

Issue 08	Community Facilities, Sports and Recreation	
Development plan reference:	Policy 14 Open Space Retention and Provision, page 32-33 Policy 15 Public Access, page 33 Policy 16 Social and Community Facilities, page 35	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
George Skea (0023) Steven McLeary (0320) Ramblers Scotland (0322) Lisa Marshall (0346) Christopher Marshall (0347) Scottish Natural Heritage (SNH) (0353) Alistair Godfrey (0410) Scottish Government (0451) Theatres Trust (0454) Mr Scott Paterson (0528) Portmoak Community Council (0541)		
Provision of the development plan to which the issue relates:	Community Facilities, Sports and Recreation related policies, page 32-35	
Planning authority's summary of the representation(s):		
<p><u>Policy 14 Open Space Retention and Provision</u></p> <p>SNH (0353/01/008): An open space audit and strategy would provide the evidence base for the quantity, quality and functions of all open space for the Supplementary Guidance. This is referred to in paragraphs 222 and 224 of Scottish Planning Policy (CD004). Currently it is unclear how the value of existing open space provision is assessed.</p> <p>Scottish Government (0451/01/007): Scottish Planning Policy refers specifically to safeguarding `outdoor sports facilities` (CD004; para 226). The wording of Policy 14A should be changed to `Areas of open space, parks, outdoor sports facilities, including sport pitches, and allotments/community growing areas` in order to be in line with SPP.</p> <p>Scottish Government (0451/01/008): To better reflect the Scottish Planning Policy (CD004; para 227), additional wording should be inserted into Policy 14B to encourage opportunities for a range of community growing spaces, not just allotments.</p> <p>Mr Scott Paterson (0528/01/001): The creation of wildflower meadows and open grassland should be encouraged within existing and new areas of open space. They would benefit biodiversity and would be easier to maintain than intensively managed open spaces.</p> <p>Portmoak Community Council (0541/01/003): It should be clearer whether the policy applies only within settlement boundaries or outwith settlement boundaries as well.</p>		

Policy 15 Public Access

George Skea (0023/1/001): Supports highlighting the Long Distance Route between Kinross and Balado. However it would be better to link this to Old Cleish Road to the south of Kinross as the current route has difficult crossings.

Steven McLeary (0320/01/002); Lisa Marshall (0346/01/003); Christopher Marshall (0347/01/003): The long distance route between Crook of Devon and Kinross Coldrain does not appear to join other existing paths. The use of this path could result in increased traffic and consideration should be given to issues such as parking and pedestrian and road safety at either end point.

Ramblers Scotland (0322/01/001): Objects to the wording of the policy which is too vague and open to interpretation. The terms `adverse and `integrity` are difficult to apply in a meaningful way in this context. Furthermore, it is not the paths but the users of these facilities which need to be protected by the policy.

Alistair Godfrey (0410/01/006): The policy should recognise general rights of access exercisable under the Land Reform (Scotland) Act 2003 (CD033), over and above Core Paths and rights of way, as well as recent changes in legislation and guidance.

Policy 16 Social and Community Facilities

Theatres Trust (0454/01/005): Policy 16 protects facilities from unnecessary loss. Additional text should be added to the Policy requiring applicants to demonstrate that they have made genuine effort to market the facility at an appropriate rate and there is no realistic aspect of the existing use continuing. The title should be amended to make it explicit that the Policy applies to cultural facilities such as theatres.

Modifications sought by those submitting representations:

Policy 14 Open Space Retention and Provision

SNH (0353/01/008): Amend Note to add the intent to produce an open space audit and strategy to inform the Supplementary Guidance on Open Space.

Scottish Government (0451/01/007): Change the wording to `Areas of open space, parks, outdoor sports facilities, including sport pitches, and allotments/community growing areas`.

Scottish Government (0451/01/008) Additional wording should be inserted to encourage opportunities for a range of community growing spaces.

Mr Scott Paterson (0528/01/001): Encourage the creation of wildflower meadows and open grassland.

Portmoak Community Council (0541/01/003): Clarify whether the policy applies only within settlement boundaries or outwith settlement boundaries as well.

Policy 15 Public Access

George Skea (0023/01/001): Link the Long Distance Route from Balado to Old Cleish

Road to the south of Kinross.

Steven McLeary (0320/01/002); Lisa Marshall (0346/1/003); Christopher Marshall (0347/1/003): No specific change was proposed to the Plan however respondents stated that any proposal should include conditions around traffic, pedestrian safety and parking at either end of the route.

Ramblers Scotland (0322/01/001): The policy should be re-worded so as commence: "Development proposals that would have a demonstrable and significant impact disadvantageous for users of the core paths, right of way or other well-used routes will not be permitted."

Alistair Godfrey (0410/01/006): No specific change was requested.

Policy 16 Social and Community Facilities

Theatres Trust (0454/01/005): Include text requiring applicants to demonstrate that they have made genuine effort to market the facility at an appropriate rate and there is no realistic aspect of the existing use continuing. Amend the title to `Social, Cultural and Community Facilities`.

Summary of responses (including reasons) by planning authority:

Policy 14 Open Space Retention and Provision

SNH (0353/01/008): The Open Space Provision for New Developments Supplementary Guidance will provide a framework for determining the open space requirements for new development. It will set out:

- The standards for open space in new developments
- The types of open space which are required
- Whether the open space provision should be on-site or off-site
- The mechanisms for the maintenance of open space

Quantity, quality and accessibility standards set out in the guidance will be based on national guidelines and existing Council standards and can be applied to new development in any context. Developers may undertake an assessment of the existing open space provision of the surrounding area in order to justify their choice of on-site provision or to show that the right type of open space is already available in the vicinity of the development. There are a number of sources such as open source databases, aerial imagery and site visits which can be used to proof check whether the proposal meets the standards outlined in the guidance.

The guidance will link to audits and strategies which are currently in place for the management of existing public open spaces maintained by the Council (e.g. play areas, sport pitches, Core Paths). These facilities have been audited and can be viewed on the Council's website at <http://www.pkc.gov.uk/article/15496/Map-of-play-areas>.

In general, the value of an overarching Open Space Audit & Strategy is acknowledged however the Council does not have resources allocated for this exercise at the moment. It is not considered appropriate to make this commitment in the Development Plan prior to securing the necessary resources for undertaking an audit.

No modification is proposed to the Plan.

Scottish Government (0451/01/007): Open space is an umbrella term for areas which are used for recreational purposes by the community or have amenity value. The policy highlights sport pitches, parks and allotments/community growing areas however the designation covers a range of other public open spaces such as tennis courts, bowling greens and smaller residential amenity spaces. The modification is not considered to make a significant change to the content or application of the Policy.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to changing the wording to 'Areas of open space, parks, outdoor sports facilities, including sport pitches, and allotments/community growing areas'.

Scottish Government (0451/01/008): The Policy is considered to be in line with SPP which refers to local authorities' statutory duty to provide allotments where there is proven demand (CD004; para 227). The Supplementary Guidance being developed to accompany Policy 14 will include reference to other community growing spaces such as orchards.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to the following wording to Policy 14B: 'Allotments / community growing areas should be incorporated where there is a proven demand in the local area.'

Mr Scott Paterson (0528/01/001): Natural, low maintenance vegetation is suitable in a number of instances depending on the intended function of the open space and the character of the surrounding area. The Supplementary Guidance for Policy 14 will encourage low maintenance solutions in landscape design for areas of open space with less activity and higher biodiversity potential. Furthermore, Policy 39 on Biodiversity covers requirements in relation to protecting and enhancing wildlife and wildlife habitats. It is not considered necessary to make a specific reference to the creation of wildflower meadows and open grassland within the Policy as this level of detail is not appropriate for the Plan.

No modification is proposed to the Plan.

Portmoak Community Council (0541/01/003): The Policy applies to all areas open space of recreational or amenity value. The Plan designates the key areas of open space which are within settlement boundaries. In areas outwith settlement boundaries it has to be decided on a case by case basis whether the site in question has recreational or amenity value. In most cases open spaces have a clearly identifiable function (e.g. sports area/ playground) and Policy 14 can be applied. Where the value of the site as open space is questionable and it is not within a settlement boundary, the proposal will be determined under Policy 19: Housing in the Countryside; Policy 8: Rural Business and Diversification and Policy 1: Placemaking. These policies cover the acceptability of the proposed land use as well as the impact of the proposal on the amenity of existing households and the landscape framework.

No modification is proposed to the Plan.

Policy 15 Public Access

George Skea (0023/01/001); Steven McLeary (0320/01/002); Lisa Marshall (0346/01/003); Christopher Marshall (0347/01/003): The Long Distance Routes are identified in the National Planning Framework 3 (CD003; page 75) as national developments and refer to improving and expanding existing Core Paths. They form part of a wider network which provides access to the outdoors encouraging walking and cycling. The rationale behind the Crook of Devon – Kinross route is to create a continuous route between Stirling, Kinross and beyond to Fife, primarily for recreational purposes. The long distance routes are highlighted in the Plan to reflect the aspiration of NPF3. The project has already started, and sections of the path have been completed on the ground.

The south route links to other paths around Crook of Devon and there are opportunities to make further off-road linkages to Kinross. At this stage it is unknown whether additional parking will be required and if so, where this should be located in relation to the wider Core Path Network. As for safety considerations, they are relevant to the design and development of all paths and are assessed as part of the proposals when they come forward.

No modification is proposed to the Plan.

Ramblers Scotland (0322/01/001): `Integrity` by definition refers to `the state of being whole and undivided`. The policy protects against development which would have a negative impact on this state and lead to the fragmentation of public access routes (e.g. block Core Paths routes). The Plan in general relates to spatial elements, their quality and relationship to each other. Deciding what is disadvantageous for users is considered to be more subjective and is not within the remit of the Local Development Plan.

No modification is proposed to the Plan.

Alistair Godfrey (0410/01/006): Section 13 of the Land Reform (Scotland) Act 2003 (CD033; Chapter 5) states that `it is the duty of the local authority to assert, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised`. In line with the legislation, Policy 15 protects core paths, disused railway lines, asserted rights of way and other well-used routes to ensure that development does not obstruct these routes. The Land Reform (Scotland) Act 2016 (CD034) does not include changes which would affect Policy 15.

No modification is proposed to the Plan.

Policy 16 Social and Community Facilities

Theatres Trust (0454/01/005): The Council believes that cultural facilities (e.g. theatres or concert halls) are included within the term community facilities. The Glossary for the Proposed Plan states that `Social and Community Facilities are primarily those currently within Classes 10 (Non-residential institutions), and 11 (Assembly and Leisure) of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as well as conventional healthcare uses and theatres`. Therefore it is not considered necessary to amend the Policy wording.

Based on Policy 16, a community facility may be turned into a different use if the change does not affect the availability of the provision and no suitable alternative community uses can be found for the building or land. Adding the suggested wording could emphasise

what is required if a community facility is put up for sale however `genuine effort` and `appropriate rate` is difficult to define which would not enhance the clarity of the Policy.

No modification is proposed to the Plan. However if the Reporter is minded to accept the modification the Council would not object to amending the title of the Policy to `Social, Cultural and Community Facilities` as it would not have any implications for any other aspect of the plan.

Reporter's conclusions:
Reporter's recommendations: