

Issue 11	Community Facilities, Sports and Recreation	
Development plan reference:	3.7.1 – Community facilities, Sport and Recreation, page 36 CF1 - Open Space Retention and Provision, page 36 CF3 - Community Facilities, page 37	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) Mr & Mrs D Rendall (00525) Portmoak Community Council (00638) Councillor Michael Barnacle (02633) Scottish Natural Heritage (05211) Kinross-shire Civic Trust (06950) Theatres Trust (08819) Alistair Smith (09011)		John Beales (09092) Jim Pritchard (09104) Scone Palace & Estate (09163) Ken Russell (09193) Methven & District Community Council (09221) Alex Pritchard (09979) Homes for Scotland (10214)
Provision of the development plan to which the issue relates:	Policy group covering community facilities, sport and recreation.	
Planning authority's summary of the representation(s):		
<p><u>Policy Group</u> Scottish Government (00092/1/001): Maps do not identify all the school playing fields as required by SPP paragraph 154 (S4_Doc_088). The fields at Robert Douglas Memorial School and Perth Grammar School for example are not shown.</p> <p><u>CF1: Open Space Retention and Provision</u> Alex Pritchard (09979/1/003): Considers that where open space currently exists that it should be retained.</p> <p>Scottish Government (00092/2/001): Request that the note under Policy CF1B be added to, to provide the appropriate 'hook' for the Supplementary Guidance to ensure that it will also cover open space quality and accessibility issues. It appears only one of the elements in SPP (quantity) is proposed to be addressed in the forthcoming Supplementary Guidance. SPP (2010) paragraph 154 (S4_Doc_088) and PAN 65 paragraph 31 (S4_Doc_166) cover several requirements of quantity, quality and accessibility. However, the note under CF1B says that the Play Area Strategy appears to only cover 'quantity'.</p> <p>Scottish Natural Heritage (05211/4/001): Amend Policy CF1B to create, improve and avoid fragmentation of green networks and core paths to ensure that the benefits of integrating core paths and green networks (Core Paths Plan January 2012 (Core_Doc_023)) into new development are realised whilst ensuring their protection and enhancement.</p> <p>Alistair Smith (09011/2/001); Kinross-shire Civic Trust (06950/1/001); Portmoak Community Council (00638/1/002): Policy CF1A presently only focuses on recreation land. There is a need for this policy to also cover the protection of the village setting as</p>		

was previously done by the Kinross Area Local Plan (2004) Policy 88 (S4_Doc_165).

Mr & Mrs D Rendall (00525/2/001): Policy CF1A should not be applied to privately owned land unless it has been gifted to the local community for public use. Suggests that the refusal of a planning application for diversification on the basis of this policy's use for privately owned as well as publicly owned and accessible land for recreation and sport is unjustified. Planning Application 12/00031/IPL (S4_Doc_167).

Councillor Michael Barnacle (02633/1/010): Concerned that development proposals for playing fields could be permitted on sites that are deemed surplus to requirements through a future and imminent playing field strategy. Improve protection from development for playing fields that have been or could be declared surplus to requirements e.g. Davis Park in Kinross and Waulkmill Park in Crook of Devon.

Jim Pritchard (09104/1/008): Recreational open space is very important and is usually used by many different groups of people (e.g. children flying kites, dog walkers etc), not just those engaged in competitive sports.

Scone Palace & Estate (09163/4/009): This is part of a suite of objections to the Proposed Plan, aimed at achieving a more positive and supportive policy context for Scone Palace and Estate to survive and grow. Propose addition of text justified on the basis of Circular 1/2010 On Planning Agreements (Core_Doc_097) which states that:

Planning agreements should only be sought where they meet all of the following tests:

- necessary to make the proposed development acceptable in planning terms (paragraphs 12-14);
- serve a planning purpose (paragraph 15) and, where it is possible to identify infrastructure provision requirements in advance, should be relevant to development plans;
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 16-17);
- fairly and reasonably relate in scale and kind to the proposed development (paragraphs 18-20) and be;
- reasonable in all other respects (paragraphs 21 & 22).

Therefore the request for contributions to existing open space must be based on these tests and only be requested where the development will create additional pressure on existing infrastructure.

Scone Palace and Estate - Proposed Local Development Plan Response Core Document and Vision Statement (April 2012). (Core_Doc_107 and Core_Doc_108)

Homes for Scotland (10214/1/018): Applauds the pragmatic approach to improving existing areas of open space rather than supplementing it, where an adequate supply exists. This is logical and a welcome approach. Detailed supplementary guidance is required to see what levels of financial contributions will be required, to ensure that they relate in scale and kind. Support for the Plan

John Beales (09092/1/002): Policy CF1B within the Proposed Plan states that, *'the council will seek provision of appropriate areas of informal and formal open space that it is accessible to all users as an integral part of any development where existing provision is not adequate'*. Supports this policy and considers that if the H54 allocation were to be extended a formal area of open space could be provided south of Friar Place. Reference

to schedule 4 no. 35a (Kinross-shire Area - North and East Settlements with Proposals), representation 09092/1/001 is highlighted for further information on this issue.

Methven & District Community Council (09221/1/003): Support for the Plan because vital to quality of life

CF3: Community Facilities

Ken Russell (09193/1/001): To achieve the aims of a strong cultural identity which recreational facilities contribute to, the LDP should identify suitable areas in larger communities.

Theatres Trust (08819/1/001): Existing community facilities such as theatres are not protected by the existing policy framework and this is contrary to the vision contained at paragraph 2.2.2 of vision section (S4_Doc_518) of the plan and not in line with the approach taken to protect other community facilities such as open space.

Methven & District Community Council (09221/1/005): Support for the Plan.

Modifications sought by those submitting representations:

Policy Group

Scottish Government (00092/1/001): All playing fields should be identified in the plan including those within existing educational establishments and those required to meet existing or future needs.

CF1: Open Space Retention and Provision

Alex Pritchard (09979/1/003): Implicit change to better protect and retain existing open space.

Scottish Government (00092/2/001): Add to the note under CF1B to reflect requirements of SPP (2010) paragraph 154 (S4_Doc_088) and PAN 65 paragraph 31 (S4_Doc_166).

Scottish Natural Heritage (05211/4/001): Add the following wording to Policy CF1B: *'Opportunities should be pursued through the development process to create, improve and avoid fragmentation of green networks and core path networks'*.

Mr Alistair Smith (09011/2/001); Kinross-shire Civic Trust (06950/1/001); Portmoak Community Council (00638/1/002): Add a new criteria 'e' to Policy CF1A as follows:

'(e) Development proposals resulting in the loss of these areas will also not be permitted where the open space land preserves and protects village settings for historic and conservation areas. This will include any proposal to use the land for gardens for adjacent housing'

Mr & Mrs D Rendall (00525/2/001): Change Policy CF1A so that it does not apply to privately owned land.

Councillor Michael Barnacle (02633/1/010): Deletion of criteria (b) or amendments to take account of local community.

Jim Pritchard (09104/1/008): Implicit modification to recognise that the value of open space and recreational areas must not be measured simply in terms of whether *'organised'* competitive sports take place on them.

Scone Palace and Estate (09163/4/009): Add the following phrase: 'If it is required' to the sentence:

'In areas where there is an adequate quantity of accessible open space in a locality, a financial contribution towards improvement or management of existing open space may be considered an acceptable alternative if it is required'.

CF3: Community Facilities

Ken Russell (09193/1/001): Provision for use classes 10 and 11 should be made in all larger communities.

Theatres Trust (08819/1/001): Wording to be added to policy to protect existing facilities and provide new facilities when they are to be redeveloped.

Summary of responses (including reasons) by planning authority:

Policy Group

Scottish Government (00092/1/001): It is not essential to identify all the playing fields in the Plan as SPP (paragraphs 156-158) (S4_Doc_319) applies. The respondent makes specific reference to Robert Douglas Memorial School however the playing fields here are identified within the Plan (S4_Doc_338). The playing fields at Perth Grammar School are more appropriately identified within the Green Belt as they form part of the Inches and it is considered that the Green Belt policy contains sufficient safeguards to protect them. The formal playing fields at the secondary schools have been identified, excluding Blairgowrie, but it is not considered necessary to identify all those at the primary schools where open space provision is more informal and many are too small to be clearly identified in the maps included.

No modification is proposed to the Plan. However, if the Reporter is so minded the Council would have no objection to identifying the Blairgowrie secondary school playing fields but would suggest that only the largest of the primary school playing fields are identified i.e. those already identified.

CF1: Open Space Retention and Provision

Alex Pritchard (09979/1/003): Consider that the policy as phrased provides protection for the retention of open space except in the circumstances as set out in the criteria. The policy needs to have some flexibility to enable it to work properly and deal with changing circumstance. Policy RD1 (S4_Doc_405) is highlighted as offering further protection to small areas of private and public open space where they are of recreational or amenity value.

No modification is proposed to the Plan.

Scottish Government (00092/2/001): The proposed modification to Policy CF1B is not considered necessary as it would be a duplication of Scottish Government policy SPP, paragraph 158 (S4_Doc_319) in the Plan.

No modification is proposed to the Plan. While the Council does not consider the additional wording is required if the Reporter is minded there would be no objection to the modification proposed by the representee.

Scottish Natural Heritage (05211/4/001): Any development affecting the green networks or core paths will be subject to planning applications and therefore the Development

Management process. It is not considered necessary to add the additional wording to the policy for this reason.

No modification is proposed to the Plan. While the Council does not consider the additional wording is required if the Reporter is minded there would be no objection to the proposed change in wording.

Alistair Smith (09011/2/001); Kinross-shire Civic Trust (06950/1/001); Portmoak Community Council (00638/1/002): The proposed addition to the policy is not considered necessary as there is limited scope for development outside of settlement boundaries and Policy RD3 Housing in the Countryside (S4_Doc_418) covers any development in these areas adequately and appropriately.

No modification is proposed to the Plan.

Mr & Mrs D Rendall (00525/2/001): Privately owned land encompasses a wide variety of land owners and it is considered appropriate that the policy applies to all land in order to protect and enhance the overall character of an area and not allow piecemeal erosion. The area referred to in planning application 12/00031/IPL (S4_Doc_167) is considered important to be retained as open space; its previous designation as agricultural land under Policy 66 in the adopted Eastern Area Local Plan 1998 (S4_Doc_665) was to protect the character of the area, it was acknowledged the agricultural value of the land was poor so the revised Policy CF1A is more appropriate. An alternative approach of excluding these areas from within the settlement boundary was considered but it was felt that this would create an artificial 'island' and that the area was best protected by being within the settlement boundary and under this policy.

No modification is proposed to the Plan.

Councillor Michael Barnacle (02633/1/010): It is not considered acceptable to delete criteria (b) from the policy as it provides some flexibility for development and in some circumstances can be entirely appropriate. The local community are able to participate in the Development Management process at appropriate points and it is considered that their views will be taken into account at this stage rather than through an amendment to the policy.

No modification is proposed to the Plan.

Jim Pritchard (09104/1/008): The Council considers that it is implicit within the policy that it is not only organised competitive sports which are being referred to and that recreational pursuits as highlighted by the respondent are also taken account of. Therefore it is not necessary to highlight this further. This is evident in some areas which have been identified as open space within the Plan, such as land along the Lade in Perth and the park area in Milnathort to give two examples.

No modification is proposed to the Plan.

Scone Palace & Estate (09163/4/009): The proposed modification is not considered necessary as the policy requires appropriate areas of informal or formal open space as an integral part of new development where the existing provision is not adequate. In some cases this may best be provided by increasing the capacity of existing areas through improvements, i.e. providing an all weather surface therefore allowing more intensive use of an existing facility, rather than new facilities.

This satisfies the tests as set out in Circular 1/2010 (Core_Doc_097) as highlighted by the respondent and the addition of the modification to Policy CF1B is not necessary. It is highlighted that the general Infrastructure Contributions Policy PM3 (S4_Doc_496) deals with the tests in Circular 1/2010.

No modification is proposed to the Plan.

CF3: Community Facilities

Ken Russell (09193/1/001): In order to identify new areas in larger communities a comprehensive review of current and future demand has to be undertaken. New proposals are to be set out in a local facility strategy and at present there are no current proposals to be included in the Plan.

No modification is proposed to the Plan.

Theatres Trust (08819/1/001): The Council believes it is implicit that theatres are included within the term community facilities therefore there is no need to amend the policy wording to protect existing facilities and provide new facilities when they are to be redeveloped as the policy already covers this.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy Group

1. The Council is correct in stating that paragraphs 156 to 158 of Scottish Planning Policy (SPP) have relevance for the policies relating to section 3.7 Community Facilities, Sport and Recreation insofar as these are applicable to playing fields. In paragraph 156 it is stated that: *"Playing fields, including those within educational establishments, which are required to meet existing or future needs should be identified within the local development plan."* This is a statement of Government policy and, accordingly, the plan should be modified to comply fully with that requirement.

Policy CF1: Open Space Retention and Provision

2. Open space is not defined in the Proposed Plan's Glossary. However, that form of land use can be described as land either used for the purposes of public recreation or which provides, by reason of its openness, some public amenity benefit (for example, in the form of visual amenity). Policy CF1: Open Space Retention and Provision is worded to cover the spectrum of activities from organised competitive sports to informal recreational pursuits but does not extend to protect open space which has amenity rather than recreation value.

3. Policy RD1 provides protection to small areas of private and public open space where they are of either recreational or amenity value, but this policy only applies to land which is situated within a residential area. A number of representations call for the scope of Policy CF1A to be extended so that it offers protection to open space (including those that are in non-residential areas) which provides visual amenity benefits rather than any recreational function. The council's response to the representation from Mr and Mrs Rendall, which confirms why it considers Policy CF1A should apply to a particular piece of farm land with no recreation function, suggests that the council is not opposed to the application of Policy CF1A to land which is important to the character an area rather than

to any recreational activity.

3. It is concluded that the scope of Policy CF1A should be extended to protect open space which has amenity as well as recreation value. It is acknowledged that in residential areas this would create an overlap with the protection that is offered by Policy RD1. However, this is considered preferable to the alternative, which is to have no specific policy protection for open space in non-residential areas which has amenity rather than recreation importance.

4. An embargo on all forms of development on open space would not be a practical proposition. Nevertheless, the merits of any proposed development on this scarce asset should be carefully assessed. It is concluded that the application of Policy RD1 and Policy CF1A in the modified form that is recommended below, is a pragmatic and satisfactory approach to the retention, where appropriate, of open space in Perth and Kinross.

5. Turning to the respondents who suggest that Policy CF1A should not be applied to privately owned land unless it has been gifted to the community for public use, it is fundamental to the process of land use planning and subsequent development management that planning permission runs with the acceptable use of the land rather than with ownership of that land. It is not the ownership of land which is important but its value to the public as either a recreation or amenity resource.

6. The planning history of particular sites cannot be a determining factor in the preparation of policies for a local development plan. Accordingly, there can be no support for the view expressed that criterion (b) should be deleted from Policy CF1A. However, that does not preclude local communities from making representations should a planning application emerge which proposes development on an existing open space.

6. Criterion (c) requires, in effect, that if an existing facility would be lost it must be replaced with one of comparable or greater benefit and in a location which is convenient for its users.

7. As far as the introduction of an additional item (e) is concerned, there is a distinction to be drawn between the setting of a designated conservation area and the setting of the settlement within which that conservation area is located. With respect to the former, SPP at paragraph 115 states that: *"The design, materials, scale and siting of new development within a conservation area, and development outwith a conservation area which will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area."* Policy HE3: Conservation Areas of the Proposed Plan reflects national policy in that regard. With respect to the latter, housing development outwith a settlement boundary which affects the setting of any settlement, whether or not that settlement accommodates a conservation area, falls to be assessed against the terms of Policy RD3: Housing in the Countryside. If designated as open space it would also be covered by the modified form of Policy CF1A.

Policy CF1B: Open Space within New Developments

8. The Scottish Government has drawn the attention of the council to the requirements of SPP at paragraph 154 and the advice on good practice contained in PAN 65: Planning and Open Space at paragraph 31. The council should not disregard national policy and good planning practice as far as this policy and any related supplementary guidance is concerned. Accordingly, the text provided under the first bullet point of the Note should

be deleted and replaced with appropriate text.

9. The change to Policy CF1B requested by Scottish Natural Heritage will add clarity to what is expected from prospective developers in making applications for planning permission.

10. Policy CF1B is intended to be read as a whole. It makes clear that developer contributions maybe considered as an acceptable alternative but only where it is physically impossible or inappropriate to meet the required open space on site. Given that wording, there is no need to amend the text of the policy to add “*if required*” at the end of the third paragraph.

Policy CF3: Community Facilities

11. Theatres are included within the term social and community facilities and, consequently there is no pressing need to amend the wording of Policy CF3. However, it is noted from a reading of the Theatres Trust’s representation that, following consultation, the council included theatres in the description of Social and Community Facilities to be found in the Glossary. Accordingly, for clarity and completeness and in tune with the council’s response to this representation, the policy should be renamed.

Reporter’s recommendations:

Policy CF1: Open Space Retention and Provision

1. Modify paragraph 3.7.2 by adding a third sentence as follows: “*Playing fields, including those within educational establishments, which are required to meet existing or future needs are identified within the plan.*”

Policy CF1A

2. Modify the first paragraph of the policy to read as follows:

“The Plan identifies Sports Pitches, Parks and Open Space. These are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:”

3. Modify criterion (a) of the policy to read as follows:

“Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.”

4. Modify the criterion (b) of the policy to read as follows:

“The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.”

5. Modify criterion (c) of the policy by adding the following at the start:

“In the case of proposals involving the loss of a recreational facility...”

6. Modify criterion (d) by adding the following at the start:

“Where a proposal would involve the loss of a sports pitch...”

Policy CF1B: Open Space within New Developments

5. Delete the text associated with the first bullet point of the Note and replace it with the following: *“The quantity, quality and accessibility of open space required for proposed developments.”*

6. A consequential amendment is required at the third paragraph of the policy as follows: delete, *“an adequate quantity of accessible open space;”* and insert, *“an adequate supply of accessible open space of an appropriate quality”*.

7. Add the following as paragraph 4 to the existing text: *“Opportunities should be pursued through the development process to create, improve and avoid fragmentation of green networks and core path networks.”*

Policy CF3: Community Facilities

8. Rename the policy as follows: “Policy CF3: Social and Community Facilities”.