



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Open Space and Playing Pitch Supplementary Planning Document: Adoption
Meeting of:	Cabinet
Date:	18 th March 2019
Is this an Executive Decision:	Yes
Is this a Key Decision:	Yes
Is the Report Confidential:	No
If so, please state relevant paragraph from Schedule 12A LGA 1972:	
<p>Essential Signatories:</p> <p>ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE</p> <p>Monitoring Officer: Angela Wakefield</p> <p>Date Signature</p> <p>Chief Finance Officer: Sal Khan</p> <p>Date Signature</p>	

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Cabinet

Date: 18th March 2019

REPORT TITLE: Open Spaces and Playing Pitches SPD

PORTFOLIO: Planning

HEAD OF SERVICE: Sal Khan

CONTACT OFFICER: Naomi Perry Ext. No. x1611

WARD(S) AFFECTED: All

1. Purpose of the Report

- 1.1. To summarise the content of the representations received on the Open Space and Playing Pitch Draft SPD consultation which took place between November and January 2019 and to present the final version of the document for adoption. The SPD, when adopted will replace the current Open Space SPD, adopted in 2010. The SPD when adopted will also be accompanied by a map identifying all open spaces which were surveyed as part of the assessment as well as Local Green Spaces identified in Neighbourhood Plans.

2. Executive Summary

- 2.1. During 2016 and 2017 consultants Kavanagh, Knight and Page (KKP) carried out an assessment of open spaces, over 0.2 hectares in size, in the Borough as well as an assessment of those playing pitches used for a variety of formal sports and recreation.
- 2.2. The assessment provided recommendations on suitable standards of open space for new developments as well as the additional pitches or sports facility improvements required in order to meet expected demand from an increased population. The standards are different to those in the current SPD. The proposed standards are now consistent across all areas of East Staffordshire, whereas currently there are different standards for Burton, the rural areas and Uttoxeter.

- 2.3. The Draft SPD used KKP's recommendations to form guidance, and this was subject to a 6 week consultation from November through to early January. In total 24 individual comments were received from 7 individuals or organisations. In addition, feedback was received in person at a Parish Council meeting.
- 2.4. The Corporate Plan includes target PLEG08 which is to adopt the SPD by March 2019.

Background

- 2.5. The SPD sets out the Borough Council's approach to securing open space and playing pitches associated with new development, and the mechanism for securing financial contributions for improving and maintaining open space and sports pitches.
- 2.6. The aim of the SPD is to promote and encourage physical and mental health and wellbeing in East Staffordshire through appropriate and sustainable outdoor sport and informal recreation provision.
- 2.7. The SPD is an update and replacement of the Open Space SPD, adopted in 2010 which supported the previous 2006 Local Plan and was itself supported by evidence collected at that time. The new SPD provides further detail and guidance to the East Staffordshire Local Plan, adopted in October 2015, particularly policies:
 - SP23 Green Infrastructure
 - SP26 National Forest
 - SP32 Outdoor Sports and Open Space
 - SP33 Indoor Sports
 - SP34 Health and Well being
- 2.8. This SPD provides further detail on the Council's quantitative, qualitative and accessibility standards for children's play space, outdoor sport, and informal open space for new developments. It also provides clear guidance on how to calculate the requirements of individual developments, and the steps that applicants and officers will need to go through during the planning application process.
- 2.9. The SPD also includes guidance on how to calculate off site contributions, where on site provision is not appropriate as well as offering guidance regarding how contributions for future maintenance will be required. Where such sites are expected to be taken on by a management company, the process for this is included.
- 2.10. The SPD sets out in general terms how the playing pitch strategy for East Staffordshire is to be delivered. It will be important that this is monitored and reported annually. It is recommended that this is included within the Annual Monitoring Report. Regularly monitoring and consultation with the sports

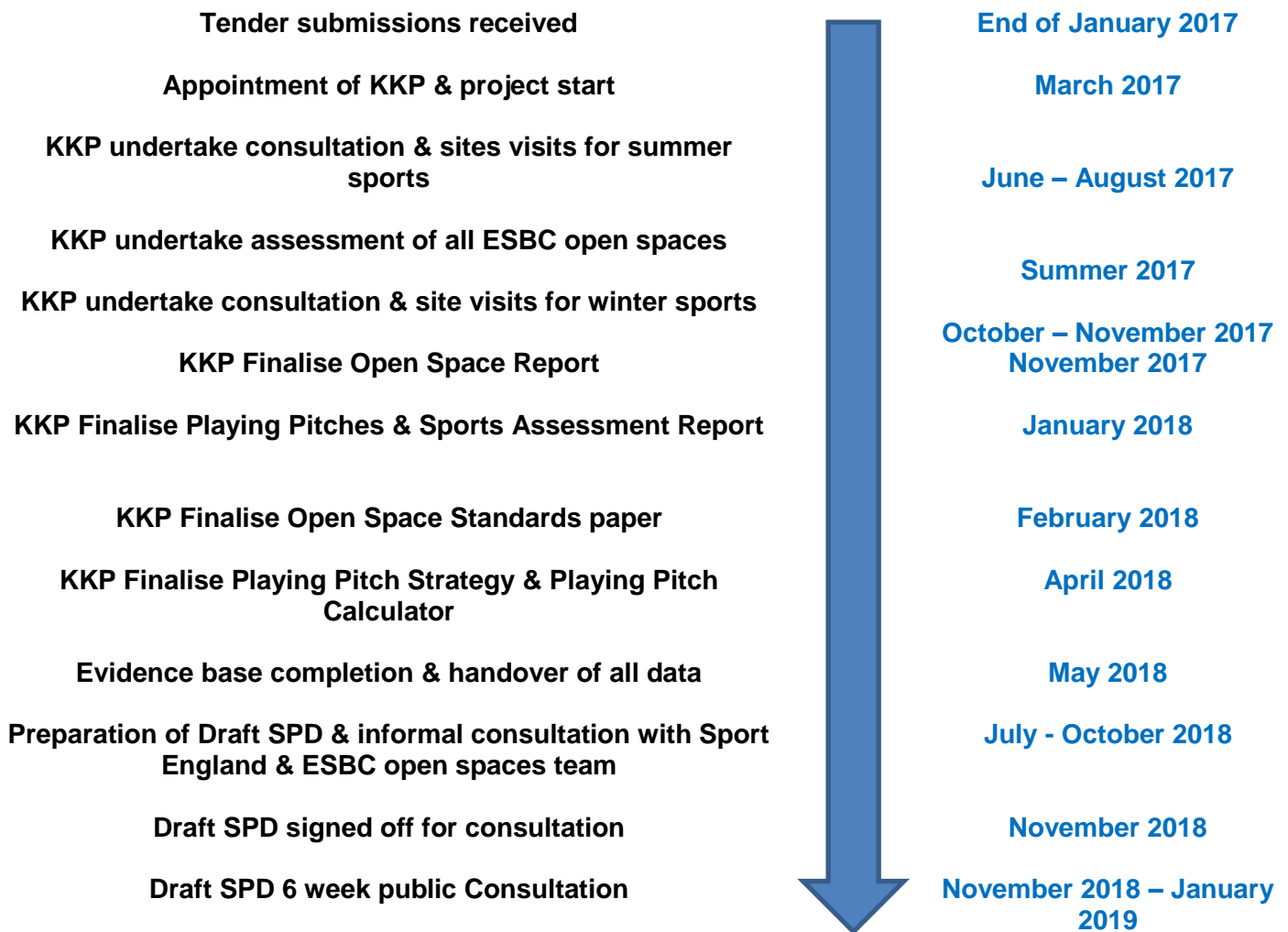
national governing bodies will ensure that the playing pitch strategy is kept up to date and will reduce the need to update the evidence base more frequently.

3. Contribution to Corporate Priorities

- 3.1. The new SPD will contribute towards the 'protecting and strengthening communities' corporate priority by ensuring that there are a range of high quality open spaces accessible for all, which are managed effectively. The SPD will also contribute towards the delivery of the sports hubs, offering a range of high quality sports facilities for the residents of the Borough.
- 3.2. The Corporate Plan includes target PLEG08 which is to adopt the SPD by March 2019

4. Main Body of Report

- 4.1. In 2008 the Council commissioned a 'PPG17' audit that informed the Open Space and Playing Pitch Strategy, adopted in 2009. Further to the 2009 Strategy, the Council, in partnership with Sport England, prepared and adopted an Outdoor Sports Delivery and Investment Plan 2012, setting out a strategy for delivering additional provision of outdoor sports facilities within the Borough to address deficits and new demand associated with planned housing and population growth. The Strategy identified five hub sites to meet the demand for outdoor sports facilities.
- 4.2. Indoor sports and swimming provision were also considered in combination with previous evidence and Sport England were satisfied that these were adequately addressed in the Local Plan. Whilst Sport England did not object to the Local Plan, they did expect an early review of the open spaces and playing pitch evidence which has now taken place and a delivery strategy for the sports hubs. Sport England were involved in the project steering group and have input to the draft SPD.
- 4.3. The consultants KKP, as well as carrying out an assessment of open spaces and playing pitches, have also updated the Playing Pitch Strategy, in line with the NPPF and in accordance with Sport England's "Playing Pitch Strategy Guidance: an approach to developing and delivering a playing pitch strategy".
- 4.4. A full timeline of the stages in preparing the SPD are set out below:



- 4.5. The Playing Pitch Strategy (PPS) assesses existing pitch provision for both natural and artificial grass playing pitches and where new provision is needed on a sub area basis. It provides recommendations relating to individual sites that have known issues aswell as setting out a framework for the maintenance and improvement of existing provision and ancillary facilities for the life of the Local Plan.
- 4.6. The PPS identifies notable successes across the ‘hub’ sites including the development at Shobnall Leisure Complex and the Tatenhill Hub site.
- 4.7. One significant change to note is that the previous SPD calculated on site provision or an off site financial figure derived from the population expected from a development. Since that time, and based on the playing pitch assessment, the method for calculating playing pitches is very different with the focus now on ‘match equivalent sessions’ rather than just pitches. The shift in approach is important because opportunities for sport are not simply derived from the number of pitches available, but the accessibility of facilities, the

management of pitches, availability of formal clubs and teams and the quality of such pitches. Therefore, whilst the SPD is fundamentally a planning document, it is important that the playing pitch strategy recognises the partnership approach to sports delivery.

- 4.8. KKP carried out an assessment of all relevant open spaces in the Borough and overall concluded that value and quality of the majority of sites was above average and that in general, the open spaces scored higher than the previous assessment in 2009.
- 4.9. Previously, different open space standards for different sub areas were used to assess planning applications, but the recent assessment carried out concludes that it would be appropriate to use one standard across the whole borough. Where on site open space is not appropriate, the assessment highlights those areas where a financial off site contribution would benefit. A spreadsheet has been prepared to sit alongside the SPD, to assist applicants and officers in the assessment and determination whether open space would be more appropriate on or off site.
- 4.10. A total of 24 individual comments, from 7 individuals or organisations were received. A schedule of which is set out in Appendix 3. In addition, whilst not recorded as a written response, a meeting with Horninglow and Eton Parish Council also took place during the consultation and a summary of their concerns and queries is also set out in the schedule.
- 4.11. Of the comments made by Sport England, additional changes to clarify the use of the playing pitch calculator have been made. It is noted that Sport England are updating the playing pitch calculator and this is expected to be available at the end of January. It is therefore recommended that when available, this calculator replaces the one set out in the appendix of the SPD and that reference is made to the calculator being updated regularly by Sport England in the document itself.
- 4.12. The majority of Natural England's representation focuses on the role of green infrastructure, and indeed this is referenced in the SPD and in the main policies it relates to. However, Natural England also raised awareness that the SPD must be subject to a Habitat Regulations Assessment, a requirement ensuring that plans, policies and programmes do not impact on European Designated sites and a Strategic Environmental Assessment, a requirement ensuring that the document does not lead to environmental impacts. These documents have now been prepared and are available at Appendix 4 and 5.
- 4.13. The majority of other comments are either support, or queries about the practical implementation of the SPD and associated Local Plan policy in relation to determining planning applications.
- 4.14. The use of management companies to maintain open spaces causes concern to many parish councils, however it is acknowledged in the report that the Borough Council do not specify the use of management companies, but that a suitable method of maintenance should be agreed on a case by case basis. It

is recommended that where a maintenance schedule is to be agreed through a planning condition, or S106 requirement, that this is shared with the relevant Parish Council.

5. **Financial Considerations**

This section has been approved by the following member of the Financial Management Unit: Anya Murray]

5.1. The main financial issues arising from this Report are as follows:

Revenue	2018/19	2019/20	2020/21
	Dependent on the number of relevant planning applications approved and if ESBC agree to take on maintenance of open spaces		

Capital	2018/19	2019/20	2020/21
	Dependent on the number of relevant planning applications approved and S106s signed. Also dependent on receiving monies on current signed S106 where ESBC are expecting to receive financial contributions		

5.2. The SPD sets out those situations where a financial contribution will be sought. This is dependent on the number of relevant planning applications being approved and subsequently the developments being delivered. Each application will be determined on a by case basis.

6. **Risk Assessment and Management**

6.1. The main risks to this Report and the Council achieving its objectives are as follows:

6.2. **Positive** (Opportunities/Benefits):

6.2.1. Improved application submissions.

6.2.2. Better and quicker decision making and development outcomes.

6.2.3. Delivery of high quality open spaces with multiple benefits

6.2.4. Financial contributions towards sports facilities

6.2.5. Transparent decision making process

6.3. **Negative** (Threats):

6.3.1. Applicants can ignore the SPD and submit substandard applications regardless.

6.3.2. A sites viability or particular circumstance may mean that on site or offsite financial contributions are not possible

6.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

7. **Legal Considerations**

*This section has been approved by the following member of the Legal Team:
Angela Wakefield*

7.1. The main legal issues arising from this Report are as follows.

7.1.1. That the consultation, and adoption of the document is carried out in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and also that the SPD adequately considers the role of the Community Infrastructure Levy Regulations 2010 (as amended) regarding the pooling of developer contributions.

7.1.2. Following adoption of the SPD, it may be necessary to amend the S106 template.

7.1.3. Following adoption of the SPD, it may be necessary to carry out consultation with Parish Councils and affected residents on those planning conditions/S106 sign off which involve with specific reference to open space maintenance, where the open space is to be managed by a management company.

8. **Equalities and Health**

8.1. **Equality impacts:** The subject of this Report is revised policy and strategy guidance. An equality and health impact assessment has been prepared.

8.2. **Health impacts:** The outcome of the health screening question requires a full Health Impact Assessment to be completed.

8.3. The main equality or health issues arising from this Report are as follows: The SPD will have a positive impact on equality and health issues by ensuring that open spaces, recreational areas and sports facilities are high quality, with a range of equipment and roles which are accessible to all.

9. **Human Rights**

9.1. There are no Human Rights issues arising from this Report.

10. **Sustainability** (including climate change and change adaptation measures)

10.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) Yes/No or N/A

10.2. Please detail any positive/negative aspects:

10.2.1. Positive - High Quality open spaces will have multiple benefits, including biodiversity enhancement, water attenuation and urban cooling.

10.2.2. Negative (threats) – None

11. **Recommendation**

11.1. Adopt the Revised Open Space and Playing Pitch Draft SPD. As part of the adoption, the following will also be required:

- Publish a map identifying all assessed open spaces
- Publish an adoption statement, including the schedule of representations and associated response and the SEA and HRA statements
- Notify all those who made representations to the draft SPD
- Publish an update on the delivery of the playing pitch strategy at least annually, suggested through the Annual Monitoring Report.

12. **Background Papers**

- 12.1. East Staffordshire Local Plan 2012 – 2031
- 12.2. National Planning Policy Framework (2018)
- 12.3. National Planning Policy Guidance
- 12.4. Open Space and Playing Pitch Draft SPD
- 12.5. Open spaces calculator
- 12.6. Playing Pitch Calculator
- 12.7. Playing Pitch Strategy
- 12.8. Open Space Standards paper

13. **Appendices**

Appendix 1: Final Open Spaces and Playing Pitch Supplementary Planning Document

Appendix 2: Schedule of representations made to the Draft Supplementary Planning Document

Appendix 3: Habitat Regulations Assessment

Appendix 4: Strategic Environmental Assessment