



PROTECTION OF OPEN SPACE

INTERPRETING POLICY CW7 OF THE LOCAL DEVELOPMENT PLAN (LDP)

DRAFT CONSULTATION DOCUMENT

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Supplementary Planning Guidance LDP 8

Protection of Open Space

Interpreting policy CW7 of the Local Development Plan (LDP)

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This document is available in Welsh, other languages or formats on request

1 Introduction

- 1.1 Caerphilly is experiencing an increasing demand for development in the county borough and with a rising population, additional pressure is being placed upon existing unprotected open spaces. Public open space has a value that extends well beyond its recreational use. It can provide visually attractive open aspects that help to break up the mass of buildings in urban areas, helps contribute to the character of the built up area and the quality of life of the residents, whilst encouraging healthier lifestyles and providing a more attractive overall environment.

2 General Principles of the SPG

- 2.1 This Supplementary Planning Guidance (SPG) sets out Caerphilly CBC's approach to the **protection of open space** within the County Borough's settlements. It supplements Policy CW7 – *Protection of Open Space* of the Caerphilly CBC Local Development Plan (LDP, November 2010).

Policy CW7 Protection of Open Space states:

Proposals for development on areas of open space within settlements will only be permitted where:

- A The amount of open space remaining in the neighbourhood would be adequate to serve local needs;*
- B The site has no significant value as a recreational resource or an area of visual amenity.*

- 2.2 This policy seeks to protect those areas of land that are **within** settlement boundaries and are **not designated as a leisure or recreation facility within the Local Development Plan (LDP)**. This SPG will help potential developers understand how to interpret policy CW7, as well as how to carry out an Open Space Assessment.
- 2.3 **This SPG is not intended to stipulate financial contributions for leisure or open space provisions with regard to forthcoming Planning Applications** – a separate piece of guidance will be produced on this matter.
- 2.4 The purpose of the guidance is therefore threefold:
- Firstly, it explains the approach of the Council in terms of safeguarding existing areas of open space, which contribute to the recreational, amenity or visual value and resource of the County Borough;
 - Secondly, it sets the minimum threshold for open space within settlements for the purposes of Policy CW7; and
 - Thirdly, it sets out the method for undertaking an open space assessment to ascertain the level of existing open space within an area in order to determine whether a site is protected or can be developed for an alternative use.

3 Interpreting Open Space Policies within the Local Development Plan (LDP)

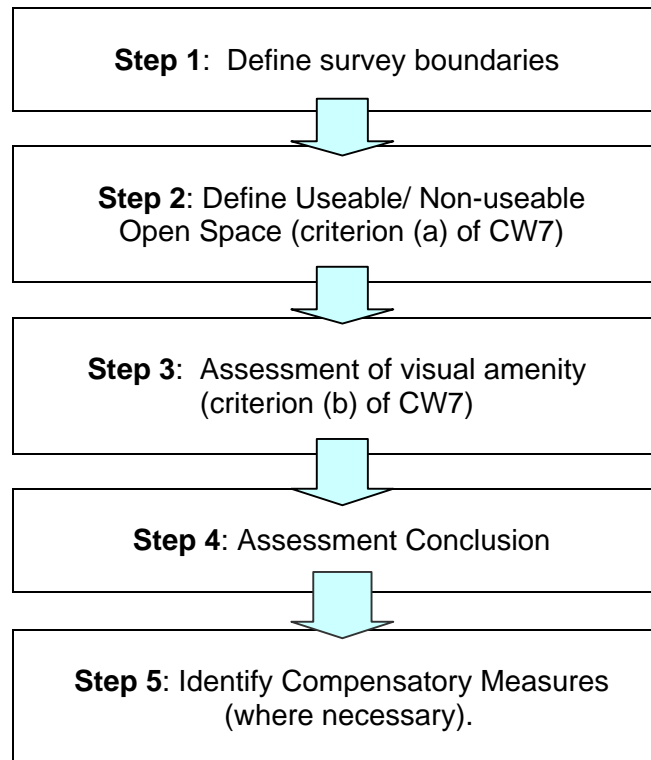
- 3.1 This SPG is based on guidance contained in *Technical Advice Note (TAN) 16: Sport, Recreation and Open Space*. TAN 16 seeks to integrate the links between health and well-being, sport and recreational activity and sustainable development and defines open space as *'all open space of public value, including land, and water areas like rivers, canals, lakes, reservoirs'* (WAG 2009 paragraph 2.5).

- 3.2 **Appendix 1** provides a detailed analysis on the types of open space typologies highlighted within TAN16, and subsequently those typologies that policy CW7 seeks to protect. The Council has modified the typologies from TAN16 to ensure that they are relevant to the county borough. Appendix 1 also highlights where other typologies of open space are protected within the LDP. In broad terms, formal leisure facilities such as tennis courts, sports pitches, parks and gardens, playgrounds, etc are protected by CW8. Conversely, **it is the less formal open spaces such as grasslands, informal recreation spaces, ponds and general areas of incidental open spaces that are protected by Policy CW7.**
- 3.3 TAN 16 and Planning Policy Wales stipulates the requirement for Local Authorities to carry out an Open Space Assessment. The council is aware that it's current Assessment needs refreshing as a matter of priority. Consequently, the guidance detailed in this SPG is subject to review once the Open Space Assessment is carried out. Nevertheless, there is a pressing need for this SPG to be formalised in order to assist landowners, developers and the Council in determining planning applications for development on areas of open space in accordance with policy CW7 of the LDP.

4 How to carry out an assessment of Open Space

- 4.1 When a development proposal is submitted to the local planning authority that results in the loss of an area of open space, an assessment of the existing level of provision of open space in the area will need to be undertaken. This is necessary in order for the Council to assess the impact that the proposal will have upon the current level of open space in the area and determine whether the loss of the open space to development is acceptable or not.
- 4.2 Each site will be assessed on its own merit. In considering whether or not the development of an area of open space for an alternative use is acceptable, or not, the Council will consider how much useable open space will remain in the area if the application site is lost to development.
- 4.3 Figure 1 outlines the five assessment steps that need to be undertaken:

Figure 1



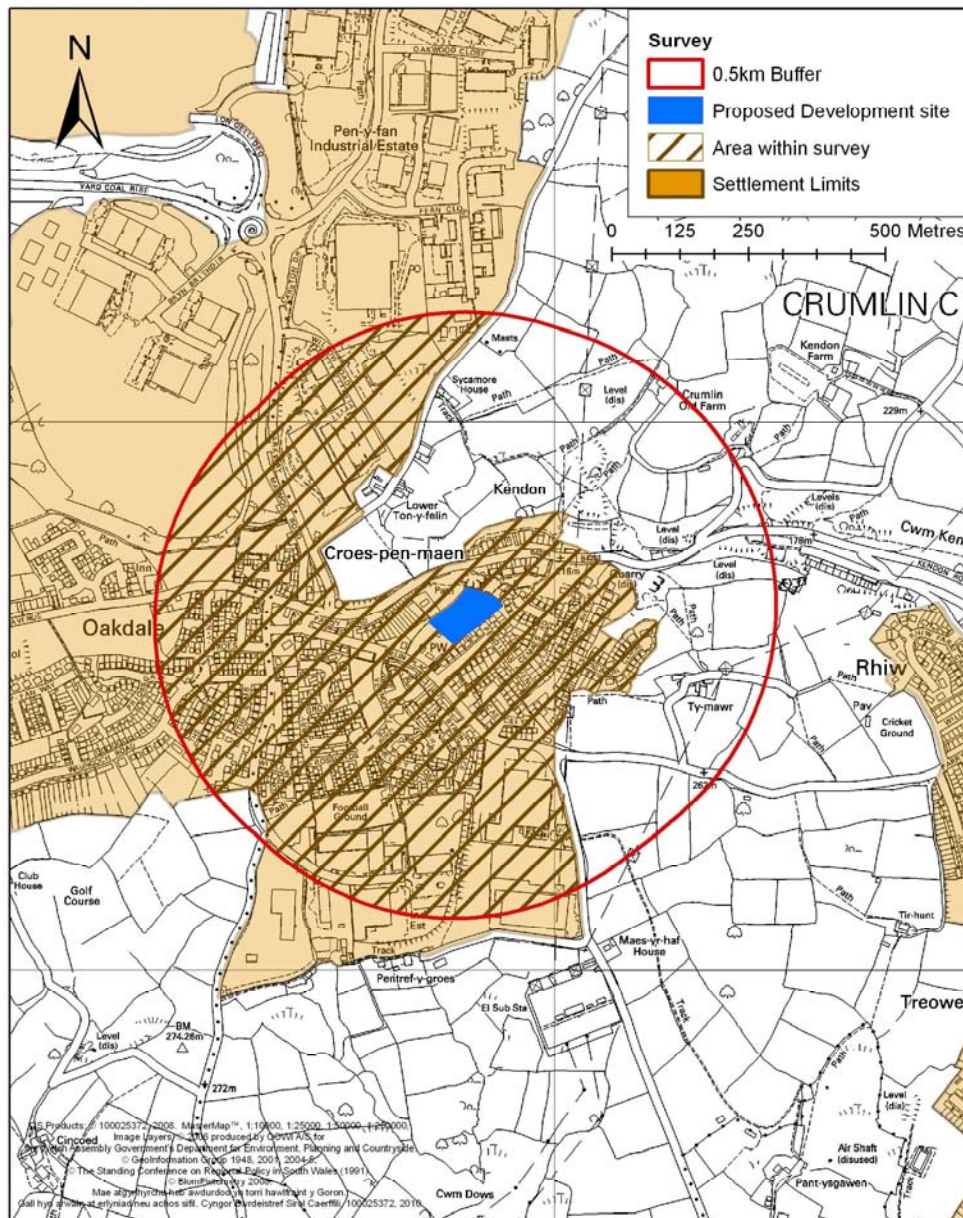
- 4.4 It is recommended that the applicant should undertake the open space assessment and include the results within the design and access statement that must now accompany a planning application. The council will verify the findings of this study and if found to be unsatisfactory, permission could be refused. Notwithstanding this, the Council will exercise its right under article 4 of *The Town and Country Planning (Applications) Regulations 1988* to direct an applicant (in writing) to supply any further information necessary to enable the planning application to be determined. A **pro-forma template** is provided in **Appendix 2** that can be used when completing the assessment.
- 4.5 When determining applications for the development of land identified as open space for the purposes of Policy CW7, a standard of **3 hectares within a 0.5km radius** of the site will be applied. This figure is a local standard and is derived from the Fields in Trust (FIT) standards. The FIT standard indicates that there should be 0.55 Ha of informal playing space per 1000 population, which, when applied to a geographical area, equates to 3 Ha of informal open space within a 0.5km radius of a site.
- 4.6 The Council will base its decision on whether the remaining amount of open space in an area is adequate when determining a planning application upon the information provided by the applicant, and any other further investigative work or information deemed necessary.

5 The Assessment Process

Step 1 – Define survey boundaries

- 5.1 A 0.5km straight line radius will need to be drawn from the edge of the site boundary. For the purpose of the open space assessment, all areas of open space within this radius should be recorded initially in your survey. Appendix 1 provides information on the types of open space categories that need to be recorded and indicates whether they should be categorised under Policy CW7.
- 5.2 For the purposes of calculating the 3ha threshold only open space that is:
- within settlement boundaries (as required by CW7); and
 - defined as open space for the purposes of CW7 should be included within the final calculation.
- 5.3 Where the radius encompasses areas of land that are not within the settlement boundary, the threshold will need to be recalculated so the amount of Open Space requirement is proportionate to the land that is within the radius. This is also the case of areas that are geographically demarcated by the area's topography and are not accessible directly from the proposed site. Again, in these instances, the threshold will be altered to exclude these areas of land. Figure 2 shows an example of this.

Figure 2:



Step 2 – Defining Useable/ Non-useable Open Space (criterion (a) of policy CW7)

5.4 Where open space is identified, it will need to be categorised further as either ‘Useable Open Space’ or ‘Non-Useable open space’ to help determine the amount of remaining open space in the neighbourhood and assess criterion (a) of CW7.

i) **Useable Open Space** is defined as:

An area of open space (as defined in Appendix 1 and which does not fall under section ii below) within the settlement boundary that can be used formally or informally for leisure purposes (irrespective of land ownership).

ii) **Non-Useable Open Space** defined as:

Area of constrained open space (as defined by Appendix 1) within the settlement boundary that is not suitable for recreation and leisure purposes by virtue of its: topography (e.g. steep river bank); proximity to the highway (e.g. highway verge);

contamination; existing use (e.g. being used as grazing land); inaccessibility (fenced off).

- 5.5 Only *useable* open space should be accounted for within the open space assessments. The inclusion of *non-useable* open space would misrepresent the actual area of open space that is available for active use by the local community. Consideration should also be given to how much open space is remaining to serve the wider area.

Step 3 – Assessing the visual amenity assessment of the site (criterion (b) of policy CW7)

- 5.6 Under criterion (b) of Policy CW7, the proposed development site needs to be assessed in terms of its visual and recreational contribution to the surrounding area. This part of the assessment will be carried out by the relevant Planning Officer in the Local Planning Authority, however is included in this SPG in order for developers and landowners to understand the process completely. **This is a professional judgement that is based on the merits of each individual site.**
- 5.7 Criterion (b) of CW7 states that development will only be permitted where the site has no significant value as a recreational resource or an area of visual amenity.
- 5.8 This part of the assessment will consider:
- The relationship of the land to the buildings that surround it;
 - Whether or not the land is used regularly for its intended purpose;
 - How easy the land is for everyone to use and enjoy;
 - How safe the land is to use;
 - How it contributes to the local identity and amenity of the area.

Step 4 – Assessment Conclusion

- 5.9 Only by completing the steps above will it be possible to assess;
- a) The quantity of existing open space within a 0.5km radius of the development site;
 - b) The quantity and quality of existing open space as defined by both CW7 and CW8 within the wider neighbourhood;
 - c) The quantity and quality of existing open space outside the settlement boundary where the site is close to the edge of a settlement;
 - d) The use of the site as a recreational resource;
 - e) The value to the site in terms of the visual contribution it makes to the amenity of the area;
 - f) The existing condition of the site; and
 - g) The access opportunities to the open space.
- 5.10 Taking all of the above into consideration, a final conclusion can then be reached confirming if;
- a. *The proposed development **fails** the open space assessment.* The assessment demonstrates that the proposed development on the open space will significantly reduce the amount of useable open space within a 0.5km radius leaving the area with an under provision –i.e. below 3 hectares (or the pro rata threshold).
 - b. *The proposed development **fails** the open space assessment.* Notwithstanding the quantity of open space remaining the development of the land would result in the loss of an area that has significant value as a recreational resource or as an area of visual amenity.
 - c. *The proposed development **passes** the open space assessment.* The proposed development is considered acceptable, with an adequate quantity of useable

open space (i.e. 3 hectares or more) remaining if the development was to proceed. A judgement in respect of the recreational and amenity value of the site should also be made and commented on.

- d. The *proposed development fails but with compensatory provision would be acceptable*. The proposed development is acceptable if compensatory provisions are provided in the locality- an indication of what facilities and where should be given. For example, whilst there is enough useable open space identified within a 0.5km radius, in practicable terms, due to site constraints it is not useable. This might be the case for example if an area is segregated from residents by a busy main road with no signalled junction for safe crossing. However, where there is the possibility of alterations being made to make the space useable for example through the provision of a crossing, the applicant must carry out 'step 5' of the procedure.

Step 5 –Compensatory provisions (when the assessment conclusion falls under category (d) above)

- 5.11 Compensatory facilities will be required when an area of open space is lost within a settlement that has an identified open space deficit. Compensation would normally be sought through the provision of an alternative area of open space that meets the needs of the local population. The developer will be liable for the cost of providing these facilities and these may be required to be put in place prior to the commencement of development.
- 5.12 The provision of compensatory facilities should directly benefit the settlement in which the open space has been lost. However, in exceptional circumstances, provision of open space outside of the settlement in which it is being lost may be considered to be appropriate, to balance the loss of open space with the needs of the locality and the wider community.
- 5.13 Compensatory open space/ facilities will be assessed having regard to the importance of the resource that has been lost and the needs of the locality. The quality, size and community benefit of the compensatory area should be at least equal to the area being lost.

Appendix 1: Typologies of Open Space from TAN16 (as adapted for policy CW7)

The following table shows how the different typologies of Open Space identified in TAN16 and consequently, those that count towards the Open Space calculation. Note that these have been adapted for policy CW7.

Typology	What does this typology include?	Areas protected by:		Typologies that make up the calculation of Open Space
		Policy CW7	Policy CW8	
Public parks and gardens	Urban parks, country parks, formal gardens		✓*	
Natural and semi-natural greenspaces	Woodland, urban forestry, scrub, grasslands, open access land, wetlands,	✓		✓
Green corridors	River and canal banks, footpaths, cycleways, bridleways, disused railway land, rights of way	✓		✓
Outdoor sports facilities	Tennis courts, bowling greens, sports pitches golf courses, athletics tracks, school and other institutional playing fields, other outdoor sports areas		✓*	
Amenity greenspace	Informal recreation spaces (private or open to the public), greenspaces in and around housing and other premises (e.g. hospital or school grounds), industrial and business premises, domestic gardens and grounds, village greens	✓		✓
Provision for children and young people	Play areas, areas for wheeled play, including skateboarding, outdoor kickabout areas, other less formal areas (e.g. 'hanging out' areas, teenage shelters)		✓*	
Allotments, community gardens, and city (urban) farms	Allotment gardens		✓*	
Cemeteries and churchyards			✓*	

* These forms of Open Space are formal recreational/leisure allocations and are protected by Policy CW8 of the LDP.

Appendix 2: Example template for carrying out an Open Space Assessment

The following shows an example pro-forma that will be used when carrying out an Open Space Assessment. The information below is merely an example of the information that will be sought from the assessment.

Open Space Assessment:

- Total area of land within 0.5km radius buffer zone =
- Total area of buffer zone within settlement limits =
- Recalculated threshold level for CW7 (part a) =

Open Space within Settlement Limits

Ref	Typology	Condition	Current Usage	Access	Usable / Non-usable?	Recreational Amenity	Visual Amenity	Area/ size (ha)	Within Policy CW7?		Designated in LDP?
									(a)	(b)	
e.g.	Green Corridor –Pavement	Good	Seating provided	Open to all	Usable	Yes	Yes	0.13	Yes	Yes	No
e.g.	Amenity Greenspace – Industrial	Poor- not in a good state	Private- no sign of use	Private- no access	Non –Usable	No	No	0.5		No-Poor	No

Analysis

- Total area of open space in settlements =
- Total area excluding areas outside of those classified in CW7 that are usable =
- Total area of visual amenity =

Areas outside of Settlement boundaries and areas of public open space

Ref	Typology	Condition	Access	Usable / Non- usable?	Protected under other LDP policies?
e.g	Grass verge	Well maintained close to road, steep and overgrown away from road	Accessible	Non-useable – at edge of busy	No
e.g	Country Park	Well maintained close to road,	Access to park is far away from proposed development, even though geographically near	Usable, but difficult to access from site	Land protected under policy LE1 of the LDP

Conclusion - The proposed development meets/does not meet the criteria within CW7.