

| Policy and Resources Committee Meeting | |
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| Meeting Date | 7 February 2024 |
| Report Title | Open Spaces and Play Strategy – Strategic Land |
| EMT Lead | Emma Wiggins, Director of Regeneration and Neighbourhoods |
| Head of Service | Martyn Cassell, Head of Environment and Leisure |
| Lead Officer | Martyn Cassell, Head of Environment and Leisure Ceri Williams, Planning Development Manager |
| Classification | Open |
| Recommendations | <ol style="list-style-type: none"> 1. Agree for officers to commission the full open spaces audit, allocating £35,000 in the budget for the work to be undertaken and then refresh/draft a new Strategy. 2. Agree the new interim governance arrangements and criteria (2.9 and 2.11) for determining strategic land. 3. Discuss if land detailed in the exempt appendix would meet the new strategic criteria in order to guide officer's next steps. |

1 Purpose of Report and Executive Summary

- 1.1 This report sets out some interim positions whilst the overall refresh of the Open Spaces and Play Strategy is undertaken.
- 1.2 It seeks to define what is meant by Strategic Land and sets out governance processes and criteria for agreeing it.
- 1.3 The exempt appendix details a particular piece of land in terms of its strategic value and asks for a position to guide officer next steps.

2 Background

- 2.1 The Open Spaces and Play Area Strategy is a key document used not only for the strategic direction of the service, but also an evidence base for the Local Plan. The current version was developed in 2017 and requires updating with an initial technical assessment/audit which will provide detailed evidence of quantity, quality, accessibility and need. This is a long piece of work and will require 12 months plus the support of external consultants at an approximate cost of £35,000. Members are asked to consider allocating this in the budget for 2024-25.
- 2.2 In the interim period we need to consider a few matters. The existing strategy was created when the Council was in the Cabinet system, allowing different

methods of decision making. Now we are the committee system, with no individual Councillor decisions, governance arrangements need to be made whilst the full review is undertaken and before the new Strategy is adopted.

2.3 The existing strategy set out a number of principles;

- Protect the Council's existing open space network.
- Provide spaces to encourage a healthy community.
- Focus on enhancing/improving the quality of key open spaces.
- Promote the benefits open space has for people living and visiting Swale and enriching the biodiversity for wildlife.
- Support the development of facilities in open spaces to recognise the needs of users with disabilities and the benefits of emotional and holistic approaches that open spaces can bring.
- Maximise the benefits of the open space and play facilities that comes with the increased housing development required under the Local Plan.

2.4 The strategy also set out a number of recommendations. One such recommendation was to no longer take on open spaces within new housing developments.

'The Council will no longer adopt future open spaces from developers and organisations unless there is an overwhelming case to provide a strategic new open space or the protection of important natural habitat and biodiversity'.

2.5 The key reason for this approach was the fact that new sites increase the Council's liability (both financially and health and safety wise) for management and maintenance of the spaces. Whilst there was short term commuted sums payable by developers, the alternative approach over the preceding years meant the Council had inherited large numbers of open spaces/playgrounds and with commuted sums eventually expiring, the Council had to bear the increased costs in its base revenue budget.

2.6 In terms of when the Council would take on land, unfortunately the Strategy did not define the word 'strategic', nor set out the governance route for deciding it. Officers have therefore interpreted this over the course of the strategy term and where necessary liaised with Cabinet Members or Committee Chairs.

2.7 The words 'overwhelming case' have however meant we have rarely used this clause. The only example since the policy was set, was Stones Farm. The land there was also already allocated as local countryside gap in the Local Plan and therefore easy to define as strategic.

2.8 There needs to be the opportunity for both officers and Members to raise a request to consider a piece of land as strategic. Officers will look to do this at the

point at which they are asked to comment on the application as a consultee and will raise informally with Members. Members will be able to do this at any point up to the consideration of the application at planning committee.

- 2.9 Consideration has been given to the most effective governance route for debating and then agreeing individual pieces of land that meet the strategic requirement for the Council to take on from developers. This could be via Environment committee or by giving officers a delegation in consultation with the committee chair. However, as there are likely to always be financial implications outside of the agreed budget, the constitution is clear that the final decision must be made by Policy and Resources committee so that is proposed. Members are therefore asked to consider if it is a matter that goes direct to Policy and Resources or via Environment committee first.
- 2.10 Reports detailing each individual case should clearly show how it meets the 'strategic' criteria and what risk and financial implications it would carry.
- 2.11 In deciding whether a piece of land is strategic the following criteria could be used;
- It is already allocated in the Local Plan for a particular strategic use.
 - It is considered to be the last countryside gap between the edge of a town settlement and the start of a rural/village boundary.
 - The land could be utilised to provide a council service e.g. burial provision
 - It helps to secure open space types that the audit suggest Swale has a deficit in.
- 2.12 An example of a relevant piece of land is included in the exempt appendix I.

3 Proposals

- 3.1 Agree for officers to commission the full open spaces audit and refresh/draft a new Strategy. A budget allocation is made accordingly.
- 3.2 Agree the new interim governance arrangements and criteria (2.9 and 2.11) for determining strategic land.
- 3.3 Discuss if land detailed in the exempt appendix would meet the new strategic criteria in order to guide officer's next steps.

4 Alternative Options Considered and Rejected

- 4.1 Members could decide to continue operating under the existing Open Spaces and Play Strategy and not undertake the full audit/review. This is not recommended as it may impact the validity of the Local Plan and would leave the Council without the ability to make key decisions on open space and play.

- 4.2 It could be possible to simply amend the Strategy without undertaking the full open spaces audit. This is not recommended as the Strategy will not be based on robust, up to date evidence and may be challenged during the Local Plan basis rendering both documents vulnerable.
- 4.3 Members may look to amend the criteria to help define what ‘strategic’ land is under the terms of the policy.
- 4.4 Members may wish to amend the proposed interim governance process.

5 Consultation Undertaken or Proposed

- 5.1 Public consultation will be included in the audit and Strategy development process.

6 Implications

| Issue | Implications |
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| Corporate Plan | The Open Spaces and Play Strategy helps to deliver key corporate plan objectives such as providing leisure and biodiversity. |
| Financial, Resource and Property | Interim arrangements made in this report do not directly impact financial matters, however it must be clear to Members that taking on additional land as part of the Strategy will add pressure to staffing and grounds maintenance costs. Funding for the full open spaces audit would be required from the general reserve as this is not within the base revenue budget and there are no earmarked reserves. |
| Legal, Statutory and Procurement | Commissioning for the open spaces audit would be conducted in line with our current Commissioning and Procurement Strategy and Contract Standing Orders. Providing a sound evidence base is a key statutory element of the Local Plan process. |
| Crime and Disorder | The Strategy itself details how open spaces will be managed, but the elements within this report do not directly create any implications for crime and disorder. |
| Environment and Climate/Ecological Emergency | Taking on new pieces of land will allow the Council to create a range of habitats to improve biodiversity and deliver against our Climate and Ecological Emergency action plan. |
| Health and Wellbeing | The Strategy itself details how open spaces are beneficial to health and wellbeing, but the elements within this report do not directly create any implications HWB. |
| Safeguarding of Children, Young | None at this stage |

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| People and Vulnerable Adults | |
| Risk Management and Health and Safety | As detailed, taking on new areas of land increases the health safety requirements of the Council as land needs to be maintained and monitored. |
| Equality and Diversity | None at this stage. |
| Privacy and Data Protection | None at this stage. |

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Exempt appendix - strategic land

8 Background Papers

N/a.