

PLANNING

**Scottish Planning
Policy 11:
Open Space and
Physical Activity**

Consultation Report

November 2007



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SCOTTISH GOVERNMENT

Scottish Planning Policy 11: Open Space and Physical Activity

Consultation Report

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INTRODUCTION

1. This Report has been prepared by The Scottish Government to explain the consultation process that was undertaken on the drafting of *Scottish Planning Policy 11: Open Space and Physical Activity (SPP 11)* and the changes that have been made to the document in light of the consultation responses and input from other key stakeholders. It is intended as a fair representation of the points made by respondees.

The consultation paper and responses

2. In August 2006 the Scottish Executive published the Consultation Draft Paper *SPP11: Physical Activity and Open Space*. This paper reflected elements of the existing *National Planning Policy Guideline 11: Sport, Physical Recreation and Open Space (NPPG 11)* in promoting and protecting open space, and proposed enhanced provisions requiring local authorities to undertake an open space audit and prepare a strategy for their area. Informed by research carried out in 2005 into minimum open space standards, the draft SPP 11 also proposed national minimum standards for the quantity of open space in new development.

3. One hundred and thirty eight responses were received from a wide range of stakeholder organisations at local and national level, as well as individuals. A large majority of the respondents agreed with the main principles, objectives and proposals set out in the document. All consented responses have been placed for public viewing at The Scottish Government's library at Saughton House and on The

Scottish Government website:

<http://www.scotland.gov.uk/Publications/2007/01/23094522/0>

4. The consultation period was followed by the appointment of *Hexagon Research and Consulting* to undertake analysis of the consultation responses. Their report and research findings were completed in February 2007 and can be found at <http://www.scotland.gov.uk/Topics/Planning/Consultations>. *The Analysis of Consultation Responses* report provided a qualitative analysis of the comments received on the draft SPP along with both qualitative and quantitative analysis of the specific responses to each of the consultation paper's six set questions.

The consultation process

5. The consultation on draft SPP 11: *Physical Activity and Open Space* was carried out in an open, inclusive and transparent way. The Scottish Executive used a number of methods to encourage consideration and discussion of the issues:

- The draft SPP 11 was prepared with input from a stakeholder group comprising representatives from Scottish Executive Health Division, Sports Division, Countryside and Natural Heritage and Communities Scotland; plus representatives of **sportscotland**, Homes for Scotland, Scottish Natural Heritage, Greenspace Scotland, and Argyll and Bute and Glasgow City Councils on behalf of CoSLA.

- The Executive circulated copies of draft SPP 11 to a wide range of interests by both hard copy and electronic means.
- There was a number of bilateral meetings with key stakeholders.
- The draft SPP 11 was also placed on the Scottish Executive website.

6. The closing date for responses to draft SPP 11: *Physical Activity and Open Space* was 3 November 2006. This deadline was unofficially extended to allow some late response. Of the 138 responses received, 135 responses received by the extended deadline were considered in preparing the analysis of consultation responses, with the remaining few being considered in general terms by Scottish Ministers.

Method

7. From the 135 responses that were considered by *Hexagon Research and Consulting*, answers to the six specific questions posed in the consultation were analysed both quantitatively and qualitatively. The final report also provides a qualitative analysis of all comments received to each paragraph in the draft SPP. This has been used to inform the final version of the document.

SPP 11 revision

8. The Scottish Government has prepared a revised version of the SPP taking account of comments received and the views of stakeholders. The revised version of SPP 11 has been published with this consultation report and can be found at <http://www.scotland.gov.uk/Topics/Planning/PolicyLegislation/Policy>

Enquiries

9. Enquiries about the consultation process or the contents of this report should be addressed to David Liddell, The Scottish Government, Planning Directorate, Area 2-H South, Victoria Quay, Edinburgh EH6 6QQ. Alternatively please phone 0131 244 7549 or e-mail david.liddell@scotland.gsi.gov.uk

RESPONSES TO THE CONSULTATION PAPER AND THE SCOTTISH GOVERNMENT'S RESPONSE

10. The *Analysis of Responses* sets out issues raised by respondents to the consultation paper. The following paragraphs give a brief resume of these comments and set out how these issues were considered by Ministers. As well as commentary on the questions in the paper, the report also sets out commentary on responses to individual sections of the draft SPP. The consultation report follows the structure of the consultation draft but the paragraphs in the final SPP have been added alongside the old paragraph numbers for cross-reference. The structure of the final SPP was revised, in part due to comments from consultees that it should be re-ordered to provide a more logical sequence.

General Research Findings

11. In their research findings report *Hexagon Research and Consulting* provided a general summary of the responses made to the consultation draft SPP 11:

- A large majority of respondents agreed with the principles, objectives and main proposals contained in the consultation draft and expressed strong support for the requirement for local authorities to prepare open space audits and strategies that should be updated at least every five years.
- There was strong support for the presumption against the development of existing open space or space capable of being brought back into functional use.
- There was general support for the proposal to broaden **sportscotland's** remit as a statutory consultee to include smaller scale/community sports facilities and that they should be consulted on proposals to demolish sports facilities.
- A majority of respondents supported the proposal for regular monitoring of changes in local provision of open space but concern was expressed about the resources that will be required, the scale/threshold of community or area to be covered by the audit, and the timescale for monitoring and reviewing audits and strategies.
- There was support for the principle of a model development plan policy for protection of open space but there was no consensus as to whether it should be mandatory. Few respondents agreed with the wording of the draft provided in the SPP.
- A majority of respondents agreed in principle that there should be further consultation arrangements for development proposals likely to affect other types of open space not included in the remit of **sportscotland**, but there was no consensus on which other organisations should be formally consulted.
- There was support in principle for national minimum standards for open space within new development, though some concern that these could become the 'maximum' rather than minimum. Concern was also expressed that the SPP does not meet its aim of providing standards for quality and accessibility.

- Local authorities and private sector organisations made extensive comments on the details of the proposed national minimum standards particularly in relation to lack of flexibility for Class 9 (residential) developments.
- Several local authorities and private sector organisations expressed concern over proposals for consent for development of open space being notified to Ministers, and that extending consultation on certain matters might slow down the planning process.

Specific Research Findings

TITLE

12. The title of the document has been changed to: Scottish Planning Policy 11: *Open Space and Physical Activity* to better reflect the emphasis on open space as a key resource supporting physical activity.

SUMMARY AND INTRODUCTION

13. A large majority of respondents agreed with the principles, objectives and main proposals contained in draft SPP 11. However, several suggested that more comprehensive definitions of 'Open Space' and 'Physical Activity' should be provided in order to clarify what is covered by the SPP.

Response:

14. The key objectives have altered as a result of various changes from the consultation draft, and more comprehensive definitions of 'open space', 'physical activity' and 'recreation' are included in Paragraph 2. The use of these terms has been made more consistent throughout the document.

THE VALUE OF OPEN SPACE FOR OUTDOOR RECREATION & PHYSICAL ACTIVITY AND POLICY CONTEXT

15. The summary of the value of physical activity and open space, and the policy context that forms the background to the draft SPP, were welcomed. In particular, there was strong support from allotments societies and several individuals for the reference to allotments.

Response:

16. The title of this section has been changed to reflect the title of the SPP. Changes have been made to the text, and the health benefits of physical activity and environmental benefits of open space given greater emphasis.

SPP OBJECTIVES

17. The SPP's objectives were overwhelmingly supported by respondents from all sectors. However, private sector organisations and a small number of local authorities criticised the draft SPP's 'over presumption' against the loss of open space.

Response:

18. The first objective has been expanded to state briefly the role of local authorities in undertaking audits for their open space strategy. The words ‘networks of’ have been removed from the second objective because open spaces which are not part of a network will also be protected. This objective now appears first in the final SPP, to reflect its importance. The third objective has been strengthened. The fourth objective now relates to guidance on the quality and accessibility of open space, and reflects the omission of the proposed national minimum quantitative standards on open space from the final SPP.

RAISING STANDARDS**Quality, Quantity and Accessibility (paragraphs 20-21, new paragraphs 34-39)**

19. Concern was expressed by some respondents that the SPP does not meet its aim of providing standards for quality and accessibility. It was suggested amongst the responses that there should be minimum standards as the SPP does not set the practical definitive standards for quality as it prescribes to do in its initial objectives.

Response:

20. This section has been expanded in response to these suggestions, although the objective of the SPP is now to provide guidance on, rather than standards for, quality and accessibility. There is now a list of factors relating to the quality of open space, particularly covering design and access. There is now greater emphasis on accessibility.

Open Space Audit and Strategy (paragraphs 22-27, new paragraphs 23-33)

21. Respondents from all sectors expressed strong support for the proposal that local authorities should prepare an open space audit and strategy. Some comments were made on the broadening of the categories in PAN 65 to cover, for example, allotments and community gardens. Several also suggested that the requirement for audits and strategies would be strengthened if there was a required timeframe for their preparation, e.g. within two years of the publication of the SPP. Around half of the local authorities that responded raised concerns about the resource implications of preparing audits.

Response:

22. This section has been placed before the section on ‘Quality, Quantity and Accessibility’ to improve the flow of the document. We have considered the issue of an initial timeframe for the preparation of all audits and strategies. We have adjusted the SPP to make it clear that all local authorities should start now to ensure that an audit and strategy is prepared for their areas and that they should be updated on a regular 5 year cycle. The SPP fits the strategies into the development plan and there is a statutory requirement for preparing and updating development plans. We believe this is sufficient. A number of authorities have already embarked on preparing audits and strategies and are able to do so within their existing resources.

We have also said that local authorities should consider whether some of the PAN 65 categories require further classification.

PROTECTION OF OPEN SPACE

Presumption against development of open space (paragraphs 28-35, new paragraphs 40-56)

23. Most respondents were strongly supportive of the draft SPP's presumption against the development of existing open space and several suggestions were made for strengthening the policy. However, some private sector organisations and several local authorities criticised the proposal for being too broad and vague. There were few objections to the proposal to broaden **sportscotland's** remit as a statutory consultee to include smaller scale/community sports facilities and demolition of sports facilities.

Response:

24. The list of community sports facilities at old paragraph 35 (now 56) is amended following agreement with **sportscotland**. This does not now include demolition. Although this had received broad support, we do not consider that there is a strong argument for introducing controls over demolition. If a facility operator is minded to close a facility, this can be done and would not be prevented by controls over demolition.

25. New paragraph 40 expands on the original text in identifying that there is a presumption against development of open space which has been identified in the development plan as having a future role for open space as well as a community need. Development plans will identify such open spaces, in line with the findings of the open space audit and strategy. Smaller areas of valued open space, even if not identified in the strategy, should also be protected through development plan policies.

26. New paragraph 41 expands on issues covering replacing or redeveloping open spaces to ensure that appropriate replacement facilities are provided and that levels of open space in an area should not be reduced unless there is a clearly identified existing surplus.

Local Authority Development and Schools Development (paragraphs 26-39, new paragraphs 49-53)

27. Respondents were generally supportive of the proposals here, although several suggested that amendments are required to take account of the wider role of open space in schools beyond providing sports pitches.

Response:

28. This section now makes reference to the recent Planning Advice Note on the handling of planning applications where local authorities have interest in the

proposed development. Paragraph 50 expands upon the variety of roles open space plays in schools.

PLANNING FOR OPEN SPACE WITHIN NEW DEVELOPMENT

Minimum Standards (paragraphs 42-44, new paragraphs 57-60)

29. Many respondents raised concerns over the proposed national minimum standards. Just over half gave qualified support whilst almost one-fifth did not support the proposed standards. Private sector organisations expressed the following concerns:

- minimum standards could become the norm,
- the SPP proposes minimum standards for quantity of open space but not for quality,
- the proposed standards do not cover accessibility,
- the proposed standards for Class 9 (residential) do not allow for flexibility to take account of household size and different types of development. There was also concern expressed about scope for affordable housing and regeneration developments.

Response:

30. Following public responses, additional consultation with the stakeholder group and further consideration by Ministers, these paragraphs have been completely revised and the proposed national minimum standards for open space in new development have been omitted. Ministers share concerns that the inflexibility of national minimum standards would mean no account could be taken of local circumstances such as the existence of nearby open space and the difference between urban and rural settings. Concerns that minimum standards could place an additional burden threatening some regeneration, brownfield and affordable housing developments are also considered to be valid.

31. The document now states that local authorities, rather than apply national minimum standards, should ensure that new development is appropriately served by open space, with any requirements set out in the development plan, as informed by the local open space audit and strategy. In addition, the paragraphs on management and maintenance have been moved to this section and strengthened to reflect recent public concerns on the management of common open space in residential areas. Paragraphs 57-60 (and their accompanying text boxes) may now be summarised as follows:

- Planning authorities should, having regard to the findings of their open space audit and strategy, set out in local development plans specific requirements for the provision of open space in new developments.
- The audit and strategy may highlight differing priorities for a number of settlements or neighbourhoods and any such differences should be reflected in the development plan.

- Where developer contributions of open space are to be sought, it is important that the plan makes clear how much, of what type and quality, and what the accessibility requirements are.
- A flexible approach should be adopted when seeking open space contributions from new developments, taking into account other material considerations and priorities. Development plans should set out a sequential approach to open space delivery, informed by the priorities in the open space strategy.
- Where the open space strategy indicates a **surplus** in the quantity of open space in the local area, a financial contribution towards the improvement or management of existing open space may be an acceptable alternative to the provision of open space as part of the development.
- Where the open space strategy indicates **deficiencies** of open space in the local area, providing open space as part of the development will often be the preferred approach.
- Development plans, or where more appropriate masterplans or site briefs, should adopt a strategic approach to identifying areas of open space in new development or redevelopment. This planned approach may produce better layouts than the incremental provision of small pockets of open space in line with planning application and land ownership boundaries.

PLANNING FOR NEW FACILITIES FOR SPORT AND RECREATION (paragraphs 48-54, new paragraphs 65-71)

32. Most respondents that commented here were supportive, but several sought to strengthen or clarify various aspects such as the scope of the Land Reform Act, development on the edge of settlements, green belt development and stadia.

Response:

33. The title of this section has been changed to 'Planning for Sport and Recreation' as advice is now given on impacts on existing facilities and resources. Additional changes to the text have been incorporated following further discussion with **sportscotland**, in particular in relation to resources for sport in the outdoors.

OUTDOOR ACCESS AND RECREATION (paragraphs 55-60, new paragraphs 18-22)

34. Respondents who supported the proposals in this section also made comments directed at strengthening aspects of the proposals on National Parks and Core Paths Plans.

Response:

35. This section has been moved to improve the flow of the document, and various changes made following further consultation with the stakeholder group. Some detail has been omitted or moved elsewhere, but the broad objectives of this section remain the same.

IMPLEMENTATION (paragraphs 61-68, new paragraphs 72-79)

36. This section summarises the key responsibilities of local authorities, communities and developers in relation to open space. Various, relatively minor, changes have been made and the paragraphs re-ordered.

GLOSSARY AND INFORMATION ON CONSULTEES AND STAKEHOLDERS

37. There were some changes and additions made to these sections.

QUESTIONS POSED TO CONSULTEES IN DRAFT SPP

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?

38. Over 90% of respondents that answered supported the proposal that open space audits and strategies should be updated at least every five years and around three quarters agreed that there should be annual monitoring of audits. Qualifications centred around three main issues: resources, scale/threshold of community or area to be covered by the audit, and timescale. See paragraph 22 above for response.

Consultation Question (ii)

Do you agree that the SPP should include a model development plan policy for protection of open space?

39. Whilst over 90% of respondents supported the principle of a model policy for protection of open space, there was no consensus as to whether it should be mandatory. Few respondents agreed with the wording of the draft provided in the SPP. Most suggested that there needs to be flexibility to allow for local circumstances.

Response

40. The reason for a model policy is to provide a consistent approach around the country, and the lack of consensus on this issue undermines the case for such a policy. This proposal has therefore been omitted, although the policy advice dealing specifically with the protection of playing fields is noted in the document as a potential model policy.

Consultation Question (iii)

For development proposals likely to affect other types of open space not included in the remit of sportscotland, is there a need for further consultation

arrangements, for example with Scottish Natural Heritage or Greenspace Scotland?

41. Whilst there was general support for the principle of extending consultation on development proposals, there was little support for the proposal to include Scottish Natural Heritage and Greenspace Scotland, including from the organisations themselves. A significant minority supported the view that local authorities are best placed to consider development proposals in consultation with the community.

42. Several local authorities and private sector organisations expressed concern over development of land identified as open space being notified to Ministers, and that extending consultation on certain matters to **sportscotland** and other national agencies might slow down the planning process.

Response

43. This proposal has not been retained. There is no suitable organisation at present to fulfil this role. Given that the SPP requires open space strategies to be undertaken in every local authority, extends **sportscotland**'s consultation role, and introduces new notification procedures for developments proposing the loss of protected open spaces, Ministers do not consider that there is a strong case for introducing any wider consultation arrangements. The SPP encourages local authorities to consult relevant local and national interests where appropriate for particular development proposals.

Consultation Question (iv)

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

44. Eighty percent of respondents supported the proposal to extend controls to the demolition of facilities. Over half of these qualified their support, mainly raising queries about the definition/scope of the term 'sports facilities'. See paragraph 24 above for response.

Consultation Question (v)

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?

45. Less than one-fifth of respondents gave the proposed national minimum standards unqualified support. Just over half gave qualified support whilst almost one-fifth did not support the proposed standards. Private sector organisations were particularly critical. Concerns included:

- minimum standards could become the norm,
- the SPP proposes minimum standards for quantity of open space but not for quality,
- the proposed standards do not cover accessibility,

- the proposed standards for Class 9 (residential) do not allow for flexibility to take account of household size and different types of development.

46. Suggestions for other types of development to be included within the national minimum open space standards for new development included: nursing and residential homes, hospitals, and medical centres; hotels and tourist developments; and schools and further education establishments. The proposed minimum standards have been omitted. See paragraphs 30 and 31 above for response.

Consultation Question (vi)

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?

47. Although there was general acceptance that rural areas might have different needs and priorities, there was no consensus on whether there should be different national minimum standards for rural areas.

Response

48. The proposed minimum standards have been omitted. Paragraph 57 the final SPP states that the strategy and development plan should reflect any differences in requirements between communities, and this will allow for differing approaches to rural and urban provision where this is appropriate.

LIST OF RESPONDEES

Aberdeen City Council
Angus Council
Architecture and Design Scotland
Argyll and Bute Council
Barnardos
Bathgate Community Council
Bridgecastle Golf Club
British Aggregates Association
British Property Federation
BTCV Scotland Office
Central Scotland Forest Trust
City of Edinburgh Council
Clackmannanshire Council
Clyde Muirshiel Regional Park
Colinton Amenity Associations Convenor for Consultations
Commission for Racial Equality
Craigentinny Garden Allotment Association
Craiglockhart Community Council
Cross Party Group on Sport in Scottish Parliament
Currie Community Council
Dumfries and Galloway Council
Dundee City Council (Planning and Transportation Dept)
East Ayrshire Council
East Kilbride History Society
East Lothian Council
East Renfrewshire Council
East Renfrewshire Council - Head of Education Services
Falkirk Council
Federation of City Farms Community Gardens
Federation of Edinburgh & District Allotments & Gardens Association
Fife Council
Forestry Commission Scotland
Forth Ports
Friends of Glasgow West
Glasgow Allotments Forum
Glasgow City Council
Greenspace Scotland
Helensburgh Community Council
Helensburgh Green Belt Group
Helensburgh Study Group
Hillhead Community Council
Homes for Scotland
Inverclyde Council
Jones Lang LaSalle on behalf of Scottish Rugby Union Plc
Kelvinside Allotments Association
Kit Campbell Associates
Ladymoor Wind Factory Action Group
Loch Lomond and the Trossachs National Park

Midlothian Council
Moray Council
Nairn Suburban Community Council
National Grid Property Ltd
National Trust for Scotland
NHS Lanarkshire
North Ayrshire Council
North Lanarkshire Council (Planning and Environment)
North Lanarkshire (Education)
NPFA Scotland
Open Space Research Centre, Edinburgh College of Art and Heriot-Watt University
Orkney Housing Association Ltd
Pagoda PR
Paths For All Partnership
Play Scotland
Portobello High School
Ramblers Association Scotland
Renfrewshire Council
Schools Service, Education and Social Care Dept - Shetland Council
Scotland's Commissioner for Children and Young People
Scottish Allotments and Gardens Society
Scottish Borders Council
Scottish Council for National Parks
Scottish Health Impact Assessment Network
Scottish Natural Heritage
Scottish Physical Activity Research Collaboration
Scottish Planning Consultants Forum
Scottish Sports Association
Scottish Wildlife Trust
SEPA
Shetland Islands Council (Infrastructure Services Dept)
South Ayrshire Council
South Lanarkshire Council
Sportscotland
St Andrews Community Council
Stirling Council (Planning and Policy, Environment Services)
Stirling Council, Children's Services
The Achareidh Open Space Action Group
The Association for the Protection of Rural Scotland
The Cockburn Association
The Environment Service, Perth and Kinross Council
The Highland Council Planning & Development Service
The Planning Bureau Ltd
The Royal Town Planning Institute
The Scottish Out of School Care Network
West Dunbartonshire Council
West Lothian Council
Woodland Trust Scotland

Individuals

Bachtler John
Borland RK
Burnett Richard
Burns Susan
Connelly David
Coyle Jim
Davis Elizabeth
Di Ponio Steven
Donnan, Patricia & Haddow, John
Douglas Jean & Charles
Fletcher, Sheila and Alan
Gibson Joyce
Graham James
Hastie Jack
Macdonald John
McNeill Pauline MSP
Mollison Jenny
North Sea Trail
Rodan Maggie, and Watt Ernie
Slattery John P
Smith Derek
Tulloch David
Tulloch Emma
Wilkinson Judy
Wright Peter



The Scottish
Government

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