



Planning Department  
Perth and Kinross Council

By Email Only

14 March 2019

## **Supplementary Guidance - Open Space Provision for New Developments**

Dear Sir/Madam

Homes for Scotland welcomes the opportunity to respond to the above consultation. In principle we welcome the updated guidance as the previous iteration is now dated. Some of the content of the document is quite helpful in setting out the Council's ambitions for new development. We welcome the Council's continued willingness to adopt public open space and we agree that this has the potential for important mutual benefits. However, the proposed fees for adoption represent a significant increase on current policy which we do not consider is adequately justified.

We understand the increase in fees is because a 20-year maintenance period has been assumed compared to 10 years previously and a further allowance for the replacement of NEAPs and LEAPs after 15 years has been added to the charge. It is unclear why these changes have been made. Furthermore, whilst the methodology for arriving at these sums is set out in the Draft Maintenance Options for Public Open Spaces in New Residential Developments Policy 2019, the source of the costs assumptions used to underpin this are not evident and should be provided.

The Draft Maintenance Options for Public Open Spaces in New Residential Developments Policy 2019 explains that Public Open Space "*is provided for the benefit of the general public as a whole, ie. not exclusively for the residents*" (para. 2.22). Homes for Scotland supports this and agrees that facilities provided as part of new developments have wider benefits beyond the residents of the new development.

Homes for Scotland therefore consider that it is important and mutually beneficial that the adoption of public open space continues to be a viable option for homebuilders. Given the wider benefits of open space provision, it would not be appropriate that the long term maintenance funding and equipment replacement should be solely funded by those who are developing the sites. Particularly, given that in providing the open space a significant opportunity cost is forfeited by not developing the land in addition to the cost of landscaping the park and installing the play equipment. The new homes will also add to the Council's budget though increased council tax receipts.

Homes for Scotland understands that there is an appropriate balance to be struck but would question whether the proposed approach is reasonable or proportionate having regard to the tests in Circular 3/2012. We would welcome the opportunity to Engage with Officers on this to seek a mutually beneficial solution.

As set out above, we agree there can be mutual benefits to be gained from adoption. However, there is no legal or policy basis for requiring the adoption of public open space by the Council. This is particularly pertinent given the level of fees proposed for adoption. It is therefore essential that developers have the right for all open space to be factored. The open space is required to directly mitigate the impact of a given development, whilst it will have wider public benefits, the justification for policies requiring open space provision is, and must

be (Circular 3/2012) that it is directly related to the development. As such the policy should be amended so that a third option of factored maintenance of all public space is added after options one and two on p. 16.

We object to the change of the repayment period from 10 to 15 years. 10 years is a standard approach to the holding of obligations in escrow accounts. If monies cannot be spent over 10 years, the purpose for which they had been collected is clearly no longer relevant or pressing and the funds should be returned. Obligations are not general taxation, they should be spent for defined purposes which satisfy the tests of Circular 3/2012.

We also consider it would be helpful if the 3.5ha / 1,000 people calculation for public open space was explained, as its not clear where this has come from 2.4ha is the standard widely used elsewhere and it is unclear why the Council has taken a different approach. Increasing what is required has implications for bringing forward new homes viably.

Homes for Scotland welcomes the opportunity to respond to the above consultation. We consider that there is a lack of information to explain and justify the changes to the financial obligations sought. We would welcome the opportunity to discuss these matters further with the Council.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Joe Larner', written in a cursive style.

Joe Larner

Senior Planning Advisor