

DERRY CITY AND STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



POLICY REVIEW 8

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation (May 2017)

This Document is one in a series, which builds up to form the 'evidence base' that informs the preparation of the Local Development Plan (LDP). The afore-mentioned evidence base will be continually updated, to additionally include the latest information, input from public engagement, statutory consultees, stakeholder groups, Sustainability Appraisal and from other Departments within the Council, including Community Planning.

The Evidence Base is published as a 'supporting document' in accordance with Article 10(a) and 15(a) of the Planning (LDP) Regulations (NI) 2015.



Purpose: To consider existing planning policies relating to Recreation, Open Space and Leisure and to consider alternative policies which will inform the forthcoming Preferred Options Paper (POP) as part of the preparation of the Local Development Plan (LDP).

Content: The paper will provide information on:

- (i) The Context of Open Space, Recreation and Leisure in Derry City and Strabane District and existing plan policies;
- (ii) Derry City and Strabane District Council (DCSDC) objectives for Open Space, Recreation and Leisure and the linkages between DCSDC objectives for future growth and Sustainability Appraisal, Regional Planning Policy and Strategic Planning Policy objectives;
- (iii) Consider existing policies and consider preferred/alternative policy options for Open Space, Recreation and Leisure within the Local Development Plan (LDP).

Recommendation: The findings shall be used to inform the Preferred Options Paper (POP) and strategic policies in the Local Development Plan (LDP).

1.0 Introduction

- 1.1 The purpose of this paper is to consider current planning policies associated with Open Space, Recreation and Leisure to determine whether or not they are compatible with the Council's objectives regarding the promotion of Open Space, Recreation and Leisure and whether they need to be amended to take account of local circumstances through the new Local Development Plan (LDP) 2032.
- 1.2 This paper provides an assessment of how existing planning policies take account of the Regional Development Strategy (RDS), Strategic Planning Policy Statement (SPPS), Sustainability Appraisal themes and DCSDCs objectives through the proposed LDP objectives.

2.1 Legislative Context

- 2.1.1 Article 5 of the Planning Act (Northern Ireland) 2011 states that the creation of planning policy as part of the Plan Strategy must be done with the objective of furthering sustainable development and in doing so, must take account of policies and guidance issued by OFMDFM, DOE and DRD, such as the Regional Development Strategy (RDS) 2035 and Strategic Planning Policy Statement (SPPS).
- 2.1.2 Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 requires all NI Departments and District Councils in exercising their functions, to act in a way they consider to be best calculated to contribute to the achievement of sustainable development.
- 2.1.3 The Planning Act (NI) 2011 is the key planning legislation governing the development of Open Space, Recreation and Leisure. Part 1, Section 1 sets out the general functions of the Department in respect of development land and Part 2, Section 5 sets out to promote sustainable development.
- 2.2 In addition, there are a plethora of complimentary, strategies, programmes and plans published by a variety of agencies, departments and bodies involved in the promotion, management and development of open space, recreation and leisure provision in Northern Ireland which are set out in Paper 1 (Workshop 7, 24th October 2016).

2.0 Planning Policy Statement (PPS) Review Parameters

(a) The Regional Development Strategy 2035 (RDS) and Strategic Planning Policy Statement (SPPS)

- 2.1 The RDS provides an overarching strategic planning framework to facilitate and guide the public and private sectors. It addresses economic, social and environmental issues aimed at achieving sustainable development and social cohesion. It highlights the need to provide adequate provision for green and blue infrastructure in cities, towns, neighbourhoods and new developments. It sets out clear policy aims and objectives regarding open space, recreation and leisure that inform the objectives of the SPPS.
- 2.2 The RDS aims to protect and enhance the network of open spaces in the North West. The network consists of open countryside, country parks, urban parks, forests and community greenways. They are important recreational facilities which help to define a sense of place and character for urban communities. They provide opportunities for healthy lifestyles. Opportunities should be taken for connections to an enhanced network of pedestrian paths, cycle-ways and ecological corridors. These have the potential to support biodiversity by linking existing ecological areas, creating a network of green spaces throughout the North West. The management of parks and open spaces will contribute to, and encourage the regeneration of the city.

(b) Strategic Planning Policy Statement (SPPS)

- 2.3 The recent SPPS is the single most important document guiding the requirements/context of the LDP. It states that government recognises that open space, sport and outdoor recreation is important to society now and in the future. It supports many cultural, social, economic, health and environmental benefits. Everyone, particularly children, older people and those with disabilities should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity or simply enjoy and have contact with nature. This is recognised in the RDS which highlights the need to provide adequate provision for green and blue infrastructure in cities, towns and neighbourhoods, and in new developments.
- 2.4 Open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

2.5 The regional strategic objectives for open space, sport and outdoor recreation are to:

- safeguard existing open space and sites identified for future provision;
- ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;
- facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents;
- ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older people and those with disabilities;
- achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

2.6 To achieve its objectives, the SPPS sets out Regional Strategic Policy which Councils must take into account in the preparation of LDPs and in the determination of planning applications.

(c) Current Local Development Plans

2.7 ***Derry Area Plan (DAP) 2011:*** The DAP 2011 zoned lands for recreation and open space use in Derry City and the villages of Culmore, Eglinton, Newbuildings, Park and Strathfoyle. Chapter 10 deals with 'Recreation and Open Space' and there are 4 Proposals/Policies:

- *Proposal R1 Recreation and Open Space Provision* – The Department zones sufficient land to meet the recreational and open space needs of the District.
- *Policy R1 Protection of Zoned Recreation and Open Spaces Areas* - The Department will not permit proposals for built development in areas zoned as Recreation and Open Space on Maps 2, 3 and the Village Maps except where:
 - the development is related to the existing use,
 - the development provides leisure facilities, or
 - any replacement buildings do not exceed the site coverage of the existing development.
- *Policy R2 Recreational use of the River Foyle* – The Department will encourage both private and public bodies to provide appropriate recreational facilities along the River Foyle, particularly between Craigavon Bridge and Foyle Bridge.

- *Policy R3 Open Space Provision in New Housing Areas* - The Department will require as necessary the provision of manageable areas of incidental open space suitable for informal amenity and play use within new housing developments.

2.8 **Strabane Area Plan (SAP) 2001:** The SAP stated that by using the NPFA standard, the Department had established that a shortfall in terms of provision and distribution existed in Strabane, Castlederg and Sion Mills. Within Strabane and Castlederg, a need was identified for additional land suitable for recreation and open space to be more widely distributed throughout the urban areas, while in Sion Mills there were proposals to provide for passive recreational facilities. At the time of publication, it was felt that sufficient land was available in Newtown Stewart to meet the needs of the plan period.

(d) Derry City and Strabane District Council (DCSDC)

2.9 **The Draft Community Plan (CP)** provides a unique opportunity for the Council to genuinely shape the District for local communities and will enable them to adopt a joined up approach, incorporating linkages to other functions such as regeneration, local economic development and community planning. The LDP will be the spatial reflection of the CP and that the two should work in tandem towards the same vision, setting out the long term social, economic and environmental objectives for the District.

2.10 The CP places an emphasis on the importance of greenways. Paper 1 identified a series of 'Actions' relevant to open space and recreation;

- Progress with the implementation of the Northwest Greenways (2015) to provide improved access and connectivity to our communities, public realm and economic centres. Deliver 1km of greenway provision per annum by working towards the delivery of:
 - Strathfoyle Greenway
 - Mourne/Strabane Sion Mills Greenway
 - Clooney Greenway
 - Strabane 2nd pedestrian bridge
 - Bay Road Greenway and Pennyburn Bridge
 - Creggan Country Park Greenway
 - Foyle Valley Greenway Derry/Strabane/Lifford
 - Kilfennan Valley Greenway
 - St Columb's Park Public Realm (phase 2)
 - Waterside Greenway (Phase 4) - Gransha Estate
 - Castlederg Greenway
- Develop a Green Infrastructure Plan to establish the future vision for the management, maintenance and development of Council owned green space;

- Complete the regeneration of Brooke Park;
- Develop a District Park for Strabane Town;
- Regeneration of Ballyarnett Country Park;
- Open a District park at Culmore;
- Development of a Play Plan and establish a new Play Partnership for the future management, maintenance and development of play provision district-wide;
- To complete existing play parks including.
 - Irish Street
 - Rose Court
 - Fountain
 - Brooke Park
 - Ballyarnett
 - Drumahoe
 - Kilfennan
 - Ballymagroarty
 - Brandywell
 - Magheramason
 - Newtownstewart
- Develop and deliver two new regionally significant sport and leisure facilities, one on the west bank of Derry and another in the town of Strabane;
- Deliver the Brandywell stadium, dog track, sports centre and pitches;
- Improve blueways and waterways access for the improvement of marine-based activity and angling within the Foyle Catchment with the initial redevelopment of Prehen Boathouse and the slipway at Bay Road;
- Build the capacity of our local sporting and recreational clubs to develop business cases and funding plans for delivery of third party sporting and recreational facilities;

(d) Sustainability Appraisal

There is a statutory requirement on DCSDC in the preparation of its LDP to promote sustainable development by ensuring it is subject to a Sustainability Appraisal which includes a Strategic Environmental Assessment (SEA). An SA/SEA is an appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process allowing decisions to be made that accord with sustainable development. Key objectives of the SA that current planning policy should take account of are the need to:-

Improve health and well-being

- Improve affordability of essential services;
- Encourage healthy lifestyles and provide opportunities for sport and recreation;
- Reduce health inequalities;

- Improve physical and mental health.

Maintain and enhance the character and quality of landscapes

- Improve the landscape character and visual amenity of open spaces;
- Enhance the quality of priority areas for townscape and public realm enhancements;
- Protect and enhance local distinctiveness and sense of place;
- Minimise visual intrusion and protect views; and
- Decrease litter in urban areas and open spaces;

Improve accessibility to key services especially those most in need

- Improve the level of investment in key community services;
- Make access easier for those without a car.

Conserve and enhance biodiversity and where appropriate enhance the historic environment and cultural assets. Effective care of the natural and built environment can improve health and well-being, promote economic development and address social problems. A premise of the Environmental Justice Agenda is that everyone should have the right to, and be able to live in a healthy environment, with access to sufficient and appropriate environmental resources for a healthy life.

Open Space, Recreation and Leisure Workshop – 24th October 2016

2.11 A workshop was held with Council members and officers to explore and identify issues regarding Recreation, Open Space and Leisure and the emerging themes are summarized as follows:-

- The benefit of zoning school grounds as open space was considered. Should these be open to the public?
- The issue of protecting existing open space from social housing pressures;
- How surplus open space be dealt with in future?
- The need for a definitive audit of Council open space post-amalgamation of Derry City and Strabane District Council which is comparable with Sports NI;
- Greenways need to connect;
- The rural area should not be perceived as a 'play park';
- The need for a park in Strabane Town;
- Templemore Sports Complex.

3.0 Assessment and Consideration of Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Recreation

- 3.1 PPS 8 was published in February 2004. This policy document sets out the regional planning policies *for Open Space, Sport and Recreation* for the protection of open space, in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans. It embodies a commitment to sustainable development, to the promotion of more healthy lifestyles to the conservation of biodiversity.
- 3.2 The purpose of this sections is to assess the effectiveness of PPS 8 and consider the following:-
1. Do the policies of PPS 8 align with the objectives of the SPPS and LDP?
 2. Whether or not the policies need to be tailored to meet local circumstances and how can planning facilitate and promote Open Space, Sport and Outdoor Recreation within the confines of the SPPS and LDP Growth Strategy?

4.0 REVIEW OF PLANNING POLICY STATEMENT 8 (PPS 8) AND PREFERRED OPTIONS

- 4.1 Before considering the individual policies, it is worth noting from the outset that the Strategic Planning Policy Statement (SPPS) brought forward the existing objectives of PPS 8 with only some minor amendments.
- 4.2 In addition, the SPPS has two clear requirements. Firstly, that as part of the plan-making process, Councils should bring forward an Open Space Strategy (OSS) that reflects the aims, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan, which is a relatively new concept.
- 4.3 Secondly, the SPPS advises that the LDP should be informed by a survey/assessment/audit of existing open space provision which includes both public and private open space. While the focus should generally be on open spaces in urban areas, outdoor recreational facilities in the countryside also needs to be considered.

ALTERNATIVES - PPS 8 - OS 1 – PROTECTION OF OPEN SPACE

- 4.4 Policy OS 1 of PPS 8 accords with the provisions of the SPPS. While both policies are very similar, there are nevertheless subtle differences. For example, the SPPS simply makes reference to ‘*open spaces*’ whereas the PPS elaborates ‘*existing open space or land zoned for the provision of open space*’. Both policies are explicit in that any loss of open space will only occur where it has been demonstrated that any alternative proposal will bring substantial community benefits.

ALTERNATIVE 1 - Adopt the existing policy approach. PPS 8 takes account of the RDS, SPPS and sustainability objectives.

ALTERNATIVE 2 – Adopt a more flexible approach. This approach would also be in line with the SPPS but less proscriptive than PPS 8 by removing specific restrictions such as the ‘*2 hectare*’ and ‘*10%*’ caps allowing for greater flexibility.

POTENTIAL ALTERNATIVE 1

From the review meetings with Development Management (DM) on 13th March 2017, there was consensus amongst Planning Officers that this policy has worked well to date and no revisions/amendments should be made to the capping of ‘*2 hectares*’ and ‘*10%*’ which provide developers with a clear guiding parameters.

ALTERNATIVES - OS 2 - PUBLIC OPEN SPACE IN NEW RESIDENTIAL DEVELOPMENT

- 4.5 This policy will be addressed in PPS 7 *'Housing in Settlements'* so there is no need to cover this policy in this section.

ALTERNATIVES- PPS 8 – OS 3 – OUTDOOR RECREATION IN THE COUNTRYSIDE

- 4.6 Policy OS 3 aligns with the SPPS which contends that the Northern Ireland countryside lends itself to accommodating a wide range of recreational activities and LDPs should contain policy for the consideration of development proposals for outdoor recreation in the countryside. It is advised that Councils have regard to the following:-

- Visual and residential amenity;
- Public safety and road safety;
- Nature conservation, landscape character, archaeology, built heritage and accessibility.

Policy OS 3 of PPS 8 considers development proposals for outdoor recreation in the countryside recognizing that the countryside lends itself to accommodating a wide range of recreational activities and aligns with the SPPS. This policy also pays attention to the issues listed by the SPPS above and provides a rigorous and detailed criteria which must be met to allow outdoor recreational development in the countryside.

ALTERNATIVE 1 – Adopt the existing policy approach of PPS 8 which directs outdoor sports facilities within settlements, unless it can be demonstrated that there is no alternative within the settlement, and the proposal is located close to the edge of a settlement.

ALTERNATIVE 2 - In considering the options, it needs to be borne in mind that much of the outdoor activities, particularly in the rural area are organized and provided by local community organisations such as the GAA, soccer and rugby clubs, which can be key to rural life.

A relaxed policy approach where an outdoor facility can locate anywhere subject to meeting the tests set out in PPS 8 – and providing it is not large scale stadia.

POTENTIAL ALTERNATIVE 2

While the policy appears to work effectively, recognition needs to be given to the needs of rural dwellers where such clubs are pivotal to community/rural. A slightly relaxed policy will also allay concerns relating to land affordability for sports uses outside of defined settlements.

ALTERNATIVES - PPS 8 – OS 4 – INTENSIVE SPORTS FACILITIES

- 4.7 There is also synergy between Policy OS 4 and the SPPS which contends that the precise location of intensive sports facilities can be contentious and by virtue of their very nature give rise to complex planning issues such as amenity and sustainability. It states that:-
- Such facilities shall be located within settlements in order to maximize the use of existing infrastructure;
 - As an exception, a sports stadium may be allowed outside of a settlement but only where clear criteria is established, which can justify a departure from the policy approach.
- 4.8 Both of the above points align with PPS 8 and in general terms it is evident that the policy objectives of PPS 8 and SPPS are essentially the same. While the SPPS highlights that such circumstances may only be permitted where there is clear criteria to justify it and PPS 8 provides established criteria.

ALTERNATIVE 1 – Adopt the existing policy approach that the development of indoor sports facilities should be directed within settlements with an exception for stadia where it is demonstrated that there is no land within the settlement and the proposal is located close to the edge of the settlement. Similar to the previous outdoor policy, there is limited scope to develop facilities outside of defined settlement limits.

ALTERNATIVE 2 - In considering the options, it again needs to be borne in mind that sporting clubs and societies are key to rural life and this should be supported where the proposal is of an appropriate scale meeting with other environmental considerations.

POTENTIAL ALTERNATIVE 2 - A relaxed policy approach for an indoor facility which can locate anywhere subject to meeting the tests set out in PPS 8 and which recognises the remoteness of some settlements. That said, future policy wording needs to be carefully worded.

PPS 8 – OS 5 – NOISE GENERATING SPORTS AND OUTDOOR RECREATIONAL ACTIVITY

- 4.9 Policy OS 5 of PPS 8 accords with regional strategic policy SPPS which states that '*planning authorities should carefully consider development proposals for all sport and outdoor recreational activities*'. It pays particular attention to the issue of noise and where this can impact on sensitive uses such as schools, hospitals, residential neighbourhoods and places of worship. It also cites other instances where noise can disrupt farm livestock, and may have a detrimental effect on the natural environment as well as local character.
- 4.10 Policy OS 5 of PPS 8 is specific to noise generating sports and outdoor activities and identifies similar issues and scenarios as the SPPS. It sets out a criteria that noise generating uses needs to meet including;
- No unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;
 - No unacceptable level of disturbance to farm livestock and wildlife;
 - There is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

It is felt that the policies contained in the SPPS and PPS 8 provide sufficient protection/coverage around noise and in the experience of Development Management (DM), the current policy framework works well in these instances.

PPS 8 – OS 6 – DEVELOPMENT OF FACILITIES ANCILLARY TO WATER SPORTS

4.11 Policy 06 accords with the provisions of the SPPS and states that *‘planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to watersports.....’* The policy has a very detailed criteria which must be met for the development of facilities ancillary to water sports adjacent to inland lakes, reservoirs and waterways, as follows;

- (1) It is compatible with any existing use of the water, including recreational uses;
- (2) There is no adverse impact on features of importance to nature conservation, archaeology and built heritage;
- (3) There is no adverse impact on visual amenity or the character of the local landscape;
- (4) It will not result in water pollution or an unacceptable level of noise and disturbance;
- (5) Buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (6) The proposed facility takes into account the needs of people with disabilities; and
- (7) There is no conflict with the provisions of any local management plan.

4.12 The general feeling among Development Management Officers is that this is a robust and detailed policy which does not need to be amended.

PPS 8 – OS 7 – THE FLOODLIGHTING OF SPORTS AND OUTDOOR RECREATIONAL FACILITIES

4.13 Policy 07 of PPS 8 aligns with the SPPS which states that in considering proposals for sports/outdoor activities, consideration needs to be given to the potential impacts such as those which may arise due to floodlighting.

4.14 Policy 0S 7 of PPS 8 outlines the criteria which must be met to allow associated floodlighting such as;-

- No unacceptable impact on the amenities of people living nearby.
- There is no adverse impact on the visual amenity or character of the locality, and;
- Public safety is not prejudiced.

4.15 The review with Development Management established that the policies are generally working well should be largely carried forward with only some minor amendments.

5.0 Conclusion

- 5.1 Although Planning Policy Statement 8 belongs to the older suite of regional policy guidance, the feeling among Planning Officers is that it works quite well - meeting with the objectives of both the Sustainability Appraisal (SA) and Single Planning Policy Statement (SPPS). That said, the policy will be tailored so that it is more responsive and flexible in instances where there is an extenuating circumstance. The wording will also be simplified where applicable in order to provide a clear and concise policy direction.

6.0 Recommendation

- 6.1 It is recommended that these options are considered and subjected to Sustainability Appraisal and Strategic Environmental Assessment before going forward for public consultation in the Preferred Options Paper.