

<b>Report to Housing and Environment Overview and Scrutiny Committee</b>	<b>17 October 2013</b>
<b>Report to Economic Prosperity and Performance Overview and Scrutiny Committee</b>	<b>12 November 2013</b>

<b>Subject:</b>	<b>Parks, Open Spaces and Playing Fields – Council Motion</b>
<b>Status:</b>	<b>Open</b>
<b>Ward(s):</b>	<b>All</b>
<b>Report of:</b>	<b>Head of Community Services and Head of Resources</b>
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<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Member suggestions for a list of sites for protection</li> <li>2. Hierarchy of green space provision</li> </ol>
<b>Papers relied on to produce this report</b>	<b>None</b>

## SUMMARY

### 1 This Report

1.1 This report considers issues in relation to a motion that was raised at Full Council on 21 March 2013, regarding the protection of parks, open spaces and playing fields in the borough.

### 2 Recommendation

2.1 It is recommended that:

- i.) the committee is invited to comment on:
  - whether the council should develop a policy of protection for its green spaces;
  - the three options outlined in section 6.1 of this report; and
  - the three categories and exceptions outlined in sections 8.2 to 8.5 of this report.
- ii.) The committee is also invited to comment on whether decisions regarding the disposal of green spaces should be taken by Full Council and, if so, whether this is applied to all such proposed disposals or just disposals meeting the categories outlined in 8.2 to 8.5 of this report.
- iii.) The committee's comments will be included in a report to Cabinet seeking approval for a way forward, for further referral to Full Council.

## PRIORITIES, IMPACTS AND RISKS

### Contribution to Council Priorities

This report accords with the council's Budget and Policy Framework and directly supports the Council Plan priorities of protecting our environment, creating neighbourhoods where people feel safe and want to live, and supporting active healthy and involved opportunities.

### GLOSSARY OF TERMS

Term	Definition
OSCOM	Overview and Scrutiny Committee

### MAIN CONSIDERATIONS

#### 3 Background

3.1 At the Council meeting on 21 March 2013, the following motion was referred to the cabinet:

*Council requests the cabinet to ensure that:*

*Our long established parks, for example Stratton Park, Chineham Park, Russell Howard Park and the War Memorial Park be protected from development.*

*Our open spaces and playing fields, such as Down Grange where the community as a whole clearly support the continued use as a playing field, be protected from proposed development in the Local Plan.*

3.2 Following an initial discussion at the cabinet meeting on 21 May 2013, it was resolved that different aspects of the motion be referred to relevant overview and scrutiny committees as follows:

- to the Economic Prosperity and Performance Overview and Scrutiny Committee: *'Our long established parks, for example Stratton Park, Chineham Park, Russell Howard Park and the War Memorial Park be protected from development'*; and
- to both the Planning and Infrastructure Overview and Scrutiny Committee and the Housing and Environment Overview and Scrutiny Committee: *'Our open spaces and playing fields, such as Down Grange where the community as a whole clearly support the continued use as a playing field, be protected from proposed development in the Local Plan'*.

3.3 The outcomes of the initial discussions at the overview and scrutiny committees are set out below.

#### Planning and Infrastructure OSCOM

When considering Policy EM5 (Green Infrastructure) at the meeting on 26 June 2013, the committee acknowledged that a report will be provided by officers at the Housing and Environment OSCOM, with contributions from Ward Councillors on the areas of green spaces they believe should be protected, together with a suggested list of criteria to be met in order to achieve such protection. It was agreed to include a line in the supporting text to Policy EM5 which would enable a list of 'protected green space' to be referred to in the future, as follows:

*The Council will, from time to time, identify specific local areas of open space, which are afforded protection by this policy'.*

The draft Local Plan, incorporating this supporting text, was published for formal consultation between 26 August and 4 October 2013. The draft policy will be reviewed in light of any comments received.

Housing and Environment OSCOM (23 May) and the Economic Prosperity and Performance OSCOM (9 July)

Both committees noted that an officer report would be available for their next meetings, which would:

- list the areas of green space that councillors believe should be protected; and
- suggest criteria to be met in order to achieve such protection.

#### **4 Officers interpretation of the motion**

4.1 Within this report '*Our long established parks...*' and '*Our open spaces and playing fields...*' have been interpreted to be those green space, parks and playing fields within the council's ownership rather than such spaces under third party control.

4.2 As the council has only planning control over land that is owned by others, and these controls have been discussed as part of developing the pre-submission Local Plan, this paper focuses on the land which is in the ownership of the borough council. On this land the council has two roles (the Planning Authority – handled elsewhere) and the landowner (discussed in this report).

#### **5 Current protection of council owned parks, open spaces and playing fields**

5.1 The green spaces owned by the council already enjoy a high level of protection from development.

5.2 As a landowner the council has a Disposal Policy, which sets out how council assets can be disposed of. There is no adopted approach within this policy giving wholesale protection to any category of site owned by the council, and in determining whether to dispose of a site consideration is always to a range of factors so that each site is fully considered on its own merits. Currently, any decision regarding disposal of council land is made by the Cabinet Member for Property, Finance and Commissioning for small areas of land, or by cabinet where larger areas are involved and/or where the sale value is below current market value.

5.3 This approach ensures that opportunities arising from time to time due to the specific characteristics, location or circumstances associated with a green space, park or playing field can be fully explored and considered. A recent example of this approach was the disposal of green space and former playing field land near to Taverner Close/Freemantle Close in Norden. This land was transferred to Sentinel Housing Association to facilitate a major housing regeneration project. Without the transfer of the council owned land, this project, which will provide a significant community benefit, would not have progressed.

5.4 In many instances, the purpose and mechanism by which the council has acquired sites will in itself provide some level of protection from development. For example, the potential use of land owned by the council is often constrained by the restrictive covenants that were imposed at the time of the acquisition of the land.

5.5 From a landowning perspective, it is believed that considering each case on its merits has worked well in the past, as a range of factors are taken into consideration and a balanced view can be reached on whether, and to what extent, the loss of a council owned green space is justified.

5.6 It is considered that the current approach affords sufficient protection to council owned land and as such no change is necessary.

## **6 Options Analysis - Future protection of council green spaces**

6.1 In choosing whether to adopt a 'protection' approach, three different options have been identified for consideration by committee:

### **1. No change (no list or criteria to be produced)**

All council owned green spaces already have a high degree of protection via the council's landowner decision making process, augmented by its role as the Local Planning Authority.

Benefits - all green spaces are considered of equal value as they are afforded the same level of protection; decisions on whether a green space should be considered for development/disposal can be made on a basis which can be upheld through decisions of the council and/or the local planning authority.

Dis-benefits – no opportunity for the council to identify its most significant spaces for protection.

### **2. Adopt criteria, but only apply them when the future of a particular green space comes under consideration for disposal/development.**

Benefits – a set of criteria could be identified to give direction for the assessment of the importance of sites; this is a flexible approach which can be applied as and when sites arise.

Dis-benefits – unclear as to what sites are "protected".

### **3. Adopt criteria, and apply them in producing a list for formal adoption by the council as landowner.**

Benefits – Recognition of the relative importance sites (particularly those of strategic or neighbourhood importance).

Dis-benefits - Sites not covered may be under greater pressure for development consideration; assessments may be carried out on sites where there is never any real likelihood of development.

6.2 For each of these options an additional step could be introduced, such that future disposals of any green space could be referred to Full Council for a decision. Such an approach would provide an additional opportunity to debate a proposed disposal decision; however, for Option 1 there is a risk that this would result in every green space disposal, irrespective of its size or importance, being considered by Full Council. To avoid this, only sites (or part of a site) which are above a certain size and fall into one of the categories outlined in section 9 of the report should be considered by Full Council. This is the view of the Cabinet Member for Environment and Climate Change (who is responsible for the council's green spaces).

## **7 Suggested sites for inclusion in any list**

7.1 Following the request made at the Housing and Environment and Economic Prosperity and Performance OSCOMs, Members were invited to identify the

green spaces, parks and playing fields they wish to see protected from development/disposal.

- 7.2 Responses have been received from twelve councillors who have identified 47 green spaces, parks or playing fields. These sites are listed in full at Appendix 1 on a ward by ward basis.
- 7.3 A variety of sites have been suggested, ranging from major green spaces of borough-wide significance such as Eastrop Park, to locally significant green spaces with a variety of functions such as Forge Field, Bramley; King George V Playing Field; Hatch Warren Playing Fields; Burney Bit, Pamber; Saunders Field (opposite the Leisure Park); and Daniel Park, Whitchurch.
- 7.4 In addition, several allotment sites were identified; however these are generally subject to statutory protection and normally require the Secretary of State's agreement to their loss (which is likely to depend on re-provision elsewhere). It is therefore suggested that such sites are not included on any future list.

## **8 Possible criteria for protection from development/disposal**

- 8.1 It is considered that the category of a park, open space or playing field within the council's green infrastructure could be used to identify sites to be "protected". Across the borough there are a range of spaces which fulfil a variety of roles for the community. These are as follows:
- 8.2 **CATEGORY A - Strategic Parks and Playing Fields**
- 8.2.1 Strategic Parks (category A1) are green spaces that are of borough-wide significance and which are visited by residents from a large catchment. They also provide a wider range of facilities, often on a larger scale, than other green spaces of more local significance. These sites are the War Memorial Park, Eastrop Park and Down Grange.
- 8.2.2 Strategic Playing Fields (category A2) are outdoor sports areas generally hosting multiple playing facilities and attracting users from across the town and/or Borough - Down Grange, Stratton Park, Brighton Hill Playing Fields, War Memorial Park, Castle Field, Winklebury Playing Fields and Barlow's Park fall into this category.
- 8.2.3 A full list of the strategic sites is outlined at Appendix 2. Basingstoke Golf Centre should also be considered as a strategic facility.
- 8.2.4 It is suggested that all Strategic Parks and Playing fields could be identified on any list of sites to be protected from development/disposal, subject to possible 'exceptions' provisions outlined in paragraph 8.5 below.
- 8.3 **CATEGORY B - Neighbourhood Parks and Playing Fields**
- 8.3.1 Neighbourhood Parks (category B1) are those green spaces which provide for the needs of residents within a particular community or neighbourhood. They are accessible on foot and by bicycle and provide facilities which are directly relevant to the needs of the local community including play and fitness equipment, games facilities, community events space, wildlife areas and ornamental garden areas. Such parks include Russell Howard Park, Beggarwood Park, Popley Community Park, Brighton Hill Park, King George V Playing Fields, Victory Park, and Daniel Park, Whitchurch. A full list of the 16 sites of neighbourhood importance is included at Appendix 2.
- 8.3.2 It is suggested that other sites with formal pitches and facilities for outdoor sport should also be afforded the same principles of protection as neighbourhood parks. These sites (classified as category B2) would include

Sherborne Road Playing Fields, Carpenters Down, as well as playing fields on land at the Fieldgate Centre, Hatch Warren Community Centre and Sherfield Park Community Centre.

8.3.3 It is suggested that all sites of neighbourhood importance could be identified on any list of sites to be protected from development/disposal, subject to possible 'exceptions' provisions as detailed in section 8.5 below.

#### 8.4 CATEGORY C - Other Green Spaces

8.4.1 These are other green spaces which because of their location, nature or size do not fit the description of a Strategic or Neighbourhood site. There are in excess of 200 of these across the borough. Such sites include South View Cemetery, Glebe Gardens, Hatch Warren Park, Crabtree Plantation, Black Dam ponds, Old Down, Carpenter's Down, Great Sorrells Copse, Petty's Brook, Guinea Copse, Tewkesbury Close, Popley Ponds, Millfields and Wigmore Heath, Tadley

8.4.2 These sites make a significant overall contribution to the Borough's green infrastructure, but individually they have a more minor role compared to the Strategic and Neighbourhood green spaces. If these sites were to be included on any list of sites to be protected from development/disposal, to make the list meaningful it is considered that only those sites should be included which:

- have a green space, park or playing field designation; and,
- are at least 0.2ha in size (this is considered to be the minimum size necessary for use on a flexible basis for a range of informal recreational activities as identified in the Green Infrastructure Strategy); and
- are of designated heritage value (i.e. on HCC's Register of Historic Parks and Gardens, and/or within a conservation area and/or where a special status has been afforded, such as to celebrate the millennium or to commemorate a king or queens jubilee); or
- are of designated nature conservation value (i.e. Sites of Special Scientific Interest, Sites of Importance for Nature Conservation, or Local Nature Reserves).

#### 8.5 Exceptions

8.5.1 In order to take account of earlier council decisions, it is considered that there are circumstances where category A, B and C sites should not be included on any list to be protected from development/disposal. This should include sites where a cabinet decision has already been made to either develop the site, investigate the potential of the site, or where access across a site may be required in the future.

8.5.2 Furthermore, it would need to be considered whether to include green spaces within the four regeneration cluster areas identified in the council's Strategic Approach to Regeneration (these are in Buckskin, South Ham and Norden wards). Some of these spaces may be significant in facilitating any future major regeneration proposals.

8.5.3 It is suggested that any category A, B and C site which is proposed for future investigation for development/disposal, should only be considered further by referring the matter to Full Council.

### **9 Corporate Implications**

#### **9.1 Financial Implications**

9.1.1 There are no direct financial implications arising from this report.

## 9.2 Risk Issues

9.2.1 An approach to affording protection, if applied in a broad brush way, could fetter council assets by restricting opportunities for disposal that would otherwise be in the greater interests of the community. This could be mitigated against by:-

- reviewing any list on a regular basis (say every 5 years); and
- only identifying the most significant sites.

## 9.3 HR Issues

9.3.1 Although only 47 green spaces, parks or playing fields have been identified by members as requiring protection, there are well in excess of 250 council owned spaces across the borough. If a list of protected sites is to be produced, a proportionate and systematic approach should be taken with only the most significant sites being identified, in which case the production of the list could be readily achieved within existing resources.

## 9.4 Equalities

9.4.1 There are no direct equalities issues arising from this report.

## 9.5 Legal Implications

9.5.1 There are no direct legal issues arising from this report, although the following points should be noted:

- The potential use of land within the ownership of the council is often constrained by the restrictive covenants that were imposed at the time of the acquisition of the land by the council.
- If the council sought to be released from an obligation to contained within a Section 106 Agreement that land be used as open space etc. by the council, such land might have to be returned to the original landowner (under the Crichel Down CPO principle).
- The disposal of land by the Council (depending upon the size of the land concerned) is subject to statutory public consultation procedures.

## 9.6 Any Other Implications

9.6.1 There are no other identified direct implications arising from this report.

## 10 Communication and Consultation

10.1 To date there has been no external consultation on this issue; however, section 8 above outlines the results of consultation carried out with members to identify the green spaces they wish to see protected.

## 11 Conclusion

11.1 It is considered that the council owned green spaces within the borough are already afforded a sufficient degree of protection; considering each case on its merits has worked well in the past, as a range of factors are taken into consideration and a balanced view can be reached on whether, and to what extent, the loss of a council owned green space is justified. It is therefore considered that further protection is not required (Option 1 above).

11.2 However, criteria could be agreed against which any future disposal is considered (Option 2 above) or, alternatively, these criteria could be used to identify a list of "protected" sites (Option 3 above).

11.3 Irrespective of which option is pursued, in the future the disposal or development of green space could be referred to Full Council to provide an additional opportunity to debate a proposed disposal decision.

## **12 The Way Forward**

12.1 The committee is invited to comment on whether the council should develop a policy of protection for its green spaces.

12.2 If this is the view of the committee, it is also invited to further comment on the options outlined in 6.1 above. If Option 2 or 3 is the committee's preferred approach, the committee is invited to comment on the three categories and exceptions outlined in 8.2 to 8.5 above.

12.3 The committee is also invited to comment on whether decisions regarding the disposal of green spaces should be taken by Full Council and, if so, whether this is applied to all such proposed disposals or just disposals meeting the categories outlined in 8.2 to 8.5 of this report.

12.4 The committee's comments will be incorporated into a report to cabinet setting out a way forward. The recommendations from cabinet will be referred to Full Council.

**MEMBER SUGGESTIONS FOR A LIST OF PARKS  
AND OPEN SPACES FOR PROTECTION**

<b>Ward</b>	<b>Site</b>	<b>Nominated by Councillor</b>
Basing	Basing Fenn	G James
	The Lime Pits	G James
Bramley & Sheffield	Forge Field open space, Bramley	Jayawardena
	German Road/Kirby Drive open space, Bramley	Jayawardena
	Longbridge Road open space, Sheffield-on-Loddon	Jayawardena
	St Mary's Avenue open space, Bramley	Jayawardena
	Yew tree Close open space, Bramley	Jayawardena
Brighton Hill	Brighton Hill Park (adjacent to Asda)	Gurden
Brookvale & Kings Furlong	Alencon Link pocket park	Shaw
	Culver Road, Play Area at the side of 36 Culver Road	Shaw
	Goodman Close, Play Area to the rear of 22 Goodman Close	Cousens & Shaw
	King George V Playing Field	Cousens & Shaw
	Knight Street Play Area	Cousens & Shaw
	Lower Brook Street pocket park	Shaw
	Portacre Rise open space	Shaw
	Sinclair Drive open space	Shaw
	Victory Park	Cousens
	Winterthur Way open space	Shaw
Buckskin	Park View open space (extension to Stratton Park)	Court
Eastrop	Eastrop Park (inc Link)	Parker
	Glebe Gardens	Parker
	War Memorial Park	Parker
Hatch Warren & Beggarwood	Beggarwood Park	Putty & Mrs Reid
	Danebury Road open space	Mrs Reid
	Hatch Warren Playing Fields	Mrs Reid
Kempshott	Down Grange Playing Fields	Mrs Court
	Gabriel Park open space	Mrs Court
	Old Down Park	Mrs Court
	Stratton Park	Mrs Court
	The Orchard, Kendall Gardens	Mrs Court
Norden	Burgess Road allotments	Harvey
	Coronation Road allotments	Harvey
	Queen Mary Avenue open space (adjacent to The Vyne School)	Harvey
	Shooters Way open space (adjacent to The Vyne School)	Harvey
	Silvester Close allotments	Harvey

<b>Ward</b>	<b>Site</b>	<b>Nominated by</b>
	South View allotments	Harvey
Pamber & Silchester	Burney Bit Open Space, Pamber	Gardiner
Popley	Carter Drive/Oxford Way open space	Mrs Frankum
	Chineham Park	Mrs Frankum
	Pershore Road (A), Play Area at the front of 46 Pershore Road	Mrs Frankum
	Popley Community Park	Mrs Frankum
South Ham	Saunders Field, West Ham Lane	Cousens
Whitchurch	Daniel Road Open Space, Whitchurch	K Watts
	Kingsley Park, Whitchurch	K Watts
	Park View play area	K Watts
	Witan Court Play Area, Whitchurch	K Watts
	Caesars Way open space	K Watts

## HIERARCHY OF GREEN SPACE PROVISION

### A. Strategic Parks and Playing Fields (Category A)

Eastrop Park  
War Memorial Park  
Down Grange Playing Fields  
Stratton Park  
Brighton Hill Playing Fields  
Castle Field  
Winklebury Playing Fields  
Basingstoke Golf Centre  
Barlow's Park, Tadley

### B. Neighbourhood Parks and Playing Fields (Category B)

King George V playing Fields  
Victory Park  
Beggardwood Park  
Brighton Hill Park  
Russell Howard Park  
Cranbourne Road  
Whiteditch Playing Fields  
Rooksdown Park  
Popley Community Park  
Chineham Park  
Tewkesbury Close  
Taverner Close  
Taylors Farm  
London Road, Overton  
South Down Road, Tadley  
Daniel Park, Whitchurch  
Sherborne Road Playing Fields  
Carpenters Down Playing Fields  
Fieldgate Centre Playing Fields  
Hatch Warren Community Centre Playing Fields  
Sherfield Park Community Centre Playing Fields

### C. Other Green Spaces (Category C)

There are in excess of 200 other green spaces owned by the council.

If Category C sites were to be included on any list, to make this meaningful it is considered that only those sites above a certain size and with a heritage or nature conservation designation should be included.