



**Colchester Borough Council**

**Independent Examination – Section 2 Colchester  
Borough Local Plan 2017-2033**

**Hearing Statement – Local Planning Authority**

**Main Matter 17– DM17 to DM19 - Retention of Open  
Space and Recreation Facilities, Provision of Public  
Open Space and Private Amenity Space**

**April 2021**

## **Main Matter 17 – Retention of Open Space and Recreation Facilities, Provision of Public Open Space and Private Amenity Space**

**Are the policies that relate to the Retention of Open Space and Recreation Facilities, Provision of Public Open Space and Private Amenity Space justified by appropriate available evidence, having regard to national guidance, and local context, and CLP 1?**

17.1 NPPF 2012 recognises that the planning system can support healthy, inclusive communities and can help achieve this through planning positively for ‘the provision and use of shared space, community facilities ... and other local services ...’ (Para 70), as well as guarding against the loss of such facilities, and ensuring their enhancement in line with need.

17.2 Para 73 identifies that;

*‘Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities’ and that policies should be based on assessments of the ‘... needs for open space, sports and recreation facilities...’ and that these should be used to inform what provision is required.*

17.3 Para 74 recognises that;

*‘existing open space, sports and recreational buildings and land, including playing fields should not be built on...’*

in most circumstances, including facilities surplus to requirement, replacement by equivalent or better provision or through creating provision for an alternative sport or recreational use.

17.4 Para 17 of the ‘Core Planning Principles’ confirms that proposals should ‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings’.

17.5 Evidence Base

**EBC 2.3** [Colchester Parks and Green Spaces Strategy Appendix A Colchester Open Space Quantity and Standards](#)

**EBC 2.3** [Colchester Parks and Green Spaces Strategy](#)

**EBC 5.11** [Playing Pitch Strategy and Action plan June 2015](#)

**EBC 4.20** [Green Infrastructure Final Report Executive Summary](#)

**EBC 4.21** [Green infrastructure Final Report Part 1](#)

**EBC 4.22** [Green infrastructure Final Report Part 2](#)

#### EBC 4.23 Green Infrastructure Strategy Final Appendices

- 17.6 Colchester Parks and Green Spaces Strategy identifies the value of open space in terms of health, wildlife, community cohesion and safety, culture and heritage and economic benefit. It sets quantity and accessibility standards for differing typologies for local space including children's play. The Playing Pitch Strategy sets standards for outdoor playing fields that largely form part of the open space and recreational resource for the borough's communities. The Colchester Borough Council Green Infrastructure Strategy identifies and maps the green infrastructure (GI) assets of the borough, many of which are publicly accessible, and identifies a range of actions or projects that would enhance the provision including within GI action zones, including green corridors, linear routes, capital, land management and other initiatives that can enhance the resource. It promotes the use of Accessible Natural Greenspace Standards (ANGSt).
- 17.7 The Vision for North Essex in CLP1 emphasises that 'Sustainable development principles will be at the core of the strategic area's response to its growth needs, balancing social, economic and environmental issues' and that 'Green and blue infrastructure and new and expanded education and health care facilities enabling healthy and active lifestyles will be planned and provided along with other facilities to support the development of substantial new growth...' Policies DM17-19 deliver against this vision by protecting and enhancing the open space and recreation network.
- 17.8 CLP1 Policy SP8 Development and Delivery of a New Garden Community in North Essex, also identifies that development in that spatial situation needs to comply with a number of principles including that the new community will be structured to create '... sociable, vibrant and walkable neighbourhoods with equality of access for all to a range of community services and facilities including ... multi-functional open space, sports and leisure facilities.' Policies DM17-19 deliver against this vision by providing policies that protect existing open space and recreation facilities whilst ensuring proposed development enhances the retained open space and recreation network.

**Do policies DM17 to DM19 provide a clear direction as to how a decision maker should react to a development proposal?**

#### **Policy DM17 Retention of Open Space and Recreation Facilities**

- 17.9 Policy DM17 identifies 'The Council will protect and enhance the existing network of green links and open spaces and secure additional areas where deficiencies are identified' in line with NPPF Para 74. The policy allows for development on existing facilities in a limited criteria-based manner, including where alternative or improved provision can be provided, where there is no loss of important amenity, contributions to green infrastructure or to the character of the area, or if it delivers the aims of a relevant open space, recreation or playing pitch strategy, or there is

identified excess provision and alternative provision is locally accessible. The Policy is clear that 'In all cases, development will not be permitted that would result in any deficiencies in public open space requirements or increase existing deficiencies in the area ...' including where this might result in a shortfall within the plan period. Any protection/enhancement/provision of outdoor sports facilities will be in accordance with the sports policy and relevant evidence base/action plans.

### **Policy DM18 Provision of Public Open Space**

- 17.10 Policy DM18 identifies that 'New residential development must provide for the recreational needs of new communities.' This is in line with para 70 and 73 of the NPPF. All proposed residential development needs to make provision or contributions in line with the Colchester Parks and Green Spaces Strategy in terms of its quantity and accessibility standards for all differing typologies for local space, including children's play. 'Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area' in line with the Colchester Parks and Green Spaces Strategy, The Playing Pitch Strategy or the Colchester Green Infrastructure Strategies. The Policy identifies when a contribution might be acceptable in lieu of onsite provision (such as smaller sites, developments substantially for the elderly, or a town centre location).
- 17.11 Sport England has made a representation and seeks clarification as to whether Policies DM17 and DM18 include playing pitches. Although these may be relevant in some instances where open space is to be provided or protected, Policy DM5 specifically covers sports provision including playing fields. Reference is also made to the age of the evidence. There is an active Sports Partnership Board and Steering Group which brings together the Council, Sport England, Active Essex and other key stakeholders and sports providers to review, check and challenge evidence on an ongoing basis.

### **Policy DM19 Private Amenity Space**

- 17.12 The Policy makes clear that all proposed residential development must make provision for private amenity space or private communal space for flats in line with Para 17 of the NPPF. It describes the quality of the space required and identifies a quantitative standard in relation to different typologies of housing, but that exceptions may be necessary in specific locations.
- 17.13 There are a number of representations to Policy DM19 from development industry representatives suggesting that the policy is too stringent and greater flexibility should be provided. It is considered that reference to a variance of approach is made in the policy to reflect the character and type of development. Where it is justified there is scope for flexibility to be applied on a case by case basis subject to evidence available at the time. The importance of all having access to open space is widely recognised and supported by national guidance and the

importance of access to amenity space has been further demonstrated by the Covid pandemic.

17.14 Policies DM17-19 are identified as justified by appropriate available evidence, having regard to national guidance, and local context, and the adopted CLP 1.