

Item 5 – Appendix 3

OPEN SPACES IN NEW RESIDENTIAL DEVELOPMENTS SUPPLEMENTARY PLANNING GUIDANCE

CONSULTATION REPORT AND OFFICER'S RECOMMENDATIONS



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1.0 BACKGROUND

Purpose of Supplementary Planning Guidance (SPG)

- 1.1 The Purpose of SPGs are to:
- assist the applicants and their agents in preparing planning applications and in guiding them in discussions with officers about how to apply relevant policies in the Joint Local Development Plan before submitting planning applications,
 - assist officers to assess planning applications, and officers and councillors to make decisions about planning applications
 - help Planning Inspectors make decisions on appeals.
- 1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions that align with relevant policies in the Joint Local Development Plan.

The Policy Context

Local Development Plan

- 1.3 Under planning legislation, the planning policies for every area are contained within the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan was adopted on 31 July 2017. It relates to the Gwynedd and Anglesey Planning Authority areas.
- 1.4 The Plan provides wide-ranging policies along with allocations for the main land uses, such as housing, employment and retail; it will help shape the future of the Plan area physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore:
- enables the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
 - guides developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

- 1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of SPGs to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

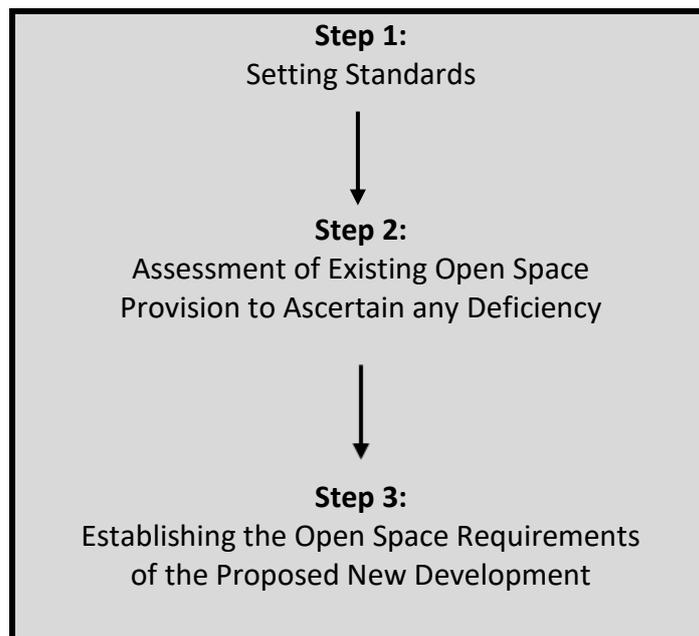
- 1.6 Supplementary Planning Guidance (SPG) will be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs cannot introduce any new planning policies or amend existing policies.

1.7 Once it has been adopted SPGs should, therefore, be given substantial weight as a material planning consideration.

2.0 OPEN SPACES IN NEW RESIDENTIAL DEVELOPMENTS SPG

2.1 The aim of the SPG is to put in place the relevant planning mechanisms that will facilitate the provision and maintenance of an appropriate level of open space of recreational value in respect of new housing developments of 10 or more residential units in the Plan area. This threshold is set in Policy ISA 5: Provision of open spaces in new housing developments.

The SPG covers the three stages in the process in determining need for and amount of new open spaces in new housing developments, which is reflected in the following flow chart :



Public Consultation

2.3 A draft version of this SPG was approved for public consultation by the Joint Planning Policy Committee on the 21 September 2018. This draft was prepared in consultation with officers from the Development Management Section of both Authorities. Prior to this the SPG was reviewed by the Joint Local Development Plan Panel on the 17 July 2018.

2.4 The SPG was the subject of a public consultation exercise between the 11th October and 22nd November, 2018.

2.5 Details of the public consultation were placed on both Council's websites and emails/ letters were sent to all Councillors, Community Councils, planning agents, statutory consultees, environmental bodies, neighbouring authorities and those who had declared an interest in the SPG. Details of the consultation were also sent to the specialists in the topic area (Fields in Trust Cymru and Sports Wales). Hard copies of the SPG were also available to inspect in all public libraries, Anglesey County Council's main office in Llangefni, and in Siop Gwynedd (Caernarfon, Dolgellau and Pwllheli).

- 2.6 A number of platforms were available for interested parties to respond to the consultation which were:
- Online word and pdf response form - available on both websites and paper copies were made available in all libraries and Siop Gwynedd. Paper copies of the response form were also available on request from the JPPU
 - Email
 - Letter
- 2.7 A total of 6 representations were received, all objections.
- 2.8 The following section summarises the representations received, the Councils' response to them and where appropriate, recommends any changes required to the SPG in lieu of the comment.

APPENDIX 1 – SUMMARY OF COMMENTS RECEIVED AND OFFICERS’ RECOMMENDATIONS

Rep Id	Person Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
1	01	Objection	Cyngor Cymuned Nefyn	Appendix 2 – Open Space Assessment Map Nefyn	Map needs to be amended to show the equipped/formal play areas by the former Capel Seion	<p>Accepted Prior to publication of the SPG for public consultation Community Councils were contacted to provide them with an opportunity to help the Service to up-date its information about the supply of open spaces. It is important that the Open Space Assessment maps are correct so that the Councils’ can accurately assess the existing level of provision within communities. The Community Council’s representation has helped to ensure that the Service’s baseline information is up-to-date.</p> <p>Recommendation The map will be changed to reflect the comment.</p>
2	02	Objection	Natural Resources Wales	General	The SPG could be developed beyond spatial provision and type of provision to provide a requirement for quality of provision and design. This is about setting out some design principles that encourage attractive useful Public Open Spaces to be delivered and avoid green but sterile and functionless amenity space.	<p>Comment Noted The SPG focuses on issues related to policy ISA 5, which deals with identifying the level of provision of open spaces required to accommodate changes in the community, not the quality of the open space provision. There are other policies within the plan that relate to design principles. In all circumstances application of the Plan’s design and place shaping policies will ensure that the quality of the open space and the overall design</p>

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						<p>principles of the site, including how it complements the established character and amenity of the existing surrounding area will be considered. A Design and Access Statement will be a key tool in this respect.</p> <p>Recommendation To include a short paragraph at the end of the SPG to refer the applicant / agent to the need to make play space (when necessary) attractive and safe and include a link to relevant websites such as ROSPA https://www.rospa.com/play-safety/advice/design/ or Play Wales http://www.playwales.org.uk/eng/home</p>
3	02	Objection	Natural Resources Wales	General	As of January 2018 all major schemes will require SuDS to be integrated within the planning proposals. Public Open Space is the obvious location to locate this.	<p>Comment Noted The Councils agree that there may be circumstances under which SUDS may contribute to satisfying a site's open space requirements and therefore may be acceptable. However, this will be primarily dependent upon health and safety issues, how often the SUDS are predicted to retain water and how high the water levels will be. In all circumstances the Council will consider the welfare of future residents as being of paramount importance. However, the purpose of this SPG is to provide a methodology to ascertain whether existing provision is adequate and whether new provision is required. There are other policies</p>

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						<p>in the plan that promote the use of SuDS where appropriate and water conservation.</p> <p>Recommendation No change required to the SPG in light of this objection.</p>
4	02	Objection	Natural Resources Wales		<p>As of January 7th, 2019 all new developments of more than 1 house will require SuDS for surface water to be designed and built in accordance with the statutory standards and approve any SuDS scheme prior to construction. In view of this it may be appropriate to include some reference to SuDS within the SPG and consider whether some of these 'Open Space' areas can be used for dual purpose</p>	<p>Comment Noted See above. The purpose of this SPG is to provide a methodology to ascertain whether existing provision is adequate and whether new provision is required. There are other policies in the plan that relate to SuDS and water conservation.</p> <p>Recommendation No change required to the SPG in light of this objection.</p>
5	02	Objection	Natural Resources Wales	3.5	<p>Para 3.5 only considers the one-off payment (commuted sum) approach. Periods of low interest rates mean commuted sums need to be high to generate income. No reference is given to the use of index linked ground service charges on the residents. This approach has several material advantages, perpetuity funding and avoiding requirements for diminishing public sector resources to be used for maintaining these additional features.</p>	<p>Comment Noted The purpose of this SPG is to provide a methodology to ascertain whether existing provision is adequate and whether new provision is required. Nonetheless, it is considered useful to note here that there will be options to consider in relation to the ownership or maintenance of new recreational open space or play facilities deemed to be required as a result of the calculation set out in the SPG. These will include:</p>

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						<ul style="list-style-type: none"> • Transfer to the relevant Community or Town or City Council, along with the agreed commuted sum (maintenance contribution). • Where appropriate to the location of the development, transfer to a community association or similar body, along with the agreed commuted sum (maintenance contribution); or • Maintenance of the recreational open space and play facilities by the developer, either directly or through the use of a management company. <p>Recommendation No change required to the SPG in light of this objection</p>
6	02	Objection	Natural Resources Wales	4.1.2	Open Space Assessment – Cross reference to green infrastructure is advocated. Future tenure issues need to be identified in respect of where developer provides facilities. Areas of land required for long term ecological mitigation (e.g. for protected species) may not be suitable to be used multifunctionally, e.g. also used as open space due to disturbance and possibility other reasons.	<p>Comment Noted The purpose of this SPG is to provide a methodology to ascertain whether existing provision is adequate and whether new provision is required.</p> <p>Recommendation No change required to the SPG in light of this objection</p>

