

REPORT TO: Planning Committee
Cabinet
Council

DATE: 4 June 2008
12 June 2008
10 July 2008

SUBJECT: **Green Space, Trees and Development Supplementary Planning Document – adoption**

WARDS AFFECTED: All

REPORT OF: Andy Wallis, Planning and Economic Regeneration Director

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EXEMPT/ CONFIDENTIAL: No

PURPOSE/SUMMARY:

This report asks members to adopt the 'Green space, trees and development' Supplementary Planning Document (SPD). It also informs members of the results of the formal public consultation on the SPD. The SPD will form one of the local development documents within Sefton's Local Development Framework. It will replace the 'Trees and Development' and 'Public Greenspace and development' Supplementary Planning Guidance Notes.

The report also asks members to approve the Sustainability Appraisal Report and the Habitat Regulations Assessment Screening Statement for the Supplementary Planning Document.

REASON WHY DECISION REQUIRED:

To adopt the Supplementary Planning Document and approve the Sustainability Appraisal Report and the Habitat Regulations Assessment Screening Statement.

RECOMMENDATIONS:

That **Planning Committee** recommend to Cabinet that the Green Space, Trees and Development Supplementary Planning Document (SPD) and the Sustainability Appraisal Report and Habitat Regulations Assessment screening statement for this SPD be adopted, and that the Supplementary Planning Guidance Notes 'Trees and Development' and Public Greenspace and Development' be revoked.

That **Cabinet** recommend Council to:

- (i) Adopt the Green Space, Trees and Development Supplementary Planning Document (SPD);
- (ii) Approve the Sustainability Appraisal Report for this SPD;
- (iii) Approve the Habitat Regulations Assessment Screening Statement for this SPD;
- (iv) Revoke the adopted Supplementary Planning Guidance Notes 'Trees and Development' and 'Public Greenspace and Development'.

KEY DECISION: Yes

FORWARD PLAN: Yes

IMPLEMENTATION DATE: Following Council adoption or approval of these documents.

ALTERNATIVE OPTIONS:

Government guidance strongly recommends that local authorities set out an up to date framework to guide development in their areas. This is what the SPD provides. It is not feasible to retain the existing guidance notes which are now dated, and so there are no other practicable options.

IMPLICATIONS: -

Budget/Policy Framework: -

Financial: The application of this guidance will result in 'commuted sums' being received by the Council to enhance green spaces and provide trees.

<u>CAPITAL EXPENDITURE</u>	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £	2010/ 2011 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: -

Risk Assessment: The SPD will help the effective provision of public green space and trees in association with development.

Asset Management: The SPD will lead to the enhancement of some Council owned green space.

CONSULTATION UNDERTAKEN/VIEWS

- i) Director of Leisure Services and Cabinet Member - Leisure and Tourism.
- ii) Formal public consultation on the draft Supplementary Planning Document.

Views received

i) The Cabinet Member –Leisure and Tourism, at the meeting on 26 March 2008, resolved that the report be noted and Members request that further consultation take place between Leisure and Planning officers and to reflect comments made by Members. The Director of Leisure Services has been consulted at all stages of the preparation of this draft SPD, has suggested amendments in response to the Cabinet Members concerns and supports the SPD.

ii) The consultees' comments and officer responses are summarised in an annex to the main report.

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being	✓		
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities	✓		
7	Improving the Quality of Council Services and Strengthening local Democracy	✓		
8	Children and Young People	✓		

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Draft Regional Spatial Strategy (Submitted draft Jan 2006), notably policy EMW3 'Green Infrastructure'.
Draft Green space strategy for Sefton (2008), which appears elsewhere on the Planning Committee and Cabinet agendas.

1. Introduction

1.1 This report seeks the adoption of the Green Space, Trees and Development Supplementary Planning Document (SPD), attached as Annex A. This sets out more detailed guidance about the requirements of the relevant policies in the Unitary Development Plan (UDP) and how these will operate in practice. The report also informs members of the comments received on the draft SPD during the consultation period.

1.2 The report also seeks the approval of the Sustainability Appraisal Report and the Habitat Regulations Assessment Screening Statement for the Supplementary Planning Document, which can be seen on the Council's web-site at <http://www.sefton.gov.uk/greenspace> . Legislation requires us to prepare these documents.

1.3 This SPD replaces two Supplementary Planning Guidance notes (SPG), both approved in 2003. These are the Public Greenspace and Development and the Trees and Development SPGs. The revised SPD has the advantage of bringing together two SPGs dealing with similar matters - green space and trees - in one document. This should make it easier for developers and the public to understand the Council's approach.

1.4 There have been proposals nationally to introduce an infrastructure levy which might introduce a tax on development to secure a range of benefits including improvements to open space, community facilities and affordable housing. The approach in the attached document may therefore be overtaken, but it is not clear when that might be introduced.

2. Formal consultation on the draft SPD and draft Sustainability Appraisal Report

2.1 The comments of the Cabinet member – Leisure and Tourism and the Director of Leisure Services have been reported above.

2.2 Consultation on the draft Green space, trees and development SPD took place over a 6-week period in February and March 2008. Comments were received from 14 people or organisations, including the Environment Agency, the National Trust, Sport England and Government Office for the North West. A summary of these comments and the Council response to them is set out in Annex B.

2.3 Natural England were the only consultee to comment on the draft Sustainability Appraisal Report. They requested that a cross-reference to the Habitat Regulations Assessment be added, and this has been done.

3. Changes to the SPD

3.1 The main changes to the SPD between draft stage and this final document are:

- Removal of the objective, sections and appendices relating to green space standards for Sefton;
- Removal of definitions of green space and information about the benefits of green space;
- A new section on Monitoring;

- Clarification of how the SPD applies in the Housing Market Renewal Area and the relation between this SPD and area-based SPDs and SPGs for parts of the Housing Market Renewal area;
- Updates to the commuted sum payments, in line with the increase in fees and charges recently agreed by Cabinet;
- Revision of the introductory sections of the SPD;
- Other more minor changes to the text of the draft in the light of comments received and to improve the clarity of the document.

3.2 All of this means that the SPD focuses on providing more detailed guidance about the requirements for developers to provide or enhance green spaces and plant trees in association with their development proposals. This is in line with UDP policies DQ3 'Trees and development' and DQ4 'Public greenspace and development'.

3.3 The objective, sections and appendices relating to the green space standards for Sefton were removed in part because of the comments of Government Office for the North West and in part because it is now considered that the most appropriate time for new standards to be introduced is through the Local Development Framework Core Strategy. Also, the Green Space Strategy for Sefton – a draft of which is elsewhere on the Planning Committee and Cabinet agendas – now includes modified versions of these standards as green space targets. These can be revised if necessary when the standards in the Core Strategy are at an advanced stage.

3.4 Definitions of green space are now set out in the Green Space Strategy for Sefton, which also summarises the benefits of green space.

3.5 Other changes listed above – for example inclusion of a section on Monitoring – are mainly in response to comments received from consultees, or to aid clarity.

4. The Sustainability Appraisal Report and Habitat Regulations Assessment screening statement

4.1 The Sustainability Appraisal Report has been amended to refer to the changes to the SPD, and can be seen at <http://www.sefton.gov.uk/greenspace> . Members are asked to approve this document.

4.2 The Habitat Regulations Assessment screening assessment, which can be seen at <http://www.sefton.gov.uk/greenspace> , concludes that the SPD is not likely to have a significant effect on any of the Natura 2000 sites in Sefton, and accordingly, that no further Habitats Regulations assessment is needed in relation to the SPD. Members are asked to approve this document.