

MATTER 12 – OPEN SPACE, SPORTS AND RECREATION

Issue 12: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for open space, sports and recreation in Leicester?

General Questions on Open Space, Sports and Recreation

403. Are the policies in this chapter on Open Space, Sports and Recreation justified by adequate, proportionate, and up to date evidence?

Yes, the chapter policies are justified by adequate, proportionate, and up to date evidence, in accordance with paragraph 98 of the NPPF.

A Green Wedge Review (EB/OS/2) was undertaken in 2017, the purpose of which was to determine the strength of the green wedges within the Council's administrative area and provide evidence for the Local Plan. This was updated by an addendum in 2020 (EB/OS/2a). Therefore, Policy OSSR01 is based on adequate, proportionate, and up to date evidence.

The Playing Pitch Strategy (PPS)(EB/OS/4) and Action Plan (EB/OS/4a) were produced in 2017. A PPS Position Statement (EB/OS/4b) was prepared in 2022, and this reviewed and updated the findings of the PPS. It found that the objectives of the 2017 PPS remain relevant and no significant change to the current objectives is anticipated in any future review of the PPS. Therefore, the 2017 PPS and Action Plan remains adequate, proportionate, and up to date and use of it to inform the chapter policies is justified.

An Open Space, Sport, and Recreation Study (OSSR Study) (EB/OS/3) was also produced in 2017. This provides evidence of publicly accessible open space in Leicester. As the amount of public open space in Leicester has not changed significantly since the publication of the OSSR Study, it remains proportionate, adequate, and up to date, and its use as evidence to inform chapter policies is justified.

404. Should reference be made in the introductory section of this chapter to the Local Nature Recovery Strategy and the requirements under the NERC Act as brought by the Environment Act 2021?

The Council has proposed a main modification to include reference to the Local Nature Recovery Strategy (LNRS) in paragraph 15.2 of the Natural Environment chapter. However, it is considered that reference to

the LNRS is also appropriate in the introductory section of this chapter and the Council proposes a modification to this effect. The Council also proposes providing a definition for the LNRS in the glossary.

The requirements under the NERC Act as brought by the Environment Act 2021 are already addressed within the Plan's Natural Environment chapter, which is considered to be the most appropriate section of the Plan for this matter.

405. Does Diagram 17: Open Space Network, Leicester Urban Area provide a clear and effective representation of the Green Wedges, Open Spaces and rivers/canals within Leicester?

Yes, albeit that there are some minor errors in Diagram 17 which have been identified by neighbouring Local Planning Authorities. These errors are proposed to be rectified by main modifications (MM26 and MM27 of EXAM 8).

406. Diagram 17 includes details of Green Wedges and open spaces which lie outside Leicester's administrative boundary. Is this approach justified?

Diagram 17 is for informational purposes only. The approach is justified as the Green Wedges are areas of green open space that penetrate the urban area from the surrounding countryside. By showing the full extent of the green wedges, including those parts not within the city's administrative area, Diagram 17 makes clear how the green wedges extend into the built-up area from beyond the city's boundaries and are connected to the surrounding countryside.

Open spaces outside the city's administrative boundaries have been included in Diagram 17 for informational purposes only to show the amount and distribution, and thereby the accessibility, of open space within the Leicester Urban Area. The diagram is not intended to imply that Leicester City Council has planning decision making authority over the open spaces beyond the city's boundaries.

407. How would development proposals which would generate additional demand for sports and recreation facilities, particularly in an area of deficiency be assessed? Would development be expected to provide new facilities or contribute to the improvement of existing facilities either on or off-site?

Development proposals which would generate additional demand for sports and recreation facilities will be assessed against the findings and recommendations of the existing Playing Pitch Strategy (PPS) and Action Plan (EB/OS/4, EB/OS/4a, and EB/OS/4b) and any future reviews of the

PPS, as well as the latest version of the Open Space, Sport, and Recreation Study (EB/OS/3). Consultation on planning applications for such developments will also be sought from the Council's Parks & Open Spaces team and Sports Services.

Numerous non-strategic site allocations in the Plan are for partial development only with qualitative enhancements to be made to already existing facilities on the site, while all strategic sites will be expected to deliver new public open space as part of the development. Where development proposals would generate additional demand for sports and recreation facilities and the provision of new facilities is not possible, the development will be expected to contribute to improvements to existing facilities at nearby locations.

408. Where development generates the need for new open space, sports or recreation facilities how would the Council secure this? Where is the approach which the Council would take set out?

Policy OSSR02 provides that all new development proposals should meet the need for open space provision arising from the development. This will be secured through on-site open space and/or contributions to improve the quality of, or access to existing open space and public realm, per Policy OSSR02 b). Contributions to existing off-site open space, sports, or recreation facilities will be secured by planning condition and/or planning obligation in line with Policy DI01.

Policy OSSR01 – Green Wedges

409. In order to be effective, should Policy OSSR01 include a criterion requiring an ecological survey to be submitted alongside any planning application for development in the Green Wedge?

Yes, the Council agrees that this would make the policy effective. The Council proposes making a main modification to the Plan that adds the following paragraph to the end of the current policy wording:

"An ecological survey must be submitted alongside any planning application for development in the Green Wedge".

410. Should the supporting text to Policy OSSR01 include reference to the wider benefits which transport connections within the Green Wedges can secure to be consistent with national policy?

Yes, the Council agrees that to be consistent with national policy,

the supporting text to Policy OSSR01 should include reference to the wider benefits which transport connections within the Green Wedge can secure. The Council will propose this as a main modification to the Plan.

411. In order to be effective, should Policy OSSR01 include a criterion which would permit development proposals within the Green Wedge where they would deliver essential infrastructure, subject to appropriate mitigation being provided?

Yes, the Council agrees that inclusion of this criterion would make the policy effective. The Council proposes a main modification to add the following criterion to the policy:

h) the proposal delivers essential infrastructure, subject to appropriate mitigation being provided.

412. Is the extent of the Green Wedges justified and effective?

Yes. The current extent of the green wedges is set by the Proposals Map which is part of the 2006 City of Leicester Local Plan. There have not been any changes to the extent of the city's green wedges since adoption of the 2006 Local Plan, which is now 18 years old. Given the acuteness of Leicester's housing and employment land need, the constraints on supply and availability of land within the city's boundaries, and the difficulties in achieving sustainable development without impinging on existing green wedge land, it has been considered appropriate to revise the extent of the city's green wedges.

Revisions to the green wedges are balanced against retaining the greatest extent of the City's green wedges in order that they can continue to fulfil their purposes, i.e. to prevent the merging of settlements, guide development form, provide a green lung into urban areas, and act as a recreational resource.

As a result, proposed revisions to the extent of the green wedges aim to ensure that only that amount of green wedge land needed to meet the city's housing, employment, and other needs has been de-designated. More details on the context and rationale for the revision of Leicester's green wedges can be viewed in the Green Wedge Topic Paper (TP/3) and in the examination document, Cartographic Revisions to Green Wedge in the Proposals Map (EXAM 17).

413. Should reference in the supporting text to Policy OSSR01 to the Green Wedge 'allocations' be amended to 'designations' for clarity and effectiveness?

Yes, this reference should be amended to 'designations'. The Council proposes including this amendment as a minor modification.

Policy OSSR02 – Development of Open Spaces

414. Does Policy OSSR02 only apply to open spaces defined on the Policies Map? Is there sufficient and clear visual illustration of the different types of open space to ensure the policy is effective?

Policy OSSR02 does not only apply to open spaces defined on the Policies Map. Paragraph 14.14 states that other open spaces such as privately-owned sports pitches (e.g. tennis courts and bowling greens) and open space sites below 0.5ha have important amenity value but may not be shown as open space on the Policies Map. The council will seek to protect these sites and assess any development proposals on a case-by-case basis.

The Policies Map contains a colour key that identifies areas of open space. Different types of open space are not differentiated in the Policies Map as Policy OSSR02 is applicable to all types of open space. The Council considers that this is a sufficient and clear visual illustration of open space in the city as differentiating open spaces by type on the Policies Map risks reducing its legibility for the viewer.

415. The supporting text to Policy OSSR02 refers to the Council seeking to protect other open spaces not shown on the Policies Map and assisting any development proposals on a case-by-case basis. Should Policy OSSR02 set out the criteria against which such proposals should be considered?

No, such proposals will also be assessed against the criteria contained in Policy OSSR02. To clarify this, the Council proposes a main modification to the first line of Policy OSSR02 so that it will now read as follows (additional text to the current policy wording is underlined):

Development of open space as shown on the policies map or as described in paragraph 14.14 will be permitted if the open space is: ...

416. Is Policy OSSR02 justified by up-to-date evidence, particularly when taking into account the change in how communities use open space post the COVID-19 pandemic and climate change?

Yes, Policy OSSR02 is justified by up-to-date evidence as the PPS Position Statement (EB/OS/4b) was prepared in 2022. This reviewed and updated the findings of the PPS (EB/OS/4). The Position Statement found that the objectives of the 2017 PPS remain relevant and no significant change to the current objectives is anticipated in a future review of the PPS. Sports Services and Parks and Open Spaces colleagues have been consulted at each stage of the Local Plan preparation process and their input has informed development of the Policy.

Since the beginning of the COVID-19 pandemic and the pandemic lockdowns, the Local Plan has been through public consultation at the Regulation 18 and Regulation 19 stages of its preparation. Representations received from members of the public at the Regulation 18 consultation affirmed the importance of open space to locals, especially during the COVID-19 lockdowns. This is borne out by data collated by the Council on usage of the city's parks by the public. The Council's Parks & Open Spaces team have user counters at selected parks sites. A formula is applied to the data collated by the user counters to estimate the likely usage of the city's parks. The data show that the pre-COVID-19 pandemic user count average was 8 million per annum. This increased by 1 million during the pandemic but has declined in the post-COVID-19 period and is now around 6.5 million per annum.

The wording of Policy OSSR02 was changed between the Regulation 18 draft of the Plan and the Regulation 19 draft by the addition of criteria e) and f). These criteria further strengthen the policy's aims to maintain and enhance the quality of the city's open space network, thus helping to meet the change in how communities use open space since the COVID-19 pandemic and, in conjunction with other Local Plan policies, helping to make the city more resilient to climate change.

417. Is Policy OSSR02 sufficiently clear to provide clarity to developers about what is surplus or not needed open space?

Whether open space is surplus or not needed will be determined at the time of any planning application by reference to the latest version of the Open Space, Sport, and Recreation (OSSR) Study. To improve clarity, the Council proposes a main modification to make the following change to the policy text (additional text to the current wording is underlined):

"Development of open space as shown on the policies map will be permitted if the open space is:

a) Surplus to requirements in relation to its current open space typology, taking into consideration the quantity, quality, and accessibility of existing open spaces **by reference to the latest version of the Open Space, Sport, and Recreation Study**; and, in addition...”.

418. Should criteria 'f' of Policy OSSR02 also include the delivery of flood alleviation?

Yes. The Council agrees that criterion 'f)' would benefit from including the delivery of flood alleviation and proposes a main modification to make the following change to the policy text (additional text to the current policy wording is underlined).

*"f) The development enhances or creates additional recreational and/or biodiversity value, **and/or the development delivers flood alleviation measures.**"*

Policy OSSR03 – Open Space in New Development

419. Is Policy OSSR03 justified and consistent with national policy and will it be effective in ensuring access to high quality open spaces and opportunities for sport and physical activity?

Yes, Policy OSSR03 is justified and consistent with national policy as it will help to provide access to a network of high-quality open spaces and opportunities for sport and physical activity and will help to deliver wider benefits for nature and support efforts to address climate change, in line with NPPF, para. 98. The policy will be effective in ensuring access to high quality open spaces and opportunities for sport and physical activity as criterion b) requires that new high quality on-site open space will normally be required in new development and should be publicly accessible to all, and criterion a) requires that in meeting the need for open space provision, new developments should take account of local accessibility deficiencies in existing open space, sport, and recreation provision.

420. Is Policy OSSR03 sufficiently clear on what is required in terms of open space provision in new development? How would a developer know if there are local deficiencies? If new guidance is to be adopted what are the timescales for its publication?

Yes, the criteria of Policy OSSR03 set out clear requirements for open

space provision in new development, including that the open space should be of high-quality, publicly accessible to all, located in overlooked areas taking into account possible impacts of noise and floodlighting, integrated across the site and connected to the wider open space network, and where the development lies adjacent to the open space network the proposal should be designed and positioned to facilitate wildlife migration.

The Council is intending to produce Supplementary Planning Guidance which will provide details of the quantitative and qualitative local green space deficiencies.

The Council will start production of this guidance on adoption of the local plan and expect it to be formally adopted along with other SPDs the council has committed to producing.

421. Should Policy OSSR03 promote linkages with other policies in the Plan such as those addressing strategic allocations and cross boundary developments?

Yes, it is agreed that linkages with other policies in the Plan such as those addressing strategic allocations and cross boundary developments should be promoted within Policy OSSR03 and the Council will submit a main modification proposing same.

Policy OSSR04 – Existing Playing Pitches

422. Is Policy OSSR04 effective and justified by up-to-date evidence, and is it consistent with the NPPF?

Yes, Policy OSSR02 is justified by up-to-date evidence as the PPS Position Statement (EB/OS/4b) was prepared in 2022. This reviewed and updated the findings of the PPS (EB/OS/4). The Position Statement found that the objectives of the 2017 PPS remain relevant and no significant change to the current objectives is anticipated in a future review of the PPS. Sports Services and Parks and Open Spaces colleagues have been consulted at each stage of the Local Plan preparation process and their input has informed development of the Policy.

The policy is effective as it sets specific criteria that will allow for the development of existing playing pitches. Any development proposals which do not meet these criteria will be refused.

The policy is consistent with the NPPF as it helps maintain access to high quality open spaces and opportunities for sport and physical activity in line with para. 98. The policy criteria are a refinement of

the criteria of NPPF para. 99 applicable to the specific circumstances of Leicester City.

423. Should buildings and associated development ancillary to outdoor sports facilities be included in Policy OSSR04?

Yes, the Council agrees that buildings and associated development ancillary to outdoor sports facilities should be included in Policy OSSR04 and will submit a main modification proposing same.

Policy OSSR05 – Playing Pitches and Associated Facilities

424. Does the term 'well accessed' in criterion a) of Policy OSS05 need further clarification?

The term 'well accessed' in criterion a) is clarified by reference at the end of the criterion to Policy T03 'Accessibility and Development', which sets out criteria that ensure new development will be accessible by all potential users and will help support delivery of the Council's sustainable transport objectives.

Policy OSSR06 – Built Sports Facilities

425. Is there a need for built sports facilities in Leicester within the Plan period? If so, what is the extent of this need?

For outdoor sport, the condition of ancillary facilities and the need for investment is informed by the Playing Pitch Strategy and Action Plan (EB/OS/4, EB/OS/4a, EB/OS/4b). A strategy for built sports facilities is yet to be developed. However, in anticipation of this being done during the plan period, the Council considers that it is necessary to have a Built Sports Facilities policy in the Plan to take account of any need being evidenced during the plan period.

426. How would Policy OSSR06 ensure that the provision of new, or the enhancement of existing, built sports facilities would come forward as and when required?

The policy will work together with Policy DI01, which will ensure that contributions for the enhancement or provision of built sport facilities will be secured by planning condition and/or planning obligation on planning approvals for new developments. Thus, developer contributions will help ensure built sports facilities would come forward as and when required.

Policy OSSR07 – Waterways

427. Is Policy OSSR07 clearly written such that it will provide an effective strategic framework to inform the preparation and determination of planning applications?

Yes, the Council is satisfied that the policy as drafted is clearly written and will provide an effective strategic framework to inform the preparation and determination of planning applications.