 2.
- 4.2 These provision standards for quantity, quality and accessibility will be applied to any residential development which requires new open space to be incorporated on site.

5. Calculating the provision of Open Space

- 5.1 To ensure the provision standards and developer contributions are applied consistently and transparently, the Council will use an Open Space Requirements Calculator which will be available to be used by developers in partnership with staff within the Council.
- 5.2 The calculator will initially work out the net change in population, based upon average occupancy in each of the Council's administrative areas, for the proposed new development.
- 5.3 Following this, the calculator will then apply the provision standards set out in the document to assess how much of different forms of provision are required to meet the needs of this additional population. By doing this it enables the calculator to compare the quantity of different forms of provision needed with the Council's minimum acceptable sizes for new on site provision. If the open space is to be provided on site, then this provision will be to the quality standards set out in the document.

- 5.4 If the change in population does not create the demand for open spaces of a minimum acceptable size on site, the calculator will work out the financial contribution which will be sought towards the cost of new or enhanced off site provision required by the proposed development. The contribution figures have been arrived at in discussion with colleagues in Transport, Environment and Community Services.
- 5.5 The results from the calculator will act as the basis for any negotiation on developer contributions for open space provision.

6. Management and Maintenance of Open Space

- 6.1 Members will be aware that the Council does not currently tend to adopt open space for management and maintenance. Some communities have experienced difficulties where private arrangements have been made to deal with the management and maintenance of open space.
- 6.2 For purposes of the public consultation the draft SG is accompanied by a background note 'The Management of On-site Greenspaces'. This discusses the options which could be used to manage and maintain on-site open space in new residential developments. This background note has been integrated into section 1.4 of the draft supplementary guidance.
- 6.3 During the public consultation respondents will be asked to comment on which of the three options they feel would be most appropriate for the Council to adopt. Following legal advice and further discussion, the most suitable option or combination of options will then be incorporated into the final version of the SG.

7. Highland Greenspace Audit

- 7.1 The quantitative information used in the production of this SG has been based upon the GreenInverness Audit and its subsequent update by Ironside Farrar. This document has been used as it was the most recent information on the current level of open space in Highland.
- 7.2 To ensure that the supplementary guidance can be supported by accurate data, and to avoid legal challenge, it is essential that as soon as practically possible the Council should carry out a Highland Wide Greenspace Audit. We will be able to use the information gathered by the audit to assess current and future open space needs, provide a stronger evidence base for the standards of provision and establish clear policies and priorities for action.
- 7.3 It is the intention that a greenspace audit for all of the main settlements, as laid out in Appendix 1 - Settlement Hierarchy of the

Highland Structure Plan 2001, will be carried out in 2009. This will be dependent on staff resources and progress of the Highland Wide Local Development Plan.

- 7.4 A greenspace audit methodology will be formulated in line with Planning Advice Note 65 and national best practice. Initially a desktop audit will be carried out to identify quantities of open space in the main settlements using the minimum standards set out in this SG as a guide for which sites to include.

8. Strategic Environmental Assessment

- 8.1 Following the determination that an SEA would be required, a scoping report has been produced and submitted to the Scottish Government. Responses to this have been received by the Planning and Development service and a draft Environmental Report has been produced.
- 8.2 The draft Environmental Report will be made available for public comment alongside the draft supplementary guidance. A copy of the Environmental Report will be placed in the Members' library at the start of the public consultation.

9. Equalities Impact Assessment

- 9.1 A screening of policies to assess relevance to equality has been carried out and it was found that a full Equalities Impact Assessment (EqIA) is not required. The EqIA screening report has been passed onto the Highland Council Equalities Group, who will publish the report.

10. Community Engagement

- 10.1 The Council aims to exceed the national standards for community engagement with regard to this consultation. Details of how this will be achieved have been placed in the Members library.

11. Gaelic

- 11.1 The use of Gaelic at this draft stage was not implemented. However in the production of the final document, work will be carried out to meet the Council's standards for use of Gaelic in printed media.

12. Financial Implications

- 12.1 There are no financial implications of this report that can not be met using the current service budget.

13. Conclusion

13.1 The development of a consistent and transparent process for acquiring developer contributions for the creation of high quality, fit for purpose open spaces in new residential developments is necessary to avoid poor quality open space having a detrimental impact on the quality of the environment in Highland and the lifestyle of residents. This draft guidance sets out the process for this and, with the additional information on how the new open spaces should be designed, maintained and managed, the document will prove to be an invaluable tool for use by development management officers. The document will tie in with the forthcoming Supplementary Guidance on Layout of Residential Streets.

14. RECOMMENDATION

14.1 The Committee is asked to agree that:

- (i) this draft supplementary guidance be issued for public comment in early 2009, alongside the draft Environmental Report and;
- (ii) following the consultation period, the outcomes be brought back to this Committee, with a view to adopting the draft guidance as Supplementary Guidance pending approval of the Highland Wide Local Plan.

Signature:

Designation: Director of Planning and Development

Date: 11 November 2008

Authors: Malcolm Macleod, Development Plans Manager/Simon
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Appendix 1: Draft Supplementary Guidance: Open Space in New Residential Development - Executive Summary

Appendix 2: Example of Provision Standards in terms of Quantity, Quality and Accessibility

Appendix 1: Draft Supplementary Planning Guidance: Open Space in New Residential Development - Executive Summary

- This SG will apply to all applications for planning permission validated by the Council which, if approved and built out, will result in a net increase of four or more houses or flats.
- Given the importance of appropriate greenspace, sport and recreation provision, the Council's long term aim is for the Highland Council area to have sustainable networks of high quality, fit for purpose greenspaces and sports facilities that support and enhance biodiversity and the quality of life of residents and visitors.
- In pursuit of this aim, the Council may require developers to provide or contribute to any or all of the following forms of provision:
 - Amenity greenspaces
 - Equipped play areas for children
 - Equipped teenage facilities
 - Natural greenspace
 - Parks and gardens
 - Pitches and other outdoor sports facilities
 - Other functional greenspaces, such as allotment gardens
- Following public consultation the Council will adopt and apply the provision standards outlined in the Table 1 to all new residential developments in its area which result in a net gain of 4 or more new dwellings. They are based on a total of 40 sq m of greenspace provision per person in the main settlements, as required in current Highland Local Plans, and 25 sq m per person in all other areas.

Table 1 - Outline of provision standards

Provision Standard	Quantity Standard m² per person	Distance Threshold (minutes walking/straight-line distance)	Minimum size (m²)	Vehicle Parking
Amenity Greenspace	8m ² per person	5 minutes walk/300m straight line distance	500m ²	Not Required
Provision for Children and Young People	2m ² per person (only applies to equipped play facilities)	LEPA - 10 minutes walk/600m straight line distance SEPA - 20 minutes walk (1200m straight line distance)	LEPA 1500m ² SEPA 2500m ²	Car - Not Required
				Cycle - Minimum of 5 spaces (LEPA and SEPA only)
Green Corridors	Not Applicable	Not Applicable	Not less than 500m long	Not Required
Natural Greenspaces	9m ² per person	10 minutes walk/600m straight line distance	1000m ²	Not required for sites less than 500m ² . Adequate parking should be available for projected usage on or adjacent to sites above this size.
Public Parks and Gardens	8m ² per person	15minutes walk/900m straight line distance	5000m ²	Car - Not required for sites less than 10000m ² . Adequate parking should be available for projected usage on or adjacent to sites above this size.
				Cycle - 5 spaces per 100m ²
Outdoor Sports Facilities	12m ² per person	15minutes walk/900m straight line distance	Dependant on sport.	Car - dependant on sport. See full report
				Cycle - 5 spaces per pitch
Other Functional Greenspaces - Allotments	1m ² per person	15 minutes walk/900m straight line distance	1500m ²	Cycle - 1 space per 2 allotments
				Car - 1 space per 10 allotments. Min 2 spaces

- The greenspace needs generated by new residential developments will depend largely on the number and types of dwellings proposed. Table 2 outlines which type of residential accommodation will be required to contribute to different types of open space.

Table 2 - Types of residential development to which the greenspace and sport and recreation provision standards will apply.

Type of development	Parks and gardens	Amenity green space	Natural green space	Allotment gardens	Equipped play and teenage areas	Outdoor sports facilities
Open market dwellings	Y	Y	Y	Y	Y	Y
Affordable housing	Y	Y	Y	Y	Y	Y
Sheltered housing	Y	Y	Y	Y	N	N
Hostels and special needs housing	Y	Y	Y	Y	Y	Y
One for one replacement dwellings	N	N	N	N	N	N
Extensions to dwellings	N	N	N	N	N	N

Y = Provision is normally required

N = Provision is not normally required

- The Council strongly advises developers to discuss their proposals with its planning service before submitting a planning application. In the course of these discussions its officers will advise on its requirements. The Council will aim to advise of its likely requirements in terms of;
 - Linking the development to its existing or planned context
 - Conservation of the natural heritage and the promotion of biodiversity
 - New or enhanced on-site spaces or facilities
 - New or enhanced off-site spaces or facilities
 - Compensatory or replacement provision for the loss of on-site spaces or facilities, if required
- The Council's preference is that any additional greenspace or sport and recreation facilities required to serve the residents of a proposed development should normally be **on-site** and therefore an integral part of it. However, if the area of provision required to serve a specific development is less than the minimum sizes set out in the provision standards outlined in Table 1, it will require developers to contribute to new or enhanced **off-site** provision.
- The Council will normally secure any greenspace or sport and recreation provision it may require **on-site** by means of a planning condition in line with Circular 4/1998: The Use of Conditions in Planning Permissions
- This draft SG refers to a number of options for the adoption, management and maintenance of on-site greenspaces or sport and recreation facilities provided by developers. Views are sought from the community and from developers on these different options for inclusion in the final document:
 - Use of a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1977;
 - Maintenance by a factoring agent; or
 - Maintenance Requirements included in the Title deeds of a property.

- At present the Council normally seeks to secure any new or enhanced off-site greenspace or sport and recreation provision, or developer contributions to this provision, by means of a planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1977.
- This draft discusses the possibility of encouraging developers seeking permission for small developments to submit unilateral undertakings alongside their planning applications, using a standard pro forma, in order to minimise the time needed to negotiate and prepare planning agreements. Its officers will advise on the content of such undertakings during pre-application discussions. This will minimise the cost to the Council and developers as well as the time needed to determine planning applications.
- In future the Council may require applicants for planning permission to meet its reasonable legal and other costs in negotiating and preparing any planning agreement or unilateral undertaking that may be needed.
- The draft SG seeks to apportion the land and development costs of on-site provision as fairly as possible where a development will be built out in two or more phases, or by two or more developers.
- This draft SG sets out the provision that the Council may require developers to make or fund. However, developers may put forward proposals for any on-site greenspaces or sport and recreation facilities they wish as part of a planning application. If these proposals are acceptable to the Council, it will impose a condition on any grant of planning permission requiring that they conform in all respects to the provision standards set out in Section 2 of this SG.

Appendix 2 - Example of Provision Standards in terms of Quantity, Quality and Accessibility

The following is an extract from the draft version of the supplementary guidance to show the level of detail in the sections which outline the quality, quantity and accessibility standards.

Definition

- Spaces and facilities designed for active and imaginative play by children and young people consisting of
- Amenity greenspaces in housing areas offering reasonably safe and accessible informal play opportunities for children and young people (see Section 2.3)
- A hierarchy of equipped play facilities (see below)

Equipped Play Hierarchy

The hierarchy of equipped play spaces should be:

- Local equipped play areas (see below).
- Strategic play areas (see below); however, these will be provided only in the Regional and Sub-regional settlements defined in Appendix 1 to the Highland Structure Plan (Inverness, Invergordon/Dingwall, Thurso/Wick, Portree and Fort William), with one strategic facility in each Integrated Learning Community area. They will be large and include a wide range of equipment items.
- Informal facilities designed for young people approximately 13-18 years old in which they can “hang out” and practise various sports or movement skills such as basketball, inline skating, skateboarding and other wheeled sports. Most teenage facilities include a mix of skateboard ramps, outdoor basketball hoops, shelters and other more informal areas. Ideally, they should be located close to a multi-court (see Section 2.8).

Note: the Council will require that developers design all amenity greenspaces in housing areas to provide opportunities for stimulating and imaginative play. In such circumstances the design of the play area will be a matter for detailed discussion between the Council and developer(s). However, it will require developers to provide on-site local or strategic equipped play areas only in connection with very large developments. For most developments it will require a contribution that the Council will subsequently use to help deliver a carefully planned network of provision as set out in its play strategy.

Quantity Standard

- 2 sq m per person (note: this quantity standard covers only equipped play facilities and not amenity greenspaces used for play, for which the 8 sq m per person standard in Section 2.3 applies)

Distance Thresholds

- Amenity greenspaces in housing areas: 5 minutes walk (300 m straight-line distance)
- Local equipped play areas: 10 minutes walk (600 metres straight line distance)
- Strategic equipped play areas: 20 minutes walk (1200 metres straight line distance)

Minimum Size

- Amenity greenspaces in housing areas: see Section 2.3
- Local equipped play areas: 1,500 sq m, typically with at least a dozen items of equipment. Bellfield Park in Inverness is an example of a local play area.
- Strategic equipped play areas: 2,500 sq m, typically with at least a dozen types of equipment. Whin Park in Inverness is an example of a strategic play area.

General Characteristics

- All spaces and facilities must comply with the general requirements set out in section 2.2
- New housing development should follow “home zone” principles in that they should be designed as predominantly pedestrian environments into which vehicles can be admitted.
- The whole of the outdoor environment should be visually stimulating for both children and adults and offer opportunities for children to play in imaginative ways, both close to home and in any wooded or other greenspaces close to it which can be accessed without crossing a major road.
- Amenity greenspaces in which children are likely to play should be unique and designed to offer a varied, interesting and physically challenging environment, accessible to everyone, which offers opportunities for running, jumping, climbing, balancing, building or creating, social interaction and sitting quietly.
- The design of amenity greenspaces that will be used for play should derive from and reinforce the character and levels of the site and incorporate any natural features there may be on it such as rock outcrops or water courses. This will also help to encourage and facilitate use by children of all ages.
- Amenity greenspaces that will be used by children for informal outdoor play should be designed generally to encourage them to explore their home environment and so incorporate hiding and “secret” places and links to nearby parts of the green network, especially woodland and other natural areas.
- Play provision should stimulate the senses of sight, sound, touch and smell and offer opportunities for children to manipulate materials. Accordingly play spaces should incorporate variations in level and a range of materials of different kinds, textures and colours, such as timber, sand, rocks, dead trees and other natural materials and incorporate trees, shrubs and grass. Examples of other materials or forms that can be used include old car tyres

(eg for swings or tunnels); logs (eg for climbing and balancing); ropes (for ladders, swings and bridges); tunnels and mounds or hollows (for various forms of play); tarmac areas (for ball games or other games such as hopscotch); grass surfaces (for ball games and sitting); low walls (for skateboard manoeuvres, sitting on, balancing or jumping off); sand (for digging, building and sifting); shrubbery (for dens, places to hide or look for small animals and insects); rocks (for hiding and climbing); trees with low branches (for climbing or swinging); and bollards (for leapfrogging).

- Passive surveillance from the windows of nearby buildings is essential
- Equipped play areas must be either located in such a position that their use will not create disturbance for the occupants of nearby dwellings or separated from the nearest dwelling boundary by an appropriate buffer distance. The size of this buffer will depend on the size and location of the play area, but will normally be not less than 25 m.
- It must not be necessary for any child to cross a distributor road in order to gain access to a local play area
- All surfaces within play areas, and the access to them from nearby path systems, must be free draining so they do not become waterlogged or boggy after heavy rain

Planting and Biodiversity

- Good mix of “child-friendly” (ie not sharp, spiky or poisonous) plant and tree species in the vicinity
- Generous use of planting to enhance amenity, create a sense of enclosure and different “rooms” within large greenspaces and support bio-diversity

Facilities and Features

- See Section 2.3 for amenity greenspaces
- The design of local and strategic equipped play areas will depend on the context within which they are set, but in addition to a wide range of high quality play equipment that complies with the appropriate European and British Standards they should normally incorporate measures to ensure the proper control of dogs by their owners; an appropriate level of seating for parents or carers (including picnic tables); free draining surfaces, including appropriate safety surfacing, where required; litter bins of a type approved by the Council; appropriate signage; and Street lighting to provide an illumination 1 m above ground level of not less than 15 lux with a uniformity of not less than 60%,; and adequate access for maintenance.

Vehicle Access and Parking

- Not required, although there must be an adequate means of access for maintenance machines.