

Name of meeting: Scrutiny Panel

Date: 20th December 2019

Title of report: Open Space Supplementary Planning Document (SPD)

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes - The SPD will have an effect on all wards
Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	No
Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Naz Parkar (on behalf of Karl Battersby) (10/12/19)
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston (10/12/19)
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft (11/12/19)
Cabinet member portfolio	Give name of Portfolio Holder/s Cllr Peter McBride Cllr Mather Cllr Khan Cllr Walker

Electoral wards affected: All

Ward councillors consulted: Cllr McBride Regeneration Portfolio Holder Briefing (25th November 2019), Cllr Mather was briefed on 2nd December, Cllr Khan was briefed on 4th December. All are supportive of this document being prepared for public consultation. Cllr Walker has been provided with a report on this document.

Public or private: Public

Has GDPR been considered? Yes. The draft SPD does not contain any personal data.

Purpose of the report

- To highlight the content of the draft Open Space SPD for the purposes of consultation and allow questions and comments about the content of the document.
- To note the timeline for next steps for consultation and adoption of the SPD.

1. Summary

The Open Space SPD is identified in the council's revised Local Development Scheme (LDS) (approved at Cabinet on 3rd December) to provide further guidance for developers and the local community on how the Local Planning Authority will determine open space provision required for new housing developments.

Supplementary Planning Documents (SPDs) are produced to add clarity in relation to the application of planning policies set out in the Local Plan. The draft Open Space SPD provides clear guidance about how the council will implement Local Plan policy LP63 (New Open Space) and determine what will normally be expected in terms of high quality, well-designed open space for new housing developments in Kirklees. It will provide important certainty for elected members, officers and external parties such as the local community and developers and has been prepared as a joined-up approach with the Landscape Manager.

Once adopted SPDs are a material consideration in planning decisions but are not part of the development plan. SPDs are subject to consultation but not an Examination in Public.

The adopted Local Plan policy LP63 (New Open Space) and justification text is attached at Appendix 1.

2. Information required to take a decision

The National Planning Policy Framework (paragraphs 96-98) recognises the importance of providing open spaces, sport and recreation facilities and the contribution they make to the health and well-being of communities. It requires planning policies to be based on robust and up- to-date assessments of the needs for open spaces and opportunities for new provision.

Local Plan Policy LP63 requires new housing development to provide and/or contribute towards new or improved open space unless the developer clearly demonstrates that it is not financially viable for the development proposal. In determining the open space provision the council will have regard to the type of housing proposed and the quantity, quality and accessibility of existing provision in the area when assessed against the adopted Local Plan open space standards which accompany policy LP63. The policy also requires consideration of provision of playing pitches.

In areas where existing open space provision is insufficient to meet local needs, the preference is for new open space to be provided on-site to meet the needs of the development unless it can be demonstrated that provision or enhancement off-site is more appropriate.

The draft SPD encourages applicants to maximise opportunities (as part of the open space requirement) to help achieve a measurable biodiversity net gain which is likely to a mandatory requirement for development through the forthcoming Environment Bill. It also sets out broad design principles for new open space and expectations for management and maintenance.

A five step-by-step approach for determining new open space is set out in the draft SPD, including the types of open space that may be required, expected amounts and potential financial contribution costs where appropriate.

Step 1: Determine whether open space is required

- housing developments which result in an increase of 11 or more dwellings will normally be expected to provide and/or contribute to new or enhanced open space.
- smaller developments (less than 11 dwellings) are encouraged to provide amenity space within the development.
- developments of 300 or more dwellings will normally be expected to provide and/or contribute towards outdoor sports facilities where there are existing and future deficiencies in playing pitch provision.

Certain types of development will be exempt from providing some types of open space, such as sheltered and retirement housing will not be expected to provide provision for children and young people.

Step 2: Establish the type of open space required

The range of open space requirements relate to:

- parks and recreation grounds;
- natural and semi-natural greenspace;
- amenity greenspace;
- allotments and community food growing;
- provision for children and young people; and
- outdoor sports.

The council will undertake a bespoke quantity, quality and accessibility assessment to determine the level and adequacy of current provision in the area and whether the development will create a need for new open space.

Step 3: Calculate the amount of open space required

The amount of new open space required will be calculated for each type of open space using the Local Plan open space standards which accompany policy LP63 and sets out an amount per dwelling for each open space type.

Step 4: Decide the location of new provision

The preference is for open space to be provided on-site to meet the needs generated by the development and ease pressure on existing facilities. In some instances on-site provision may not be the most practical or viable solution and where the council agrees off-site provision is appropriate a financial contribution may be sought to expand or improve existing facilities.

Step 5: Calculate the off-site financial contribution (if appropriate)

The draft SPD sets out the financial contribution costs in lieu of on-site provision that may be required towards provision of and/or improvement to green space in the vicinity of the development the need for which arises directly from the development. These costs are based on at least equal value of providing new provision on-site and provide are calculated on a rate per dwelling basis for ease of calculation. This will give greater certainty to developers, as it will allow them to understand, at an early stage, the likely costs of providing open space under policy LP63.

3. Implications for the Council

Scrutiny Panel have requested early input into the likely content of the draft Open Space SPD. The main implication for the Council in producing the draft Open Space SPD is that it provides consistency and greater clarity for the local community and developers, agents, other stakeholders and development management to facilitate the determination of planning applications. It also provides clear guidance for developers submitting planning applications to increase awareness of the council's expectations in relation to the provision of open space required for new housing developments.

- **Working with People**
The Open Space SPD will enable communities to understand the council's expectations with regard to the delivery of safe and well-designed open space for new housing developments to be enjoyed by all people regardless of visual and cognitive ability, mobility or age. The council will undertake public consultation on the draft SPD in accordance with the Statement of Community Involvement (SCI).
- **Working with Partners**
The Open Space SPD will enable developers and statutory consultees to understand the council's expectation with regard to the delivery of open space for new housing developments.
- **Place Based Working**
The Open Space SPD will highlight the process for identifying whether the need for open space, sport and recreation facilities arising from the development can be accommodated within the area or whether new or enhanced provision is required on existing green spaces in the vicinity of the development. This could include engagement with councillors and local communities in determining how financial contributions in lieu of on-site greenspace provision could be spent to mitigate the effects of the development.
- **Improving outcomes for children**
The Open Space SPD will help improve outcomes for children through the delivery of new and improved opportunities for play and recreation.
- **Other (e.g. Legal/Financial or Human Resources)**
 - Legal - The requirements for producing SPD's are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.
 - Financial – Financial - The Local Plan is the statutory development plan for Kirklees and includes policy LP63 (New Open Space) which requires developers to provide open space for new housing developments. The draft SPD provides guidance to ensure further clarity in relation to the implementation of policy LP63, including details of financial
 - Human resources - The SPD is already in the LDS and as such existing resources have already been identified for the project.
 - An Integrated Impact Assessment has also been undertaken.

4. Consultees and their opinions

Cllr Peter McBride, Cllr Mather and Cllr Khan have been briefed on the content of the draft SPD and are supportive of this document being prepared for public consultation. Cllr Walker has also been provided with a report on this document.

Consultation has taken place internally with council officers who input into planning applications (e.g. Public Health, Sports & Physical Activity Manager) and officers who determine planning applications (e.g. Development Management officers).

A Strategic Environmental Assessment (SEA) Screening has been undertaken by the council, which concluded that a full SEA is not required. This screening outcome will be sent to the three statutory consultees (Environment Agency, Natural England and Historic England) to seek their views on this conclusion

5. Next steps and timelines

It is intended the Council will consult on the draft Open Space SPD in February 2020 for a period of six weeks. The consultation will be carried out in accordance with Statement of Community Involvement. Following the consultation, all comments will be considered, enabling any changes to be incorporated in the Open Space SPD anticipated to be adopted in July 2020. Whether to adopt the SPD at that stage will be a Cabinet decision.

The next steps:

- Economy and Neighbourhood Scrutiny Panel - 20th December 2019
- Public consultation on the draft Open Space SPD - February 2020
- Anticipated Cabinet decision on adoption of the Open Space SPD - July 2020

6. Officer recommendations and reasons

- Scrutiny Panel to note the content of the draft SPD and provide feedback during the Scrutiny Panel session.

Reason: Scrutiny Panel requested to have early input into the content of the draft SPD.

7. Cabinet Portfolio Holder's recommendations

Cllr Peter McBride was briefed on the Open Space SPD on Monday 25th November 2019, Cllr Mather was briefed on 2nd December and Cllr Khan was briefed on 4th December. All are supportive of this document being prepared for public consultation. Cllr Walker has also been provided with a report on this document.

8. Contact officer

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9. Background Papers and History of Decisions

- Local Plan adopted 27th February 2019 (www.kirklees.gov.uk/localplan)
- Local Plan Examination Library (<https://www.kirklees.gov.uk/beta/planning-policy/local-plan-examination-library-2017.aspx>)

10. Service Director responsible

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APPENDIX 1: EXTRACT FROM THE KIRKLEES LOCAL PLAN STRATEGY AND POLICIES (Adopted 27th February 2019)

Policy LP63

New open space

The council will seek to secure well-designed new and improved open space, sport and recreation facilities in the district to encourage everyone in Kirklees to be as physically active as possible and promote a healthy lifestyle for all.

New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. New open space should be provided in accordance with the council's local open space standards or national standards where relevant.

In determining the required open space provision, the council will have regard to the type of housing proposed and the availability, quality and accessibility of open space provision in the area assessed in accordance with the council's district wide open space standards. The provision of playing pitches will also be considered. This analysis will help determine the need for new on-site or off-site provision, enhancement of existing provision and/or a financial contribution.

In areas where existing open space provision is insufficient to meet local needs, provision of new open space on-site would be preferred to meet the needs of the development. Where this is not viable the expansion or improvement of existing open space provision in the area will be sought and the co-location of open space, sport and recreation facilities will be encouraged. Open space provided on-site should be designed to complement existing facilities in the area and to allow for informal children's play through good quality landscape design.

In areas where existing provision is sufficient to meet local needs, new open space can be provided on-site for amenity purposes and to achieve a well-designed scheme. New provision should complement existing facilities in the vicinity and enhance the natural landscape and environment.

The council will support proposals that provide a sustainable and community led approach to the management and maintenance of public open spaces to encourage local communities to take an active role in looking after public open spaces near where they live.

Policy justification

19.55 The provision of high quality open spaces, such as parks, recreation grounds, amenity green space, public and private playing fields, play areas for children and young people, nature areas, woodlands, allotments and opportunities for local food growing, is important to ensure that the appropriate amount and type of facilities are available in the right places to enable sport and recreational needs to be met as locally as possible and to contribute to the health and well-being of communities.

19.56 National policy requires that planning policies be based on robust and up-to-date assessments of the needs for open space and opportunities for new provision. In accordance with this requirement, the council has undertaken an up-dated Open Space Study to assess the supply and demand for open spaces across Kirklees. This includes an audit of the quantity, quality and accessibility of existing open spaces in the district and sets local open space standards against which to assess the adequacy of the existing supply. The findings of the council's Playing Pitch Strategy also provide detailed assessment of the current and projected supply of and demand for playing pitches and a

technical analysis of pitch quality and usage levels. The findings of these assessments provide the evidence of where playing pitch provision needs further consideration. An Open Space Demand Assessment has also been carried out to identify the views and expectations of local residents, communities and key stakeholders about the provision of open spaces.

19.57 The overall provision of open space in Kirklees is generally good but the distribution of sites is not evenly spread throughout the district with some areas having gaps and significant shortfalls in the quantity, quality and accessibility of some types of open space. Significant shortfalls in playing pitch provision have also been identified for pitch sports across Kirklees, particularly for football and cricket.

19.58 New or improved open spaces will be required to meet increased demand from population growth and new housing development and to help address existing open space deficiencies. The council will therefore seek additional provision through development proposals.

19.59 In determining the nature of open space required, the council will consider the needs arising from the proposed development based on the use and type of housing proposed. Different types of housing proposals will generate different open space needs, for example, family housing will be expected to make provision for children and young people. Whereas, for single bedroom dwellings, sheltered housing and student accommodation the provision of amenity greenspace is likely to be more appropriate.

19.60 The required new open space will also be determined by taking into account the adequacy of existing provision as identified in the Open Space Study and assessed against the local standards for open space provision. In areas identified as having sufficient open space provision, new public open space should be provided on-site for amenity purposes and to achieve a well-designed scheme. In areas identified as being deficient in open space provision, the expansion or improvement of existing provision in the area will be sought where appropriate to accommodate the needs of the development. The co-location of open space, sport and recreation facilities will be encouraged so that a range of different types of facilities can be located next to each other.

Type of Open Space	Minimum standard for the amount of new open space			Quality Standard	Minimum Accessibility Standard	
	Type of Standard	Amount per 1,000 population (hectares)	Amount per dwelling (sq m)*	Site Assessment Rating	Type of Standard	Minimum walk time or distance for residents in towns or villages
Parks & Recreation Grounds	National/ Local	0.8	19.44	High	Local	15 minutes/ 720 metres 30 minutes travel time of a major park
Natural/ Semi-Natural Greenspace	Local	2.0	48.6	High	National/ Local	15 minutes/ 720 metres
Amenity Greenspace	National	0.6	14.58	High	National/ Local	10 minutes/ 480 metres
Allotments	National/ Local	0.5 per 1,000 households	5	High	Local	15 minutes/ 720 metres
Children's	National	0.25	6.1	N/A	Local	15 minutes/ 720

Equipped/ Designated Play Areas						metres
Young People Provision	National	0.3	7.3	N/A	Local	2km
* Based on average Kirklees household of 2.43 people						

Table 12 District wide open space provision standards

19.61 Budget cuts for local authorities are posing significant pressures on the council's ability to improve and maintain new open spaces. The council are therefore looking at delivering new open space differently through a better, sustainable and community led approach to the way public open spaces are managed and maintained within Kirklees. The vision is for local people to do more for themselves and to take ownership and maintain public open spaces on new residential developments, for example through social enterprises. Development proposals which encourage the management and maintenance of new open spaces and community assets in collaboration with the communities and local residents they serve will be supported.

Delivery and implementation

The policy will be implemented through the development management process, council policies and plans. The delivery of new and enhanced facilities will be provided through a wide range of public and private sector organisations, community groups and volunteers. The district wide open space provision standards will be monitored through the council's Authority Monitoring Report.

Links with strategic objectives

- Tackle inequality and give all residents the opportunity of a healthy lifestyle, free from crime and to achieve their potential in work and education.
- Protect and improve green infrastructure to support health and well-being, giving residents access to good quality open spaces, sport and recreation opportunities, and to support habitats, allowing wildlife to flourish.
- Protect and enhance the characteristics of the built, natural and historic environment, and local distinctiveness which contribute to the character of Kirklees, including the South Pennine Moors, Moorland fringe and the area's industrial heritage.

Supporting evidence

- Kirklees Joint Health & Well-being Strategy (2014-2020)
- Everybody Active - Kirklees Physical Activity & Sports Strategy (2015-2020)
- Kirklees Open Space Study (2015)
- Kirklees Open Space Demand Assessment (2015)
- Kirklees Playing Pitch Strategy (2015)
- Kirklees Built Leisure and Sports Facilities Strategic Framework (2015)