

## Open Space Strategy and Play Sufficiency Assessment Consultation

### Overview

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities, national park authorities and strategic development planning authorities.

The purpose of HOPS is to:

- Promote the profile of public sector land use planning
- Support and promote excellence in planning leadership
- Ensure the delivery of a culture of continuous improvement in planning authorities
- Provide advocacy and coordination to ensure that planning authorities are properly resourced to deliver quality outcomes.

This consultation response to Open Space Strategy and Place Sufficiency Assessments should be read in conjunction with our consultation responses to the Local Development Plan Regulations and NPF4.

HOPS would like to thank all planning authorities for their contribution to this consultation response.

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### Key Comments

- HOPS support the general direction of the regulations though there are several areas where further clarity is required,
  - HOPS believe the anticipated cost of £2,812.50 per planning authority per annum to cover both new duties is considerably too low,
  - HOPS note many additional resource implications placed on planning authorities in order to meet with the regulations.
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### Open Space Strategy

#### 1.

(a) Do you agree with the idea of promoting an outcomes-based approach through the Open Space Strategies Regulations?

Yes

In principle HOPS agree with the outcomes-based approach. We however note the following points.

HOPS would wish clarity on how outcomes could be monitored. If there were a core set of outcomes with known baselines this would assist planning authorities with their work and provide consistency across the country. Authorities have highlighted there is the opportunity within the update of the National Greenspace Quality Guide to do this.

HOPS note the potentially large resource implications for planning authorities in terms of collecting and collating data.

(b) Do you agree with the suggested outcomes?

Yes

HOPS agree with the 6 outcomes suggested within the document. We however suggest that the regulations provide clarity and links to outcomes proposed in Draft NPF4.

## 2. Do you agree with the proposed definition of:

(a) 'open space' definition - Any comments?

No

HOPS do not agree with the proposed definition. To provide clarity, properly define a hierarchy of terms, and keep continuity through the document HOPS suggest the following:

“Open Space” to be used as the catch all term. “Green Space”, “Blue Space” and “Grey Space” should be defined subsets of “Open Space” and each should have its own definition.

In addition, HOPS believe this section may be strengthened by the inclusion of example diagrams covering each of the subsets.

(b) 'green space' definition - Any comments?

No

HOPS do not agree with the proposed definition as it stands

“Green Space” should also include horticulture. Horticultural areas can be an important form of open space in urban areas, including allotments and community growing areas. Horticulture should not be included in the exclusion at the end of the definition set out in the draft regulations.

Water should not be included within “Green Space” but be included in a separate “Blue Space” definition that includes canals, lochs, suds ponds etc. that have functional, aesthetic or amenity roles.

(c) 'green infrastructure' definition - Any comments?

No

HOPS would wish the terms “Ecosystem” and “Ecosystem Services” to be better defined in order to agree to this definition.

HOPS note the definition differs slightly from that used by NatureScot, there is an opportunity to align to this definition which is already in use.

<https://www.nature.scot/professional-advice/placemaking-and-green-infrastructure/green-infrastructure>

(d) 'green networks' definition - Any comments?

No

HOPS would request that the term “Open Space” is better defined (please see our response to question 2.a.) before it is used in further definitions.

(e) 'ecosystem services' definition - Any comments?

No

HOPS request an additional definition of “Ecosystem” to be included to support the inclusion of this less frequently used term “Ecosystem Services”.

HOPS request that examples of “Ecosystem Services” be included.

HOPS note the definition differs slightly from that used by NatureScot, there is an opportunity to align to this definition which is already in use.

<https://www.nature.scot/scotlands-biodiversity/scottish-biodiversity-strategy-and-cop15/ecosystem-approach/ecosystem-services-natures-benefits>

### **3. Do you agree with proposed thresholds for open space audits in Draft Regulation 4(2)?**

Yes

HOPS agree in principle to setting a threshold in the Draft Regulation. HOPS note that the proposed threshold may be suitable in most circumstances but may cause issues in larger urban areas as it may bring in more sites than the local authority already audits.

Different uses will need different thresholds to be audited in a manner that fits the local authorities' requirements, clarity on how this may be applied would be welcomed.

HOPS request clarity in guidance on how the OSS relates to urban and urban edge sites.

### **4. (a). Do you agree with suggested information to include about each open space (location, size and type)?**

Yes

HOPS agree with the suggested information and support having open digital mapping available.

### **4. (b). Do you agree with Regulation 4(5) on the other information planning authorities may include in the audit?**

Yes

HOPS agree in principle and note Regulation 4(5) contains the word “may”. The flexibility this introduces for planning authorities is welcomed especially given the potentially large resource implications for planning authorities in terms of collecting and collating data. HOPS would want to ensure that the flexibility the word “may” introduces was respected when the OSS and PSA was being assessed at the Gate Check and Examination stages.

Further information on stewardship would also be welcomed.

HOPS note the potentially large resource implications for planning authorities in terms of collecting and collating data.

**5. (a). Do you agree with the suggested approach to require locality level place-based information?**

Yes

HOPS agree that locality-based information would be the best way to proceed.

HOPS note that authorities have questioned the need for the requirement to set a maximum 30,000 population, which may not be in line with how they have defined neighbourhoods in other processes used by Community Planning Partnerships etc.

**5. (b). Do you agree with the three high level aspects that should be covered in these statements ‘accessibility’, ‘quantity’ and ‘quality’?**

Yes

HOPS agree with the high-level aspects. We however note the following points.

There should be a clearer links on how these aspects relate to the 6 outcomes for Open Space and the 6 qualities of successful places in NPF4.

The inclusion of “playability” and “climate change” are welcomed in the guidance. In particular on climate change, HOPS would like to see both how spaces contribute to addressing climate change and the impacts climate change may have on spaces.

The accessibility aspect notes “Blue Spaces”; HOPS have requested a formal definition of this under question 2.

HOPS note the potentially large resource implications for planning authorities in terms of collecting and collating data.

**6. Do you agree with the list of consultees for the open space audit?**

Yes

HOPS in principle agree to the consultees listed.

The consultees list does not explicitly state that the landowners of areas identified within the OSS are consulted.

HOPS note that there may be resource implications of this consultation process. HOPS suggest guidance on how to tie this into other engagement activities. There may also be resource implications on key agencies if several local authorities consult at the same time.

**7. (a). Do you agree the Assessment of Current and Future Requirements should have regard to how open spaces and green networks in the area are contributing to the outcomes?**

Yes

HOPS agree in principle and note it contains the word “may”. The flexibility this introduces for planning authorities is welcomed especially given the potentially large resource implications for planning authorities in terms of collecting and collating data. HOPS would want to ensure that the flexibility the word “may” introduces was respected when the OSS and PSA was being assessed at the Gate Check and Examination stages.

In addition, in paragraph 57, there is reference to maintenance. This can give unreasonable expectation on what the planning authority can or cannot enforce.

Further information on stewardship would also be welcomed.

**7. (b). Do you agree with the proposed provisions for the Assessment of Current and Future Requirements for the assessment to be informed by engagement with the groups set out?**

Yes

HOPS note that there may be resource implications of this consultation process. HOPS suggest guidance on how to tie this into other engagement activities.

**8. (a). Do you agree Open Space Strategies should include a statement setting out how they contribute to the outcomes?**

Yes

HOPS agree in principle. As noted in our response to question 2 we suggest the refinement of definitions and hierarchy of terms in order to provide clarity. Additional guidance on how documents (including Forestry and Woodland Strategies) align or reference each other would be useful.

HOPS note that in some local authorities, tasks supporting the OSS such as quality mapping are not carried out by planning, contributing to resource implications.

**8. (b). Do you agree Open Space Strategies should identify strategic green networks?**

Yes

HOPS agree that OSS should identify strategic green networks though there is a need for definition within the guidance. This should also cross-reference the NPF4 definition “*Connected areas of green infrastructure and open space, that together form an integrated and multi-functional network.*”

**8. (c). Do you agree Open Space Strategies should identify how green networks may be enhanced?**

Yes

**9. Do you agree with the proposed consultation requirements on draft Open Space Strategies?**

Yes

HOPS agree to these requirements in principle, though HOPS expect that local authorities can and will go beyond minimum requirements.

HOPS in principle agree to the publication requirements, though note there does not appear to be a requirement for additional consultation should the OSS be significantly altered following consultations. HOPS recommend a definition is included of when to stop the consultation process.

**10. Do you agree with the proposed publication requirements for Open Space Strategies?**

No

While HOPS agree with other requirements, HOPS would support moves away from physical publication unless absolutely necessary. HOPS have previously stated that the mandatory requirement for newspaper publication costs planning authorities significant amounts each year, while the reach of this publication method is reducing.

**11. Do you agree the Regulations should set a 10 year minimum review period for updating open space audits and strategies?**

Yes

HOPS agree with this period in principle to align with LDP cycles, but would recommend additional clarity on how a local authority may be able to provide interim updates to the OSS if required.

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**12. Do you agree with the proposed definitions?**

*“Children”*

Yes

*“Localities”*

Yes

HOPS agree to this in principle but please refer to our response to question 5.a.

*“Open Space”*

No

Please refer to the response to question 2.a.

*“Play Opportunities”*

Yes

Further clarity on sites which may be used by children for play opportunities but have other uses, such as skateparks, would be welcomed.

**13. Do you agree planning authorities should map the locations of the two categories of play spaces, and how they are described in Draft Regulations 3(2)(a) and (b)?**

Yes

HOPS agree in principle to mapping sites which are specifically for play, regulation 3(2)(a).

HOPS do not agree to mapping sites which are within areas of open space and not specifically for play, regulation 3(2)(b). To do this would take considerable resources and would require categorisation of all the open space and an audit to exclude that which is non-playable, perhaps inadvertently including large pedestrian areas, cemeteries etc. In addition, it may not accurately define the spaces children wish to play in, which will differ depending on the child. Should the need to map sites not specifically for play remain, HOPS suggest a statement defining what would be out of scope for this mapping requirement.

**14. Do you agree with the proposed requirement to assess play opportunities in respect of their suitability by age groups?**

Yes

HOPS agree with general principle to assess suitability, though not with arbitrary allocation of the age brackets and activities presented. Children develop at different ages, so the tool as presented may be counterproductive. HOPS agree however that it is useful to have a list of play types and characteristics of play to refer to.

HOPS note there are characteristics which may be difficult for local authorities to assess, such as places free of bullies.

**15. (a). Do you agree with the proposed three aspects of assessment - ‘accessibility’, ‘quantity’ and ‘quality’?**

Yes

HOPS agree in principle and note it contains the word “may”. The flexibility this introduces for planning authorities is welcomed especially given the potentially large resource implications for planning authorities in terms of collecting and collating data. HOPS would want to ensure that the flexibility the word “may” introduces was respected when the OSS and PSA was being assessed at the Gate Check and Examination stages.

HOPS wish to have clarity on how the PSA interacts with the LDP Evidence Report which is being consulted on separately.

HOPS note the potentially large resource implications for planning authorities in terms of collecting and collating data.

HOPS note the following points on the aspects listed:

- Quantity – needs further information on provision of a space should it be in demand for other uses.
- Accessibility – there is a noted discrepancy between the PSA which notes walking, wheeling, cycling and the OSS which notes 500m walking. Consistency between the PSA and OSS would be welcomed.
- Inclusivity – HOPS would welcome further clarity on this

**15. (b). Do you agree to provide them in written statements in respect of the totality of the local authority area and at each locality level?**

Yes

HOPS agree though note this is further additional work placed onto the planning authority.

**16. (a). Do you agree to the requirement to consult as part of the process of carrying out the play sufficiency assessment?**

Yes

HOPS agree in principle which allows for local authorities to provide a range of suitable methods of consultation with their stakeholders. HOPS would welcome further good practice guidance.

**16. (b). Do you agree with the proposed list of consultees on play sufficiency assessments?**

Yes

**17. Do you agree with the publication requirement for play sufficiency assessments?**

Yes

HOPS agree to this in principle, however note the additional resource implications of producing two versions of the document.

HOPS appreciate the move to publish the PSA primarily by electronic means.

HOPS wish further clarity on how the publication of the PSA aligns with the LDP evidence report.

**18. Do you have or can you direct us to any additional information that would assist in finalising these assessments (BRIA, EQIA, CRWIA, ICIA)?**

No further comments

**19. Please give us your views on the content of these assessments and how they have informed the draft provisions, or if you think changes are needed to the Regulations to further respond to the issues?**

No further comments

**20. Do you agree with the Fairer Scotland Duty screening and our conclusion that full assessment is not required.**

Agree

**21. Do you agree with the Strategic Environmental Assessment pre-screenings, that the Open Space Strategies and Play Sufficiency Assessments Regulations are exempt from the Environmental Assessment (Scotland) Act 2005, as the environmental effects are likely to be minimal?**

Agree

**22. Any other comments?**

HOPS wish to note the costs reflected in paragraph 7 of £2,812.50 per planning authority per annum to cover both new duties is significantly lower than planning authorities anticipated. HOPS offer to work further with the Scottish Government and the RTPI to provide a more realistic expectation of the costs to cover these duties.

HOPS note there are many additional resource implications within the regulations in terms of additional consultation and data collection.