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HARBOROUGH DISTRICT COUNCIL

REPORT TO THE CABINET MEETING OF 10 May 2021

PUBLIC REPORT: Y

EXEMPT REPORT: N

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| Report Title | Open Spaces Strategy 2021 |
| KEY DECISION | Y |
| Report Author | Matthew Bills, Neighbourhood and Green Spaces Officer |
| Purpose of Report | <p>To inform Cabinet concerning the preparation of the Open Spaces Strategy 2021 and for Cabinet to consider the final version of the Strategy for adoption.</p> <p>To feedback from Scrutiny Panel that a Delivery Plan from the recommendations of the Open Spaces Strategy will need to be prepared to inform stakeholders how the Strategy will be implemented.</p> |
| Reason for Decision | <p>To obtain Cabinet Approval to:</p> <ul style="list-style-type: none">• Resolve to recommend to Council to adopt the Open Spaces Strategy 2021 as set out at Appendix A, which sets out the evidence and recommendations supporting the provision of open space in the district.• Resolve to recommend to Council to adopt the Open Space Sport and Recreation Delivery Plan as set out at Appendix B which sets out the mechanism for bringing forward new open space including financial obligations from developers based on the evidence provided in the Open Spaces Strategy. |
| Portfolio (holder) | Planning - Cllr Jonathan Bateman |
| Corporate Priorities | <p>The People: a healthy, inclusive and empowered community</p> <p>The Place: a safe, enterprising and vibrant place</p> |
| Financial Implications | <p>The budget to prepare the Strategy during 20/21 was £25k. The Strategy will require updating approximately every 5 years.</p> <p>The delivery of the recommendations and outcomes of the Strategy are dependent on individual section budgets and have been considered in the context of BC25.</p> <p>The Open Spaces Strategy is a strategic level document, and the evidence is used to support the Council in seeking</p> |

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| | open space financial contributions as part of new development and to ensure that those contributions are spent as part of identified priorities |
| Risk Management Implications | <p>To not adopt the Strategy would leave the Council unable to justify seeking developer contributions as part of new development.</p> <p>To not adopt the Strategy would not give clarity to communities concerning ongoing management of open space and fail to provide priorities for improvement of open space throughout the District.</p> |
| Environmental Implications | The Open Spaces Strategy seeks to improve the environment for communities and wildlife. Recommendations and actions seek to improve the value and quality of open space |
| Legal Implications | In seeking developer contributions, the Council is required to only seek CIL compliant sums. The Strategy provides evidence that supports the justification of developer contributions and where the contributions can be spent. |
| Equality Implications | A Due Regard Equality Impact Assessment has been undertaken as part of the Open Spaces Strategy development and can be found at Appendix H. |
| Data Protection Implications | Non associated with this report |
| Consultation | The Strategy has been prepared after consultation with residents, Parish Council, officers, other stakeholders and developers. Further consultation was undertaken with 4 resident groups to consider amongst other issues the adoption of open space from developers by the Council. Scrutiny Panel (Communities) have also been consulted as part of the preparation of the Strategy. |
| Options | <ol style="list-style-type: none"> 1. To not adopt the Strategy – The Council will not be able to rely on the data collected during the preparation on the Strategy to seek developer contributions. The Council will not be able to provide clarity to communities concerning the responsibilities for management of open space in the future. 2. To amend the Strategy recommendations prior to adoption – the recommendations are based on the nationally accepted methodology for provision and accessibility of open space. To significantly amend the recommendations may undermine the validity of the Strategy when used to justify an approach to open space. |

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| Background Papers | <u>Open Spaces Strategy – Communities Scrutiny Panel</u> |
| Appendices | <ol style="list-style-type: none"> 1. Open Spaces Strategy 2. Provision for Open Space Sport and Recreation – Delivery Plan 3. Open Space Typology Map 4. Sub Area Breakdown 5. Community Consultation 6. Developer Consultation 7. Key Stakeholder Consultation 8. Due Regard Analysis |
| Recommendation | <ol style="list-style-type: none"> 1. Resolve to recommend to Council to adopt the Open Spaces Strategy and its supporting evidence, appended to the Strategy, as set out in Appendix A which sets out the evidence and recommendations supporting the provision of open space in the district. 2. Resolve to recommend to Council to adopt the Open Spaces Sport and Recreation Delivery Plan as set out in Appendix B which sets out the mechanism for bringing forward new open space including financial obligations from developers based on the evidence provided in the Open Spaces Strategy at Appendix A. |

1. Introduction

- 1.1. Open space is important due to its valuable contribution to quality of life, health and the economy. Provision of a range of open space facilities in our towns and villages is very important in planning for a sustainable future and is embedded in national planning policy.
- 1.2. The evidence supporting the Open Space Strategy comprises an assessment of the quantity, accessibility, quality and value of open spaces within Harborough District, and for each of the three sub-areas.
- 1.3. This Open Spaces Strategy is in line with the National Planning Policy Framework (NPPF) (2019) and Planning Practice Guidance (PPG) for Open Space, which have replaced Planning Policy Guidance Note 17: Planning for Open Space Sport and Recreation (2002) and its companion guide, Assessing Needs and Opportunities: A companion guide to Planning Policy Guidance 17 (2002).
- 1.4. Outdoor sports facilities are not included in this review, as these are considered as part of the Harborough Playing Pitch Strategy.

- 1.5. Information relating to Greenways has been produced based on the Built Sports Facility Strategy (August 2019) (BSFS) to ensure consistency between the two Strategies and that they complement each other.
- 1.6. Adoption of the Open Spaces Strategy 2021 and the Delivery Plan to implement the recommendations of the Strategy will place the Council in a strong position when negotiating with developers concerning open space on new development, will provide a robust set of priorities for investment in open space and provide clarity to communities concerning the obligations of the Council to manage and maintain open space in the future.
- 1.7. Communities Scrutiny Panel considered the Open Space Strategy in March 2021 and have made comments on a number of recommendations and findings of the Strategy. A list of recommendations from the Scrutiny Panel is included as part of this report in paragraph 2.12 below.

2. Key Facts

- 2.1. The Environment Partnership (TEP) was commissioned by Harborough District Council in May 2020 to produce an updated Open Spaces Strategy for the District.
- 2.2. The Open Space Strategy has been completed using the methodology as set out below:
 - Define the context, purpose and scope of the Strategy (Chapter 2);
 - Review of national and local policy (Chapter 3);
 - Identification and mapping of open spaces per typology (Chapter 4);
 - Identify local needs including consultation with key stakeholders, the community and developers (Chapter 5);
 - Assess the quantity, quality and accessibility of each open space (Chapter 6);
 - Develop local standards for open space provision (Chapter 7);
 - Review of current and future provision of each sub-area (Chapter 8); and
 - Provide recommendations and strategy based on the findings of the Open Spaces Strategy (Chapter 9).
- 2.3. The new Strategy (**Appendix A**) will, when approved for adoption, replace the existing Open Spaces Strategy 2016 to 2021.
- 2.4. The Strategy has been prepared after consultation with residents, Parish Council, officers, other stakeholders and developers. Further consultation was undertaken with 4 resident groups to consider amongst other issues the adoption of open space from developers by the Council (see **Appendices D to G**). The due regard equalities analysis is attached at **Appendix H**.
- 2.5. Detailed audits have been undertaken on 299 sites selected using agreed criteria in accordance with Green Flag audit guidelines. All other sites received a partial audit to confirm use and site boundaries. A map of all sites can be found at **Appendix C** (please note: the 'shape' files for the sites will be provided

to HDC on completion of the project and more detailed and accessible mapping will be made available).

- 2.6. The Strategy has been written to reflect not only the importance placed on mitigating climate change and providing space for biodiversity but also to reflect the changing economic climate in which the Council and its partners operate and the requirement to reduce costs where possible.
- 2.7. The Strategy considers the provision and use of 8 typologies of open space but does not consider outdoor sport as this is dealt with by the Playing Pitch Strategy. Additionally, the provision of cemetery and burial grounds is considered in detail as part of the Cemetery and Burial Ground Strategy for the capacity of cemeteries, but the typology is included here for accessibility, quality, value and amount of provision.
- 2.8. The Strategy proposes a number of quantity standards as set out in the accompanying appendices and has provided a quality and value score for each site. This will allow the site owners to assess where quality might be high, but value is low and where, by changing how the site is used, better value can be achieved.
- 2.9. The accessibility of sites has also been assessed to identify where there might be barriers to access, or where new sites should be provided.
- 2.10. Management of open space has been considered in the Strategy recommendations and the Strategy states the following should be provided as a minimum on new developments:
 - Desktop review of the site including context, designations and history;
 - Site specific information including ecology, arboriculture and public rights of way;
 - Aims and objective for the management of the site;
 - Management organisation who will be responsible for the open space post practical completion;
 - Funding of long-term maintenance of the site; and
 - Procedure of review and monitoring of the open space and the Landscape Management Plan.
- 2.11. Additionally, the Strategy clarifies how breaches of condition or poor maintenance should be addressed by residents or others and provides a flow diagram for communities to use should open space maintenance fall below acceptable or agreed standards.
- 2.12. Scrutiny Panel for communities considered the report at their meeting of 25th March 2021. Scrutiny Panel asked a number of important questions which were answered by officers and TEP. There were two agreed actions which required amendments to the Strategy as set out below;

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| <p><u>Area of amenity greenspace:</u> could clarification be given as to the large area of amenity greenspace detailed within Appendix B on the map of Market Harborough to the north of Market Harborough, east of the A6.</p> | <p>It was AGREED that clarification would be provided by the Neighbourhood and Green Spaces Officer.</p> | <p>Action: Site meeting with Cllrs to discuss the location of the open space. Shape files will be amended if required prior to publishing final maps on HDC website.</p> |
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| <p><u>Long term and strategic recommendations:</u> within the strategy there are a number of points to be worked on. How will the recommendations and findings be taken forward on a proactive basis, and developing applicable policies?</p> | <p>It was AGREED that an action plan be developed to address the recommendations which will also inform policies going forward.</p> <p>The next piece of work to be undertaken by Officers will inform the Open Space contributions going forward and will form part of the relevant policy. Other issues will need to be addressed in the strategy identified by TEP.</p> | <p>Action; Delivery Plan has been written and will be submitted to Cabinet for approval. Open Space Sport and Recreation - Delivery Plan 2021 has been included as Appendix B with this Cabinet report of 7 June 2021 with a recommendation for Cabinet to recommend to Council that the Delivery Plan be adopted alongside and accompanying the Strategy</p> |
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2.13. Recommendations have been made in Chapter 9 - Recommendations and Strategy. The recommendations include:

- **Adopt the recommended standards;**
 - The Open Spaces Strategy is in line with the NPPF (2019) and accompanying Planning Policy Guidance (PPG) for Open Space, which have replaced PPG 17: Planning for Open Space Sport and Recreation (2002) and its Companion Guide, Assessing Needs and Opportunities: A companion guide to PPG 17 (2002). Whilst the Companion Guide to PPG17 has been superseded, the principles and approach within that guidance have not been replaced and remain relevant.
 - The Open Spaces Strategy has reviewed local open space provision within Harborough District, including the quantity, accessibility, quality and value.
 - The Open Spaces Strategy has resulted in recommendations for standards which are robust and can form a basis for addressing any

deficiencies resulting from proposed development and population increase.

- **Standards and New Development**
 - Local Plan, Policy GI2, states that all development of more than 10 dwellings which would result in deficiencies in the quantity, accessibility and/or quality of existing open space, sport and recreational facilities should contribute towards:
 - the provision of specific new open space, sport and recreation facilities in accordance with local standards; and/or
 - the enhancement of identified existing facilities to meet the relevant local standards.
 - The Open Space Sport and Recreation Delivery Plan (see later recommendation 'Delivery Plan' below) sets out the standards for provision of new open space, guidance for design of play areas and the financial obligations required for developer contributions.
- **Open Space Guidance Documents;**
 - The Updated Planning Obligations SPD (Draft Consultation 2020 and 2021) will be used to inform developers, landowners, infrastructure providers and local communities about the approach the District Council takes to secure community infrastructure, affordable housing and open space through planning obligations.
 - The SPD will provide an update to the current HDC Planning Obligations SPD and will be informed by the recommendations and developer contribution calculator set out in this Open Spaces Strategy and the accompanying Open Space Sport and Recreation Delivery Plan.
 - The SPD will outline how Section 106 Agreement monies in relation to open space should be calculated using the Open Space Sport and Recreation Delivery Plan 2021.
- **Multi-functional open spaces**
 - Provide multifunctional open space where possible, including increasing green travel routes, improving aesthetic, increasing habitat for wildlife and the cultural offering;
 - Local Plan Key Issue 5: Green Infrastructure identified that provision of multifunctional green space including a range of habitats and linkages to established habitats as part of new development is essential for tackling the biodiversity deficit in the District. However open spaces are also important for health and wellbeing and climate change mitigation and adaptation. Wherever possible, the Council should look to open spaces to deliver multiple functions.
- **Long-Term Management of Open Spaces for New Development**
 - It is recommended that the new open space standards set out in the new Strategy replace the standards in the existing strategy and thereby support the implementation of current local plan policy GI2. New development should use the standards outlined in the Open Spaces Strategy and the Open Space Sport and Recreation Delivery Plan to integrate well designed, quality open space which are accessible for all communities.
 - Open space on new development sites is usually either transferred to the District Council, Parish Council or managing organisation (e.g., third party Management Company, or resident led Management Company).
 - Harborough District Council will not routinely adopt open space for management.

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- The Corporate Property Strategy will be used to provide the mechanism for adoption of open space by the District Council should this be required.
- If adopted by the District or Parish Council a commuted sum for 30 years maintenance will be required to be paid by the developer.
- Once transferred to a Management Company or other organisation it is no longer the developer's responsibility to maintain the open space.
- Landscape Management Plans must be provided by developers at the time of construction and should be adhered to for future maintenance.
- Developers must inform buyers concerning their responsibilities to pay an annual maintenance contribution.
- Where open space has been transferred to an organisation any concerns or complaints should be addressed to that managing organisation in the first instance.
- Enforcement action will only be taken where it is proportionate to do so.
- **Delivery Plan**
 - It is recommended that Harborough District Council produce a Delivery Plan to address the recommendations in the Open Spaces Strategy (this has been done and is picked up in Recommendation 2 of this Cabinet report).
 - The Open Space Sport and Recreation Delivery Plan 2021 is included at Appendix B and sets out the financial contributions required from new development and how these are calculated.
 - The actions from the Open Spaces Strategy are included in the Delivery Plan at Appendix B, with delivery mechanism and key partners to complete the action.
 - Financial contributions will provide new open space off site or enhance existing open space of low quality or value.
 - The Delivery Plan set out the standards required for provision of new open space and guidance for developers providing new play areas.