

Date:			
Issue:	Policy 36 Other Open Space Provision		
Objector(s):	Reidhaven Estate	Objection ref(s):	456j
	Mrs Jane Angus		437t

Reporter	Mrs Jill Moody/Mr Hugh Begg
Procedure	Written Submissions

1.0 Overview

- 1.1 This statement sets out the CNPA's position in relation to objections raised to the Deposit Local Plan (CD6.11), as modified, in respect of Policy 36 Other Open Space Provision and supplements the response made to those objections by the CNPA in its report to Committee (CD7.3, 4 and 5). It recommends no further modification is made to the Plan in respect of this policy.

2.0 Provision of the Local Plan

- 2.1 Policy 36 supports development which improves or adds to current levels of public and amenity open space, and which includes specific details on improving and maintaining current provision of open space networks. The development of all housing/employment/community sites identified within the proposals maps will be required to make a contribution in space (physical contribution) or by a commuted sum towards the provision and maintenance of open space within the site or the affected community.

There is a presumption against development that would result in a loss of existing provision, particularly where the affected site has been identified within the Local Plan proposals maps or Open Space Strategy. The loss of such open space will only be supported where:

- a) an open space audit demonstrates the development will not result in a deficit of open space provision to serve the affected community, and that no alternative site is available; or
 - b) compensatory provision is made elsewhere within the community area of at least equal size and quality, or
 - c) a commuted sum is made towards future provision of an appropriate alternative.
- 2.2 The policy reflects the importance placed on open space provision and recreational opportunities within the Park, ranging from formal outdoor facilities to play parks and informal open spaces. In doing so, it recognises the requirements of SPP11: Open Space and Physical Activity, (CD2.10) which seeks to protect and enhance the open spaces and other opportunities for sport and recreation, which are a vital part of communities. The policy places emphasis on the production of an Open Space Audit and an Open Space Strategy; a vision for new and improved open space which is appropriate to local circumstances, safeguards existing valued open space and guides the allocation of resources for investment.
- 2.3 The Policy has been modified in the 1st modifications of the Deposit Local Plan (CD6.12) with additional and altered wording, substituting the term 'strategic sites identified within the Local Plan' to read 'development of all housing/employment/community sites identified within the

proposals maps'. Other changes include references to an Open Space Strategy and requirement for an Audit amongst others.

3.0 Summary of Objection(s)

3.1 The 2 objections to Policy 36 cover the following issues:

- Public and amenity open space are not defined in the glossary. There should be an expectation that such space is maintained as such, perhaps by the local authority. There is no standard or any commitment that any standard will be established in SPG. The section regarding 'loss of existing provision' is poorly worded as 'existing provision' is both nondescript and subjective. There is no advice or guidance on how to determine whether any piece of land is 'existing provision' or not. The issue of maintenance is not covered. It should be clear that the maintenance will not fall to the developer. The policy should be reworded to provide the necessary definitions and clarity. **456j**
- How will the development of a wide range of facilities be funded. Alternative forms of provision should be considered and backed up with adequate trainers. **437t**

4.0 Summary of Cairngorms National Park Authority Response

4.1 Policy 36 assesses the impact of development on open space and recreational opportunities ensuring proposals protect existing provision, and if appropriate improve and enhance these areas and facilities. The policy aims to provide recreational space and facilities to adequately meet the recognised needs of local communities, protecting and promoting provision, as required. The CNPA will work closely with the four local authorities to provide and facilitate an appropriate level of open space throughout the Park area.

4.2 The policy reflects the requirements of SPPI I: Open Space and Physical activity; the 3rd aim of the National Park: to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and the Park Plan strategic objectives for outdoor access and recreation.

4.3 The policy was modified as part of the 1st Modifications to incorporate greater clarity regarding local plan allocations, to ensure it is clear, reasonable and will deliver the aims as intended; protecting and improving open space and recreational opportunities. Open space has been added to the glossary. Reference has also been added to clarify the future production of an open space strategy. Reference to maintenance provision has also been added to the policy. The policy has been worded to provide and support a broad range of facilities, it should be read in conjunction with the other policies in the plan, in particular reference should be made to the Open Space Strategy (upon adoption). It is considered that the policy provides clear, appropriate levels of guidance and detail and is deliverable.

5.0 CNPA Recommendation

5.1 The CNPA recommend that the Reporter reject these objections. The policy looks to assess development proposals against the impact they may have on open space and recreational opportunities, in doing so, seeks to protect and promote existing facilities and support new opportunities, as appropriate. It reflects the requirement of SPPI I in ensuring a strategic approach is taken to providing open space and other opportunities for sport and recreation. Changes have been made to account for objector's concerns. No further modifications are considered necessary as a result.

6.0 Assessment / Scope of Evidence

6.1 **456j** Reidhaven Estates have concerns about the formulation of this policy and would therefore make representation along the following lines.

1) Public and amenity open space are not defined in the glossary. There should be an expectation that 'public and amenity open space' is at least maintained as such by someone - quite likely the local authority.

2) There are no specific standards set down within the policy - or any commitment that such standards be established as clear guidance in the near future, for instance as SPG.

3) The policy restriction concerning 'loss of existing provision' is very poorly worded in so far as 'existing provision' is both nondescript and subjective. Nowhere in the plan is there advice or guidance which could help one determine whether any given parcel of land was 'existing provision' or not.

4) The policy does not adequately cover the issue of maintenance in any respect at all. Within developments it should be clear that where open space provision is to be secured, that the CNP or relevant Local Authority will continue to maintain such open space.

Modifications:

1) A clear definition of 'public and amenity open space' should be provided at the very least within the glossary. Clear differentiation should be included with respect to land where access rights under the LRA(S) apply. There should be an expectation that existing 'public arid amenity open space' is already maintained as such by a known authority.

2) A commitment to providing design standards for new 'public and amenity open space' should be included,

3) The policy should cover the maintenance of 'public and amenity open space' as well as protection and provision. **456j**

6.2 **Response:** The wording and the content of the policy has been revisited to provide clarification of the terms used, Open Space has been added to the glossary. In addition, reference to maintenance requirements has also been added to the policy. It is not considered reasonable that the Local Plan should identify the areas of land with access right designations such as those of the Land Reform (Scotland) Act 2003 (CD1.15).

6.3 The modifications have provided for better linkages to, and highlight the requirement for, an Open Space Audit and an Open Space Strategy, as supplementary planning guidance (SPG). Where the level of detail needed is inappropriate for the policy, a clear commitment to SPG has been included in the supporting text. Work is expected to commence on this following the local plan inquiry.

6.4 The policy has been reworded to incorporate greater clarity, to ensure it is clear, reasonable and will deliver the aims as intended; protecting and improving open space and recreational opportunities. The policy should be read in conjunction with the Open Space Strategy (upon adoption) which shall provide an appropriate level of guidance and advice to developers. The CNPA and the four local authorities intend to undertake a comprehensive open space audit covering all types of open space, public and privately-owned. This shall, insofar as possible, assess existing provision of open space.

6.5 With regard to issues of maintenance the CNPA will continue to work closely with the 4 local authorities to ensure that provision is appropriate and establish from the outset the expectations of maintenance and management issues relevant to any particular development. Any issues will be addressed on a site by site basis depending on the nature of the proposal, it is not expected

that the local plan should identify nor can foresee requirements for the private and/or public management of open space. The comments regarding maintenance issues are noted and the wording of the policy has been altered to include suitable references, no further modifications are necessary.

- 6.6 **437t** 6.11-18 Policy 35-6 p.57-8: Golf courses. Football pitches, indoor climbing, heated swimming pools. Chilled skating and curling are not available for all settlements. As most sporting facilities have started either with educational or club funding. Will there be support in cash or just meaning well?
- 6.7 Should we try for the Ballater Old Landfill for football or something nearer? The resurfacing of the Deeside Way does not bode well for a tram-line which might have made easier access for young people. Should we consider plastic geodetic domes, as in Netherlands, Germany etc.?
- 6.8 The gaps within local provision in some recreational facilities which could be of interest to visitors as well as local young people are in mountain biking. More orienteering, transport to public swimming baths, aerial- ropeways. Athletics training and water sports. Experience in early stages of all sports is not helped by the lack of every-term specialized teaching.
- 6.9 **Response:** The comments of the objector are noted, the CNPA continue to work closely with the 4 Local Authorities and other partners to provide and support an appropriate level of recreational provision for communities across the Park. The policies have been worded to support as wide a range of facilities as possible and facilitate the development of appropriate new provision in locations which are complimentary to the aims of the Park. The CNPA has to date, and will continue, to work with a host of partner organisations to foster and further the opportunities for formal and informal recreational facilities including winter sports, mountain biking and other sports to enhance provision for local communities and visitors alike. The broader issues of open space and allocations will be addressed in the Open Space Strategy, and will also be identified through community needs assessments. The CNPA will work with central and local government along with other public and private partners to obtain appropriate levels of funding for facilities. No modifications are considered necessary as a result of this representation.

7.0 Strategic issues

- 7.1 The National Park Plan 2007 provides a number of strategic objectives based around the enjoyment and understanding of the special qualities of the area; including the promotion of responsible outdoor access and recreation. This aims to encourage high standards of responsible enjoyment of the Park, sustainable management of outdoor access and develop a co-ordinated approach to high-quality outdoor access and recreation.

8.0 Other material considerations

- None

9.0 List of documents (in addition to Core Documents)

- CD7.3 CNPA Committee Report Deposit Local Plan May 2007
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009
- CD7.1 National Park Plan 2007
- CD6.11 Deposit Local Plan
- CD6.12 Deposit Local Plan 1st Modifications

- CD2.10 SPPI I Open Space and Physical Activity
- CD1.15 The Land Reform (Scotland) Act 2003;
- CD7.12 Cairngorms National Park Core Paths Plan