Cardiff Replacement LDP Examination

Design and Other Matters

Action Point HS14.3

Council to review Policies OS1 and OS2.

- Clarify whether policies require like-for-like or better replacement, and if so, state this clearly.
- Clarify whether policies require that compensatory open space is provided within or adjacent to the area from which it is lost, and if so, state this clearly.
- The Council have said that '*the Plan secures quality by requiring that replacement open space meets the functional, design and usability criteria set out in the Plan's placemaking, green infrastructure and health and wellbeing policies*' and that '*these policies collectively ensure that compensatory provision is safe, attractive, multifunctional, and capable of delivering the same or enhanced recreational and environmental benefits as the space being lost*'. It is unclear why the Council have opted for a whole plan approach to be taken in relation to open space given many other policies are self-contained and have multiple criteria specifying requirements. If the delivery of open space requirements relies on the application of multiple policies, this needs to be made clearer. Alternatively, open space policies should be amended to more clearly set out what is required to achieve policy compliance.

Council Response

The Council propose to amend policy OS1 in response to this Action Point, so the policy reads as follows:

POLICY OS1: PROTECTION OF OPEN SPACE

Development will not be permitted on areas of open space unless it is demonstrated that:

i. The open space has no significant functional, amenity, conservation or environmental value, and its loss would not cause or exacerbate a deficiency of open space having regard to the most recent Open Space Assessment; or

ii. satisfactory compensatory provision is made. Compensatory provision must:

a) be equivalent to, or better than, the open space lost in terms of its capacity to meet the needs of the area, having regard to quantity, quality, characteristics, location and accessibility;

b) be provided on the site, or where that is demonstrated not to be practicable, immediately adjacent to it, or otherwise within the accessibility catchment serving the population affected by the loss;

c) be available for use before the loss of the existing provision occurs, avoiding any temporary loss of provision;

d) contribute towards meeting the needs of the local community; and

e) be secured, together with arrangements and funding for its long-term management and maintenance, by planning obligation.

The reasons for the proposed revised policy are set out below:

- Criterion (ii)(a) answers question 1 directly and uses the language of TAN 16 paragraph 3.9, which states that replacement land or facilities should be "equivalent to, or better than, that taken in terms of its capacity to provide for the area's needs", usually relating to size, characteristics, location and accessibility. It is therefore demonstrably consistent with national policy.
- Criterion (ii)(b) answers question 2 directly, and reflects Planning Obligations SPG paragraph 6.5, which already requires compensatory provision to be "located within an area that serves the catchment population affected by the loss". The on-site / immediately adjacent / catchment hierarchy mirrors the approach the Plan already takes to trees at paragraph 7.379 and in PPW 12 paragraph 6.4.42.
- Criterion (ii)(c) reflects PPW 12 paragraph 4.5.4 ("avoiding any temporary loss of provision") and TAN 16 paragraph 3.9 (provision "available for use as soon as possible").
- The final sentence retains the whole-plan approach but makes the route explicit.

Paragraph 7.443 could then be reduced to explanation, since its content would have moved into the policy and amended as follows (additional text underlined):

7.443 The appropriateness of compensatory open space or replacement facilities will be assessed having regard to the importance of the resource to be lost and the needs of the locality. <u>Further Guidance will be provided in SPG.</u>

~~*Compensatory provision should:*~~

~~*Contribute towards meeting the needs of the local community;*~~

~~*Be of at least equal value to that being lost;*~~

~~*Be reasonably related to the original site to serve the population affected by the loss;*~~

~~*Be provided in accordance with the Open Space SPG; and*~~

~~*Be agreed between the Council and the developer.*~~

To answer the third point and set out more clearly what is required to achieve policy compliance the Council propose the following amended Policy OS2:

POLICY OS2: PROVISION FOR FUNCTIONAL OPEN SPACE, OUTDOOR RECREATION, CHILDREN'S PLAY AND SPORT

Provision for functional open space, outdoor recreation, sport and opportunities for children's play will be sought in conjunction with all new residential developments of more than five units. Proposals will be permitted where:

i. provision is made at a minimum of 2.43 hectares of functional open space per 1,000 projected population;

ii. in developments of more than 20 units, this provision is made on site, unless it is demonstrated that on-site provision is impracticable or that existing provision within the accessibility catchment can be upgraded or extended to meet the need generated, in which case a financial contribution will be sought;

iii. provision is located and designed to meet the accessibility thresholds;

iv. natural and semi-natural green space is provided in addition to the requirement at criterion (i), at a scale proportionate to the development and its contribution to recreational pressure on designated sites; and

v. arrangements and funding for the long-term management and maintenance of all provision are secured by planning obligation.

The composition of provision under criterion (i) may vary where an alternative mix is justified by local need, the characteristics of the site, or the availability and adequacy of existing provision within the accessibility catchment. Where it is demonstrated that the standard at criterion (i) cannot be met in full on site, provision will be sought to the maximum extent practicable and any remaining shortfall met by financial contribution towards provision or improvement within the accessibility catchment.