

REPORT TO: CABINET

DATE: 2 DECEMBER 2021

TITLE: HARLOW OPEN SPACES STANDARDS AND BIODIVERSITY SPD – APPROVAL FOR CONSULTATION

PORTFOLIO HOLDER: COUNCILLOR MICHAEL HARDWARE, PORTFOLIO HOLDER FOR STRATEGIC GROWTH

LEAD OFFICER: ANDREW BRAMIDGE, DIRECTOR OF STRATEGIC GROWTH AND REGENERATION (01279) 446410

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This is a Key Decision
It is on the Forward Plan as Decision Number I012712
Call In Procedures may apply
This decision will affect all wards.

RECOMMENDED that Cabinet:

- A** Approves the Draft Open Space Standards and Biodiversity Supplementary Planning Document (as set out at Appendix A to the report), to enable it to be published for the purposes of consultation under Section 12(b) of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- B** Delegates authority to the Director of Strategic Growth and Regeneration to make and approve any minor or inconsequential amendments to the Draft Open Space Standards and Biodiversity Supplementary Planning Document arising from the statutory consultation.

REASON FOR DECISION

- A** To approve the Draft Open Space Standards and Biodiversity Supplementary Planning Document for consultation for a minimum period of four weeks under Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). To take into account the Christmas period and to ensure greater engagement, the consultation period may be extended for a further two to four weeks longer than the legal statutory consultation period.
- B** To meet the legal requirements of developing and adopting a Supplementary Planning Document (SPD).

BACKGROUND

1. The Harlow Local Development Plan (HLDP) was adopted by the Council on 10 December 2020. The Local Plan sets out a long-term vision for Harlow, identifying land where development will be acceptable and where it will be unacceptable.
2. It contains policies which ensure future development is sustainable by meeting the needs of residents, businesses and visitors, while providing the required infrastructure and protecting environmental assets. These policies are material considerations in the determination of planning applications.
3. As part of the overall vision, the HLDP states that by 2033 the overall health and well-being of Harlow's residents will be improved by taking advantage of excellent sporting, leisure and cultural facilities. The district's Green Infrastructure (GI), including green and open spaces will be of consistently high quality, better connected to residential areas and will provide multifunctional opportunities for residents and wildlife. This vision helped to develop two specific objectives in the HLDP that aim to:
 - a) Create and enhance high quality built environments which are well connected to revitalise green spaces; and
 - b) Provide and enhance sporting, leisure, recreational facilities and cultural opportunities in the district.
4. Chapter 10 of the HLDP sets out the strategic policies in respect of GI in Harlow including Policy WE2 in respect of Green Belt, Green Wedges and Green Fingers and Policy WE3 in respect of protecting and managing biodiversity and geodiversity assets. These overarching policies are supported by more specific development management policies for applications that may include or impact, either positively or negatively upon GI, landscaping, trees and hedgerows and open spaces. The development management policies also ensure appropriate provision and protection of recreational, sporting, cultural and community facilities, play areas and allotments.
5. Whilst the policies in the plan themselves give significant detail of the Council's requirements, the additional guidance contained in a SPD will expand on the adopted plan, to give additional guidance to developers when making planning applications, to officers when making recommendations, and councillors when making decisions.
6. The Open Space Standards and Biodiversity SPD will replace the existing Open Spaces, Sport and Recreation SPD adopted in 2007 in its entirety. It will also include additional information and guidance in respect of GI and biodiversity including Biodiversity Net-Gain requirements.
7. It is important that this SPD is read alongside the Council's Design Guide SPD and the Design Guide addendum which provide other green space standards,

such as amenity space, private garden space and more specific GI and landscaping considerations.

8. It should be noted that an SPD cannot introduce new policy over and above that contained in the adopted local plan. The Open Space Standards and Biodiversity SPD can, therefore, only relate to existing policies in the HLDP.

ISSUES/PROPOSALS

9. The Open Space Standards and Biodiversity SPD has been developed around six objectives which seek to meet the open space, sport and recreation needs of Harlow, protect and enhance the district's Green Infrastructure and biodiversity and ensure appropriate on-site or off-site planning contributions are made for open space. It provides further guidance in relation to Policies L1, PL8 and PL9 of the HLDP.
10. The SPD consists of two parts as described in more detail below.

Part One – Open Space Sport and Recreation Standards

11. Part One of the SPD sets out the mechanisms the Council will use to deliver open space, sport and recreation requirements in new developments including through the use of on-site facilities and through off-site financial contributions. It provides detail in respect of the future maintenance of open space, sport and recreation facilities and design guidance for new facilities.
12. This part of the SPD replaces the standards and guidance set out in the 2007 Open Spaces, Sport and Recreation SPD. The new standards are based on updated evidence that was prepared to support the HLDP and where appropriate by standards outlined by the Fields in Trust or Sport England. Chapter 4 of the SPD sets out the open space typologies found in Harlow and Chapter 5 then sets out the expected quantity standard, based on hectares per 1,000 population, and accessibility standard, based on kilometres, for each of those typologies. Cemetery and civic space and green corridors do not include a specific standard as there is either adequate provision or it is considered on a case by case basis.
13. Applicants for residential developments will be expected to calculate their requirements for open space based on the population generated by the proposal and the demand for open space typologies in the local area. If a development is required to provide open space, sport or recreation facilities then this can either be provided through on-site provision, by off-site provision/financial contribution or both.
14. The SPD sets out when on-site provision will be appropriate or when a financial contribution may be the best method for providing open space and the indicative costs for that.

15. The SPD also provides guidance in respect of management and maintenance of open spaces and where a maintenance contribution may be appropriate and an indicative cost for that.
16. Chapter 7 of the SPD provides some general guidance in respect of designing open spaces, in particular equipped areas of play, allotments and natural/semi-natural green spaces. Proposals must consider safety and security when designing open spaces and play facilities as well as ensuring access and layout, if appropriate, is made for all members of the community including those with disabilities.

Part two – Biodiversity and Green Infrastructure

17. Part Two of the SPD provides overarching principles and guidance in respect of conserving and enhancing biodiversity in new developments including implementing Biodiversity Net-Gain (BNG). Biodiversity is a term which describes every living organism within a single ecosystem or habitat, including numbers and diversity of species. The SPD also explains how GI overall could be delivered within new developments.
18. This part of the SPD supports and builds upon landscape and GI guidance already contained within the Design Guide SPD and Harlow and Gilston Garden Town Vision. It is not however a GI Strategy for Harlow. This would need to be completed separately and officers will consider how this can be best undertaken.
19. Importantly, this part of the SPD sets out guidance on calculating Biodiversity Net-Gain (BNG). BNG in planning terms is an approach to development that aims to leave biodiversity in a better state than beforehand. The planning system already seeks to minimise impacts on and secure improvements to biodiversity, but the Environment Bill places BNG on a statutory footing, introducing a mandatory requirement for developments to demonstrate a measurable 10% increase in biodiversity.
20. Biodiversity improvements can be delivered on-site, through a combination of on-site and off-site measures, or in some circumstances entirely off-site where developers pay a levy or tariff for habitat creation or improvement elsewhere.
21. In order to demonstrate that the mandatory requirement of a 10% increase in biodiversity is delivered, biodiversity losses and gains associated with development and land management practices must be measured in a consistent, robust, and transparent way. The SPD provides detailed guidance on the use of The Biodiversity Metric toolkit which must be used by developers to demonstrate how they will meet their requirement to deliver 10% BNG as stipulated by the Environment Bill. An example of a BNG calculation is included in the appendices of the SPD.

NEXT STEPS

22. Following Cabinet endorsement to consult, the Open Space Standards and Biodiversity SPD will follow the statutory process to adoption. The regulation cited above requires the Council to:
 - a) Produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD;
 - b) Publish the documents for a minimum 4 week consultation, specify the date when responses should be received and identify the address to which responses should be sent;
 - c) Make documents available by taking the following steps;
 - i) Make the document available at the principal office and other places within the area that the Council considers appropriate;
 - ii) Publish the document on the Council's website.
23. The consultation will follow the Council's Adopted Statement of Community Involvement (SCI). Planning Services will use its consultation database to inform consultees of the SPD, allowing a minimum of four weeks although this is likely to be extended, depending on the start date, to allow for the Christmas holidays and to ensure greater engagement.
24. Following the consultation period, the Council will consider all responses received and amend the draft SPD as appropriate, to produce a final version ready for adoption. The consultation statement, mentioned above, will be produced and will detail how responses received were taken into account.
25. The finalised SPD will then be adopted by the Council at a future Cabinet meeting, at which point it will become a material consideration in the determining of planning applications. The SPD will be hosted on the Council's website replacing the 2007 Open Spaces, Sport and Recreation SPD and a number of hard copies will also be made available.
26. It is planned that at a later date (during 2022), a full review of the Design Guide SPD will take place and a full replacement version drafted. This would be reported to the Town Plan Panel and consulted on in the same ways described in this report, prior to its adoption.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As set out in the report

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance (Includes ICT, and Property and Facilities)

As contained in the report.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

As contained in the report.

Author: Andrew Murray, Director of Housing

Community Wellbeing

As contained in the report.

Author: Jane Greer, Director of Communities and Environment

Governance (Includes HR)

The Council is following the statutory process for this consultation set out within the Town and Country Planning (Local Planning) (England) Regulations 2012.

Author: Simon Hill, Director of Governance and Corporate Support

Appendices

Appendix A – Open Space Standards and Biodiversity Supplementary Planning Document

Background Papers

Harlow Local Development Plan: Adopted December 2020

<https://www.harlow.gov.uk/planning-and-building-control/planning-policy/harlow-local-development-plan/harlow-local>

Harlow Design Guide: Adopted October 2011

<https://www.harlow.gov.uk/sites/default/files/documents/HEB3%20-%20Harlow%20Design%20Guide%20Supplementary%20Planning%20Document.pdf>

Harlow Design Guide Addendum (Item on this agenda)

2007 Open Spaces, Sport and Recreation SPD

<https://www.harlow.gov.uk/sites/default/files/documents/HEB2A%20-%20Open%20Space%2C%20Sport%20and%20Recreation%20Supplementary%20Planning%20Document.pdf>

Glossary of terms/abbreviations used

SPD – Supplementary Planning Document

HLDP – Harlow Local Development Plan

GI – Green Infrastructure

BNG – Biodiversity Net-Gain

SCI – Statement of Community Involvement