

11

OPEN SPACE AND PHYSICAL ACTIVITY



Scottish Planning Policy

SPP 11

Open Space and Physical Activity

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PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of The Scottish Government's policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of The Scottish Government's policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of The Scottish Government's policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of The Scottish Government's location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

The National Planning Framework sets out the strategy for Scotland's long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programmes of The Scottish Government, public agencies and local government.

Important Note: In the interests of brevity and conciseness, Scottish Planning Policies do not repeat policy across thematic boundaries. Each SPP takes account of the general policy in SPP1 and highlights the other SPPs where links to other related policy will be found. The whole series of SPPs should be taken as an integral policy suite and read together.

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SUMMARY

Open space and other opportunities for sport and recreation are a vital part of Scotland's urban and rural communities. Scottish Ministers are committed to strengthening protection for existing open space resources and ensuring that the future needs of all communities are planned for. This SPP sets out national policy on planning for open space and facilities for sport and recreation.

The key objectives of the SPP are:

- To protect and enhance open space;
- To ensure a strategic approach to open space and other opportunities for sport and recreation by requiring local authorities to undertake an open space audit and prepare an open space strategy for their area;
- To protect and support opportunities for sport and recreation;
- To provide guidance on the quality and accessibility of open space in new developments and on providing for its long-term maintenance and management;
- To provide guidance on planning for development of new indoor and outdoor facilities for sport and recreation.

Open space audits and strategies will be tools integral to achieving these objectives and will inform development planning and development management.

INTRODUCTION

- 1 This SPP emphasises the importance of quality open spaces and sets out national planning policy on the provision and protection of open space within and on the edges of settlements and on sports and recreation facilities in urban and rural settings.
- 2 SPP 11 replaces National Planning Policy Guideline (NPPG) 11: *Sport, Physical Recreation and Open Space*. While the name has been shortened, the policy still embraces sport and both passive and active recreation.
 - ‘open space’ is a term which includes greenspace consisting of any vegetated land or structure, water or geological feature within and on the edges of settlements, including allotments, trees, woodland, paths and ‘civic space’ consisting of squares, market places and other paved or hard landscaped areas with a civic function.
 - ‘physical activity’ is a generic term that incorporates a number of overlapping activities. It is used in this SPP to refer to all types of formal and informal physical recreation, exercise, sports, dance, play, cycling, walking and activities such as gardening.
 - ‘recreation’ is a term used in this SPP which includes many types of physical activity, as well as passive enjoyment of open spaces and the countryside.
- 3 Planning Advice Note (PAN) 65: *Planning and Open Space* provides a typology of open space and advice to accompany this SPP.

THE VALUE OF OPEN SPACE AND PHYSICAL ACTIVITY

- 4 Open spaces and sports facilities enrich our quality of life and our environments. Access to good quality open spaces and facilities which encourage people to play sports and to walk, run, cycle or ride horses are an essential component in the drive to get more of the population physically active¹ and can contribute to The Scottish Government’s objective of a Healthier Scotland. Physical activity can improve mental health and well-being and the presence of tranquil green spaces close to where people live and work can encourage relaxation.
- 5 Providing play space and other opportunities for children and young people to play freely, explore, discover and initiate their own activities can support their wellbeing and development. Open space can also provide a rich and accessible resource for education.

¹ *At least five a week*, Department of Health, 2004.
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4080994

- 6 Rural areas support outdoor recreation in a wide range of settings including hills, forests, coasts and inland water. These places enable people to enjoy Scotland's natural heritage at first hand, and can provide rich experiences which greatly enhance quality of life. Outdoor recreation is often of considerable importance to the rural economy. Rural communities also require accessible path networks, open space and facilities for sport and recreation. Regional and country parks and some local nature reserves provide important destinations for various types of recreation close to larger centres of population.
- 7 Areas for horticulture, such as gardens and allotments, can be of great value to the local community and offer benefits for the environment. They create an opportunity for local food production, encourage physical activity and healthy eating, offer a place to relax and to learn, and contribute to local biodiversity.
- 8 Civic open spaces, whether providing pleasant places to meet or through enhancing the streetscene, can help to create well designed places for people. An environment which contains good quality, well-maintained open space is more attractive to investors, helping create a Wealthier and Fairer Scotland. Improving the open spaces within a community can help reverse patterns of decline, generate civic pride and help to establish cultural identity, all contributing towards a Safer and Stronger Scotland.
- 9 Open space can help create a Greener Scotland. Open space can provide habitats for wildlife, and linking them in a green network is of particular importance to biodiversity objectives. Open space can also help counteract climate change². Areas of green open space have the potential to provide carbon sinks and can offer areas of shade and shelter. They can incorporate sustainable drainage systems and some can have a role in flood management. Networks of quality open space can encourage more sustainable forms of transport such as walking and cycling.

POLICY CONTEXT

- 10 The Scottish Government's strategy for physical activity³ aims to significantly increase the amount of physical activity in most people's lives. The creation of environments conducive to physical activity is one of the four key objectives of the strategy. The national strategy for sport⁴ aims to increase participation and improved performances in sport. It sets out the priorities which must be addressed and defines the roles and responsibilities of The Scottish Government, **sportscotland**, local authorities and sports governing bodies. It requires local authorities to take a strategic approach to the provision of sports facilities and to include playing fields within relevant plans and strategies. Local

2 *Choosing Our Future* Scotland's Sustainable Development Strategy, Scottish Executive (2005)

3 *Let's Make Scotland More Active*, Physical Activity Task Force (2003)

4 *Reaching Higher*, Scottish Executive (2007)

authorities should also recognise the rights of the child⁵ to engage in play and recreational activities by providing opportunities to access outdoor play areas, facilities and equipment, and by considering play opportunities in the design of other types of open space.

- 11 Key developments in the wider policy and legislative context include the Land Reform (Scotland) Act 2003. This introduces a statutory right of responsible access to most land and inland water, and creates a climate for better management of recreation opportunities in the outdoors. This new legislation enables greater access to most land and requires local authorities to prepare core paths plans (see paragraphs 20-22).
- 12 The Scottish Government's principal objective for regeneration policy is to promote the successful and sustainable transformation of communities across Scotland. Well-designed public spaces can make communities better places to live and work.
- 13 Open space can contribute to the objectives set out in the Scottish Biodiversity Strategy⁶ and towards public bodies' duties to further the interests of biodiversity.

SPP OBJECTIVES

- 14 This SPP sets out how the planning system should help safeguard and create new open spaces and places where people can take part in sport and recreation.
- 15 The key objectives of this SPP are:
 - To protect and enhance open space;
 - To ensure a strategic approach to open space and other opportunities for sport and recreation by requiring local authorities to undertake an open space audit and prepare an open space strategy for their area;
 - To protect and support opportunities for sport and recreation;
 - To provide guidance on the quality and accessibility of open space in new developments and on providing for its long-term maintenance and management;
 - To provide guidance on planning for development of new indoor and outdoor facilities for sport and recreation.

⁵ The UN Convention on the Rights of the Child (1989)

⁶ *Scotland's Biodiversity: It's in Your Hands* – A strategy for the conservation and enhancement of biodiversity in Scotland, Scottish Executive (2004) www.scotland.gov.uk/library5/environment/sbijyh-00.asp



- 16 Open space frequently comes under great pressure for development. This SPP requires local authorities to take a strategic, long term approach to managing the open space within their areas, objectively assessing both current and future needs and protecting all spaces which can help to meet those needs.
- 17 This SPP explains how developers, planners and other decision-makers should work towards achieving better quality open spaces and more opportunities for people to build physical activity into their daily routine.

OUTDOOR ACCESS AND RECREATION

GREEN NETWORKS

- 18 In urban areas, networks of linked, good quality greenspace are important for their positive visual impact, as well as their role in nature conservation, biodiversity, recreation, education, physical activity and outdoor access. Regional networks of open space may form an integral part of city-regions' settlement strategies. Open spaces can be important components of habitat networks. Green networks can provide safe tranquil off-road access opportunities from the doorstep to play space, sports facilities, town centres, local amenities, path networks and the wider countryside. Planning authorities should give due weight to connectivity and consider the need to avoid fragmentation of open space, in particular areas of woodland and other important habitats identified, for example, in Local Biodiversity Action Plans.
- 19 Planning authorities and developers should seek to identify opportunities to create and enhance links between open space as an integral part of development, and open space should be included as part of the design proposals. For large land releases and regeneration areas, masterplanning can play a key role in the strategic provision of open space across wider areas and land ownerships.

CORE PATH PLANS AND ACCESS RIGHTS

- 20 The Land Reform Act requires access authorities⁷ to guide access provision by preparing a Core Paths Plan. An access strategy is also expected to be prepared. Core Paths Plans will identify and map the 'core paths'⁸ within an area, making sure these are marked and that everyone is encouraged to use them. The aim is to give reasonable public access throughout the area thus helping to deliver health, social, economic and environmental benefits.
- 21 Local authority departments should work together to ensure consistency and compatibility between the open space strategy, the core paths plan, the local transport strategy and the development plan. It is likely that the core paths plan

⁷ The term 'Access authorities' includes all local and national park authorities. See Glossary.

⁸ *Core Paths Plans – A Guide to Good Practice*, Paths for All Partnership & SNH, notes that "Core paths systems will comprise a variety of different paths types, ranging from natural grassy swards to high –specification constructed paths, to satisfy the needs of all users. The majority of core paths will be off-road, though some may require to be on pavements or quiet roads".

will include existing routes. It may also establish new routes in order to provide new access opportunities and to make links to existing networks and open space. The local development plan should cross-refer to the core paths plan, incorporate relevant material and set out policy protection for core and other paths such as long distance routes and rights of way. It may be appropriate to include key information on the proposals map.

- 22 Access rights and core paths plans are material considerations in determining applications for planning permission. Access authorities have a duty to uphold access rights over most land and inland water, not just on paths. Planning authorities should consider attaching appropriate conditions to ensure continuing public access. New development should incorporate new and enhanced access opportunities where appropriate.

OPEN SPACE AUDIT AND STRATEGY

- 23 In order to deal strategically with open space provision, local authorities must have an accurate understanding of the current open space resource in settlements within their area. Local authorities should assess how well the needs of communities are being met and identify any changes needed to improve access to quality open spaces. To assist in this process, local authorities must undertake a comprehensive open space audit.
- 24 PAN 65 stresses the need for audits and strategies. It provides guidance, including a typology of open spaces which has been successfully applied in a number of local authority areas. Local authorities should continue to make use of the PAN 65 typology as a starting point for auditing open space but may also consider whether some categories require further classification.
- 25 The audit should cover all types of open space, public and privately-owned, including spaces owned by schools and voluntary clubs. Informal open space should be assessed as well as parks and formal facilities. The audit should take account of the quality, community value and use of existing open space and should not merely assess the quantity of provision. It is particularly important to ensure that disadvantaged communities have accessible open space of good quality. SNH have prepared guidance on open space audits.⁹ Local authorities will also wish to take account of any relevant methodologies and standards for open space provision which may be available.
- 26 Using the information from the audit, each local authority must prepare an open space strategy. The purpose of the strategy is to set out a vision for new and improved open space which is appropriate to local circumstances. Where the audit has identified deficiencies in different types of open space provision, this must be clearly addressed through the strategy. The completed strategy should safeguard valued open space and guide the allocation of resources for investment. It may also provide the justification for seeking contributions from developers.

9 SNH Open Space Audit Guidance at www.snh.org.uk/www/sharinggoodpractice/openspaceguidance.asp



- 27 Before declaring in the strategy that any area of open space is surplus, local authorities should consider whether it has the potential to address any deficiencies in other types of open space which may be identified in the strategy. The open space strategy should include consideration of access and path networks, which may not all lie within designated open spaces. Local authorities should provide, manage and conserve open space assets within the context of the strategy.
- 28 In preparing their open space strategy, local authorities should have regard to the provisions of the Environmental Noise (Scotland) Regulations 2006¹⁰, regarding “quiet areas”. They should also have regard to guidance and Action Plans relating to quiet areas prepared under these regulations.
- 29 The community’s needs and aspirations are at the heart of any open space strategy and they should have an opportunity to contribute to both the audit and strategy. All parts of the community, including voluntary groups and sports clubs, should be involved, as should the community planning partnership and other relevant local and national bodies.
- 30 Critically, local authorities must work corporately to prepare the strategy and ensure an agreed approach to open space provision across the Council. This will involve contributions from a range of council departments, particularly leisure, education and housing.
- 31 Local authorities prepare strategies for a number of related subjects such as playing field provision¹¹, sports facilities, parks and housing, and also have duties in relation to outdoor access and core paths planning. The open space strategy should not duplicate work already covered, but should be prepared in a flexible way, drawing together and adding value to other relevant strategies and plans within the community planning framework.
- 32 Open space strategies may require a Strategic Environmental Assessment (SEA) under the provisions of the Environmental Assessment (Scotland) Act 2005. It is for each local authority, as a Responsible Authority, to consider whether their strategy falls within the scope of the 2005 Act. Further information on SEA can be found in the SEA Tool Kit¹².
- 33 The land use elements of the open space strategy (and related strategies) should be fed into the statutory development plan and the strategy itself may be a material consideration in the determination of planning applications. The strategy should be updated to inform future reviews of the development plan. All local authorities must now take action to ensure that an audit and strategy is prepared

¹⁰ The Regulations transpose the Environmental Noise Directive and require Scottish Ministers to prepare maps or plans showing quiet areas. It is an aim of the directive to protect quiet areas against an increase in noise. <http://www.scottishnoisemapping.org/default.aspx>. PAN 51: *Planning, Environmental Protection and Regulation* includes a summary of the Environmental Noise Directive.

¹¹ *Guide to the Preparation of Sports Pitch Strategies*, published by **sportscotland** available at <http://www.sportscotland.org.uk/>

¹² *Strategic Environmental Assessment Tool Kit*, Scottish Executive, 2006 www.scotland.gov.uk/Publications/2006/09/13104943/0

for their area and, once in place, that they are reviewed on a regular 5 year cycle to link in with development plan preparation. To assist in accurate monitoring, local authorities should advise The Scottish Government Planning Directorate when the audit has been completed and when the open space strategy has been finalised or revised.¹³

RAISING STANDARDS

QUALITY

- 34 This SPP encourages good design and networks of high quality open spaces. These should be safe, welcoming, appealing, distinctive, well connected environments, in line with the qualities for successful places set out in *Designing Places*¹⁴. It is important that open spaces should be viewed in their context, as their quality often directly relates to the quality of the buildings and spaces surrounding them. The design of open spaces can be as important to the townscape of a settlement as the design of buildings and should be treated with as much care. Factors to be taken into account when considering the quality of open space may include whether it is:
- fit for purpose
 - well located and connected
 - easily accessible
 - inclusive
 - distinctive
 - of high quality design
 - pleasant and welcoming
 - safe
 - adaptable
 - well maintained and actively managed
- 35 The quality of existing and new open space should be addressed in the open space audit and strategy. Guidance on the quality sought for new open space should be incorporated into the local development plan. Planning can have a key role in helping to create attractive, well-managed environments which help to discourage antisocial behaviour. PAN 77 *Designing Safer Places* provides further guidance on the design and location of play areas.

¹³ See contact details at paragraph 81.

¹⁴ A Policy Statement for Scotland 'Designing Places', Scottish Executive 2001
<http://www.scotland.gov.uk/library3/planning/dpps-00.asp>



ACCESSIBILITY

- 36 Within settlements there should be spaces that can be used by everyone, regardless of age, gender or disability. Statutory equal opportunities obligations should be taken into account in planning for open space and physical activity, including the duties under the Disability Discrimination Acts of 1995 and 2005 to promote disability equality. Further details are contained in the glossary.
- 37 There are two main constraints on accessibility: physical constraints such as distance, the individual's degree of personal mobility, or severance by roads, railways or other barriers; and also social and cultural constraints such as fear of crime or other concerns over personal safety. These issues should be considered in the siting and design of open space.
- 38 The maximum distance that people are prepared to travel to different types of open space will vary depending on the nature and quality of the facility and their own physical capabilities. Local authorities may wish to set distance thresholds to open space appropriate to the particular circumstances in their area and for different types of open space. These should be informed by the open space audit and included in the local development plan. Rural and urban areas may require different levels of 'acceptable' accessibility.
- 39 Consideration should also be given to improving the accessibility of existing areas of open space via green networks and paths. New open space and other facilities should be located where they will be accessible on foot and bicycle and can be served by public transport.

PROTECTION OF OPEN SPACE

PRESUMPTION AGAINST DEVELOPMENT OF OPEN SPACE

- 40 There is a presumption against development on open spaces which are valued and functional, or which are capable of being brought into functional use to meet a need identified in the open space strategy. Local development plans will identify and protect such open spaces, in line with the findings of the open space audit and strategy. The strategy may not cover every open space but may instead focus on larger and more important spaces. Where there is other open space which is not identified in the strategy but which is valued and functional or which contributes to local amenity, biodiversity or other planning policy objectives, this should also be protected in the development plan.
- 41 Only where there is strong justification should open space protected by the development plan be developed either partly or fully for a purpose unrelated to use as open space. Justification must include evidence from the open space audit that the development will not result in a deficit of open space provision of that type within the locality and that alternative sites and any community concerns have been properly considered. Where, exceptionally, it is proposed to grant permission for development which would result in or exacerbate such a

deficit, replacement open space of appropriate type, quantity, accessibility and quality must be provided.

- 42 When considering proposals which involve the loss of open space, planning authorities should consider the need for consultation with local and national interests appropriate to the type of open space involved. The Appendix contains information on a number of consultees and other stakeholders and their remits.
- 43 Where a planning authority proposes to grant permission for development which would lead to the loss or partial loss of an open space identified in the development plan, the application must now be notified to Scottish Ministers. These arrangements are set out in Circular 7/2007 and its accompanying Direction.
- 44 Trees and woodlands can form a major element of both formal and informal open space, and have a value in their own right. Planning authorities should seek to protect trees, groups of trees and areas of woodland where they have a natural heritage or landscape value or contribute to the character or amenity of a particular area.

PROTECTION OF PLAYING FIELDS

- 45 Playing fields are an important resource for sport and can have a key role within the community. Key material considerations will be the open space strategy and (where one exists) playing fields strategy. The overall objective should be to ensure that there are sufficient playing fields in terms of quantity, quality and accessibility to satisfy current and likely future community demand. Playing fields, including those within educational establishments, which are required to meet existing or future needs should be identified in the local development plan. To identify current and future needs, local authorities are expected to develop a playing fields strategy in consultation with **sportscotland**, as part of the wider open space strategy.
- 46 Playing fields and sports pitches should not be redeveloped except where one of the following circumstances applies:
 - a. The proposed development is ancillary to the principal use of the site as a playing field;
 - b. The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training;
 - c. The playing field which would be lost as a result of the proposed development would be replaced by:
 - (i) a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users; or
 - (ii) the upgrading of an existing playing field to provide a better quality facility, either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or



- d. A playing field strategy prepared in accordance with a methodology approved by **sportscotland** has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site in question could be developed without detriment to the overall quality of provision.
- 47 If a proposed development satisfies at least one of the above conditions and the site is no longer required for formal sports use, the planning authority must consider whether the site has other recreational, amenity, landscape or biodiversity value which would warrant its retention as open space.
- 48 Planning authorities should include a policy for the protection of playing fields in their local development plans. Paragraph 46 above can be used as a model policy, and planning authorities are encouraged to integrate such a policy into local development plans at the next available opportunity. Model planning policies aim to provide consistency and clarity in development plans, with the objective of being effective for use by most planning authorities. The model policy is not mandatory, to allow for local variation where there is sensible justification for doing so.

LOCAL AUTHORITY DEVELOPMENT AND SCHOOLS DEVELOPMENT

- 49 Development by local authorities is subject to normal planning considerations, including the policy advice in this SPP, and local authorities should seek to protect and enhance open space in their ownership.
- 50 Where development of publicly owned open space is being considered, the lead department within the local authority, or its agents, should take part in early discussions with the planning authority (and with **sportscotland** for playing fields and other sports facilities) and seek to ensure that sites are considered as part of the open space strategy and brought forward through the development plan. PAN 55: *The Private Finance Initiative and the Planning Process* contains good practice advice on public private partnership (PPP) projects and the planning system. PAN 82: *Local Authority Interest Developments* advises planning authorities on appropriate handling of planning applications where they have some interest in the proposed development. Where a planning authority proposes to grant consent for development in which it has a financial or ownership interest, the application must be notified to Scottish Ministers if there is a substantial body of objection or if the proposal is contrary to the development plan.
- 51 The school estate has to evolve to meet changing circumstances and some schools have to be refurbished or replaced. In response to falling school rolls in some areas rationalisation and merging of schools may be necessary. It is important that adequate provision for playing fields and play space is made in any new schools developments. The school premises regulations¹⁵ include requirements for minimum playing areas. **sportscotland** has published guidance¹⁶ on calculating space requirements for playing fields and on layout, design,

¹⁵ The Schools Premises (General Requirements and Standards) (Scotland) Regulations 1967

¹⁶ School Playing Fields 'Planning & Design Guidance', **sportscotland**, 2006

specifications and maintenance. New school and campus developments can lead to the provision of improved sports facilities, such as replacement of blaes pitches with natural or synthetic grass surfaces.

- 52 Open space within school grounds can fulfill a variety of roles including for physical activity, play, biodiversity and providing a green setting for environmental education. Wherever possible, the sports facilities and grounds within new schools should be designed to allow flexible access so that, subject to management arrangements, facilities can be used by the wider community. Planning briefs for new schools developments should highlight the open space and playing field strategies and development plan policy on open space and playing fields provision.
- 53 School playing fields should be designated as open space in the local development plan and this should be reflected in planning decisions. Paragraph 46 indicates how any development proposal affecting current or former school playing fields should be assessed.

CONSULTATION WITH SPORTSCOTLAND

- 54 **sportscotland** should be consulted at the main issues report and finalised plan stages of both strategic and local development plans, and on planning applications for developments which are likely to affect existing outdoor sports facilities, as set out in the following paragraphs.
- 55 In relation to playing fields, defined as land of 0.4 hectares or more for any pitch sport, **sportscotland** must be consulted on any planning application for development which is likely to prejudice or lead to the loss of land used or last used as a playing field, and applications notified to Scottish Ministers as necessary.
- 56 **sportscotland** must also now be consulted on any development likely to prejudice or lead to loss of land either currently or last used as:
- tennis courts (other than those in private dwellings and hotels);
 - bowling greens;
 - golf courses;
 - athletics tracks; and
 - sports pitches of 0.2 hectares or more, including those used for small-sided games (e.g. soccer sevens).

Where there is an objection from **sportscotland**, this will lead to a requirement to notify Scottish Ministers. These arrangements are set out in Circular 7/2007 and its accompanying Directions.



PLANNING FOR OPEN SPACE WITHIN NEW DEVELOPMENT

- 57 Planning authorities should, having regard to the findings of their open space audit and strategy, set out in local development plans specific requirements for the provision of open space in new developments. The audit and strategy may highlight differing priorities for a number of settlements or neighbourhoods within a single local development plan area: some communities may require new open space whereas others may require investment to improve the quality of existing spaces. Any such differences should be reflected in the local development plan to ensure that investment in open space linked to new development is appropriate to the needs of that community.
- 58 Where developer contributions of open space are to be sought, it is important that the plan makes clear how much, of what type and quality, and what the accessibility requirements are. Clarity in the local development plan will help ensure delivery of appropriate facilities of the right types and provide greater certainty for developers. Any requirement for open space provision, whether onsite or elsewhere, must be justified by planning objectives and fairly and reasonably relate to the proposed development.
- 59 A flexible approach should be adopted when seeking open space contributions from new developments, taking into account other material considerations and priorities. In city centre and urban sites consideration should be given to appropriate densities, efficient use of land and the character of the local area. On brownfield sites or proposals for conversion of existing properties it may be appropriate to consider off-site provision of open space. Development plans should set out a sequential approach to open space delivery, informed by the priorities in the open space strategy.

Where the open space strategy indicates a **surplus** in the quantity of open space in the local area

The need for a specific type of open space onsite, such as play parks, should be considered, depending on the scale and nature of the proposed development.

Where a development would result in increased use of existing open space, a financial contribution towards its improvement or management may be an acceptable alternative to the provision of open space as part of the development.

Where a financial contribution is being made:

- 1 the first priority will be to use this to meet the need for quality and accessibility improvements to existing off-site open space in the local area,
- 2 the second option will be to meet the needs for wider open space provision and management, including enhancing linkages and green corridors from the development site to existing areas of quality open space.

Agreements should comply with the guidance in Circular 12/1996 on Planning Agreements. Conditions should comply with the guidance in Circular 4/1998.

Where the open space strategy indicates **deficiencies** of open space in the local area, or where the proposed development could lead to such a deficiency

Providing open space as part of the development will often be the preferred approach.

The level of this provision should be determined by the local authority who should develop its own local requirements, informed by the open space strategy.

Local authorities should be mindful that the level of this required provision should enable the viable regeneration of vacant, derelict and brownfield land. The level of provision required from greenfield developments and those on brownfield or urban sites may be quite different.

Where there are other opportunities to make local provision which would bring greater benefits to the community or where on-site provision is not possible or appropriate, then off-site provision may be a suitable alternative.

New areas for open space can be identified in local development plans to ensure a strategic approach to the provision of new open space in the area.

- 60 Local authorities and developers in all sectors should aim to create new open spaces which are fit for purpose and sustainable over the long term. They must be well designed and built to a high standard, and capable of adaptation along with changes in the needs and requirements of users. Wherever possible local authorities and developers should aim to include imaginative planting which can contribute to biodiversity objectives and enhance the survival and awareness of plant species native to Scotland. Development plans, or where more appropriate masterplans or site briefs, should adopt a strategic approach to identifying areas of open space in new development or redevelopment. This planned approach may produce better layouts than the incremental provision of small pockets of open space in line with planning application and land ownership boundaries. Where site briefs and master plans are prepared these should specify the type and quality of open space required on a development site, for example, civic spaces, amenity space or children’s play areas, and how it should be integrated within the wider network.



MANAGEMENT AND MAINTENANCE

- 61 Poorly managed or neglected open spaces not only fail to meet the needs of communities, they can seriously detract from the quality of the environment, inhibit regeneration and development, and give rise to inappropriate development pressure. It is not enough for proposed open space to be well located, accessible and thoughtfully designed. It must be properly managed and maintained, this principle applying to both new and existing open space and facilities. Poor maintenance or neglect should not be used to justify development of an open space which may otherwise be potentially functional and valued.
- 62 A recent audit commissioned by **sportscotland** highlighted the poor condition of many of Scotland's sports facilities and playing fields. In order to encourage participation, facilities must be of good quality and be well maintained.
- 63 Planning authorities and developers should work together to ensure that proper arrangements are in place for the long-term management of any open space, landscaping and other common facilities proposed. Maintenance must be considered as an element of the open space audit and strategy and during assessment of development proposals, particularly during pre-application discussions. Where a development proposal includes a design statement, PAN 68: *Design Statements* advises that this should include reference to maintenance issues. A new requirement for statements on design and access to accompany certain planning applications will be introduced as part of the wider changes to the development management system introduced by the Planning etc. (Scotland) Act 2006.
- 64 Where possible, provision for management and maintenance should be addressed through conditions attached to planning consent. Effective arrangements should be put in place to ensure proper management and maintenance of areas of open space. Particularly for areas of common open space within new housing developments, long-term arrangements should set out clearly the responsibilities of the property owners and any factor or other parties involved. For some developments, a planning obligation may be necessary either to enable the development to proceed, to enhance the quality of development or to reduce, eliminate or compensate for potentially negative impacts on land use, the environment and infrastructure.

PLANNING FOR SPORT AND RECREATION

- 65 Planning authorities should plan positively for sports and recreation facilities and opportunities. Where, through a local facility strategy or playing field strategy, a need has been identified for new indoor or outdoor facilities within an area, the local development plan should identify sites where they can be appropriately located.

DEVELOPMENT MANAGEMENT CONSIDERATIONS

- 66 Scotland's outdoors presents outstanding opportunities to participate in a range of sport and recreation activities. Resources such as rivers, lochs, hills, crags and paths support activities as diverse as fishing, mountain biking, horse riding, surfing, canoeing, rock climbing and snowboarding. Facilities such as skate parks and dry ski slopes can also be important for sport and recreation. In assessing development proposals which may affect such facilities and resources, sport and recreation interests should be fully considered and planning authorities should consult with sport and recreation interests. Depending on the nature of the proposal this could include sports clubs, community groups, Non Governmental Organisations, governing bodies of sport, the local sports council, land managers and the appropriate local authority service. Where a resource or facility is considered to be of strategic importance for sport it may also be appropriate to consult with **sportscotland**.
- 67 It is important to ensure that sport and recreation activities do not adversely affect areas of importance for their built environment or natural heritage, particularly where formal facilities are involved. Impacts on the built and natural environment and on local communities can usually be mitigated through proper siting, design and management. Many outdoor sports and recreation activities depend on the quality of the environment and the planning system has a key role in safeguarding the settings where these activities take place. Planning authorities should assess proposals against development plan policies to ensure that new sports and recreation facilities are guided to appropriate locations.
- 68 Wherever possible development should be guided to locations which can be accessed by a range of modes of transport and do not increase dependency on private car use, while ensuring appropriate parking provision. For many sport and recreation developments, locations within or close to residential areas will be the most appropriate. However accessibility must be balanced with any likely impacts on amenity including noise, light pollution, volume of traffic and disturbance.
- 69 Land on the edge of settlements may be a suitable location for certain sport and recreation activities, particularly those which require large areas of land or involve significant noise impacts or safety concerns. In assessing proposals for new development on the edge or out of settlements, developers and planning authorities should ensure that visual amenity and landscape considerations are fully taken into account. Some of these locations may be covered by green belt policy. One of the key objectives of green belts is to protect and give access to open space within and around towns and cities. Once designated, green belts can be managed effectively to enhance quality of life, for example, by providing a range of opportunities for outdoor recreation and tourism, and providing access to the countryside. [SPP 21: Green Belts](#) highlights the range of uses that may be appropriate in green belts, including recreational uses that are compatible with an agricultural or natural setting.



STADIA

- 70 Sports stadia, by nature of their size and the number of spectators attending, raise specific issues for planning. Existing stadia and any need for improvement or new facilities should be taken into account in preparation of the development plan. For stadium proposals, account should be taken of all normal planning considerations, including access to sustainable forms of transport, traffic generation, parking, and possible conflicts with neighbouring uses. Any proposal for mixed use development within a stadium must comply with wider development plan policies.
- 71 Where a new stadium is proposed, the planning authority should consult widely, including neighbouring local authorities where appropriate. Stadium developments are not considered to be appropriate uses in green belts.

IMPLEMENTATION

ROLES AND RESPONSIBILITIES

- 72 This section summarises the key responsibilities of local authorities, communities and developers in relation to open space. A brief outline of the remits of statutory consultees and stakeholders is provided in the Appendix.

ROLE OF LOCAL AUTHORITIES

- 73 The provision and management of open space resources cuts across many local authority functions, including leisure and recreation, planning, housing and education. It is vital that local authorities take a positive, strategic view of open space to ensure that its value is properly recognised in all local authority activities. National Park Authorities should work with local authorities to ensure a co-ordinated approach. The open space strategy is a cross-council strategy which may require input from a number of council departments. The local authority's main policy intentions on open space, biodiversity and physical activity should be among the key themes of the community plan and be reflected in the development plan.

Leisure and recreation department

- 74 Leisure and recreation departments, or other departments within the local authority providing this function, will have a key role in assessing the adequacy of provision and in management of open spaces, playing fields and other sports facilities including access and recreation provision in the countryside. This should be undertaken in accordance with the recommendations set out in the national strategy for sport, *Reaching Higher*.

Planning authority

- 75 Development plan policies and planning decisions must take full account of the community's need for all types of open space and sports facilities, of the responsibility to safeguard and enhance biodiversity, and of core path planning. Where a regional network of open space forms an integral part of a city-region's settlement strategy it will be appropriate to broadly identify this in the strategic development plan. The local development plan should accurately designate areas of existing open space, taking account of the open space audit and strategy. In order to plan appropriately for recreational space and sport, the local authority must have up to date information on levels of provision and any deficiencies. Where a need for particular types of new sport or recreational facilities is highlighted, the local development plan should identify appropriate sites.

Education authority

- 76 Education authorities must ensure that they make adequate provision for sports facilities and playing fields in new schools and, in planning such provision, should refer to **sportscotland's** guidance on school playing fields (see paragraph 51). The school estate should be included in sports facility planning and be managed to afford community use. The education authority should liaise with the planning authority and engage with the development planning process.

DEVELOPERS' RESPONSIBILITIES

- 77 Developers are expected to take account of this SPP and the relevant development plan and open space strategy. They should apply the requirements of the development plan at the design stage of any new proposal in a way which helps to meet communities' needs for open space. Adequate arrangements for quality long-term maintenance of open space within or associated with new development must be put in place. In some cases a new development, especially a large scale residential development, may generate sufficient demand to warrant expansion of existing or provision of new sports facilities. In such situations, developers may be asked to provide or contribute towards expanded, improved or new facilities.
- 78 Depending on the type and scale of proposal, developers may identify the potential to create or manage paths or other access routes. It may sometimes be appropriate to consider diverting a route, in which case disruption to its flow should be minimised.

COMMUNITY INVOLVEMENT

- 79 The open space strategy, the development plan and the core paths plan must reflect community aspirations concerning the future design and use of open space. Community involvement should begin early in the process and should include the opportunity to make input to the open space audit and influence the strategy. Engagement with the community and other stakeholders should be tailored to the issues under consideration and the relevant audience, publicising information widely and using methods which fit into people's everyday lives and engage all parts of the community. Further advice can be found in PAN 81 *Community Engagement*.



CONCLUSIONS

- 80 Scottish Ministers are strongly committed to ensuring that communities have access to the benefits of open space, with a range of opportunities to take part in sport and physical activity. This SPP sets out national planning policy for the protection and enhancement of open space in and around towns and cities, and indicates how the planning system should address the needs of sport and outdoor recreation in urban and rural settings. The policy emphasises the need for local authorities and other stakeholders to take a strategic and long-term view of open space and sports provision, ensuring that the current and future needs of communities are met.

ENQUIRIES

- 81 Enquiries about the content of this SPP should be addressed to David Liddell, The Scottish Government, Planning Directorate, 2-H (South), Victoria Quay, Edinburgh, EH6 6QQ Tel: 0131 244 7549 or by e-mail to david.liddell@scotland.gsi.gov.uk. SPPs, Planning Advice Notes (PANs) and a list of Circulars can be viewed on The Scottish Government website: www.scotland.gov.uk/planning

GLOSSARY

Access Authorities – refers to local authorities and, within national park areas, to national park authorities. The Land Reform (Scotland) Act 2003 gives a range of duties and powers to access authorities, including to uphold and facilitate access rights and to plan a system of core paths to give the public reasonable access throughout their areas.

Biodiversity – means biological diversity or the variety of life. Defined by the UN Convention on Biological Diversity, 1992 as “The variability among living organisms from all sources including, (biological diversity) *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.”

Carbon sinks – atmospheric carbon in the form of carbon dioxide is captured and stored in living (trees and other green vegetation) or non-living reservoirs (soil, geological formations, oceans, wood products). Land uses which absorb and store carbon over long periods of time ('carbon sinks') may help to offset carbon dioxide emissions, at least in the short to medium term.

Core Paths Plans – term used in the Land Reform (Scotland) Act 2003 which refers to the statutory process to identify a network of paths to provide all forms of recreational access. The network will be well marked and will link into a wider network of paths. Core paths are expected to be predominantly available for multi-use (walking, cycling, horse riding etc.) and access to water is included. Rivers or lochs could become a core path.

Disability Discrimination Duties – The Disability Discrimination Act (DDA) 2005 amends the DDA 1995 to place a duty on all public authorities to promote disability equality. This means that public authorities, including local authorities, must, in carrying out their functions, have due regard to the need to eliminate discrimination and harassment that is unlawful under the DDA. They must also promote equality of opportunity between disabled people and non-disabled people, and take steps to take account of disabled people's needs, even where that involves treating disabled people more favourably than non-disabled. It requires that active steps must be taken to remove the barriers that disabled people experience in their everyday lives.

Equalities Opportunities – Equalities duties are set out in Section L2 of Part II of Schedule 5 to the Scotland Act 1998. “Equal opportunities” means ‘the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions’. Section 51 of the Planning etc. (Scotland) Act 2006 requires Scottish Ministers and planning authorities to perform their planning functions in a manner which encourages equal opportunities.



APPENDIX: INFORMATION ON CONSULTEES AND STAKEHOLDERS

Community Councils represent local communities and are well placed to put across their views, needs and preferences.

Fields in Trust (FIT – formerly NPFA) is a long established national charity which campaigns to protect and improve green spaces for sport, recreation and play. It advocates minimum standards for open space through its *Six Acre Standard*. In partnership with local authorities, FIT protects many recreational sites in Scotland in perpetuity.

Forestry Commission Scotland is the government department responsible for forestry policy. Its mission is to protect and expand Scotland's forests and woodlands and increase their value to society and the environment. The Forestry Commission's Woods In and Around Towns initiative aims to increase the contribution of woodland to quality of life in Scotland's urban and post-industrial areas.

greenspace scotland is a Scottish charity working with others towards the goal that everyone living and working in urban Scotland has easy access to quality greenspace which meets local needs and improves quality of life. This involves:

- demonstrating the relevance of greenspace to deliver policy priorities including social, health, economic and regeneration outcomes
- working with national organisations, local authorities, community planning partnerships and others to coordinate and support local action on greenspace
- supporting a network of organisations that manage greenspace – including sharing knowledge and working in partnership to commission research to inform practice and policy.

Local Access Fora are statutory consultees on Core Paths Plans and have a role to play in advising access authorities on upholding access rights and on outdoor access strategies. The Land Reform (Scotland) Act 2003 places a statutory duty upon all access authorities to establish local access fora.

Local Biodiversity Action Groups set out priorities and actions to promote biodiversity in an area.

Play Scotland works to promote the importance of play for all children and young people, and campaigns to create increased play opportunities in the community. It is a membership organisation and is funded by The Scottish Government.

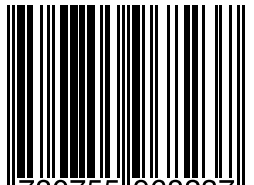
Scottish Natural Heritage (SNH) has a statutory duty under the Natural Heritage (Scotland) Act 1991 to conserve and enhance the natural heritage, facilitate its enjoyment and

promote its understanding. This includes promoting the right of responsible access. SNH has responsibility for activities which are dependent on the quality of natural heritage, and for ensuring that such activities do not have adverse effects on the natural heritage or other uses.

Scottish Sports Association is the umbrella organisation representing the governing bodies of sport in Scotland.

sportscotland is the national agency for sports development in Scotland. Its aim is to see more people participating in sport and enjoying its benefits. **sportscotland**'s role includes encouraging participation, raising standards of performance, supporting provision of new facilities and encouraging the use of existing facilities. **sportscotland** has developed a number of databases, planning models and guidance to help local authorities assess provision for sport and improve facility provision. **sportscotland** is a statutory consultee on planning applications affecting certain outdoor sports facilities.

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