

Cabinet 19 September 2017	 TOWER HAMLETS
Report of: Debbie Jones, Corporate Director, Children's Services	Classification: Unrestricted
Open Space Strategy 2017 - 2027	

Lead Member	Councillor Abdul Mukit, Cabinet Member for Culture
Originating Officer(s)	Judith St John, Divisional Director Sport, Culture and Leisure Thorsten Dreyer – Service Manager Strategy, Performance & Resources
Wards affected	All wards
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Executive Summary

The previous Open Space Strategy covered the period from 2006 to 2016 and helped to secure approximately £8.6 million investment in parks and open spaces via section 106 contributions, and a further £3.3 from other external sources. Satisfaction with parks and open spaces has remained high: 71% of residents rated parks as excellent, very good or good in the 2016/17 Annual Residents survey.

The Open Space Strategy has been updated for 2017 to 2027 in response to national and local drivers including the requirement to provide an up-to date needs assessment of open space and playing pitches for the Local Plan.

The assessment prepared in the development of this strategy follows national and regional guidance from the Mayor of London and Sport England, to meet National Planning Policy Framework requirements, and will help the council make informed decisions about open space requirements and investment in the context of rapid development for the next 10 years.

Specifically the Strategy has:

- Identified how resources should be prioritised for improving existing parks and open spaces, including playing pitches and outdoor sports facilities, so that at a time of constraint budgets investment is targeted where it can make the biggest difference.
- Identified sites for new open spaces, which have informed areas of search for site allocations in the new Local Plan.

Given the pace of change, the Open Space Strategy would benefit from a refresh after a five year period to ensure planning decisions are informed by recent evidence.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Adopt the Open Space Strategy in Appendix 1

1. REASONS FOR THE DECISIONS

- 1.1 The National Policy Planning Framework (NPPF) requires Local Plan policies to be based on up to date assessment of open space and playing pitch needs. The Open Space Strategy meets this requirement by bringing together considerations for open space more generally and playing pitches specifically in one strategic document. Bringing these aspects together allows different demands on limited open space to be balanced more effectively.
- 1.2 The Open Space Strategy is a reference document guiding investment of available resources in the borough's green spaces and development negotiations for new or enhanced open spaces. This is an essential role, because as the assessment identifies, the borough continues to have an open space deficiency and the substantial increase in population density projected for the next 10-15 years is likely to place even more pressure on land. It will be increasingly important for the council to persist in trying to secure new open space, and to ensure that existing parks and open space can cater to the competing demands placed upon them. The prioritisation framework set out in the Strategy enables the council to ensure that limited available resource at a time of financial constraints is invested to achieve the greatest level of impact.

2. ALTERNATIVE OPTIONS

- 2.1 If the Open Space Strategy is not refreshed, the council will limit its ability to plan effectively for open space provision in an area which is expected to see significant housing, employment and population growth. The council will also risk not adhering to the National Planning Policy Framework and the Mayor of London's London Plan around the responsibilities of planning authorities. Taking no action will also mean that the new Local Plan, currently under development, will not have an up to date evidence about current and future supply and demand of open spaces and playing pitches.
- 2.2 The Open Space Strategy could be revised differently, but the approach followed is judged to be the best way to meet national requirements, whilst focusing on what matters locally.

3. DETAILS OF REPORT

BACKGROUND

- 3.1 The previous Open Space Strategy covered the period from 2006 to 2016. During this time the council's ability to invest in open space from its core capital resources declined. In 2011/12 capital funding for parks and open spaces switched entirely to external funding sources, predominantly secured via S106 contributions, and the Open Space Strategy helped to secure funding in this environment by evidencing the need for open spaces. Approximately £8.6 million was levered in via section 106 contributions and a further £3.3 from other external sources. This funding helped to ensure new sites were delivered and existing parks and open spaces were improved despite the substantial changes to the funding environment. Resident satisfaction with parks and open spaces (as measured by the ARS) is now the highest it has been since the ARS was introduced with 71% of residents rating parks as excellent, very good or good in 2016/17.
- 3.2 The Mayor has previously stated his commitment to factor open space considerations into developments in Tower Hamlets, and the council's Strategic Plan 2016/17 to 2018/19 commits to the delivery of a new Open Space Strategy, as a vital source of information for such considerations. The Open Space Strategy is one of a number of evidence documents being refreshed to feed into the council's new Local Plan and will help inform specific decisions about open space requirements, in the context of broader infrastructure requirements for the borough.
- 3.3 The preparation of this open space assessment, which covers open space more widely and playing pitches more specifically, meets the requirement set out in the NPPF, specifically paragraph 73 which states that *"Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision, The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.* The assessment has been developed to follow national and regional guidance in order to meet NPPF requirements.
- 3.4 The London Plan and best practice guidance recommends that assessments focus on all open space and publicly accessible open space, and include on-site visits to open spaces. Similarly, Sport England guidance for playing pitch assessments recommends a combination of quantitative and qualitative assessments together with a consideration of future demand. In line with this guidance, Tower Hamlets identified open spaces and publicly accessible open spaces, including playing pitches, in-house, and commissioned an external on-site audit of spaces.
- 3.5 A range of engagement activities have been carried out to inform the development of this strategy. Internal consultation has been carried out with service areas in the council and via the Health and Wellbeing Board. External

engagement has been carried out using quantitative and qualitative methods. A resident telephone survey was carried out in November 2016 and a number of in-depth discussion groups were held with key stakeholder groups, such as sports groups and friends of parks groups. A consultation event was also held with the Youth Council in November 2016. A summary of external consultation can be found in the Open Space Strategy in Appendix 1.

- 3.6 It should be noted that because the Open Space Strategy is a strategic document focused on future demand and setting criteria for investment, it does not make recommendations regarding specific sites; nor consider maintenance or operational issues in parks generally e.g. dog walking, cycling, events in parks. There are separate policies and decisions in existence which cover these areas. Future decisions about individual sites will require separate consideration and consultation as necessary.
- 3.7 The headline findings and implications from the open space assessment are summarised below.

PUBLICLY ACCESSIBLE OPEN SPACES

- 3.8 The quantitative assessment of publicly accessible sites is of particular interest, because these are the sites that can be used by all residents. The assessment identified 172 publicly accessible sites in Tower Hamlets, which includes a range of sites such as parks and gardens, cemeteries and play areas. The sites are owned and maintained by a variety of organisations.
- 3.9 National guidance from Fields in Trust suggests open space provision is calculated by identifying how much publicly accessible open space there is compared to the population. Since 2011 there has been a net increase in the amount of open space provided in Tower Hamlets, however this increase has not kept pace with the increase in the population. As a result, the amount of open space in Tower Hamlets, measured by looking at the number of hectares provided per 1000 residents, is falling. Provision of open space is lower than the local open space standard (which was agreed in 2006) and the gap between provision and the standard is set to grow, in part, because of projected population growth.
- 3.10 A number of new publicly accessible sites have been brought forward since 2011, largely through developer negotiations. Some are owned and maintained by another body, for example, a housing association. The advantage of this is that maintenance costs are borne by the owner, rather than the council. Securing new sites which are publicly accessible, with ongoing maintenance costs paid for outside the council can alleviate the lack of supply without increasing costs to the council.
- 3.11 These findings underline the need to reaffirm Tower Hamlets' commitment to the creation of publicly accessible open spaces, though securing new spaces in a way which is financially prudent for the council.

QUALITY AND VALUE OF OPEN SPACES

- 3.12 Open space best practice guidance states that local authorities should quality assess sites. Accordingly, an external audit quality and value audit of open spaces in Tower Hamlets has been carried out. The 'quality' part of the assessment looked at the condition of sites, for example, how well physical aspects of a park, such as benches were maintained. The 'value' part of the assessment looked at what was on offer at individual sites, e.g. the range of facilities which residents can use as appropriate to the site. Criteria for carrying out the assessment were devised from Green Flag award criteria. The Green Flag criteria set a very high benchmark for assessment of open spaces. Sites below this standard may still be of good quality and value but fall short of the "gold standard" set for being awarded a Green Flag. It is worth noting that a quality assessment of open spaces was also carried out as part of the 2006 and 2011 Open Space Strategies; however results across the three years are not comparable, because a refined methodology was used in the 2016 assessment.
- 3.13 Headline findings are contained in the Open Space Strategy at Appendix 1. The sites that were audited include sites owned and maintained by the council and sites owned and maintained by other providers. In summary, the results present a mixed picture across the borough. Roughly half of sites in Tower Hamlets are above the thresholds for the Green Flag standard and roughly half are below standard.
- 3.14 Given the expected pressure on parks and open spaces in the next 10 to 15 years, and the limited ability to deliver new spaces, a focus for the council should be improving or enhancing the spaces that we already have. The financial context means that it may be difficult to deliver all the improvements or enhancements identified by the external audit, hence the Open Space Strategy sets out a way of prioritising investment, focused on existing areas of open space deficiency, which are expected to have high growth, with relevant data and intelligence about deprivation also factored in.

PEDESTRIAN ACCESSIBILITY TO OPEN SPACES

- 3.15 The London Plan states that Londoners should be within 400m/5 minute walking distance to a park above 2ha (which is roughly the size of two football pitches). Accordingly, the open space assessment maps catchment areas of 400m for open spaces of 2ha and above in Tower Hamlets. This identifies areas of the borough which meet London Plan guidelines and areas of the borough which do not meet London Plan guidelines – in other words, areas of open space deficiency, according to this measure.
- 3.16 In summary, the areas of open space deficiency (measured by pedestrian accessibility) are concentrated in the western and eastern parts of the borough, with some pockets in the South. These findings have informed the areas of search identified in the Local Plan, and used in the site allocation process.

IMPLEMENTATION

- 3.17 The findings of the open space assessment will become part of the evidence base for the Local Plan, and will help inform specific decisions about open space requirements, in the context of broader infrastructure requirements for the borough.
- 3.18 The Open Space Strategy contains cross-council strategic actions for improving parks and open spaces and once the strategy is adopted, the focus will be on implementing these actions.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report presents an updated Open Space Strategy for the council covering the period 2017 to 2027 and seeks Cabinet approval for adoption and implementation
- 4.2 The previous Strategy was successful in securing £11.9 m of capital investment to improve parks and open spaces through section 106 contributions and other external funding sources such as the Heritage Lottery Fund. The current capital programme includes a further £8m worth of investment during the period of 2017-2020 through S106 contributions received. The council revenue budgets also include approximately £4.2m per annum for maintenance and up keep of the parks and open spaces within the borough.
- 4.3 Whilst there are no direct financial implications emanating from this report, the Strategy does provide a framework for future investment in Open Spaces within the borough and any additional investment decisions will need to be made in line with the council's overall Capital Strategy.

5. LEGAL COMMENTS

- 5.1 Whilst there is no statutory requirement for the Council to have an Open Space Strategy, the Strategy is an important reference document guiding investment in the Borough's green spaces and development negotiations for new or enhanced open spaces. This is an essential role, because as the assessment makes clear, the Borough continues to have an open space deficiency and the substantial increase in population density projected for the next 10-15 years is likely to place even more pressure on land.
- 5.2 The Open Space Strategy is a discretionary policy. There is no statutory requirement to consult but the Council is required to consider whether a common law duty arises. This common law duty imposes a general duty of procedural fairness upon public authorities exercising a wide range of functions which affects the interests of individuals. Any Such consultation must comply with the following common law criteria:
- (a) it should be at a time when proposals are still at a formative stage;

- (b) the Council must give sufficient reasons for any proposal to permit intelligent consideration and response;
- (c) adequate time must be given for consideration and response; and
- (d) the product of consultation must be conscientiously taken into account.

5.3 Paragraph 3.5 of the report advises as to engagement that has been undertaken. Engagement is not formal consultation. Engagement describes the continuing and on-going process of developing relationships and partnerships so that the voice of local people and partners is heard and that plans are shared at the earliest possible stages. Engagement can however be sufficient for the purposes of common law duty to consult. In considering whether to adopt the strategy, Cabinet will be required to consider whether that engagement is sufficient and to conscientiously take into account relevant responses made during the engagement.

5.4 When deciding whether or not to proceed with the proposals, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). To inform the Council in discharging this duty there is some information in the report relevant to these considerations in paragraph 6 below.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 The Open Space Strategy is about providing access to high quality open space within easy reach for all residents of the borough. The Strategy identifies areas in the borough with the areas of greatest open space deficiency, measured in terms of the quantity of open space and the limited accessibility to open space. These areas inform the areas of search for the purpose of the site allocation process, which will be contained in the new Local Plan. Securing new spaces will benefit the communities located in these areas of open space deficiency, helping to address the imbalance between those who live in areas with sufficient open space, and those who do not.

6.2 Prioritising investment of existing open spaces by looking at areas with existing open space deficiency and facing high growth and factoring in deprivation will also help address the imbalance. However, given the scale of the task, particularly the high density of the borough, equality of physical access will remain a challenge.

6.3 A separate Equalities Screening and Equalities Analysis has been prepared in the development of this Strategy. Because this is a strategic document, any future individual site decisions will require separate Equality Impact Assessments, as appropriate.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Open Space Strategy makes recommendations which will help to make the network of parks and open spaces in Tower Hamlets financially sustainable and efficient.
- 7.2 In the process of securing new spaces through capital investment, revenue need must be considered and options drawn up to mitigate the financial impact for the council. For example, where possible, this could be achieved by securing arrangements in which ongoing maintenance costs for parks and open spaces is met by an external organisation.
- 7.3 In response to increasing demands on existing parks and open spaces, solutions to increase the sustainability of existing infrastructure should be considered as part of improvement projects and as part of the design process for new spaces.
- 7.4 The investment criteria set out in the Strategy seek to ensure that investment is targeted at sites where it will achieve the greatest level of return.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 Open spaces are fundamental to the environmental and social health of the borough. By its very nature, this strategy supports council strategic aims in this area by evidencing the need for a continued focus on protecting, creating and enhancing open spaces in the borough, which will help to balance against rapid urban development in the next 10- 15 years. Specifically, open spaces help to mitigate the impact of climate change; tackle air pollution; contribute to flood mitigation; contribute to CO₂ reduction and, combat the 'heat island' effect.
- 8.2 Biodiversity was factored into the quality and value audit when assessing the current sites to establish areas for improvement. This audit can now act as an evidence base for the council when it considers individual site enhancements and improvements, to help establish whether sites would benefit from additional biodiversity enhancements. In addition, the council has recently refreshed its air quality plan, which identifies the role of greening projects in tackling pollution.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Risk will need to be considered in the context of individual projects regarding parks and open spaces.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 The results of market research carried out to support the development of this strategy identifies that making parks safe is a priority for residents. Given this, the strategy recommends that the ASB review (which is currently underway) gives due consideration to ASB related to parks and open spaces in Tower Hamlets. Safety and ASB considerations will need to be considered as individual projects are developed and implemented.

11. SAFEGUARDING IMPLICATIONS

- 11.1 Safeguarding is part of the operational management of parks and important as part of taking individual site improvements forward, and not within scope of this high-level strategic document.

Linked Reports, Appendices and Background Documents

Linked Report

N/A

Appendices

Appendix 1: Open Space Strategy
Appendix 2: Chapter 6 – Maps
Appendix 3: Equalities Analysis

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- LUC quality and value audit
- ORS telephone market research
- KKP Playing Pitch Assessment
- Contractual arrangements for commercial and community events (Cabinet report, 4th January 2017)

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