

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 16

Brighton & Hove City Council

Subject: Open Spaces Strategy
Date of Meeting: 13 September 2010
Report of: Director of Strategy and Governance
Contact Officer: Name: Mary van Beinum Tel: 29-1062
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 ECSOSC on 8 February 2010 agreed to add 'Open Spaces Strategy' to the annual work plan following a letter to the Chairman from Councillor Amy Kennedy. For Letter see Appendix 1.

2. RECOMMENDATIONS:

- 2.1 That Members:
- (1) Consider the enclosed report and Appendices
 - (2) Decide if any scrutiny action is needed.

3. BACKGROUND INFORMATION

- 3.1 The main questions asked were:
- What is the current status of the Council's Open Spaces Strategy?
 - What work is underway to develop policies to inform the Open Spaces Strategy?
 - How can the Council support and reinforce the work being undertaken towards designation of the city as an urban Biosphere Reserve through its Open Spaces Strategy?
 - Is the Council following Government Guidance on Open Space Assessment and Public Consultation?
 - How have the above planning decisions affected the Council's ability to defend valuable open spaces from development?
 - Will the Council now begin to formally identify vulnerable open spaces in the city as sites which should be protected in accordance with PPG17?

- 3.2 The letter from Councillor Kennedy is included as Appendix 1 to this report.
- 3.3 Information from City Planning and City Parks is included as Appendix 2.

4. CONSULTATION

- 4.1 No consultation has been carried out on this report for information.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 None identified directly in relation to this report for information.

Legal Implications:

- 5.2 None identified directly in relation to this report.

Equalities Implications:

- 5.3 None identified directly in relation to this report.

Sustainability Implications:

- 5.4 None identified directly in relation to this report.

Crime & Disorder Implications:

- 5.5 None identified directly in relation to this report.

Risk and Opportunity Management Implications:

- 5.6 None identified directly in relation to this report.

Corporate / Citywide Implications:

- 5.7

SUPPORTING DOCUMENTATION

Appendices:

1. Letter from Councillor Kennedy to ECSOSC Chairman, January 2010
2. Information from City Planning and City Parks

Background Papers

'Urban Biosphere City Status' report to 19 January 2009, the Sustainability Cabinet Committee

Agenda Item 16 Appendix 1

Dear Cllr Morgan

REQUEST FOR SCRUTINY INTO THE COUNCIL'S OPEN SPACES STRATEGY

The last twelve months have seen the loss of three of Brighton & Hove's open spaces to development, namely:

1. Land to the east of 55 Highcroft Villas (planning permission granted on appeal by Public Inquiry, January 2009)
2. Land to the rear of 67-81 Princes Road (planning permission granted on officer recommendation, July 2009)
3. Land to the rear of 140-146 Springfield Road (planning permission granted on appeal by Public Inquiry, October 2009)

All three sites are 'greenfield', having never been previously built on, and having been used historically as allotments in the case of Highcroft Villas and Springfield Road. While not publicly accessible, these sites are quite rightly much-loved by the residents who live nearby, providing valuable pockets of wildlife habitat, and forming part of the city's 'green network'.

Indeed, Planning Policy Guidance Note 17 (PPG 17: Planning for Open Space, Sport and Recreation) paragraph 2.4 recognises that such plots, including privately owned ones which are inaccessible, can offer wide-ranging environmental benefits, visual amenity and can contribute to the health and well-being of those who overlook them.

Although the Local Authority sought to defend the sites at Highcroft Villas and Springfield Road, the Planning Inspector upheld the appeal in both cases, citing the earlier decisions to allow development on the Highcroft Villas site and at Princes Road in his Appeal Decision Notice for Springfield Road (ref. APP / Q1445 / A / 09 / 2105969).

Members and residents alike are now gravely concerned that a dangerous precedent has been set by this series of decisions to grant planning permission for development on 'greenfield' sites.

As a city, Brighton & Hove is physically constrained by the sea and the South Downs, and is under considerable pressure to provide sufficient land for development, particularly housing.

The recent reluctant decision to include the Urban Fringe as contingency land for development in the Local Development Framework amplifies the likelihood that there will now be even greater stress on open spaces in the city.

I would therefore like to request a report to the committee into the Council's policies and strategy for identifying and protecting the City's open spaces.

Seeking out best practice from other authorities and the Commission for Architecture and the Built Environment (CABE), among the questions that such a report might examine are:

- What is the current status of the Council's Open Spaces Strategy?
- What work is underway to develop policies to inform the Open Spaces Strategy?
- How can the Council support and reinforce the work being undertaken towards designation of the city as an urban Biosphere Reserve through its Open Spaces Strategy?
- Is the Council following Government Guidance on Open Space Assessment and Public Consultation?
- How have the above planning decisions affected the Council's ability to defend valuable open spaces from development?
- Will the Council now begin to formally identify vulnerable open spaces in the city as sites which should be protected in accordance with PPG17?

Many thanks for your consideration in this instance. I hope that you and the committee will feel able to accommodate my request in your work programme.

Yours sincerely

A handwritten signature in black ink that reads "Amy Kennedy". The signature is written in a cursive style with a large, stylized initial 'A' and 'K'.

Cllr Amy Kennedy

Green Member for Preston Park Ward
Brighton & Hove City Council

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JOINT RESPONSE FROM CITY PLANNING AND CITY PARKS

The following response is set out in two parts. The first part seeks to respond to the questions raised by Councillor Kennedy in her letter to Councillor Morgan. The second part provides further information on the current planning system and background in respect of open space.

PART A: RESPONSE TO THE QUESTIONS RAISED

1. What is the current status of the Council's Open Spaces Strategy?

- 1.1 There is a Parks and Green Spaces Strategy and Action Plan (2006). This document relates to the main parks and open spaces in the city (approximately 45 sites) and helps City Parks identify key priorities for these sites.
- 1.2 The main priorities from the 2006 Parks and Green Spaces Strategy are for each park to:
 - be safe and clean
 - have facilities appropriate to its community and size
 - be maintained on sustainable principles, including the conservation of biodiversity
 - have mechanisms to involve the local community
 - be used for community events and where appropriate high profile sponsored events
 - where appropriate be used for health improving and sporting activity
- 1.3 In 2008 the Open Space, Sport and Recreation Study was completed in accordance with PPG17. The study will inform future management of open space.

2. What work is underway to develop policies to inform the Open Spaces Strategy?

- 2.1 The Parks and Green Spaces Strategy and Action Plan contain the current policies in relation to key public open spaces.
- 2.2 The commitment to seek designation as a Biosphere Reserve means a stronger emphasis on the links between conservation/promotion of biodiversity and the development needs of local communities. The next stages of work in relation to the Biosphere Reserve are outlined under the response to question 3 below.
- 2.3 Several other studies are underway to inform the future management of open spaces which will also feed in to the Biosphere work.

- 2.4 Work on reviewing the city's Sites of Nature Conservation Importance and developing a Biodiversity Action Plan has commenced and it is envisaged will be completed by spring 2011.
 - 2.5 The SNCI project will identify the most important open spaces for nature conservation in the city and set out conservation management proposals for each site. This data can then be incorporated into the wider open space strategy.
 - 2.6 The Biodiversity Action Plan will prioritise the habitats and species requiring conservation action in the city and set out the steps needed to achieve their favourable conservation status, in open spaces and at other sites.
- 3. How can the Council support and reinforce the work being undertaken towards designation of the city as an urban Biosphere Reserve through its Open Spaces Strategy?**
- 3.1 The Biosphere Reserve initiative will form an overarching strategic document for promoting sustainable development in the city, including the management of green spaces.
 - 3.2 Consideration of Brighton and Hove as a UNESCO Biosphere Reserve began in 2008 when the city hosted an international conference on the proposal. In January 2009, the Sustainability Cabinet Committee affirmed the council's commitment to work towards designation of Brighton & Hove as an Urban Biosphere.
 - 3.3 A steering group chaired by Chris Todd (City Sustainability Partnership and Friends of the Earth) has been established to oversee progression of the bid. The steering group comprises senior officers from the Sussex Wildlife Trust, South Downs Joint Committee, Royal Society for the Protection of Birds, Natural England, the council Sustainability team and City Parks. The Assistant Director of City Parks oversees the council's involvement with the support of the Sustainability Team, Council Ecologist and Countryside Manager. Progress is reported to the Leader of the Council.
 - 3.4 In July 2010 the steering group hosted a visit to the city by UNESCO advisors which concluded that Brighton and Hove has a strong case for designation. The group will meet shortly to consider how to take forward the detailed advice collated during the visit.
 - 3.5 Designation of the city as a Biosphere Reserve will require completion of a city-wide management plan setting out how biodiversity conservation will be progressed across the city.

- 3.6 All the work referred to in the section above (the preliminary work on the Open Spaces Strategy, the SNCI Project and the Biodiversity Action Plan) will form an important component of the management plan.
- 3.7 This work is extensive and requires the full involvement of variety of stake holders including non governmental organisations, private sector and local communities and potentially neighbouring councils depending on the boundaries of the reserve. To gain status as Biosphere Reserve is likely to take 3 years.

4. Is the Council following Government Guidance on Open Space Assessment and Public Consultation?

- 4.1 Yes.
 - 4.2 The Open Space, Sport and Recreation Study complied with PPG17. Various forms of public consultation were undertaken by the consultants to help determine the city's open space needs. The open space standards and key findings of the study were then included within the Core Strategy which was subject to wide spread public consultation (the council is generally accepted to have undertaken exemplary consultation on its Core Strategy).
 - 4.3 Key nature conservation organisations and local naturalists have been consulted on the methodology to be employed for the SNCI and BAP projects. This has built broad consensus which will be essential for the projects to be successfully implemented.
 - 4.4 Community engagement is an essential part of the Biosphere Reserve bid. The city is fortunate to have a large number of active community groups protecting, enhancing and enjoying green spaces in and around the city. The work of individuals volunteering to create community groups and undertake a variety of roles from events organisers, conservationists, promoters and protectors of a park, nature reserve, or garden, lobbyists, fund raisers, labourers is enormous.
 - 4.5 There are 24 'Friends of Groups' including the Stanmer Stakeholder Group and Allotment Federation. The council will be approaching the groups to review how the council currently consults at a local and strategic level and to gain views on what needs changing to increase communities engagement with green spaces.
 - 4.6 As Biosphere Reserves can cross administrative areas, organisations and a range of activities from transport to tourism, the form of consultation and oversight of the reserve will be very important.
- 5. How have the above planning decisions affected the Council's ability to defend valuable open spaces from development?**

- 5.1 The previous government's planning guidance and the priority to identifying sufficient housing land over all other issues has resulted in inspector's considering, what is perceived to be, a blanket policy of protection over all open space unreasonable irrespective of the impact on the city's quantity of space. At the exploratory meeting in May on the Core Strategy the Inspector gave strong priority to the identification of housing land and advised if sufficient land for housing cannot be identified then open space, employment site etc should be assessed further. At the time of writing this report City Planning are undertaking additional work to provide this further evidence and assist with the protection of open space in the future.
- 5.2 Every planning application should be judged on its individual merits. However other planning decisions can form a material consideration which should be taken into account when determining an application. When considering future proposals for development on open space it would therefore be good practice to have regard to the appeal inspectors' conclusions in respect of 55 Highcroft Villas and rear of 140-146 Springfield Road and the issues raised in respect of the application at Princes Road.
- 5.3 With the change in government and a move towards localism it is at present hard to determine how Inspectors' will interpret the balance between different planning guidance in future or how planning guidance will be reviewed. Any changes are not however considered to reduce the need to undertake the additional work by City Planning which will add to the relevant background evidence.
- 6. Will the Council now begin to formally identify vulnerable open spaces in the city as sites which should be protected in accordance with PPG17?**
- 6.1 There are in the order of 1500 identified areas of open space from amenity grass areas within a highway upwards. We do not know if sites are 'vulnerable' until we have inquiries about developing them consequently we need to find a methodology for ranking the value of all sites as open space. At present the merits of identifying 'vulnerable' open spaces is still under consideration. The council seeks to protect its own public open spaces it is therefore the private sites that are more vulnerable to development. There is often a link between resources and vulnerable sites, careful thought needs to be given to assess whether the protection of all vulnerable sites is achievable. Indeed the 'vulnerability' of a site can change. It may not be appropriate therefore to identify 'vulnerable' open spaces in a potentially long lived document such as a Core Strategy.

PART B: PLANNING AND OPEN SPACE

8. NATIONAL GUIDANCE AND CIRCULARS:

- 8.1 **PPG17** -The main National Planning Policy Guidance Note addressing open space is PPG17 'Planning for open space, sport and recreation (July 2002)'. The approach adopted by the Council was based on the guidance in PPG17, in particular paragraph 10, which states that open space "should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform". A consultation paper was issued in March this year in respect of a new national Planning Policy Statement entitled 'Planning for a Natural and Healthy Environment'. The replacement of PPG17 is therefore currently under consideration.
- 8.2 **PPS3** - Planning Policy Statement 3 'Housing' was amended in June 2010. One of the amendments excludes private residential gardens from the definition of previously developed land. In respect of the policies in the local plan it is considered private residential gardens are not 'private open space' within the scope of QD20 and should be treated as a unique classification in their own right. The key paragraphs in respect of the appeals relating to the open space and the priority to identifying sufficient housing land were not subject to amendment. They are paragraphs 59 which resists allowances for windfall in the first 10 years of housing land supply and paragraph 71 which indicates planning applications for housing should be considered favourably where an identified five year housing supply cannot be demonstrate (in respect of Brighton & Hove a five year housing supply could not be demonstrated without an allowance for windfall when set against the housing targets in the South East Plan. The South East Plan was however revoked on 6 July 2010). Unlike its predecessor (PPG3), PPS3 has never included a sequential test requiring the development of brownfield land (pdl) in advance of greenfield land and/or, requiring applicants seeking new housing development on greenfield sites to demonstrate there is no previously developed land available.
- 8.3 **National Government Circular 02/09** : The Town and Country Planning (Consultation) (England) Direction 2009 offers particular protection to playing fields. It requires Local Planning Authorities to consult the Secretary of State should they be minded to approve development on land that forms part of a playing field (land of a local authority or used by an educational institutional within the last 5 years as a playing field) when Sport England have objected to the development.

9. DEVELOPMENT PLAN:

- 9.1 **Local Plan** - At present the Brighton & Hove Local Plan (2005) sets out the local planning policies for the city. It forms part of the statutory adopted Development Plan and should be read in conjunction with

National Planning Policy Guidance Notes and Policy Statements with regard given to government planning circulars. It was adopted in 2005 after extensive consultation and following a Public Inquiry presided over by a Planning Inspector. The Brighton & Hove Local Plan includes a number of policies which seek to protect open space and/or increase the amount or offer of open space, such as:

Local Plan Policies that offer protection of open space	Local Plan Policies that seek an increase in the amount and/or offer of open space
QD20 'Urban open space'	QD15 'Landscape design'
SR20 'Protection of public and private outdoor recreation space'	QD20 'Urban open space' (last paragraph)
NC2 – NC4 which address sites important for nature conservation'	HO5 'Provision of private amenity space in residential development'
HE6 'Development within or affecting the setting of conservation areas'	HO6 'Provision of outdoor recreation space in housing schemes'
HE11 'Historic parks and gardens'	

9.2 Brighton & Hove Local Development Framework : Core Strategy Proposed Submission (February 2010) - The Brighton & Hove City Council's Core Strategy was submitted on 8 April 2010 to the Secretary of State for Examination in Public. The Core Strategy includes the open space standards recommended in the Open Space, Sport and Recreation Study (Core Strategy policies relating specifically to open space and sport are CS5, CS6 and CS7). A Planning Inspector was appointed to conduct the Examination and determine whether the Core Strategy is sound. On 20 May 2010, a Pre-Examination Exploratory Meeting was held in order to discuss the council's approach to the delivery of new housing in the Core Strategy document. At the meeting the Inspector advised that more evidence would be required to support the council's approach to land supply for new housing. Since the meeting was held, the new coalition government has abolished Regional Spatial Strategies and their associated housing targets. The city council requested that the Core Strategy Examination that was due to be held in August 2010, be suspended. The Inspector agreed to suspend. This therefore enables further evidence to be produced that reflects the Inspector's advice within the context of emerging guidance from the coalition government.

9.3 The suspended Core Strategy is therefore at submission stage and does not form part of the statutory adopted development plan. It is however a material planning consideration as it was agreed by Full Council on 10 December 2009 and represents the council's agreed future planning policies.

10. Open Space, Sport and Recreation Study:

10.1 A Brighton & Hove Open Space, Sport and Recreation Study was commissioned by City Planning in liaison with City Parks. The study was completed in 2008 and undertaken to provide baseline information in accordance with PPG17 to inform the Local Development Framework and future open space strategies. It assessed all open space (both public and private) as audited by the council and recommended quantity, quality and accessibility standards for the different types of open space (eg parks and gardens, children's play space, amenity greenspace, allotments, natural and semi-natural space, and outdoor sports provision). The key findings of the study are:

- the existing level of provision should be maintained per head of population in order to meet the needs and demands for open space, sport and recreation sites/facilities
- No surplus space was identified and in view of the predicted increase in population an additional 215 hectares of open space would be required by 2026 to meet the recommended standards
- whilst the interim findings indicated there was evidence to justify an increase in the current level of provision regard was given to the constraints on the city and the other land use pressures, including the housing requirements

