

## **Cabinet – 12 April 2006**

### **Urban open space supplementary planning document**

<b>Portfolio</b>	Councillor Adrian Andrew, Regeneration Councillor Marco Longhi, Environment and Transport
<b>Service Area</b>	Regeneration
<b>Wards</b>	All
<b>Forward Plan</b>	Yes

#### **Summary of report**

This report is to recommend the Cabinet to adopt the Urban Open Space Supplementary Planning Document (SPD) as the Council's planning policy on developer contributions towards the provision of open space, sport and recreation facilities in the borough.

The SPD adds to and clarifies policies in the UDP Review regarding open space (GP3 and LC1-LC6). It sets standards for provision of such facilities in respect of new residential development and sets the scale of contribution, through, for example, Section 106 Agreements, that developers should make.

#### **Recommendation**

Cabinet is recommended to:

- (1) Endorse the responses to the submissions received in reply to the formal consultation exercise; and
- (2) Adopt the Urban Open Space Supplementary Planning Document.

#### **Resource and legal considerations**

The Supplementary Planning Document (SPD) is prepared under the Planning and Compulsory Purchase Act 2004 and, whilst it provides guidance on applying policies from Walsall's adopted UDP, it will form part of the Walsall Local Development Framework - the statutory development plan for the borough. Adopting the SPD will give it statutory force.

The SPD will be implemented through Planning Obligations and Agreements, under Section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991), being applied to new housing developments. This will result in more resources for the provision and maintenance of open space facilities. Income is tied directly to development rates, which fluctuate from year to year, but the estimated income for a typical year is in the region of £1 million; about half for installation and half for maintenance over 10 years.

The SPD outlines the basis on which the resources secured are to be spent on the provision / improvement of open space. In general terms, up to 80% will be used at the local level, with 10-20% used to for facilities at the Local Neighbourhood Partnership and / or Borough-wide level.

The UDP makes it clear that, as well as green spaces, urban open spaces can include water areas and paved areas, such as squares and pedestrianised street within centres. Some resources may therefore become available through implementation of the SPD for improvements to the public realm in the town and district centres.

Production of planning documents on time is a critical factor in securing Planning Delivery Grant.

### **Citizen impact**

In-kind provision and commuted sums from Section 106 Obligations and Agreements will lead in time to improved open space facilities across the borough, which should benefit residents and visitors to the borough. In practice the end use of resources will be guided by the Greenspace Strategy, being prepared concurrently by the Greenspace Team in the Council's Neighbourhood Services Directorate (and which will be reported to a future meeting of Cabinet), and by other policy documents, for example to promote regeneration projects in the town centre. The SPD is supported by the Teaching Primary Care Trust, which values the contribution that open spaces can make to people's health.

### **Community safety**

Improved Open Space facilities should have a positive effect on community safety.

### **Environmental impact**

The SPD will help to provide and improve open space to the benefit of local residents.

The SPD is accompanied by a Sustainability Appraisal, which was also subject to public consultation. It concluded that the environmental impacts of the SPD would be relatively minor, but generally positive. There was no need to carry out a Strategic Environmental Assessment in respect of any significant environment impact.

## **Performance and risk management issues**

Adhering to the policies in the SPD will ensure a consistent and defensible approach to all relevant developments in terms of the provision that developers make.

The allocation of resources to particular sites will be guided by the Greenspace Strategy, which, as well as providing the evidence base behind this SPD, will provide an action plan to guide the Council in managing its open space facilities. The resources secured and the spending on open space provision and improvements will be monitored by Planning Services and the Greenspace Team in the Neighbourhood Services Directorate.

The draft SPD has been subject to a rigorous consultation process, which has made it more robust, and consistent application of the policies will minimise the risk of challenge, for example through planning appeals.

## **Equality implications**

The SPD is intended to make open space facilities more accessible to more people. In particular it requires that a proportion of resources should go towards "Access for All".

## **Consultation**

The SPD has been subject to public consultation consistent with the Planning Act and the Council's Statement of Community Involvement, as submitted for Examination by the Secretary of State.

The main elements of the consultation were a household survey, informal discussions with a range of interested parties, an event at the New Art Gallery and a formal public consultation, which ran from 27 January to 24 February 2006, and which led to 65 comments being received, 18 of which have led to significant changes being made in finalising the SPD. The main issues raised were:

- (a) The health benefits of open spaces have been emphasised in the SPD and the Sustainability Appraisal.
- (b) The SPD sets an overall target for natural and semi-natural space and will be reinforced by the Greenspace Strategy, which will be consulted on during the Summer. Most of the issues raised are already covered in the SPD and UDP / LDF or will be covered in the Greenspace Strategy. Nonetheless, some minor changes have been made regarding these issues.
- (c) The Playing Pitch Strategy is referred to in more detail in relevant sections.
- (d) The SPD now refers to more aspects of national planning policy, notably in PPS 1 and PPG 17.
- (e) Greenways are specifically included (they were not excluded by the draft SPD).
- (f) It was suggested that some aspects of the SPD were not consistent with PPG 17 and its Companion Guide. Mainly, this arose from a lack of clarity in the SPD so these areas have been sharpened up. The playing field standard has also been raised to address concerns that the draft would lead to losses contrary to PPG 17.
- (g) The SPD is now more explicitly focused on residential developments.

- (h) It was suggested that the 10 dwelling threshold was not justified, but there is a clear case for such a threshold supported by current practice elsewhere and by the Companion Guide to PPG 17, which says exceptions should be made for smaller developments. The threshold has been retained.
- (i) Several respondents said there was a lack of clarity in the draft about on-site and off-site provision so this has been clarified in a number of places in the SPD.
- (j) It was suggested that the SPD should refer to the transformational change agenda being developed through the Black Country Study and RSS review. However, this is at too early a stage and will not feed into the LDF until adoption of the Core Strategy in early 2009. The SPD is for the period up to then.
- (k) There was concern that the cost estimates for providing open spaces are too low. The estimates are based on recent experience and broadly reflect the approach in neighbouring authorities, which was a key outcome of the consultation event.

Generally, the consultations led to improvements to the SPD. More detail is given in the Statement on Consultation accompanying the SPD.

## **Vision 2008**

The SPD will contribute in a number of ways towards the Council's Vision 2008. The most direct links are to:

- Ensure a clean and green borough;
- Ensure all people are safe and secure;
- Make Walsall a healthy and caring place;
- Encourage everyone to feel proud of Walsall;
- Listen to what local people want.

It will also contribute to an improving Planning Service by adding clarity to the process of determining relevant planning applications and concluding Section 106 Agreements.

## **Background papers**

The SPD and accompanying documents are:

- Supplementary Planning Document to the Walsall Unitary Development Plan for Urban Open Space April 2006.
- Supplementary Planning Document to the Walsall Unitary Development Plan for Urban Open Space: Sustainability Appraisal and Screening Statement April 2006.
- Supplementary Planning Document to the Walsall Unitary Development Plan for Urban Open Space: Statement on Consultation April 2006.

All of the above are available in Members' Rooms and on the Council's website at [www2.walsall.gov.uk/environment/ldf/LDD.asp#5](http://www2.walsall.gov.uk/environment/ldf/LDD.asp#5).

The SPD refers to:

- The Audit and Assessment Report for the Walsall Greenspace Strategy 2006
- The Walsall Playing Pitch Strategy 2003.

## Contact officer

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Signed:



**Executive Director:**  
**T Johnson**

**Date: 30.03.06**

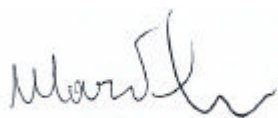
Signed:



**Portfolio Holder:**  
**Councillor A Andrew**

**Date: 31.03.06**

Signed:



**Portfolio Holder:**  
**Councillor Marco Longhi**

**Date: 31.03.06**