



SCOTTISH EXECUTIVE

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Your ref:
Our ref: PGC 7/12

10 August 2006

Dear Consultee

CONSULTATION ON SCOTTISH PLANNING POLICY 11: *PHYSICAL ACTIVITY AND OPEN SPACE*

I enclose a consultation draft Scottish Planning Policy (SPP) 11: *Physical Activity and Open Space*, and invite your comments on this document.

Responding to this consultation paper

We are inviting written responses to the consultation on SPP 11: *Physical Activity and Open Space* by 3 November 2006. **Please send your response to:**

SPP11consultation@scotland.gsi.gov.uk

or

Graham Robinson
Scottish Executive Development Department
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We would be grateful if you could clearly indicate in your response the sections, paragraphs or questions to which you are responding. Any further comments may also be included. This will aid our analysis of the responses received.

I also enclose a note about the Executive's consultation processes which includes a *Respondee Information Form*. This form allows you to indicate how you wish your consultation response to be handled. Please return your completed form along with your response to the consultation. All responses will be acknowledged.



Access to consultation responses

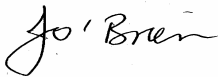
We will make all responses available to the public in the Scottish Executive Library 21 days after the closing date of the consultation unless confidentiality is requested. *In addition, we will later publish an analysis of responses on the Scottish Executive website.* While numerical totals may include confidential responses, the name or content of the response will not be published. All responses not marked confidential will be checked for any potentially defamatory material before being logged in the library or placed on the website.

SEConsult

A new email alert system for SE consultations was launched in March 2004. This system will allow stakeholder individuals and organisations to register and receive a weekly email containing details of all new Scottish Executive consultations (including web links). SEconsult will complement, but in no way replace the Scottish Executive's distribution lists, and is designed to allow stakeholders to 'keep an eye' on all Scottish Executive consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We encourage you to register as soon as possible on <http://www.scotland.gov.uk/consultations/seconsult.aspx>.

Further copies of this consultation can be obtained by telephoning 0131 244 7064. It can also be found on the Scottish Executive website at: <http://www.scotland.gov.uk/consultations>. Freephone 0800 771234 to find out where your nearest public Internet access point is, if you prefer to submit your response by e-mail. A shortened list of those who we are consulting/informing can be found at the back of the consultation paper. A full list is available on request. If you are aware of any other organisations who should be consulted please contact **Graham Robinson** on **0131 244 7063**.

Yours faithfully



JOHN O'BRIEN
Senior Policy Manager



RESPONDEE INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name:

Postal Address:

Title of Consultation: Consultation Draft SPP 11: *Physical Activity and Open Space*

1. Are you responding as:

- an individual (go to 2a/b)
on behalf of a group or organisation (go to 2c)

2a. **INDIVIDUALS:**

Do you agree to your response being made available to the public (in SE library and/or on SE website)?

- Yes (go to 2b below)
No, not at all

2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**Please tick one** of the following boxes)

- Yes, make my response, name and address all available
Yes, make my response available, but not my name or address
Yes, make my response and name available, but not my address

2c. **ON BEHALF OF GROUPS OR ORGANISATIONS:**

Your name and address as respondees **will be** made available to the public (in the SE library and/or on SE website). Are you content for your response to be made available also?

- Yes
No

3. We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future for consultation or research purposes?

- Yes
No

Signed:

Organisation:

Date:





The Scottish Executive Consultation Process

Consultation is an essential and important aspect of Scottish Executive working methods. Given the wide-ranging areas of work of the Scottish Executive, there are many varied types of consultation. However, in general Scottish Executive consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body. Consultation exercises may involve seeking views in a number of different ways, such as public meetings, focus groups or questionnaire exercises.

Typically, Scottish Executive consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the area of consultation, and they are also placed on the Scottish Executive web site¹ enabling a wider audience to access the paper and submit their responses. Copies of all the responses received to consultation exercises (except those where the individual or organisation requested confidentiality) are placed in the Scottish Executive library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4552).

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

If you have any comments about how this consultation exercise has been conducted, please send them to:

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¹ www.scotland.gov.uk





SCOTTISH EXECUTIVE
Development Department

Scottish Planning Policy
SPP 11

Physical Activity and
Open Space
Consultation Draft

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PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example, the West Edinburgh Planning Framework, have the same status in decision-making as SPPs.

The National Planning Framework sets out the strategy for Scotland's long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programmes of the Scottish Executive, public agencies and local government.

Important note: in the interests of brevity and conciseness, Scottish Planning Policies do not repeat policy across thematic boundaries. Each SPP takes account of the general policy in SPP1 and highlights the other SPPs where links to other related policy will be found. The whole series of SPPs should be taken as an integral policy suite and read together.

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STOP

SUMMARY

Open space and other opportunities for passive and active recreation and sport are a vital part of Scotland's urban and rural communities. Scottish Ministers are committed to protecting existing open space resources and ensuring that the future needs of communities are planned for. This SPP sets out national policy on planning for open space and facilities for sports and recreation.

The key objectives of the SPP are:

- To ensure 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 provide for its long-term maintenance;
- To provide guidance on planning for development of new sports and recreation facilities.

As an integral part of achieving these objectives, this SPP requires local authorities to undertake an open space audit and prepare a strategy for their area which will inform the development plan.

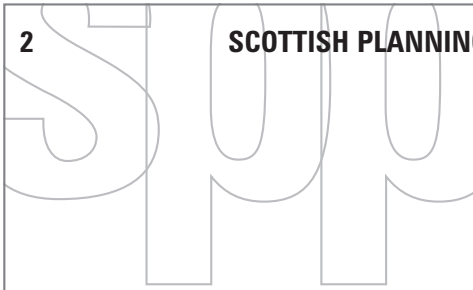
STOP

INTRODUCTION

1. This draft SPP sets out national planning policy for sports and recreation in urban and rural settings and for provision and protection of open space within and on the edges of settlements. It introduces national minimum standards for open space in new developments
2. SPP 11, when finalised, will replace National Planning Policy Guideline (NPPG) 11: *Sport, Physical Recreation and Open Space*. While the title has been revised and shortened, the policy still embraces sport and both passive and active recreation. The term 'open space' includes green space consisting of any vegetated land or structure, water or geological feature in an urban area, including trees, woodland and paths, and civic space consisting of squares, market places and other paved or hard landscaped areas with a civic function. 'Physical activity' refers to all types of formal and informal physical recreation and sport, and includes day to day activity such as walking or cycling as a form of transport for short journeys.
3. Planning Advice Note (PAN) 65: *Planning and Open Space* remains in place. It contains best practice advice on planning for open space, and provides a typology of open space, and should be read in conjunction with this SPP.

THE VALUE OF PHYSICAL ACTIVITY AND OPEN SPACE

4. Open spaces and sports facilities enrich our quality of life and our environments. Access to good quality open space and opportunities for physical activity have a significant positive effect on health and wellbeing. Spaces and purpose-built facilities which encourage people to play sports and to walk, run or cycle are essential to a healthy, physically active community, while the presence of tranquil green spaces close to where people live and work can encourage relaxation.
5. Civic and public open spaces are important ingredients in good urban design, providing meeting places and enhancing the streetscene. An environment which contains good quality, well-maintained open space is more attractive to business and investment and improving the open spaces within an area can help reverse patterns of decline.
6. Areas for horticulture, such as allotments, can be of great value to the local community and offer benefits for the environment. They create an opportunity for local food production, encourage physical activity and healthy eating, offer a place to relax and to learn, and contribute to local biodiversity.
7. Open space which is protected from development can provide habitats for wildlife and attractive, relatively wild settings for recreation and relaxation as well as physical activity. Many people enjoy restorative, stress-reducing effects from visiting such places. They can also provide a rich and accessible resource for education.



8. Rural areas also support outdoor recreation in a wide range of settings including hills, moors, forests, coasts and inland water. These places enable people to encounter Scotland's natural heritage at first hand, and can provide rich experiences which greatly enhance their quality of life. Outdoor recreation is often of considerable importance to the rural economy.

POLICY CONTEXT

9. Key developments in the wider policy and legislative context include the Land Reform (Scotland) Act 2003 and the Scottish Executive's agenda for health improvement and increased physical activity. The Land Reform Act introduces a statutory right of responsible access to most land and inland water, and creates a climate for better management of recreation opportunities in the outdoors. This new legislation enables greater access to all land and requires local authorities to prepare core path plans (see paragraphs 57-59).
10. The Scottish Executive's strategy for physical activity¹ aims to significantly increase the amount of physical activity in most people's lives. Sport remains important, but the policy is focused on encouraging all types of physical activity. Towards this aim, planning has a vital role in creating and maintaining long-lasting, high-quality physical environments to encourage people to become more active.
11. Sport 21,² published by **sportscotland**, is a national strategy setting out a vision for the development and delivery of Scottish sport over the coming years and sets various targets for boosting participation. The strategy is currently under review.
12. Providing and protecting open space to meet the needs of communities helps achieve a number of wider Scottish planning policy objectives, including improving design, and wherever possible encouraging modal shifts towards more sustainable forms of transport such as walking and cycling. Public bodies have a duty to further the interests of biodiversity; provision and management of open space can help realise the objectives set out in the Scottish Biodiversity Strategy. www.scotland.gov.uk/library5/environment/sbiyh-00.asp]

SPP OBJECTIVES

13. This 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. Urban and rural areas have different challenges, opportunities and needs. In urban areas green networks may be particularly important; in rural areas, there may be greater opportunities for direct access to the open countryside, and potentially less pressure for redevelopment of existing open spaces. In both urban and rural areas there is a need to maintain the quality of the settings that people use for physical activity and recreation.

¹ Scottish Executive's strategy for physical activity, *Let's Make Scotland More Active*

² *Sport 21 2003-2007: The National Strategy for Sport* (**sportscotland** 2003). The strategy is currently under review.

14. The key objectives of this 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 provide for its long-term maintenance; and
 - To provide guidance on planning for development of new sports and recreation facilities.
15. This SPP aims to ensure that local authorities take a strategic, long-term approach to managing the open space within their areas, objectively assessing both current and future needs, and protecting spaces which can help to meet those needs. Open space frequently comes under great pressure for development. This policy document aims to provide protection to open spaces and ensure that existing areas of open space and sports facilities, which are valued and used or have the potential to be used, are not permanently lost to other forms of development.
16. Where new development is planned in and around towns and cities, open space should be included as part of the design proposals. This SPP explains how developers, planners and other decision-makers should work towards achieving better quality open spaces and more opportunities for people to build exercise into their daily routine.
17. The current reforms to the planning system (introduced by the Planning etc. (Scotland) Bill) reinforce the role and importance of development plans and introduce a requirement to review plans at least every five years. Open space audits and strategies should be updated on a regular basis to feed into development plan reviews.
18. Development plans will play a key role in setting out the requirements for open space provision and quality in new developments, based on the national standards set out in Table 1 and explained in detail in paragraphs 42-44. PAN 65 provides additional advice on standards and on the potential role of supplementary guidance in setting out more detailed guidance, for example on design or specific types of open space provision.
19. Development plans will set the framework for open space and sports provision in an area. They will be informed by the local authority's open space strategy. Local plans (and in future, local development plans) will identify sites for recreational uses as well as the open spaces which are to be protected and enhanced. Where the open space strategy identifies open spaces that are likely to be surplus to requirements for their original use both now and in the future, then the development plan may identify other appropriate uses. Identification in the development plan ensures that there is an opportunity at an early stage for engagement by landowners, developers, public bodies and local people.

RAISING STANDARDS

QUALITY, QUANTITY AND ACCESSIBILITY

20. This SPP encourages good urban design and networks of high quality open spaces. These should be safe, welcoming, appealing, distinctive, well connected environments. Within settlements this should include spaces that can be used by everyone, regardless of age, gender or disability. Statutory equal opportunities obligations should be taken into account in planning for open space and physical activity, to ensure opportunities for access for all members of the community. This includes taking account of the duties under the Disability Discrimination Acts of 1995 and 2005 to promote disability equality. Further details on equal opportunities and duties relating to disability are contained in the glossary.
21. Standards of quality for new open space should be addressed in the open space strategy (see paragraphs 22-27), and incorporated into the development plan. This will enable developers to take account of the costs of provision in commercial evaluation of development values. Local authorities should assist in planning for good quality open space by indicating the costs associated with provision and maintenance. Paragraphs 45-47 provide more detail on management and maintenance.

OPEN SPACE AUDIT AND STRATEGY

22. In order to deal strategically with open space provision it is vital that local authorities have an accurate understanding of the current open space resource in urban settings within their area and current levels or facility provision for sport and physical activity. Local authorities should assess how well the needs of communities are being met and identify any changes needed to improve access to quality open spaces and other sports and recreation facilities.
23. Local authorities must therefore prepare an open space audit. PAN 65, published in 2003, stresses the need for audits and strategies and sets out guidance, including a typology of open spaces which has been successfully applied in a number of local authority areas. However progress in preparing audits and strategies across Scotland has been mixed. It is the intention of this SPP that an early start should be made to prepare audits and strategies in those areas that have not done so and that completed audits and strategies must be reviewed on a regular cycle. To assist in accurate monitoring, local authorities should advise the Scottish Executive Development Department when the audit has been completed and when the open space strategy has been finalised. Local authorities should continue to make use of the PAN 65 typology as a starting point for auditing open space, but should also consider whether some categories require further classification. For example, in many urban areas it may be appropriate to introduce a separate category to include allotments and other plots such as community gardens, city farms and school gardens.

24. The audit should cover all open space, recreational and sporting facilities, public and privately-owned, including those owned by schools and voluntary clubs. Informal open space should be assessed as well as larger established sites and formal facilities. The audit should take account of the value and use of existing open space and should not merely assess the quantity of provision. Local authorities should ensure that members of the community, including voluntary groups and sports clubs, have full opportunity to provide input during the audit, and to help influence the future management of open space and other recreational facilities through the strategy. In preparation of the audit and strategy, local authorities may also wish to seek input from the community planning partnership.
25. Using the information from the audit, each local authority must prepare an open space strategy. The purpose of the strategy is to set out a vision for new and improved open space. The community's needs and aspirations are at the heart of any open space strategy. The audit may identify both surpluses and deficiencies in different types of open space provision, and it is essential that both are clearly addressed through the strategy. The completed strategy serves as a statement of political support to safeguard open space and to guide the allocation of resources for investment; it may also provide the justification for seeking contributions from developers. Local authorities will provide, manage and conserve open space assets within the context of the strategy. It is therefore important that the strategy is robust.
26. It is important that local authorities work corporately to ensure an agreed approach to open space and playing field provision. The value of individual sites identified through the strategy should be formalised in the statutory development plan. The open space strategy should be updated to inform future reviews of the development plan. The open space strategy should include consideration of path networks, which may not all lie within designated open spaces.
27. Local authorities also prepare strategies for a number of related subjects such as playing field provision,³ sports facilities, outdoor access, core paths and parks. The open space strategy should not duplicate work already covered, but should be prepared in a flexible way, drawing together other relevant strategies within the community planning framework. The planning-related proposals for action from the detailed strategies should be incorporated into the development plan.

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 of the audit and strategy. Do you consider that there is a need for annual monitoring of changes in local provision of green/open space?*

³ Sportscotland has published guidance on producing a playing field strategy, available at <http://www.sportscotland.org.uk/>

PROTECTION OF OPEN SPACE

PRESUMPTION AGAINST DEVELOPMENT OF OPEN SPACE

28. There is a presumption against development on existing valued and functional open space or space capable of being brought back into functional use. Development plans will identify open spaces which are to be protected and enhanced. Open space which is in use or capable of making a positive contribution to the health and wellbeing of the community should not be developed for other uses. Where an open space audit has demonstrated a clear long term surplus of a particular type of open space within an area, the development plan should identify other appropriate open space uses for such areas.
29. 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 for a purpose unrelated to use as open space. Such justification must include evidence from the open space audit that the development will not result in a deficit of open space provision within the locality and that any community concerns have been addressed. It should also include evidence that the proposed development is required and that alternative sites have been considered. Where a planning authority proposes to grant consent for development on land identified as open space in the development plan, the application must be notified to Scottish Ministers. An amendment to Circular 4:1997 *Notification of Planning Applications* will be made to reflect this change.
30. Local authorities should specifically protect open space in their ownership. There is a presumption against disposal of such sites for development except where they have been identified through the local authority's open space strategy and development plan as surplus to current and future community requirements. Where a planning authority proposes to grant consent for development on open space in which the local authority has a financial or ownership interest, and there is a substantial body of objection, the application must be notified to Scottish Ministers.

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 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 on 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.”

31. Trees can form a major element of both formal and informal open space, and have a value in their own right. Planning authorities have responsibilities to protect trees under the legislation relating to Tree Preservation Orders.
32. Development proposals affecting playing fields should be assessed against the development plan and a key material consideration will be the playing fields strategy (see paragraph 27). The overall objective should be to ensure that there are sufficient playing fields in terms of quantity, quality and accessibility to satisfy current and likely future demand within the community. Playing fields and sports pitches should not be redeveloped except where one of the following circumstances apply:
- a. The proposed development is ancillary to the principal use of the site as a playing field;
 - b. The proposed development involves a minor part of the playing field which would not affect its potential for games and training;
 - c. The playing field which would be lost as a result of the proposed development would be replaced by:
 - (i) a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users; or
 - (ii) the upgrading of an existing playing field to provide a better quality facility, either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or
 - d. A playing field strategy prepared in accordance with a methodology approved by **sportscotland** has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site in question could be developed without detriment to the overall quality of provision.

If a proposed development satisfies at least one of the above conditions and the site is no longer required for formal sports use, the planning authority must consider whether the site has other recreational or amenity value which would warrant its retention as open space.

33. **sportscotland** should be consulted on planning applications for developments which are likely to affect existing sports facilities, as set out in the following paragraphs. Where there is an objection from **sportscotland**, this will lead to a requirement to notify Scottish Ministers.
34. In relation to playing fields, defined as any sports pitch of 0.4 hectares or more, **sportscotland** should be consulted on any planning application for development which is:
- likely to prejudice the use of land as a playing field;
 - likely to lead to loss of land used as a playing field; and
 - on land last used as a playing field which has not subsequently been built on.

35. In relation to community sports facilities covering a smaller area, **sportscotland** should also be consulted on any development likely to prejudice or lead to loss of land either currently or last used as:
- tennis courts;
 - bowling greens;
 - multi-courts;
 - athletics tracks;
 - other community sports facilities.

Scottish Ministers will bring forward amendments to the GDPO / issue Notification Direction as necessary.

Consultation questions

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

LOCAL AUTHORITY DEVELOPMENT AND SCHOOLS DEVELOPMENT

36. Development by local authorities is subject to normal planning considerations. The lead department within the local authority, or its agents, should take part in early discussions with the planning authority and with **sportscotland** and ensure that sites are brought forward through the development plan process. Site selection procedures should respect the need to protect existing public open space and school playing fields. Planning Advice Note 55 (currently under review) contains good practice advice on public private partnership (PPP) projects and the planning system.
37. The school estate has to evolve to meet changing circumstances and some schools have to be refurbished or replaced. In some areas, in response to falling school rolls, rationalisation and merging of schools may be necessary. It is very important that adequate provision for playing fields and other informal space is made in any new schools developments, and school premises regulations⁴ include requirements for minimum playing areas. New developments can lead to the provision of improved sports facilities, such as replacement of blaes pitches with all weather surfaces. However, any pressure to support school rebuilding through land disposals and possible reduction or loss of playing fields must be balanced with the need for well-planned schools and sports facilities.

⁴ The Schools Premises (General Requirements and Standards) (Scotland) Regulations 1967

38. Wherever possible, the sports facilities within new schools should be designed to allow flexible access, so that subject to management arrangements, facilities can be used by the wider community outside school hours. The planning brief for schools developments should highlight development plan policy on open space and playing fields provision.
39. School playing fields should be designated as open space in the development plan and this should be reflected in planning decisions. Paragraph 32 indicates how any development proposal affecting playing fields should be assessed. Where a school is being closed, planning permission 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.

PLANNING FOR OPEN SPACE WITHIN NEW DEVELOPMENT

DESIGN OF OPEN SPACE

40. Local authorities and developers in all sectors should aim to create new open spaces which are fit for purpose and sustainable over the long term. This means that new open spaces must be well designed, well built, and capable of adaptation along with changes in the needs and requirements of users. Wherever possible local authorities and developers should aim to include imaginative planting which can contribute to the quality of biodiversity within urban areas and enhance the survival and awareness of plant species native to Scotland.
41. A recent audit commissioned by **sportscotland** highlighted the poor condition of many of Scotland's sports facilities and playing fields. The report indicates that each local authority should take steps to ensure the right quality and mix of facilities in light of the changing pattern of demand for sport. In order to encourage participation in sport, facilities must be of good quality and be well maintained.

MINIMUM STANDARDS

42. Local authorities have overall responsibility for open space across their areas. They are therefore required to set out standards for the quantity of open space that should be available to new and existing communities, informed by the open space strategy. This SPP introduces new national minimum standards for the quantity of open space that should be included in certain types of new development. Table 1 (below) sets out these standards, along with thresholds for the scale of development to which they apply. All local authorities must either adopt the national minimum standards and thresholds, or may set higher standards, where this can be justified by the findings of the open space strategy. Local authorities 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.

43. Open space provided as part of new developments should comprise one or more of the following broad types: park, play, sports areas, allotments, green corridors, and accessible semi-natural space. The development plan has a key role in setting out the standards and the type of open space provision to be delivered. Taking account of the open space strategy and assessment of existing levels of open space and future requirements, the development plan must indicate the type or types of open space provision which are to be provided in conjunction with new development. This will help ensure delivery of appropriate facilities and provide greater certainty for developers. Supplementary planning guidance should be used where appropriate to set out the mix of types of open space that is required on any one site.
44. Providing open space as part of the development will usually be the preferred approach, however where this is physically impossible or inappropriate, off-site provision may provide a suitable alternative. Where the open space strategy indicates a surplus in the quantity of open space in a local area, a financial contribution towards improvement or management of existing open space may be an appropriate alternative. Where a financial contribution is being made, the first option will be to meet the need for off-site facilities in the local area, the second option will be to meet the need for off-site quality improvements in the local area, and the third option will be to meet the needs for wider open space provision and management. Development plans should set out a sequential approach to open space delivery, informed by the open space strategy.

Table 1: New National Minimum Open Space Standards for New Development

New open space provision should comprise one or more of the following broad types: park, play, sports areas, allotments, green corridors, and accessible semi-natural space. Paragraph 43 indicates the role of the development plan in setting out the type or types of open space to be provided.

Use Class	Thresholds	Quantity
Class 1 (Retail)	Retail Parks and similar greater than 5.0ha or 10,000m ² gfa	12-18m ² of open space per 100m ² gfa
Class 4 (Business)	Business Parks and similar greater than 5.0ha or 10,000m ² gfa	9-15m ² of open space per 100m ² gfa
Class 5 (Industry)	Industrial Parks and similar greater than 5.0ha or 10,000m ² gfa	6-12m ² of open space per 100m ² gfa
Class 6 (Distribution)	Distribution Parks and similar greater than 5.0ha or 10,000m ² gfa	6-12m ² of open space per 100m ² gfa
Class 9 (Residential)	Housing or mixed use developments of 10 or more units or greater than 0.5ha	60m ² total open space per household to include: 40m ² of open space divided between parks, sports areas, allotments, green corridors, semi-natural space and civic space, as set out in the development plan; 20m ² of informal play / recreation space and equipped play areas Note that this is additional to any garden space provided as part of the development.
Class 11 (Leisure)	Leisure Parks or similar greater than 5.0ha or 10,000m ² gfa	12-18m ² of open space per 100m ² gfa

Note: Areas refer to gross floor areas (gfa).

Consultation questions

(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?*

(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?*



MANAGEMENT AND MAINTENANCE

45. Poorly managed or neglected open spaces not only fail to meet the needs of communities, they can seriously detract from the quality of the environment, and inhibit regeneration and development. It is not enough for proposed open space to be well located, accessible and thoughtfully designed. It must be properly managed and maintained. PAN 65: *Planning and Open Space* provides guidance on potential arrangements for management and maintenance of open space.
46. Planning authorities should work with developers to ensure that proper arrangements are in place for the long-term management of any open space, landscaping and other common facilities proposed. Maintenance must be considered as an element of the open space audit and strategy and during assessment of development proposals, particularly during pre-application discussions.
47. Where possible, provision for management and maintenance should be addressed through conditions attached to planning consent. For some developments, a planning agreement may be necessary either to enable the development to proceed, to enhance the quality of development or to reduce, eliminate or compensate for potentially negative impacts on land use, the environment and infrastructure. Where planning agreements are considered appropriate, the principles of Circular 12/1996 on Planning Agreements must be applied. www.scotland.gov.uk/Publications/1996/04/circular-12-1996

PLANNING FOR NEW FACILITIES FOR SPORT AND RECREATION

48. Sports and recreation activities take place in a wide variety of settings, ranging from urban open space and purpose-built indoor facilities to coastal areas and mountain summits. The Land Reform Act extends access rights to inland water, and some types of water-based recreation may become more widespread in the future. Forests and woodlands are also an increasingly important element of the local and tourist recreational opportunities in some parts of Scotland.
49. Planning authorities should plan positively for new development for sports and recreation. Where a need has been identified for new indoor or outdoor facilities within an area, the development plan should identify sites where they can be appropriately located. Planning authorities should take care regarding the siting of new sports developments, particularly those which have the potential for significant impact on the local community or the environment.

DEVELOPMENT MANAGEMENT CONSIDERATIONS

50. Some sports and recreation activities have the potential to adversely affect the built environment or natural heritage, particularly where formal facilities are involved. Impacts on the built and natural environment and on local communities can usually be mitigated through proper siting, design and management. However at some locations, it may be necessary to take a precautionary approach. Many outdoor sport and recreation activities depend on the quality of the environment and the planning system has a key role in safeguarding the settings where these activities take place. Planning authorities should assess proposals against development plan policies to ensure that new sports and recreation facilities are guided to appropriate locations. Where appropriate, planning authorities should consult with **sportscotland**, Scottish Natural Heritage and any specialist organisation for a particular sport or activity.
51. Wherever possible development should be guided to locations which can be accessed by a range of modes of transport, and do not increase dependency on private car use, while ensuring appropriate parking provision. For many forms of sport and recreation development, locations within or close to residential areas will be the most appropriate location. However accessibility must be balanced with the likely impacts on amenity including noise, light pollution, volume of traffic and disturbance.
52. Land on the edge of settlements may be the most appropriate location for certain sports and recreational activities, particularly those which require large areas of land, or which involve significant noise impacts or safety concerns. In assessing proposals for new development on the edge or out of settlements, developers and planning authorities should ensure that visual amenity and landscape considerations are fully taken into account. Some of these areas may be covered by green belt policy. One of the key objectives of green belt is to protect and give access to open space within and around towns and cities. Once designated, green belts can be managed effectively to enhance quality of life, for example, by providing a range of opportunities for outdoor recreation and tourism, and providing access to the countryside. SPP 21: *Green Belts* highlights the range of uses that may be appropriate in green belts, which include recreational uses that are compatible with an agricultural or natural setting.

STADIA

53. Sports stadia, by nature of their size and the number of spectators, and resulting implications for transport and health and safety, raise specific concerns for planning. Existing stadia provision and any need for improvement or new facilities should be taken into account in preparation of the development plan. Account should be taken of all normal planning considerations, including access to sustainable forms of transport, traffic generation, parking, and possible conflicts with neighbouring uses. Any proposal for mixed use development within a stadium must comply with wider development plan policies.
54. Where a new stadium is proposed, the planning authority should consult widely, including neighbouring local authorities where appropriate. Stadium developments are not considered to be appropriate uses in green belts (see paragraph 52 above).

OUTDOOR ACCESS AND RECREATION

GREEN NETWORKS

55. In urban areas, networks of linked, good quality green space are important for their positive visual impact, as well as their role in nature conservation, biodiversity, recreation, education, and outdoor access. Green networks can provide safe off-road access opportunities from the doorstep to the wider countryside, to adjacent path and cycle networks, sports facilities, town centres and local amenities by foot and cycle and horseback. Local authorities should identify opportunities to create and enhance links where possible. In medium or larger scale new developments, for example housing or business parks, planning authorities and developers should consider the scope for green corridors to be established as an integral part of the overall development proposals.
56. Regional and country parks and some local nature reserves provide important destinations for various types of informal recreation close to larger centres of population, and should be safeguarded through development plans. National Park Plans will help promote understanding and enjoyment of the Parks' special qualities.

CORE PATH PLANS AND ACCESS RIGHTS

57. In light of the 2003 Land Reform Act (see also paragraph 9), local authorities are required to guide access provision by preparing a core path plan and are expected to prepare an access strategy. Core path plans will identify and map the 'core paths' within an area, making sure the paths are marked, and that everyone is encouraged to use them. The aim is to help deliver health, social, economic and environmental benefits.

58. Local authority departments should work together to ensure consistency and compatibility between the core path plan, the local transport strategy and the development plan. To support the access legislation, the core path plan should provide the basic framework of routes sufficient to give the public reasonable access throughout the area. It is likely that the core path plan will include existing routes and may also establish new routes in order to provide opportunities where they are lacking and make links to existing networks and green corridors. The development plan should cross-refer to the core path plan, 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. It may be appropriate to include key information on the proposals map. The core path plan may be subject to strategic environmental assessment (SEA), and it may also be necessary to carry out nature conservation impact assessment.
59. Access rights and core path plans are a material consideration in determining applications for planning consent. Local authorities have a duty to uphold access rights over all land and inland water, not just on paths. Planning authorities should consider attaching appropriate conditions to ensure continuing public access.

COASTS

60. Coastal environments offer many opportunities for recreation and physical activity, as well as relaxation. Initiatives such as the proposed Coastal and Marine National Park will encourage enjoyment and understanding of the coastline and marine environment. Integrated coastal zone management (ICZM) and coastal framework plans are designed to assist in the voluntary regulation and promotion of coastal and marine activities.

IMPLEMENTATION

61. This section summarises the key responsibilities of local authorities, communities, and developers in relation to open space. A brief outline of the remits of statutory consultees and stakeholders is provided in the Appendix.

ROLE OF LOCAL AUTHORITIES:

62. The provision and management of open space resources for the community cuts across many local authority functions, including leisure and recreation; planning; and education. It is vital that local authorities take a positive, strategic view of open space to ensure that its value is properly recognised in all local authority activities. The open space strategy is a cross-council strategy which may require input from a number of council departments. The local authority's main policy intentions on open space, biodiversity and physical activity should be among the key themes of the community plan and be reflected in the development plan.

Leisure and recreation department

63. Leisure and recreation departments will have a key role in assessing the adequacy of provision and in management of open spaces, recreational areas and playing fields.

Planning authority

64. Development plan policies and planning decisions must fully take account of the community's need for all types of open space and sports facilities and the responsibility to safeguard biodiversity, and resist the loss of existing resources. The development plan should accurately designate areas of existing open space, taking account of the open space audit and strategy. In order to plan appropriately for recreational space and sport, the local authority must have up to date information on levels of provision and any deficiencies. Where the need for particular types of new sports or recreational facilities is highlighted, the development plan should identify appropriate sites.

Education authority

65. Education authorities must ensure that they make adequate provision for sports facilities and playing fields in new schools, and, in planning such provision, may wish to refer to **sportscotland's** design guidance on school playing fields. The education authority should liaise with the planning authority and engage with the development plan process as far as possible.

COMMUNITY INVOLVEMENT

66. The open space strategy, the development plan and the core path plan must reflect the aspirations of the community concerning the future design and use of open space. Community involvement should begin at the earliest possible stage and should include the opportunity to make input to the open space audit and influence the strategy. A PAN on community engagement in planning is under preparation, which takes account of Communities Scotland's National Standards for Community Engagement, and will highlight examples of best practice in effective consultation with communities.

DEVELOPERS' RESPONSIBILITIES

67. Developers are expected to take account of this policy and the relevant development plan and open space strategy. They should apply the standards set out in the development plan at the design stage of any new proposal, putting forward a strategy which helps to meet communities' needs for open space. In some cases, a new development, especially a large scale residential development, may generate sufficient demand to warrant provision of new sports facilities or expansion of existing facilities. In such situations, developers may be asked to provide or contribute towards new or expanded facilities.
68. Depending on the type and scale of development proposed, developers may identify the potential to create or manage paths or other access routes. It may sometimes be appropriate to consider diverting a path or other access route, in which case the diverted route should minimise disruption to the flow of the route.

CONCLUSIONS

69. Scottish Ministers are strongly committed to ensuring that communities have access to the benefits of open space, with a range of opportunities to take part in sport and other physical activity. This SPP sets out national planning policy for the protection and enhancement of open space in and around towns and cities, and indicates how the planning system should address the needs of outdoor recreation in urban and rural settings. The policy emphasises the need for local authorities and other stakeholders to take a strategic and long-term view of open space and sports provision, ensuring that the current and future needs of communities are met.

ENQUIRIES

70. Enquiries about the content of this draft SPP should be addressed to Helen Wood, Scottish Executive, Planning Division, 2-H, Victoria Quay, Edinburgh, EH6 6QQ (0131 244 7535) or by e-mail to helen.wood@scotland.gsi.gov.uk. Further copies can be obtained by telephoning 0131 244 7543. SPPs, Planning Advice Notes and a list of Circulars can be viewed on the Scottish Executive website: www.scotland.gov.uk/planning

GLOSSARY

Biodiversity – means biological diversity or the variety of life. Defined by the UN Convention on Biological Diversity, 1992 as “The variability among living organisms from all sources including, (biological diversity) *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.”

Core paths – term used in the Land Reform (Scotland) Act 2003 which refers to a network of paths to provide for all forms of recreational access. The network will be well marked, clearly defined and will link into a wider network of other paths.

Disability Discrimination Duties – The Disability Discrimination Act (DDA) 2005 amends the DDA 1995 to place a duty on all public authorities to promote disability equality. This means that public authorities, including local authorities, must, in carrying out their functions, have due regard to the need to eliminate discrimination and harassment that is unlawful under the DDA. They must also promote equality of opportunity between disabled people and non-disabled people, and take steps to take account of disabled people’s needs, even where that involves treating disabled people more favourably than non-disabled. It requires that active steps must be taken to remove the barriers that disabled people experience in their everyday lives.

Equalities Opportunities – Equalities duties are set out in Section L2 of Part II of Schedule 5 to the Scotland Act 1998. “Equal opportunities” means ‘the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions’.

Open space – includes ‘green space’ consisting of any vegetated land or structure, water or geological feature in an urban area, including trees, woodlands and paths and ‘civic space’ consisting of squares, market places and other paved or hard landscaped areas with a civic function.

Physical activity – The Scottish Executive’s strategy for physical activity, *Let’s Make Scotland More Active* uses the term ‘physical activity’ to incorporate recreational activity; sport; exercise; play; dance; and active living such as walking, housework and gardening.

APPENDIX: INFORMATION ON CONSULTEES AND STAKEHOLDERS

Community Councils represent local communities, and are well placed to put across their views, needs and preferences.

Forestry Commission Scotland is the government department responsible for forestry policy. Its mission is to protect and expand Scotland's forests and woodlands and increase their value to society and the environment. The Forestry Commission's Woods In and Around Towns initiative specifically aims to increase the contribution of woodland to quality of life in Scotland's urban and post-industrial areas.

Greenspace Scotland is a national umbrella body set up by SNH to lead the Greenspace for Communities initiative. Greenspace Scotland's aim is to improve the quality of life of people in urban communities through creation and management of greenspaces.

Local access fora are statutory consultees on core path plans and have a role to play in advising local authorities on access rights and outdoor access strategies.

Local Biodiversity Action Groups set out priorities and actions to promote biodiversity in an area.

National Playing Fields Association is a national charity which campaigns to protect and improve playing fields and playgrounds, to safeguard facilities for communities across the UK. The NPFA's Land Protection and Planning Committee focuses on:

- key planning issues;
- the NPFA's policy work, particularly the 'Six Acre Standard', Government planning guidance, development plans and the protection of recreational land;
- major developments and potential benefits for recreational land and facilities through developer contributions;
- Information, publications and examples of good practice.

Scottish Natural Heritage (SNH) has a statutory duty under the Natural Heritage (Scotland) Act 1991 to conserve and enhance the natural heritage, facilitate its enjoyment and promote its understanding. This includes promoting the need for access and supporting provision of facilities such as footpaths, long distance routes, country parks and picnic sites. SNH has responsibility for activities which are dependent on the quality of natural heritage, and ensuring that such activities do not have adverse effects on the natural heritage or other uses.

sportscotland is the national agency for sports development in Scotland. Its aim is to see more people participating in sport and enjoying its benefits. **sportscotland's** role includes encouraging participation, raising standards of performance, supporting provision of new facilities and encouraging the use of existing facilities.



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