



**Agenda item:**

**Summary**

<b>Report for:</b>	<b>Strategic Planning &amp; Environment Overview and Scrutiny Committee</b>
<b>Date of meeting:</b>	<b>22nd September 2021</b>
<b>Part:</b>	<b>1</b>
<b>If Part II, reason:</b>	

<b>Title of report:</b>	<b>Update on the development of the Open Space Stewardship SPD</b>
<b>Contact:</b>	<p>Cllr Alan Anderson, Portfolio Holder for Planning and Infrastructure</p> <p><b>Responsible Officer:</b> James Doe - Assistant Director, Planning, Development &amp; Regeneration</p> <p><b>Authors:</b> Alex Robinson - Strategic Planning Manager Claire Covington – Assistant Team Leader – Strategic Planning</p>
<b>Purpose of report:</b>	To update the Committee on the current work taking place on developing an approach to stewardship and management arrangements of new open space arising from development.
<b>Recommendations</b>	The Committee notes the work undertaken to date and further activities to prepare a Supplementary Planning Document on Stewardship.
<b>Corporate objectives:</b>	<p>Stewardship of open space helps support the following corporate objectives:</p> <p>Safe and clean environment: e.g. contains policies relating to the design and layout of new open space that promotes security and safe access;</p> <p>Community Capacity: e.g. provides a framework for local communities to be involved in the design, maintenance and management of open space;</p> <p>Dacorum delivers: e.g. provides a clear framework upon which planning decisions on the adoption of open space can be made; and</p> <p>The Climate and Ecological Emergency: e.g. helps guide how</p>

	<p>the design and layout of open space can support mitigation and adaptation to climate change and improve biodiversity.</p>
<p>Implications:</p> <p>'Value for money' implications</p>	<p><u>Financial</u></p> <p>Funding to prepare the Draft Stewardship SPD is provided from existing base budgets.</p> <p><u>Value for money</u></p> <p>The Draft Stewardship SPD has been commissioned from APSE, a body that works for councils and draws on expertise from local authority professionals in the relevant sector.</p> <p>The scope of works includes research of best practice and a robust appraisal of the options available for the management of new open space provided by development. This evidence will inform the Council's approach to adopting new open space.</p> <p>Where new open space within a development is to be adopted by the Council, the work will provide a mechanism for calculating commuted sums to ensure sufficient funding is secured to cover maintenance costs over a set period.</p>
Risk implications	<p>Given the scale of future growth likely to come forward across the Borough, it is important that the Council has planning guidance in place to ensure that new open space from development is secure for the long term and is maintained appropriately.</p> <p>The Council's preferred Stewardship route must be supported by robust evidence to withstand external challenge through the planning application process.</p> <p>There are financial implications for the Council if it cannot calculate and secure commuted sums for the maintenance of land to be adopted by the Council.</p> <p>The Council needs the ability to ensure that landscaped areas in new development are established and maintained to high standards.</p>
Community Impact Assessment	<p>A Community Impact Assessment (CIA) will be prepared to support the preparation of the Stewardship SPD and will be regularly reviewed.</p>
Health and safety Implications	<p>Liability for the execution of maintenance and public safety arising from the use of new open space will form part of the site's legal agreement. The Council will become liable for land it adopts. The Stewardship SPD will set out the adoption process to ensure the open space is fit for purpose at the time of transfer to the Council and also the establishment requirements if open space is maintained by any other organisation. For the adoption of land by the Council this will include the transfer of any warranties and a defects period.</p>

Consultees:	<p>Mark Gaynor (Corporate Director for Housing and Regeneration)</p> <p>The following sections have been consulted on the work undertaken to date</p> <p>Development Management</p> <p>Strategic Planning</p> <p>Hemel Garden Communities</p> <p>Clean, Safe and Green</p>
Background papers:	<ol style="list-style-type: none"> <li>1. Dacorum Borough Local Plan (adopted 2004)</li> <li>2. Hemel Garden Communities Charter</li> <li>3. Dacorum Strategic Design Guide SPD – Part 2 – Design Principles</li> <li>4. Statement of Community Involvement</li> </ol>
Historical background:	The Stewardship SPD will be a new document for the Council.
Glossary of acronyms and any other abbreviations used in this report:	<p>APSE: Association for Public Service Excellence</p> <p>HCC: Hertfordshire County Council</p> <p>HGC: Hemel Garden Communities</p> <p>ManCo: Management Companies</p> <p>SCI: Statement of Community Involvement</p> <p>SPD: Supplementary Planning Document</p> <p>SuDS: Sustainable Drainage Systems</p> <p>TCPA: Town and Country Planning Association</p>

## 1. Introduction

1.1 The Council has commissioned the Association of Public Service Excellence (APSE) to work with officers across Planning and Environmental Services to prepare a Supplementary Planning Document (SPD) setting out the responsibilities for the management and maintenance of new open spaces provided on development sites. The overarching approach is for open spaces to be of high quality and sustainably managed over the long term.

1.2 This is an interim report to brief members of work undertaken to date to develop the proposed policy. A further report will be presented later in the year setting out the conclusions reached along with the draft SPD for consideration.

## 2. Background

2.1 Historically, it has been the Council's established practice to adopt parks, open spaces and other areas of the public realm provided alongside new developments. These areas have been provided by the developer and transferred to Council ownership with the up-front payment of a commuted sum for maintenance, typically calculated for a 25-year period.

2.2 The types of new open spaces adopted by the Council have included amenity spaces, play areas and areas for nature and wildlife. These have added to the overall recreation space that is publicly available to the benefit of all the community.

- 2.3 The Council's more recent experience, in common with many others, is that adoption of open space by the local authority is being challenged by developers, who are increasingly reluctant to follow this traditional route and prefer to set up Management Companies ('ManCos') which are supported by some form of 'sink fund' and a service charge on new residents.
- 2.4 In addition, once the type of open space, design and future management arrangements are confirmed through a legal agreement, Clean, Safe and Green can still find that when a development reaches adoption the landscaping has not been prepared to an acceptable standard, and significant time is spent on negotiating remedial works before the transfer of land can proceed.
- 2.5 Finally, the Council needs confidence that the financial payment secured through the commuted sum sufficiently covers the additional service demand that will be placed on Clean, Safe and Green to maintain the area, and can subsequently be reflected in their resources and capacity. The incremental additional demand on Clean, Safe and Green will continue as development comes forward through the current and emerging new Dacorum Local Plan.
- 2.6 The requirement to provide open space, including particular features relating to a specific site, is set out in the Council's adopted Local Plan. Core Strategy Policy CS23 (Social Infrastructure) sets out that all new development will be expected to contribute towards the provision of social infrastructure and for larger developments this may include land and/or buildings. Policy CS35 (Infrastructure and Developer Contributions) states that all development will provide or contribute to the provision of the on-site, local and strategic infrastructure required to support the development. On the management of new open space, Dacorum's saved Policy 76 Leisure Space in New Residential Developments in Dacorum Borough Local Plan (adopted April 2004) states that:
- 'New leisure spaces should either be offered for adoption by the local authority with an appropriate commuted sum to cover maintenance, or be the subject of covenanted, long term, community management arrangements'*
- 2.7 However, currently there is no further guidance on how this should come into effect, what the commuted sum payments are, the arrangements for transfer and the quality standards that the Council expects to be delivered. As a result of this, and developers' preference for a ManCo, negotiations with developers have become increasingly time consuming causing significant delays to the planning determination process.

### **3. Purpose of the Stewardship SPD**

- 3.1 The Stewardship SPD will set out the Council's expectations for the management of new open space provided through development. It will provide detailed guidance to planning officers, developers and the community on the Council's expectations in this area. This will include design requirements, maintenance standards and the Council's approach to costing.
- 3.2 The SPD will be used by:
- Applicants when preparing development proposals and delivering and maintaining on-site landscape schemes;
  - Planning officers, to negotiate with applicants/agents on landscape schemes within development, including future management arrangements and adoption requirements;

- Clean, Safe and Green officers, when calculating maintenance costs, inspecting on-site landscape schemes and negotiating with developers on adoption requirements;
- Legal officers when preparing legal agreements for the provision, management and adoption of landscape schemes;
- Elected Councillors when assessing development proposals in advance of and at planning committee; and
- Local communities and residents of new development seeking guidance on the Council's approach to stewardship and expected maintenance standards.

3.3 The SPD will be a material consideration in the determination of planning applications where new open space is to be provided through development. It will ensure consistency and standards in the management of public areas, and control the purpose of open space, how it evolves to serve the community and its role in tackling climate change. In particular it will:

- Set out a framework of expectations for all developers in order for them to have clarity at the earliest opportunity in the development process
- Ensure transparency and fairness for all parties
- Avoid elongated negotiations
- Ensure the effective and efficient long-term management and maintenance of open spaces within new developments
- Maximise the contributions that open spaces within new developments make to community needs and aspirations and secure these in perpetuity
- Maximise the positive impact and minimise the negative impact on the environment

3.4 The SPD will include a detailed grounds maintenance specification for a typical range of open space and associated features based on Clean, Safe and Green's operations and good horticultural practice. This will focus on the standards to be achieved, rather than defining the precise method that will be required to perform the service.

3.5 Members will note that the following elements are not within the scope of the work or Stewardship SPD:

- the setting of quantity standards for open space, which is within the remit of local plan policy;
- the maintenance of parks and open spaces that are already managed by the Council, or community involvement in these areas; and
- the adoption of land by Hertfordshire County Council (HCC), or the maintenance arrangements of HCC adopted land by the Council on behalf of HCC.

3.6 The content of the Draft Stewardship SPD is expected to cover:

- Strategic context
- Value of open spaces
- Typology
- Standards of design and installation
- Standards of maintenance
- Delivery and monitoring mechanisms
- Community engagement
- Financial requirements
- Adoption and transfer arrangements

## **4. Progress to Date**

### **Appraisal of management options**

4.1 A key stage of preparing the Stewardship SPD will be ensuring robust evidence is gathered and a robust appraisal of the different models available for the management and maintenance of open spaces within developments is undertaken. Examples of types of maintenance arrangements are listed below for information purposes only.

- Maintenance arranged by the developer and delivered via a Management Company (ManCo).
- Maintenance delivered directly by the developer.
- Maintenance delivered by a contractor on behalf of the developer.
- Adoption by the council with maintenance delivered directly.
- Adoption by the council and transferral to a management company that the council directs.
- Adoption by the council with maintenance delivered via a contractor, managed by the council.
- Adoption by the council and transferral to a Trust.

4.2 APSE are currently in the process of preparing a full evidence report looking at the implications of each approach as well as undertaken an appraisal of each. Officers are also looking to commission further evidence to analyse industry best practice to ensure this is reflected in the new SPD. The full evidence report and appraisal of options will be shared with members later in the year and views sought on the recommended route for open space stewardship.

4.3 Early results from the initial research undertaken indicate that the Council may need to consider different management and maintenance arrangements for different types of development sites (large/small, greenfield/higher density) to reflect the particular circumstances that exist on each site. Also, it may not be appropriate for the Council to adopt sustainable drainage systems (SuDS). These features typically require specialist maintenance that does not form part of Clean, Safe and Green's usual operations.

## **5. Next steps and Timeframes**

5.1 A further report will be presented in due course setting out the results of the management option appraisal along with the draft Supplementary Planning Document. Subject to the views of this Committee, and subsequent approval by Cabinet, formal public consultation on the draft Stewardship SPD will take place in accordance with the Council's Statement of Community Involvement (SCI).

5.2 Following the consultation the Council will consider the views raised and make any changes it feels are necessary to the document before bringing the final Draft back to this committee and then on to Cabinet and Full Council for adoption.