



Enterprise and Business Scrutiny Panel

4 March 2014

Report title	Wolverhampton Strategic Approach to Open Space	
Cabinet member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
	Councillor Elias Mattu Leisure and Communities	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise Sarah Norman, Communities	
Originating service	Planning / Community and Recreation	
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Report to be/has been considered by	Strategic Executive Board	6 February 2014
	Vibrant, Safe and Sustainable Communities Scrutiny Panel	13 March 2014
	Cabinet	26 March 2014

Recommendation(s) for action or decision:

The Panel is recommended to:

1. Consider and provide comments on the attached Open Space Strategy and Action Plan and reporting mechanisms;
2. Consider and provide comments on the draft Open Space, Sport and Recreation Supplementary Planning Document.

Recommendations for noting:

The Panel is asked to note:

1. That this item is being considered as pre-decision scrutiny and will therefore not be available to call-in once a decision is made by the Executive.

1.0 Purpose

- 1.1 To seek the comments of the Enterprise and Business Scrutiny Panel on the adoption of a strategic approach to open space, as set out in an Open Space Strategy and Action Plan (OSSAP) and an Open Space, Sport and Recreation Supplementary Planning Document (SPD). These documents will direct investment and planning decisions on open space across the City in future years, helping the Council to focus external funding (including developer contributions) and release surplus assets to maximise local community and regeneration benefits.
- 1.2 The report will be taken to 13 March Vibrant, Safe and Sustainable Communities Scrutiny Panel for comments, and then to 26 March Cabinet for approval to adopt the OSSAP and publish the SPD for consultation.
- 1.3 It is proposed to report annual progress and any updates to the Action Plan to Councillors and Strategic Directors through the Council's agreed Asset Management governance and reporting groups.

2.0 Introduction

- 2.1 Well managed and located open spaces make a vital contribution to the quality of life and health of individuals, families and communities across Wolverhampton. The Council owns and manages most of the open space in the City, providing a range of recreational opportunities for sport, exercise, play, contact with nature, growing produce, etc. The Black Country Core Strategy is clear that a network of good quality open space is vital to attract people to live and work in Wolverhampton.
- 2.2 Investment is currently taking place in open space across the City, to improve key sites such as East Park, create open space to serve new and existing residents such as at the former Goodyear site, and maximise use of existing sites such as school playing fields. Much of the funding for on-going improvements has been secured from developers.
- 2.3 However, it is now vital to adopt a more strategic approach to open space, which makes efficient use of open space assets and ensures delivery of regeneration priorities within constrained budgets. This can be achieved by working with local communities and reconfiguring sites and services, where appropriate, to release funds for reinvestment. To make decisions about where this should happen and to secure external funding for investment, it is important to have an up-to-date evidence base and an adopted strategy and action plan based on deliverable open space standards, to guide delivery.
- 2.4 A Wolverhampton Sport Development Investment Strategy (WSDIS) and a Playing Pitch Strategy and Action Plan (PPSAP) were completed in 2012. When Cabinet approved these documents it was agreed to receive a future report on the preparation of an overarching Open Space Strategy and Action Plan (OSSAP) and associated Open Space, Sport and Recreation Supplementary Planning Document (SPD).

- 2.5 Adoption of the OSSAP and the SPD will complete a programme of cross-Council work on open space and sport issues. It is important that the Council adopts these documents as soon as possible, to:
- Secure investment for priority open space, sport and recreation projects which will support regeneration and health objectives and increase the attractiveness of Wolverhampton as a place to live, visit and work;
 - Provide clarity and certainty to developers and land owners, including the Council, in relation to the disposals programme and planning obligations; and
 - Provide a strategic context for external funding bids and future budget decisions.

3.0 Background

- 3.1 The 2006 Unitary Development Plan (UDP) provides the basis for planning decisions on open space in Wolverhampton. The UDP set an interim open space standard of 2.6 ha per 1,000 residents to be used until a local open space audit and needs assessment (OSANA) could be completed and local standards adopted in a SPD.
- 3.2 A Wolverhampton OSANA was completed and endorsed by Cabinet in October 2008 and work began on an Open Space, Sport and Recreation SPD in 2009. However, further work was required to prioritise the OSANA recommendations in light of the City's growth ambitions and the funding available to manage and improve open space, sport and recreation facilities.
- 3.3 Therefore, consultants Knight Kavanagh and Page were appointed to help the Council prepare a deliverable Open Space Strategy and Action Plan (OSSAP). This involved updating the standards from the 2008 OSANA and assessing the quality and value of key open spaces. The new standards were applied to different parts of the City, to inform the development of a prioritised, deliverable Action Plan.
- 3.4 The Local Neighbourhood Partnerships were consulted on the proposed priority actions for their areas, and their comments have been incorporated into the Action Plan where appropriate. Playing pitch priorities (based on the PPSAP and more recent work) have been incorporated into the Action Plan, to provide a full picture of open space priorities across the City and a clear framework for dealing with any future proposals affecting playing fields.
- 3.5 The Open Space, Sport and Recreation SPD published for consultation in 2010 was then redrafted to reflect the updated audit information and revised standards in the OSSAP, and new requirements for planning obligations set out in the Community Infrastructure Levy Regulations (2012).

4.0 Summary of the Open Space Strategy and Action Plan (OSSAP)

- 4.1 The OSSAP is an investment strategy and evidence for planning decisions, which:
- Applies deliverable open space standards to different parts of the City and highlights areas of surplus and deficiency;
 - Provides clear, prioritised actions to protect, improve and extend open space provision where there are deficiencies, and rationalise open space provision where

there are surpluses or this could improve quality or access (taking into account cross-boundary effects and City-wide priorities);

- Maximises effective use of existing physical and financial resources in improving open space provision.

4.2 The OSSAP sets out quantity, quality and access standards for seven different types of open space:

- Parks
- Natural green space
- Amenity green space
- Provision for children
- Provision for young people
- Outdoor sports (including playing pitches)
- Allotments

It applies these standards to five Analysis Areas (see p.16 of the OSSAP) and highlights areas which have surpluses or deficiencies against the standards (see p. 23-26 of the OSSAP). The standards are generally lower than those set by neighbouring authorities, reflecting the densely built, urban nature of Wolverhampton.

4.3 The City-wide aims of the OSSAP are:

- To broadly retain the same amount of open space across the City (4.2 ha per 1,000 residents);
- To target investment in key open spaces to address gaps & support growth;
- To allow poorer quality open spaces to come forward for development, subject to levels of compensation which provide reasonable capital receipts;
- To set out playing pitch priorities (based on the Playing Pitch Strategy & Action Plan and more recent work) which provide a clear framework for disposal of school playing fields.

4.4 The priority projects set out in the Action Plan part of the OSSAP (p. 38-59) provide clear guidance on the Council's priorities for open space improvement by Analysis Area, which will form the focus for investment and allocation of developer contributions and other funding.

5.0 Summary of the Open Space, Sport and Recreation SPD

5.1 The draft Open Space, Sport and Recreation SPD is a planning document which:

- Adopts local open space standards and establishes the role of the OSSAP for planning purposes;
- Explains how planning policies for the protection of open space and provision of open space to serve new developments will be applied in the context of the new open space standards, viability issues and the CIL Regulations;
- Sets out current costs for open space and play provision and maintenance in order to inform negotiations on developer contributions.

- 5.2 The SPD includes the open space standards set out in the OSSAP and the playing pitch standards set out in the PPSAP, in order to “adopt” them for planning purposes, and highlights areas which have surpluses or deficiencies against the standards (see SPD Plan 1 and Table 1). These “City standards” will be used as the evidence base for determining planning applications affecting open space and for deciding both the most appropriate form of mitigation for loss of open space and the most appropriate form of provision to serve new development. Where the City standards are used, account will be taken of future needs for open space in the light of an increasing population and areas of housing growth across the City.
- 5.3 The priority projects set out in the OSSAP provide clear guidance on the Council’s priorities for open space improvement by Analysis Area, which will form the focus for allocation of developer contributions.
- 5.4 The SPD recognises that requiring new housing developments to provide the full open space standard of 4.42 ha per 1,000 residents would be practically difficult and seriously threaten the viability of most developments. Therefore the SPD restates the UDP position that new housing developments of ten homes or more will be expected to provide the following “housing development standards”:
- 26 m² recreational open space per resident (the equivalent of 2.6 ha per 1,000 residents)
 - The equivalent of one Local Equipped Area for Play (LEAP) for every 1,000 residents
 - One multi-ball games area for every 2,000 residents
- 5.5 It is important to note that adoption of the SPD will not place additional requirements on developers, as the SPD provides detail on existing policy and reflects the current method / costs used for calculating open space, sport and recreation contributions. This current method reflects the flexible approach to planning obligations which has been in place in Wolverhampton since 2009. The method also reflects the requirements of the CIL Regulations, in that only contributions which are directly related to the impact of the development will be sought and no more than five contributions will be pooled for any one project.
- 5.6 The housing development standards and the average costs for provision and maintenance of open space and facilities will be used as a starting point for calculating the quantity of open space / facilities required to serve a housing development, as this ensures that the contributions sought will be proportionate to the scale and impact of the development. However, the final amount of contributions required (on or off-site) will depend on the level of deficiency in the local area against the City standards.
- 5.7 For example, where there is a lack of play provision in the local area, the development may be required to provide a new play area on site. However, if the only deficiency in the local area is a low overall quality of play facilities, an off-site contribution to upgrade a play area accessible from the development may be required, providing this costs no more than providing the housing development standards. If the only deficiency in the area is poor access to play facilities, a contribution may be required to create an access

point to a nearby play area, providing this costs no more than the housing development standards.

6.0 Consultation and Next Steps

- 6.1 A report seeking approval to adopt the OSSAP for use as an investment strategy and evidence for planning decisions, and to commence public consultation on the draft SPD will be taken to Cabinet on 26 March. This report will include the comments of Enterprise and Business and Vibrant, Safe and Sustainable Communities Scrutiny Panels.
- 6.2 The OSSAP is a working document and the Action Plan will be monitored and updated every year and the OSSAP as a whole reviewed at an appropriate time or a minimum of every five years. It is proposed that an annual progress report and update of the Action Plans will be reported to Councillors and Strategic Directors through the Council's agreed Asset Management governance and reporting groups.
- 6.3 It is proposed to publish the draft SPD for consultation for six weeks during April / May 2014, in accordance with Government guidance and the Wolverhampton Statement of Community Involvement. A press notice will be issued and the draft SPD will be made available on the Council's website and at Council offices and other appropriate locations around the City.
- 6.4 The draft SPD will be circulated to key stakeholders and other interested parties for comment. The views of developers and house-builders will be particularly relevant in terms of the detailed use of the SPD and viability issues. Consultation with these organisations will take the form of a written request for comments and face to face meetings where appropriate.
- 6.5 The Council is required to consider all responses to the consultation and make amendments to the draft SPD and Sustainability Appraisal where appropriate. Following approval of the Council's response to consultation, through an Individual Executive Decision Notice, the SPD will be formally adopted and used in the determination of planning applications.

7.0 Financial implications

- 7.1 The Action Plan is a compilation of schemes, some of which are already on site and others which are potential. In addition, costs are not known for all of the schemes included.
- 7.2 Not all of the schemes involve the Council incurring capital expenditure. However, ongoing maintenance of the sites will impact on the Council's revenue budget. The table below shows a summary of the financial information held in the Action Plan, where it is known. The table also identifies the expenditure which is in the Council's approved Capital Programme.

Schemes	Cost £000	Council Resources £000	Grant Funding Confirmed £000	S106 £000	External Not Specified £000	Funding To Be Identified £000	Total Resources £000
Approved Capital Programme	9,053	7,335	982	736	-	-	9,053
Other	15,737	100	-	3,089	4,600	7,948	15,737
Total	24,790	7,435	982	3,825	4,600	7,948	24,790

7.3 Any potential Council schemes will require approval by the Council before any capital expenditure is incurred. This will involve the submission of proposals to the Capital Programme Working Group (CPWG) to be reviewed on value for money and appropriateness based on the current financial climate. Capital expenditure has a direct impact upon the Council's revenue budgets and therefore needs to be restricted to projects essential to the Council's priorities. Any projects endorsed by the CPWG will then be reported to Councillors for approval.

7.4 The review mentioned above will include an assessment regarding affordability and ongoing revenue implications. It should be noted that the operational revenue budgets for Parks and Open Spaces are currently the responsibility of Public Realm (Delivery Directorate) and so they will be consulted on proposals for new play schemes and open spaces.

7.5 The costs of consultation and publication of the SPD will be met through the approved Planning Local Plan revenue budget for 2014/15.
[SH/20022014/Y]

8.0 Legal implications

8.1 Section 15 of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to prepare, publish and maintain a Local Development Scheme (LDS) including Local Development Documents. In accordance with Section 17 of the 2004 Act the SPD will become a Local Development Document which forms part of the Local Plan for Wolverhampton.

8.2 The procedure to be followed to prepare the SPD is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012/767) which came into force on 6 April 2012 and revoked the 2004 Regulations (SI 2004/2204).
[LD/11022014/A]

9.0 Equalities implications

9.1 An Equality Analysis has been completed, which concludes that, overall, the Open Space Strategy and Action Plan (OSSAP) will have positive equal opportunity implications, by seeking to achieve equal access for all to a sufficient quantity and quality of open space and sport facilities of different types. Together with the Wolverhampton Sport Development and Investment Strategy, the OSSAP will increase participation in sport and physical activity and access to high quality open space across the City.

- 9.2 There is identified potential for some localised adverse impacts through development of a limited number of open spaces. However, in these cases there has been careful consideration to ensure that any impacts are balanced by secured mitigation measures which will result in overall improvements to quantity, quality and/or access to open space in the local area.
- 9.3 The development of the Local Plan policies on which the SPD is based has been informed by an on-going Equality Analysis which has assessed the potential effects of the emerging policies and proposals on different groups of people. Therefore, as the purpose of the SPD is not to set new policy, but to provide guidance on how to apply existing policies, an Equality Analysis is not required for the SPD.

10.0 Environmental implications

- 10.1 A Sustainability Appraisal was carried out on the contents of the SPD. The Appraisal concluded that adoption of the SPD would result in no significant change to the overall positive effects of Local Plan policies on sustainability criteria. A Strategic Environmental Assessment (SEA) Screening Statement has also been produced, which concludes that an SEA of the SPD contents is not required.

11.0 Schedule of background papers

Wolverhampton Open Space Audit and Needs Assessment, PMP for Wolverhampton City Council (2008)

Wolverhampton Playing Pitch Strategy and Action Plan, KKP for Wolverhampton City Council (January 2012)

Cabinet 11th April 2012 – Sport Development and Investment Strategy

Adults & Communities Scrutiny Panel 19th March 2013 – Sport Development and Investment Strategy (Progress Report)

Wolverhampton Open Space Strategy and Action Plan (February 2014)

Wolverhampton Open Space Strategy and Action Plan Equality Analysis (January 2014)

Draft Open Space, Sport and Recreation Supplementary Planning Document (February 2014)