

**SCOTTISH GOVERNMENT CONSULTATION: OPEN SPACE STRATEGIES AND  
PLAY SUFFICIENCY ASSESSMENTS REGULATIONS**

---

**1.0 EXECUTIVE SUMMARY**

- 1.1 The aim of this report is to advise the PPSL of the Scottish Government [Consultation on Open Space Strategies and Play Sufficiency Assessments Regulations \(www.gov.scot\)](http://www.gov.scot) and seek approval for the proposed response to this consultation (See **Appendix 1**). The response is due by 31<sup>st</sup> March 2022.
- 1.2 The regulations being consulted on are part of the Scottish Government's wider work on planning reform and implementing of the Planning (Scotland) Act 2019.
- 1.3 There is now a statutory duty for the planning authority to prepare and publish an Open Space Strategy, and to assess the sufficiency of play opportunities in their area for children through a Play Sufficiency Assessment and the proposed regulations relate to a range of detailed aspects regarding these. Both the Open Space Strategy and Play Sufficiency Assessment will form part of the evidence base for the preparation of the next Local Development Plan.
- 1.4 The proposed regulations raise issues relating to resources required to carry out the requirements, their applicability to remote rural and island locations, the need for proportionality and flexibility within the regulations, the need for the Council to adopt a corporate approach, potential time impact on preparation of the next Local Development Plan and other issues detailed in the report.

**RECOMMENDATIONS**

It is recommended that the PPSL:

- i) note this report and the implications of the proposed regulations, including financial for the planning service and wider council.

ii) approve the response on this consultation to the Scottish Government in **Appendix 1**.

**SCOTTISH GOVERNMENT CONSULTATION: OPEN SPACE STRATEGIES AND  
PLAY SUFFICIENCY ASSESSMENTS REGULATIONS**

---

## **2.0 INTRODUCTION**

- 2.1 The Scottish Government is consulting on [Open Space Strategies and Play Sufficiency Assessments Regulations](#). The proposed regulations are part of the Scottish Government's wider work on planning reform and implementing of the Planning (Scotland) Act 2019. The proposed response to this consultation is set out in **Appendix 1**. The response should be submitted by the 31<sup>st</sup> March 2022.
- 2.2 There is now a statutory duty for the planning authority to prepare and publish an Open Space Strategy, and to assess the sufficiency of play opportunities in their area for children through a Play Sufficiency Assessment and the proposed regulations relate to a range of detailed aspects regarding these. Both the Open Space Strategy and Play Sufficiency Assessment will form part of the evidence base for the preparation of the next Local Development Plan.

## **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the PPSL:
- i) note this report and the implications of the proposed regulations, including financial for the planning service and wider council.
  - ii) approve the response on this consultation to the Scottish Government in **Appendix 1**.

## **4.0 DETAIL**

- 4.1 The consultation is split into 2 sections; Open Space Strategies and Play Sufficiency Assessments. The Scottish Government consultation paper acknowledges that these are two distinct duties but recognises that there is

crossover which has provided basis for a joint approach in the preparation of the regulations and for them to seek, where possible, an alignment of requirements.

4.2 The consultation paper sets out that the estimated average cost per planning authority of preparing an Open Space Strategy and Play Sufficiency Assessment is estimated to be £28,125. Given the remote rural and island make up of Argyll and Bute the cost will likely be higher than this with the potential for it to be significantly higher. Concerns regarding resource implications are set out in the draft Council response at **Appendix 1** and are summarised within this report.

4.3 Other key elements from the proposed consultation response to the Open Space Strategies and Play Sufficiency Assessment regulations are set out below.

#### OPEN SPACE STRATEGIES

4.4 The regulations provide definitions of certain terminology. There are concerns regarding the definition of “open space” and “green space” (see responses to question 1 at **Appendix 1**).

4.5 The regulations require the undertaking of an open space audit and the preparation of an Open Space Strategy and they embed an outcomes based approach to these.

4.6 The regulations require that the open space audit provides a statement regarding the accessibility, quality and quantity for the totality of the open spaces for the Council area and each of its localities. Locality level consideration is also required within the assessment of current and future provision.

4.7 The definition of localities is set out to mean that contained within Community Empowerment legislation which, in summary, would be either electoral wards or areas defined by the Community Planning Partnership containing no more than 30,000 people. There are concerns regarding the effectiveness of this approach and resources that would be required given the geographic scale of localities within in Argyll and Bute. Flexibility within the regulations is suggested to allow local authorities to define which areas should be covered by locality statements (see responses to questions 5a, 5b, and 7a at **Appendix 1**).

4.8 The regulations at several points require consideration or identification of green infrastructure and green networks. There are concerns regarding the inclusion of such requirements as the open space audit is only required to assess the defined open spaces and not wider green infrastructure and green networks. To do so would require additional resource (see responses to question 5a, 7a, 8b and 8c at **Appendix 1**).

4.9 The regulations set out a requirement for two successive weeks of newspaper advertisements for consultation on the published Open Space Strategy. This is considered to be excessive given the potential costs of placing advertisements in the five newspapers covering Argyll and Bute and by comparison that the requirement for the Proposed Local Development Plan is only one week (see response to question 9 at **Appendix 1**).

- 4.10 Information from the open space audit and Open Space Strategy will form part of the Evidence Report for the next Local Development Plan. The resource implications for the Council, of carrying out an audit and producing a strategy in sufficient detail that forms a credible evidence base for the next Local Development Plan is potentially significant, especially given the remote rural and island location of many communities.
- 4.11 The undertaking of an open space audit and production of the related Open Space Strategy along with the required consultation and engagement will require close working across Council departments and will also likely involve coordination with Loch Lomond and the Trossachs National Park Authority. This will have resource implications for the Council.

### **PLAY SUFFICIENCY ASSESSMENT**

- 4.12 The Play Sufficiency Assessment regulations provide definitions of certain terminology. There is a minor suggested amendment to the “Open Space” definition and also concerns regarding the definition of “locality” for largely the same reasons as set out in paragraph 4.7 above (see response to question 12 at **Appendix 1**).
- 4.13 The regulations set out that planning authorities should map the locations of two categories of play space; those specifically for play and those within areas of open space and not specifically for play. Whilst there are no objections in principle, guidance will be of importance to help define the identification of spaces not specifically for play in order that there is consistency within and across planning authorities and resources are managed appropriately. Planning authorities and national park authorities will need to work in partnership given that the national park authority will need to carry out its own Play Sufficiency Assessment but likely require information contained in the open space audit which will be carried out by the council and therefore this might present resource implications (see response to question 13 at **Appendix 1**).
- 4.14 The regulations set out that the Play Sufficiency Assessment must include statements regarding the quality, quantity and accessibility of play opportunities for each locality and for the planning authority area. Whilst there are no objections to the principal of these three criteria there are potentially significant resource implications given the number of play spaces in remote rural and island locations and given the depth of analysis that might be suggested through further guidance and the level of expertise that might be required. It will be important for any guidance to reflect the need for a proportionate assessment. For largely the same reasons as set out in paragraph 4.7 above there are concerns regarding the production of these statements at locality level (see response to questions 15a and 15b at **Appendix 1**).
- 4.15 The Play Sufficiency Assessment will form part of the Evidence Report for the next Local Development Plan. Whilst the regulations are not significantly detailed or prescriptive in relation to the actual content of the assessment, a range of accompanying guidance has also been suggested within the consultation paper.

From the commentary contained in the consultation paper, this guidance has the potential to contain significant levels of detail that the Play Sufficiency Assessment could undertake. Like the Open Space Strategy there are potentially significant resource implications for the Council, for producing a Play Sufficiency Assessment that forms a credible evidence base for the next Local Development Plan, especially given the remote rural and island location of many communities. This has been noted within the consultation response with particular reference to the proportionally greater resource implications given the remote rural and island situation.

- 4.16 Like the Open Space Strategy the Play Sufficiency Assessment will likely require cross departmental working within the Council and potentially with wider partners such as Registered Social Landlords (where they maintain play space) in order to draw on expertise and experience particularly relating to assessing the formal play areas and equipment within them, this again will have potential resource implications.

## **5.0 CONCLUSION**

- 5.1 The requirement to produce an Open Space Strategy and Play Sufficiency Assessment have already been set out through The Planning (Scotland) Act 2019 and the proposed regulations provide detail as to how these should be carried out. Both will support the future Local Development Plan process by contributing towards the Evidence Report. The consultation response raises a number of concerns with the regulations, seeks greater flexibility and sets out potential resource issues.
- 5.2 The production of an Open Space Strategy and Play Sufficiency Assessment that help provide a credible evidence base for the next Local Development Plan will potentially pose resource issues for the Council, given the nature of what will be required by the regulations and might be suggested through additional guidance. There will be a need for a corporate approach for the production of both the Open Space Strategy and Play Sufficiency Assessment.

## **6.0 IMPLICATIONS**

### **6.1 Policy**

This is a consultation. Once in place, these regulations will provide detail as to how the Open Space Strategy and Play Sufficiency Assessment are produced. Both the Open Space Strategy and Play Sufficiency Assessment will influence future Local Development Plan policy.

### **6.2 Financial**

There is a resource implication to carrying out both the Open Space Strategy and Play Sufficiency Assessment especially in light of the level of detail potentially required in order to provide a credible evidence base for the next Local Development Plan.

### 6.3 Legal

There is a statutory duty to prepare and publish an Open Space Strategy and Play Sufficiency Assessment. These will need to be in accordance with the regulations once finalised.

### 6.4 HR

None as a result of this consultation

### 6.5 Fairer Scotland Duty:

#### 6.5.1 Equalities - protected characteristics

#### 6.5.2 Socio-economic Duty

#### 6.5.3 Islands

The Scottish Government has carried out a range of impact assessments for the regulations including the Fairer Scotland Duty and Island Communities Impact Assessment the conclusions of which can be found in [Impact Assessment](#) report. Concerns remain regarding the impact for islands and remote rural locations and these are set out in the Councils response (**Appendix 1**).

### 6.6 Climate Change

None as a result of this consultation. The Strategic Environmental Assessment screening document produced by the Scottish Government as part of the [Impact Assessment](#) report concluded that the legislation would have no or minimal environmental effects once implemented.

### 6.7 Risk

There is a risk that without sufficient resource to carry out the requirements, the Open Space Strategy and Play Sufficiency Assessment will not provide the evidence required for the production of the next Local Development Plan.

### 6.8 Customer Service

None as a result of this consultation.

**Kirsty Flanagan, Executive Director with responsibility for Development and Economic Growth**

**Councillor David Kinniburgh Policy Lead for PPSL**

1<sup>st</sup> March 2022

**For further information contact:**

Matthew Watkiss – [matthew.watkiss@argyll-bute.gov.uk](mailto:matthew.watkiss@argyll-bute.gov.uk) – 01546 604369

Fergus Murray – [Fergus.murray@argyll-bute.gov.uk](mailto:Fergus.murray@argyll-bute.gov.uk) – 01546 604 293

**APPENDICES**

Appendix 1 Proposed Response



## **Appendix 1 Proposed Response**

### **Consultation Question 1**

#### **a) Do you agree with the idea of promoting an outcomes-based approach through the OSS Regulations? Yes/No/No View Any Comments**

Yes – promoting an outcomes based approach will help align the strategy outcomes with place making outcomes. There are some concerns however which have been set out through responses to the relevant questions.

#### **b) Do you agree with the suggested outcomes? Yes/No/No View Any Comments**

Yes

### **Consultation Question 2 Do you agree with the proposed definition of**

#### **a) 'open space' Yes/No/No View Any Comments**

No – The term “civic areas” should be defined separately rather than within the paragraph. This would align it with term “green space” which is also mentioned in the paragraph but has its own separate definition.

#### **b) 'green space' Yes/No/No View Any Comments**

No – Excluding agricultural and horticultural land from the definition potentially limits the scope of the open space audit as it would exclude areas that provide important aesthetic value such as preserving the character and setting of settlements and their immediate surroundings where that land also happens to be agricultural or horticultural by definition. There are examples in Argyll and Bute where Local Development Plan identified Open Space Protection Areas fulfil this function but are agricultural land. This land may not necessarily be protected from development by other development plan policies, especially where it is poorer quality agricultural land, and as such the identification as Open Space Protection Areas can be an important tool in protecting these areas from potentially damaging development. If the regulations exclude these areas from the scope of the audit then it may prove difficult to sustain their inclusion within the development plan. Therefore the regulations should allow for flexibility to include agricultural or horticultural land within the scope of the audit and strategy.

It would be helpful for the definition to include allotments and community food growing land to provide clarity that these areas fall within the functions of green space.

It would be helpful for the definition to include beaches which can provide important green space functions in terms of recreation, amenity or aesthetics.

#### **c) 'green infrastructure' Yes/No/No View Any Comments**

Yes

#### **d) 'green networks' Yes/No/No View Any Comments**

Yes

#### **e) 'ecosystem services' Yes/No/No View Any Comments**

Yes

**Consultation Question 3 Do you agree with proposed thresholds for open space audits in Draft Regulation 4(2)? Yes/No/No View Any Comments**

Yes – 0.2ha represents a proportionate size and the express allowance of smaller areas is helpful in order to provide flexibility within the audit.

**Consultation Question 4 a) Do you agree with suggested information to include about each open space (location, size and type)? Yes/No/No View Any Comments**

Yes

**b) Do you agree with Regulation 4(5) on the other information planning authorities may include in the audit? Yes/No/No View Any Comments**

Yes – the other aspects are reasonable, however from the Island Communities Impact Assessment it appears that the regulations setting these aspects out as a ‘may’ is in relation to providing flexibility for island authorities in how they carry out the audit. However, whilst flexibility is welcomed for island and remote rural situations the regulation setting out that these matters ‘may’ be included does not fully accord with the later regulations that require locality based statements relating to quality and accessibility which would need the assessment of some of these ‘may’ matters e.g. accessibility. Given that some of these matters would therefore appear to be de facto required to fulfil the overall regulations this negatively impacts on the flexibility for island and remote rural situations.

The intention to provide guidance is welcomed but it should be noted that the depth of information that could be included within any assessment of each matter will be affected by the number of open spaces identified within the audit, their location and the available resource and it would be helpful for any guidance to reflect this. This would especially be the case for remote rural and island locations where the time and cost resource of accessing all identified open spaces would be proportionately greater than more urban situations.

**Consultation Question 5**

**a) Do you agree with suggested approach to require locality level place based information? Yes/No/No View Any Comments**

No – The “The Community Planning (Locality Planning) (Scotland) Regulations 2016” set out that:

For the purposes of section 9(2) of the Community Empowerment (Scotland) Act 2015 a locality must be—

(a) an electoral ward within the meaning given by section 1 of the Local Government (Scotland) Act 2004(1); or

(b) an area within the area of the local authority with a population which does not exceed 30,000.

For predominantly remote rural and island authorities the production of statements at either of these locality levels, whilst possible, would have limited value as localities in many cases would cover larger rural areas where there is not a single neighbourhood but instead a number of smaller separate settlements.

In Argyll and Bute there are four localities identified in relation to Local Outcome Improvement Plans and these cover significant geographical areas that, in 3 of the cases, cover both islands and mainland areas and all contain many settlements.

Argyll and Bute is covered by 11 electoral wards, the majority of which cover significant rural areas with some covering both island and mainland locations. For example, the electoral ward of Oban South and the Isles covers part (but not all) of the town of Oban as well as islands including Mull, Coll and Tiree.

Almost 25% of the population of Argyll and Bute live in settlements of less than 1000 people or outwith a settlement entirely. In many smaller rural settlements there may not be readily identifiable open space sites but rather, access to the wider countryside, forestry land or shore side locations.

Paragraph 45 of the consultation paper sets out that the basis for including a statement regarding quality, quantity and accessibility on a locality basis is to help ensure local authorities have information on the amount and quality of open space within local neighbourhoods and Paragraph 43 sets out that the localised approach will help support 20 minute neighbourhoods. However for Argyll and Bute the identified locality (be it the four Local Outcome Improvement Plan Areas or the 11 electoral wards) would include a potentially significant number of separate neighbourhoods of varying scale and nature.

A statement aggregated to a locality level for significant parts of Argyll and Bute would not likely provide a meaningful insight at a 'neighbourhood' scale. Taking the above Oban South and the Isles electoral ward as an example, statistical information such as accessibility would be skewed by the significant difference between settlements such as Oban and the smaller ones found across the islands. In addition, in terms of providing meaningful analysis for the whole of Oban it would be limited by the town, which carries a strong identity, being split across two electoral wards and therefore potentially two locality statements.

It would appear that the 'locality' approach would more suit the more urban areas where localities maybe smaller geographically and more densely populated and where the links to 20 minute neighbourhoods can be more readily made.

The adopted Argyll and Bute Local Development Plan identifies 272 Open Space Protection Areas of which 99 are related to "Villages and Minor Settlements". Given the stated concerns regarding the value of statements at locality level there are related concerns regarding the depth of information required for them and significant time and cost resources of physically assessing of all the open spaces which will be spread across the rural areas of both the mainland and the islands. This relates back to the assertion that many smaller rural settlements will have access to the surrounding countryside/forests/shore sides.

The concept of reporting at a neighbourhood level is supported however for remote rural and island authorities this needs to be more flexible and proportionate than the proposed regulations. If locality statements are to be required then local authorities need to be able to define the localities for the purpose of the audit and these should not necessarily be required to cover their entire geographic area. Allowing local authorities the flexibility to determine where it is appropriate to provide such statements will potentially provide a more meaningful insight into provision at a local level. This would allow local authorities to target such statements to areas where the most meaningful information could be ascertained. A more locally appropriate and proportionate

response to reporting on the areas containing more dispersed and smaller settlements could be adopted where considered appropriate by the local authority.

It is important that the audit and related strategy produce meaningful analysis and be able to positively impact on identified outcomes. To this end greater flexibility in the regulations is of significant importance.

Local authorities are well placed to understand their individual situations and be able to put in place an auditing and reporting process that targets valuable resources appropriately to producing the information in a proportionate yet equitable way for their residents. A too rigid requirement of tightly defined localities risks spending valuable resources producing information and statements that will result in less meaningful outcomes.

The consultation paper sets out the estimated average cost per planning authority of preparing an Open Space Strategy and Play Sufficiency Assessment is estimated to be £28,125. Given the remote rural and island make up of Argyll and Bute the cost will likely be higher than this with the potential for it to be significantly higher. This reiterates the need for a flexible and proportionate response for predominantly rural and island based authorities so that available budget can be most effectively utilised.

The consultation paper states “Draft Regulation 4(6) requires that audits include statements covering the accessibility, quality and quantity for the totality of open spaces **and green networks** in their area.” The actual proposed regulations at 4(6) and 4(7) do not mention green networks for either the local authority area or localities which is at odds with the consultation paper.

If it is the intention for regulations 4(6) and/or 4(7) to require the statements to include green networks (and associated green infrastructure) then this is not considered practicable. In the draft regulations the definition of green networks is “connected areas of green infrastructure and open space, that together form an integrated and multi-functional network.” The definition of green infrastructure is “features or spaces within the natural and built environments that provide a range of ecosystem services.” By these definitions green infrastructure and green networks include not only open spaces as defined by the regulations but other features and spaces that will not form part of the open space audit. It is therefore difficult for any such statement to appraise green networks (and associated green infrastructure) when the Open Space Audit will not include all of the information that would be needed. It would be beyond the scope of and not practicable for an Open Space Audit to record and assess all such green infrastructure needed to then assess all green networks. This would especially be the case in remote rural and island situations where the time and cost resource implications would be disproportionately high.

**b) Do you agree with the three high level aspects that should be covered in these statements ‘accessibility’, ‘quantity’ and ‘quality’? Yes/No/No View Any Comments**

Yes – Notwithstanding the concerns set out in the response to question 5a, the stated high level aspects raise no significant concerns. However, without the ability to define localities and the extents they cover for the purposes of the audit the ability to make meaningful statements regarding these aspects would be reduced. For example, with regards to accessibility the suggested approach of measuring access to identified open space within a 5 minute walk will potentially be less meaningful to dispersed rural communities especially those where people would maybe not expect to have such access to a formal space. These communities may have wider countryside access rather than formal, identifiable open space but this might not necessarily be reflected in a locality statement that aggregates to a wide geographic area.

The potential to provide guidance is welcomed but it should be noted that without the aforementioned ability to set localities the depth of analysis that could be undertaken for each aspect would be affected by the number of open spaces identified, their location and the available resource to assess them and any guidance should reflect this. This would especially be the case for remote rural and island locations where the time and cost resource of accessing all identified open spaces would be proportionately greater than more urban situations.

Any guidance should be realistic and proportionate as to potential methods of assessing and reporting 'accessibility', 'quantity' and 'quality'.

#### **Consultation Question 6**

**Do you agree with the list of consultees for the open space audit? Yes/No/No View Any Comments**

Yes - The regulations not specifying the actual consultation methods is welcomed as it provides the flexibility to determine them at local level.

#### **Consultation Question 7**

**Do you agree with the Assessment of Current and Future Requirements should,**

**a) have regard to how open spaces and green networks in their area are contributing to the outcomes? Yes/No/No View Any Comments**

No – The regulations set out “In assessing current and future requirements, the planning authority is to have regard to how green infrastructure, open space and green networks are contributing to the outcomes listed in regulation 3(2)...”

In the draft regulations the definition of green networks is “connected areas of green infrastructure and open space, that together form an integrated and multi-functional network.” The definition of green infrastructure is “features or spaces within the natural and built environments that provide a range of ecosystem services.” By these definitions green infrastructure and green networks include not only open spaces as defined by the regulations but other features and spaces that will not form part of the open space audit. It is therefore difficult for any such assessments to have regard to green infrastructure and green networks and their contribution to outcomes when the Open Space Audit will not include all of the information that would be needed. It would be beyond the scope of and not practicable for an Open Space Audit to record and assess all such green infrastructure needed to then assess all green networks. This would especially be the case in remote rural and island situations where the time and cost resource implications would be disproportionately high.

Whilst it is recognised that the 2019 Act includes the requirement that open space strategies “set out a strategic framework of the planning authority's policies and proposals as to the development, maintenance and use of green infrastructure in their district, including open spaces and green networks.” there are significant resource concerns to specifically requiring consideration the contribution of green infrastructure and green networks in relation to current and future requirements given the additional resource implications in potentially making a meaningful identification and assessment of these.

In addition to these concerns, the regulations also seek that that this regard is taken at a locality level.

The “The Community Planning (Locality Planning) (Scotland) Regulations 2016” set out that:

For the purposes of section 9(2) of the Community Empowerment (Scotland) Act 2015 a locality must be –

(a) an electoral ward within the meaning given by section 1 of the Local Governance (Scotland) Act 2004(1); or

(b) an area within the area of the local authority with a population which does not exceed 30,000.

For predominantly remote rural and Island authorities the assessment of contributions to outcomes at either of these locality levels, whilst possible, would have limited value as localities in many cases would cover larger rural areas where there is not a single neighbourhood but instead a number of smaller separate settlements.

In Argyll and Bute there are four localities identified in relation to Local Outcome Improvement Plans and these cover significant geographical areas that in 3 of the cases cover both islands and mainland areas and all contain many settlements.

Argyll and Bute is covered by 11 electoral wards, the majority of which cover significant rural areas with some covering both island and mainland locations. For example, the electoral ward of Oban South and the Isles covers part (but not all) of the town of Oban as well as islands including Mull, Coll and Tiree.

Almost 25% of the population of Argyll and Bute live in settlements of less than 1000 people or outwith a settlement entirely. In many smaller rural settlements there may not be readily identifiable open space sites but rather, access to the wider countryside, forestry land or shore side locations.

Assessing contributions to outcomes aggregated to a locality level for significant parts of Argyll and Bute would not likely provide a meaningful insight at a 'neighbourhood' scale. Taking the above Oban South and the Isles electoral ward as an example, the significant difference between settlements such as Oban and the smaller ones found across the islands would potentially make such considerations harder to make. In addition, in terms of providing meaningful analysis for the whole of Oban it would be limited by the town, which carries a strong identity, being split across two electoral wards and therefore two localities.

It would appear that the 'locality' approach would more suit the more urban areas where localities may be smaller geographically and more densely populated and where the links to 20 minute neighbourhoods would be more relevant.

If regard is to be required at locality level then local authorities need to be able to define the localities for the purpose of the audit and strategy and these should not necessarily have to cover their entire geographic area. Allowing local authorities the flexibility to determine this will potentially provide a more meaningful insight into provision at a local level. This would allow local authorities to target the analysis to areas where the most meaningful information could be ascertained. A more locally appropriate and proportionate response to reporting on the areas containing more dispersed and smaller settlements could be adopted where considered appropriate by the local authority.

**b) be informed by engagement with the groups set out? Yes/No/No View Any Comments**

Yes – Notwithstanding the concerns set out in the answer to question 7a any assessment should be informed by engagement. The regulations not specifying the actual consultation methods is welcomed as it provides the flexibility to determine them at local level.

## **Consultation Question 8**

### **Do you agree Open Space Strategies should**

#### **a) include a statement setting out how they contribute to the outcomes? Yes/No/No View Any Comments**

Yes

#### **b) identify strategic green networks? Yes/No/No View**

No – In the draft regulations the definition of green networks is “connected areas of green infrastructure and open space, that together form an integrated and multi-functional network.” The definition of green infrastructure is “features or spaces within the natural and built environments that provide a range of ecosystem services.” By these definitions green infrastructure and green networks include not only open spaces as defined by the regulations but other features and spaces that will not form part of the open space audit. It is therefore not practicable for an Open Space Strategy to identify strategic green networks when the Open Space Audit will not include all of the information that would be needed. It would be beyond the scope of and not practicable for an Open Space Audit to record and assess all such green infrastructure needed to then identify strategic green networks. This would especially be the case in remote rural and island situations where the time and cost resource implications would be disproportionately high.

Whilst it is recognised that the 2019 Act includes the requirement that open space strategies “set out a strategic framework of the planning authority's policies and proposals as to the development, maintenance and use of green infrastructure in their district, including open spaces and green networks.” there are significant resource concerns regarding an actual requirement in the regulations to specifically identify strategic green networks.

#### **c) identify how green networks may be enhanced? Yes/No/No View**

No – for the reasons set out in answer 8b, 7a and 5a the Open Space Audit and Open Space Strategy should not be required to identify Green Networks and then subsequently identify how they can be enhanced.

## **Consultation Question 9 Do you agree with the proposed consultation requirements on draft Open Space Strategies? Yes/No/No View Any Comments**

No - The requirement for press advertisements for two consecutive weeks is considered to be excessive. Argyll and Bute being a geographically large rural authority is covered by 5 local newspapers. Given that the Open Space Strategy would cover the whole of the Council area advertisements would likely need to be placed in a range of newspapers across the area. This could potentially represent a significant proportion of the estimated cost to carry out the audit and strategy.

As stated within the consultation paper, planning authorities can use a range of innovative techniques, tailored to local circumstances, to engage with people from an early stage. As such the requirement for two successive weeks of advertisements are not considered necessary.

It is also noted that the current and proposed Local Development Plan Regulations, do not require two successive weeks of newspaper advertisements for the consultation on the Proposed Plan. The requirement for two successive weeks is therefore disproportionate and inconsistent in comparison to what is being proposed for Local Development Plans.

Whilst there is no objection to requirement for advertisement in one or more newspapers, the regulations should be amended to remove the requirement for this to be for two successive weeks.

**Consultation Question 10 Do you agree with the proposed publication requirements for the OSS? Yes/No/No View Any Comments**

Yes

**Consultation Question 11 Do you agree the Regulations should set a 10 year minimum review period for updating open space audits and strategies? Yes/No/No View Any Comments**

Yes

## **Play space**

**Consultation Question 12 Do you agree with the proposed definitions?**

### **Children**

Yes

### **Localities**

No – The “The Community Planning (Locality Planning) (Scotland) Regulations 2016” set out that:

For the purposes of section 9(2) of the Community Empowerment (Scotland) Act 2015 a locality must be—

(a) an electoral ward within the meaning given by section 1 of the Local Governance (Scotland) Act 2004(1); or

(b) an area within the area of the local authority with a population which does not exceed 30,000.

For predominantly remote rural and Island authorities the use of either of these locality levels, whilst possible, would have limited value as localities in many cases would cover larger rural areas where there is not a single neighbourhood but instead a number of smaller separate settlements.

In Argyll and Bute there are four localities identified in relation to Local Outcome Improvement Plans and these cover significant geographical areas that in 3 of the cases cover both islands and mainland areas and all contain many settlements.

Argyll and Bute is covered by 11 electoral wards, the majority of which cover significant rural areas with some covering both island and mainland locations. For example, the electoral ward of Oban South and the Isles covers part (but not all) of the town of Oban as well as islands including Mull, Coll and Tiree.

The regulations should provide flexibility for the Planning Authority to determine the definition of locality for the purposes of the Play Sufficiency Assessment.

Providing flexibility within the regulations to allow the Council to define the localities for the purpose of the Play Sufficiency Assessment will potentially provide a more meaningful insight into provision at a local level. This could allow local authorities to target reporting to areas where the most meaningful information could be ascertained whilst a more locally appropriate and proportionate response to reporting on the areas containing more dispersed and smaller settlements could be adopted where considered appropriate by the local authority.



## **Open Space –**

No – The term “civic areas” should be defined separately rather than within the paragraph. This would align it with term “green space” which is also mentioned in the paragraph but has its own separate definition.

## **Play spaces**

Yes

### **Consultation Question 13 Do you agree planning authorities should map the locations of the two categories of play spaces, and how they are described in draft Regulations 3(2)(a) and (b)? Yes/No/No View**

Yes – The identification of areas of open space not specifically for play will be particularly subjective as it would potentially be wide ranging in its meaning. Given the broad definition of play spread across the age groups (as set out in the consultation paper), many areas could be identified as having opportunity for play even where there is any lack evidence of play occurring at the point of assessment. There is the potential for the value of the Play Sufficiency Assessment to become distorted by over or under reporting of the spaces not specifically for play. Guidance surrounding this would be particularly important to help provide consistency within the assessments within and also across the local planning authorities and ensure that resources can be managed in a proportionate way.

It should be noted that partnership working will be required between National Park Planning Authorities and Council Planning Authorities as the Councils will likely carry out the Open Space Audit and Strategy within National Park Areas but the National Park authorities will still be responsible for their own Play Sufficiency Assessment. There may be greater resource implications for these planning authorities relating to establishing and implementing partnership working and there may also be implications regarding timing where it may prove difficult for National Park Authority to carry out its Play Sufficiency Assessment where it is waiting on information from a particular Council’s Open Space Audit. This issue will be amplified where there are significant differences in plan preparation timetables.

### **Consultation Question 14 Do you agree with the proposed requirement to assess play opportunities in respect of their suitability by age groups? Yes/No/No View Any Comments**

Yes – With regards to the production of guidance, consideration could be given if there is an actual need for separate categories for 12-15 and 16-17 as in the “Types of Play by Age Groups – indicative tool” included in the consultation paper there appear to be no differences between these groups. Whilst it is acknowledged that this is an early stage tool it suggests that there is scope for the groups to be merged.

Whilst the age group assessment is a likely to provide valuable data it does present an additional resource implication in terms of site assessments as this will take more time to assess properly. Assessors may not have prior knowledge or experience to identify which formal play equipment is more suited to the different age groups, therefore guidance relating to the suitability of different formal play equipment for the different age groups will be of importance to help with the efficiency and accuracy of the assessment.

### **Consultation Question 15**

**a) Do you agree with the proposed three aspects of assessment – ‘accessibility’, ‘quantity’ and ‘quality’? Yes/No/No View Any Comments and;**

Yes – Whilst the three assessment criteria will likely add value to the in assessment of provision, the resource implications of carrying out such detailed assessments alongside the Open Space Audit assessments are potentially significant. Given the geographic spread of Argyll and Bute, there will be many play spaces on island locations and within remote rural locations. This combined with the depth of analysis that will be potentially be suggested through guidance would potentially have disproportionate impact on the cost and time resources required and the ability to produce the Play Space Sufficiency assessment within a realistic timeframe.

It will be important for any guidance to reflect the need for a proportionate assessment.

Aspects that might impact on resources include;

Quality - Assessing quality may well require a level of expertise in terms of demonstrating fitness for purpose, or assessing the quality or play values or the standard of maintenance. There may not be sufficient resource to carry out feedback surveys or usage monitoring for all identified play spaces. As such there are resource concerns regarding the ability to make an equitable and comprehensive assessment of all play spaces within the area.

Quantity - Quantitative assessments may help provide useful statistical data and raises less resource concerns. However the potential desire for the collection of survey data regarding frequency of usage does raise such concerns.

Accessibility – the range of potential assessment criteria raises resource concerns surrounding the ability to make a comprehensive assessment of each space, especially in remote rural and island situations. Whilst some assessment could be carried by desk based GIS means this still carries a potential resource implication.

The three assessment criteria are potentially harder to apply to areas where the primary function is not for play as, by their nature, the play opportunities will be more opportunistic and ad hoc and as such assessments such as fitness for purpose might be less meaningful. The reflection of this within guidance will be important.

**b) to provide them in written statements in respect of the totality of the local authority area and at each locality level? Yes/No/No View Any Comments**

No – The “The Community Planning (Locality Planning) (Scotland) Regulations 2016” set out that:

For the purposes of section 9(2) of the Community Empowerment (Scotland) Act 2015 a locality must be—

(a) an electoral ward within the meaning given by section 1 of the Local Governance (Scotland) Act 2004(1); or

(b) an area within the area of the local authority with a population which does not exceed 30,000.

For predominantly remote rural and Island authorities the production of statements at either of these locality levels, whilst feasible, would have limited value as localities in many cases would cover larger rural areas where there is not a single neighbourhood but instead a number of smaller separate settlements.

In Argyll and Bute there are four localities identified in relation to Local Outcome Improvement Plans and these cover significant geographical areas that in 3 of the cases cover both islands and mainland areas and all contain many settlements.

Argyll and Bute is covered by 11 electoral wards, the majority of which cover significant rural areas with some covering both island and mainland locations. For example, the electoral ward of Oban South and the Isles covers part (but not all) of the town of Oban as well as islands including Mull, Coll and Tiree.

Paragraph 91 of the consultation paper sets out that the basis for including a statement regarding quality, quantity and accessibility on a locality basis is to help ensure local authorities have a picture of the sufficiency at neighbourhood scale and that the localised approach will help support 20 minute neighbourhoods. However for Argyll and Bute the identified locality (be it the four Local Outcome Improvement Plan Areas or the 11 electoral wards) would include a potentially significant number of separate neighbourhoods of varying scale and nature.

A statement aggregated to a locality level for significant parts of Argyll and Bute would not likely provide a meaningful insight at a 'neighbourhood' scale. Taking the above Oban South and the Isles electoral ward as an example, statistical information such as accessibility would be skewed by the significant difference between settlements such as Oban and the smaller ones found across the islands. In addition, in terms of providing meaningful analysis for the whole of Oban it would be limited by the town, which carries a strong identity, being split across two electoral wards and therefore potentially two locality statements.

It would appear that the 'locality' approach would more suit the more urban areas where localities maybe smaller geographically and more densely populated and where the links to 20 minute neighbourhoods would be more relevant.

The concept of reporting at a neighbourhood level is supported however for remote rural and island authorities this needs to be more flexible and proportionate than the proposed regulations. If locality statements are to be required then local authorities need to be able to define the localities for the purpose of the Play Sufficiency Assessment and these should not necessarily have to cover their entire geographic area. Allowing local authorities the flexibility to determine where it is appropriate to provide such statements will potentially provide a more meaningful insight into provision at a local level. This would allow local authorities to target such statements to areas where the most meaningful information could be ascertained. A more locally appropriate and proportionate response to reporting on the areas containing more dispersed and smaller settlements could be adopted where considered appropriate by the local authority.

Local authorities are well placed to understand their individual situations and be able to put in place a reporting process that targets valuable resources appropriately to producing the information in a proportionate yet equitable way for their residents. A too rigid requirement of tightly defined localities risks spending valuable resources producing information and statements that will result in less meaningful outcomes.

In order to provide statements at locality level the regulations should provide flexibility to allow the local authority to define the localities for the purpose of the Play Sufficiency Assessment.

The consultation paper sets out the estimated average cost per planning authority of preparing an Open Space Strategy and Play Sufficiency Assessment is estimated to be £28,125. Given the remote rural and island make up of Argyll and Bute the cost will likely be higher than this with the potential

for it to be significantly higher. This reiterates the need for a flexible and proportionate response for predominantly rural and island based authorities so that available budget can be most effectively utilised.

**Consultation Question 16**

**a) Do you agree to the requirement to consult as part of the process of carrying out the play sufficiency assessment? Yes/No/No View Any Comments**

Yes

**b) Do you agree with the proposed list of consultees on play sufficiency assessments? Yes/No/No View Any Comments**

Yes – The regulations not specifying the actual consultation methods is welcomed as it provides the flexibility to determine them at local level.

**Consultation Question 17 Do you agree with the publication requirement for play sufficiency assessments? Yes/No/No View**

Yes