



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 1 MARCH 2022

SUBJECT: OPEN SPACE STRATEGY AND PLAY SUFFICIENCY REGULATIONS

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee of the Scottish Government Consultation Paper on proposed regulations relating to the new duties on planning authorities to prepare Open Space Strategy and Play Sufficiency Assessments and agree the proposed response to the consultation paper.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as Planning Authority under the Planning Act.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee;
- (i) **note the content of the draft Town and Country Planning (Open Space Strategies) (Scotland) Regulations 2022 and draft Town and Country Planning (Play Sufficiency Assessment) (Scotland) Regulations 2022, and**
 - (ii) **agree the proposed response to the Consultation paper set out in Appendix 1.**

3. BACKGROUND

- 3.1 The Planning (Scotland) Act 2019 introduced new duties on planning authorities to prepare and publish an Open Space Strategy, and to assess the sufficiency of play opportunities for children. The Act provides details about the purpose of Open Space Strategies (OSS) and Play Sufficiency Assessments (PSA) with powers given to Scottish Ministers to prepare regulations covering detailed aspects.

- 3.2 The proposed regulations are discussed in a Scottish Government consultation paper which includes the draft Town and Country Planning (Open Space Strategies) (Scotland) Regulations 2022 and draft Town and Country Planning (Play Sufficiency Assessment) (Scotland) Regulations 2022. Given the clear links and overlaps between planning for open space and play spaces a joint approach has been taken in preparing the proposed provisions and consultation paper. Responses to the Consultation Paper are to be submitted to the Scottish Government by the 31 March 2022.
- 3.3 The Scottish Government have indicated that guidance will be brought forward with more detail and examples. The Consultation Paper indicates some of the matters that are likely to be covered in the guidance.
- 3.4 Open spaces, green infrastructure and play spaces play a key role in placemaking, climate resilience, creating new habitats and supporting biodiversity, creating an attractive setting for investors, supporting health and wellbeing, provide space for exercise, and recreation and play. Access to quality open space, green infrastructure, and play opportunities is a key part of placemaking and delivering 20 minute neighbourhoods.
- 3.5 The current Moray Open Space Strategy was prepared in 2017 and is based on an audit of open space completed in summer 2016.

4. OPEN SPACE STRATEGY

- 4.1 An Open Space Strategy sets out a strategic framework of the planning authority's policies and proposals for the development, maintenance and use of green infrastructure. They aim to provide an effective corporate means of coordinating the policies of different council departments with responsibilities for green infrastructure.
- 4.2 The Planning Act sets out that an Open Space Strategy must contain an audit of existing provision, an assessment of current and future requirements and any other matter the planning authority considers appropriate.
- The draft regulations require authorities to consider six outcomes in preparing OSS. These cover access, place, health and wellbeing, equality and discrimination, biodiversity and climate change.
 - The draft regulations require authorities to identify green networks that are considered to be strategic (by reference to a map) and to identify how this green network may be enhanced.
 - The size of space to be audited and the information to be collected is set out within the draft regulations and is broadly similar to the approach taken previously in the Moray Open Space Strategy.
 - A statement on the accessibility, quantity and quality of open space is to be provided in the audit for the area as a whole and each locality. Again this is a similar approach to that taken in the last Moray OSS where Moray wide and settlement statements were provided. However the definition of locality within the draft regulations is electoral wards or areas the Council defines not

greater than 30,000 so a review of what settlements are audited would be required.

- Engagement on the audit with children and young people, older people, disabled people, key agencies, community councils, and the public would be a new element that was not completed as part of the last audit. This will require additional time and resources to complete.
- The approach taken for assessing current and future green infrastructure requirements is more comprehensive than in the current Moray OSS where gaps in provision were identified but the focus for new requirements was designated housing development sites.
- The 12 week consultation period, proposed consultees and provisions for modifying a draft OSS are reflective of our current practice for similar documents.
- There is a requirement to review OSS within a period of 10 years from adoption which is reflective of the new timescales for Local Development Plans.

5. PLAY SUFFICIENCY ASSESSMENTS

5.1 The provision of quality opportunities for children of all ages to play benefits physical and cognitive development and upholds their right to engage in play and recreational activities. The Act set out a new requirement for planning authorities to assess the sufficiency of play opportunities in its area for children and that this assessment is to form part of the evidence report for the Local Development Plan.

5.2 The draft regulations provide more details what and how PSAs are to be prepared including as follows

- The play sufficiency assessment is to take the form of a written report incorporating maps.
- The assessment is to consider both play spaces that are specifically for play and areas of open space which the primary function is not play.
- The assessment is to identify and describe play opportunities for all ages of children.
- Guidance is to be provided on how to identify what is suitable for each age group with an indicative tool provided within the consultation paper of types of play and the characteristics of play opportunities by age group.
- Similar to OSS a statement on the quality, quantity and accessibility of play opportunities is to be prepared for each locality and the overall area.
- In preparing PSA authorities are to engage with children, parents and carer, community councils, and the public.

5.3 Play sufficiency assessments are a new requirement and have not been completed before. The guidance on how these are to be prepared and how play opportunities are to be assessed has not yet been published. Therefore for authorities, including Moray, that are starting to prepare the Evidence Report for the next LDP there is a lack of clarity on how to progress.

5.4 The Scottish Government consultation paper sets out that the estimates for preparing OSS and PSA are £2,812 per planning authority per annum. With a

10 year cycle of review this would be an estimated cost of £28,120. This estimate is considered to be significantly low. Given the experience of the time and resources taken in preparing the last Moray Open Space Strategy there is a significant shortfall in these estimates. The new requirements for PSA and engagement on the OSS audit also suggest additional time and resources will be required. The resources and expertise to carry out PSA within a timescale that would be ready for inclusion in the Evidence Report for the next LDP is not available. A successful OSS requires significant levels of time and resources in establishing the baseline (i.e. the audit of open space) and work across departments to develop and implement the strategy including Lands and Park, Sport and Leisure, and Planning. There are also benefits to the OSS being co-ordinated in tandem with a pitch strategy and outdoor leisure strategy.

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provision of good quality and accessible open spaces supports health and active lifestyles which can have both physical and mental health benefits. Attractive good quality open spaces can encourage people to live, work and invest in an area.

(b) Policy and Legal

Completing a Play Sufficiency Assessment is a requirement of the Planning (Scotland) Act 2019 and is to form part of the Evidence Report that supports the preparation of the Local Development Plan.

The Planning (Scotland) Act 2019 also places a duty on planning authorities to prepare an Open Space Strategy.

(c) Financial implications

The new duties to prepare an Open Space Strategy and Play Sufficiency Assessments create a budget pressure which is detailed in the separate report to this Committee on Local Development Plan Regulations and Guidance. The existing revenue budget of £100,000 will be required on an ongoing basis.

(d) Risk Implications

None.

(e) Staffing Implications

The requirements for Open Space Strategy and Play Sufficiency Assessment will have resource implications for services including Strategic Planning and Development and Lands and Parks.

(f) Property

The Open Space Strategy will include an audit of spaces and consideration of current and future requirements for green infrastructure that will include Council owned and managed land.

(g) Equalities/Socio Economic Impact

The draft regulations specifically include a requirement to seek the views of children and young people, older people, and disabled people in the preparation of an Open Space Strategy and Play Sufficiency Assessments. The draft regulations includes “advancing equality and eliminating discrimination” as one of the six outcomes. Planning authorities will be required to consider how the policies of the open space strategy contribute to these outcomes.

(h) Climate Change and Biodiversity Impacts

The preparation of Open Space Strategy is likely to have positive climate change and biodiversity implications. Provision of high quality green infrastructure has the potential to provide multi benefits including relating to climate change and biodiversity. The draft regulations include “mitigation of and adaption to climate change” and “securing positive effects for biodiversity” as two of the six outcomes. With planning authorities required to consider how the policies of the strategy contribute to these outcomes.

(i) Consultations

Consultation has taken place with the Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, Environmental Protection Manager, the Open Space Manager, Kim Slater (Sport and Culture Service Manager), Roisin Newell (Quality Improvement Officer), the Legal Services Manager, the Equal Opportunities Officer, Principal Climate Change Officer, Lissa Rowan (Committee Services Officer) and their comments incorporated into the report.

7. CONCLUSION

7.1 The Planning (Scotland) Act 2019 introduced new duties on planning authorities to prepare and publish an Open Space Strategy, and to assess the sufficiency of play opportunities for children. The Scottish Government are currently consulting on draft regulations.

7.2 The draft regulations for Open Space Strategies broadly follow the approach taken to the last Moray Open Space Strategy but with a requirement for engagement during the audit and a sharper focus on current and future requirements. Play Sufficiency Assessments are a new requirement and whilst the draft regulations provide some detail on how these are to be prepared more guidance on how play opportunities are to be assessed is still to be prepared.

7.3 Responses to the Consultation Paper and draft regulations are to be submitted by the 31 March 2022.

Background Papers:
Ref: