

**PAPER NO. 3**

**REPORT TO THE EXECUTIVE MEETING OF 13<sup>th</sup> July 2015**

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**Meeting:** Executive  
**Date:** 13 July 2015  
**Subject:** Open Spaces Strategy 2016 – 2021  
**Report of:** Matthew Bills  
**Portfolio Holder:** Cllr King  
**Status:** For Decision  
**Relevant Ward(s):** All Wards

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1 Purpose of the Report

- 1.1 To inform Executive of the representations received during the Open Spaces Strategy First Issues Consultation, and for consideration of the draft Open Spaces Strategy for consultation.

2 Recommendations:

- 2.1 **That the responses to the consultation on issues be noted.**
- 2.2 **That the draft Open Spaces Strategy be approved for further consultation, subject to comments made by the Executive.**

3 Summary of Reasons for the Recommendations

- 3.1 Consultation responses have informed the preparation of the draft Open Spaces Strategy 2016 - 2021.
- 3.2 Executive have an opportunity to comment on the first draft of the Open Spaces Strategy prior to further public consultation. By approving the draft strategy and associated appendices for consultation, the Executive is endorsing the approach that will be used for delivering open space in the future, and the aims, objectives and actions arising from the Strategy. It should be noted, however, that the Open Spaces Strategy 2016 – 2021 and provision for Open Spaces Sport and Recreation 2015 are currently in draft format, and will be subject to change in the light of Executive comments and further feedback from consultees.

## 4 Key Facts

4.1 The current Open Space Strategy was adopted in 2009. To reflect the changes in Local (New Local Plan/Core Strategy preparation) and National Policy it is considered necessary to update the Strategy.

4.2 An Open Spaces strategy is not a statutory requirement, but ensures that the Authority is following best practice when addressing open space issues. The National Planning Policy Framework (NPPF) 2012 states that Local planning authorities should:

***set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure;***

and

***Planning policies should protect and enhance public rights of way and access, authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.***

The National Planning Practice Guidance (issued in 2014) gives further clarification by stating:

***Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure, as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development.***

4.3 The first draft of the Open Spaces Strategy 2016 – 2021, attached at **Appendix 1**, has been written as a strategic document. It does not address the detail of, for example:

- maintenance of open space, or
- disposal of open space,

However, the document provides a framework for further, more detailed, policies to consider these and other issues relating to open space.

4.4 The companion document to the draft Open Spaces Strategy 2016 – 2021 is the draft **Provision for Open Spaces Sport and Recreation 2015**, which forms an appendix to the Open Spaces Strategy and whose contents should be considered by Executive as part of the Open Spaces Strategy report. This document sets out the mechanism and circumstances in which new open space will be sought when there is new development in the district. This draft document is attached at **Appendix 2**.

- 4.5 The Provision for Open Space Sport and Recreation 2015 and Open Spaces Strategy 2016 – 2021 do not form Supplementary Planning Documents (SPDs), but will help underpin the SPDs such as the Developer Guidance Note for S106 contributions and the new Local Plan in due course.
- 4.6 The consultation for the Open Spaces Strategy commenced on 24<sup>th</sup> February 2015 with a six week consultation seeking views on first issues that are considered important to include in the Strategy. (The First Issues consultation is listed as a background document)
- 4.7 The Open Spaces Strategy 2016 - 2021 is not just concerned with delivering Open Space that is owned by the District Council, but seeks to help enable and secure provision of open space that is outside the ownership of the District Council. The District Council will endeavour to do this by working in partnership with other organisations, and forging new partnerships with community groups.
- 4.8 Harborough District Council will still retain responsibility for some open space within its ownership, and the obligations and influence HDC can have with regard to open space are set out in Table 1 below:

**Table 1: Roles of HDC regarding Open Space**

<b>Regulatory role of HDC</b>	<b>Provider role of HDC</b>	<b>Enabler role of HDC</b>
How open spaces are acquired, transferred and managed including the Open Spaces Act 1906 s9, 10 and 15; the Public Health Act 1875 s164 and the Local Government Act 1975.	Provision of Public Open Space in perpetuity as part of undertaking in S106	Work with development industry to provide appropriate open space on new developments
To maintain HDC owned open space in a safe condition (Occupiers Liability Act 1957)	To inspect play equipment and other facilities for safety at an appropriate frequency (Health and Safety at Work Act 1974)	Work in partnership with other open space providers to enhance or increase the provision of open space in the District.
To carry out a litter/ detritus/ graffiti survey on open space on behalf of Defra. (Environmental Protection Act 1991)	To protect Open Space against development or loss in accordance with NPPF 2012	To work in partnership with community groups and others to enable local management of open space.
'Biodiversity duty' when carrying out all functions (Natural Environment and Rural Communities Act 2006)		

- 4.9 The draft Open Spaces Strategy has an updated vision, aims and objectives. An Action Plan to achieve the objectives has also been proposed and can be found starting on page 30 of the Open Spaces Strategy 2016 – 2021 (**Appendix 1**). The full draft Aims and Action plan with HDC team and partner responsibilities indicated can be found at **Appendix 3**
- 4.10 The Aims support Harborough District Councils Corporate Priorities, the National Planning Policy Framework 2012 policies that address open space provision and many priorities of partner organisations.
- 4.11 Using the revised aims, objectives and action plan a monitoring schedule will be devised for use by officers and others to ensure the key outcomes for the Open Spaces Strategy are completed.
- 4.12 The differences between the Open Spaces Strategy 2009 and the Open Spaces Strategy 2016 – 2021 are summarised in **Appendix 5**.

## 5 Legal Issues

- 5.1 None relating to this report.

## 6 Resource Issues

- 6.1 The Open Spaces Delivery Plan will be dependant on officer time from several teams across the Authority. These include
- Contracted Services,
  - Asset Management Team,
  - Leisure Team,
  - Community Partnerships,
  - Planning Services,
  - Legal Services.
- 6.2 The Aims and Actions Plan as set out in **Appendix 4** details where HDC teams will need to deliver the actions contained within the Strategy. The Strategy has been written to not place additional burdens on teams, but to capture the work that teams already undertake in helping to deliver open space in the District.

HDC Team's roles in open space delivery can be seen in Table 2 below.

**Table 2: HDC Teams' Roles Regarding Delivery of Open Space**

<b>Team</b>	<b>Existing team functions associated with open spaces</b>
Asset Management Team ( including Engineering Team)	<ul style="list-style-type: none"> <li>• Maintenance of buildings, paths etc. on open space</li> <li>• To inspect and take action where necessary regarding flood alleviation structures and balancing lagoons.</li> <li>• Disposal/ acquisition of open spaces for HDC</li> <li>• Input into leases and licences for community groups</li> <li>• Replacement of structures on open space e.g. play equipment, fencing etc.</li> </ul>
Contracted Services Team	<ul style="list-style-type: none"> <li>• Delivery of existing Grounds Maintenance contract and preparation of new GM contract</li> <li>• Maintenance of HDC open spaces</li> <li>• Inspection of open spaces and play areas (LEQSE, RoSPA and contract inspections)</li> <li>• Delivery of some services to Parish Councils (charged to Parish)</li> <li>• Repair of play equipment</li> <li>• Tree inspections and tree work on HDC open space</li> </ul>
Legal Services Team	<ul style="list-style-type: none"> <li>• Legal advice for leases, licences and disposals/ acquisitions of open space</li> <li>• Section 106 agreements and delivering open space on new developments</li> </ul>
Community Safety Team	<ul style="list-style-type: none"> <li>• Reducing anti social behaviour on open spaces</li> <li>• Reducing incidences of graffiti, dog fouling etc. on open spaces</li> <li>• Issuing Fixed penalty Notices where appropriate</li> </ul>
Development Management Team	<ul style="list-style-type: none"> <li>• Working with the development industry to successfully deliver open space through S106 or other planning policies</li> </ul>

Strategic Planning Team	<ul style="list-style-type: none"> <li>• Working with the development industry to successfully deliver open space through S106 or other planning policies</li> <li>• To take a strategic view of need for open space across the district irrespective of ownership</li> <li>• Work with Parish Councils, community groups and others to enable them to take ownership of open space currently managed by HDC.</li> <li>• To work with partners to enhance open space for people and wildlife across the district irrespective of ownership.</li> </ul>
Leisure Team	<ul style="list-style-type: none"> <li>• To enable open space to be utilised for sports recreation, both formal and informal</li> <li>• To promote health and wellbeing of communities through use of open space.</li> <li>• To ensure that open space meets the needs of communities when considering sporting activities</li> </ul>

6.3 During the next consultation period it is anticipated that these teams will comment further on the proposals.

6.4 The cost of delivering the Open Spaces Strategy has been considered during its preparation. While the District Council should be committed to provision of high quality, accessible open space it is recognised that budgetary constraints may mean that potentially difficult decisions need to be made about how open spaces owned by Harborough District Council are delivered in the future. The Open Spaces Strategy has given scope for these considerations.

## 7 Equality Analysis Implications/Outcomes

7.1 Initial Equalities Impact Assessment (EIA) attached (**Appendix 4**).

## 8. Risk Management Implications

8.1 The timescale for adoption of the Open Spaces Strategy by the end of 2015 has been developed on the basis that only one consultation exercise will be necessary. Should a second consultation exercise be required it is likely that the time period would need to be extended to January 2016.

## 9 Consultation

- 9.1 The First Issues Consultation took place between 24th February and 13th April 2015. The consultation documents were hosted on the Strategic Planning Consultation Portal with pdf copies sent to respondents upon request. An easy to read version was also made available to encourage responses.
- 9.2 The consultation response summary can be found at **Appendix 6**.
- 9.3 The timeline for the consultation is attached at **Appendix 7**.

## 10. Options

- 10.1 Not to proceed with the Open Spaces Strategy 2016 – 2021: Although an open spaces strategy is not a statutory document it will allow the District Council to plan for the provision and future management of open space whether or not this is undertaken by the District Council.
- 10.2 Relying on the existing document has drawbacks, because the existing Open Spaces Strategy 2009 does not take account of national planning policy changes in 2012, or the current financial constraints in which District Councils operate.
- 10.3 A new Open Spaces Strategy will give a framework in which further policies relating to open space can work, and give elected members and officers some confidence that the priorities of the community and Council are being met, and, in addition opportunities for local, accountable and cost effective management of open spaces are being realised.

## 11 Background Papers

- 11.1 Open Spaces Strategy and Provision for Open Space Sport and Recreation: First Issues Consultation – Full Version and Easy to Read version.

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**Previous report(s):**

**Information Issued Under Sensitive Issue Procedure: Y/N**

**Ward Members Notified: Y/N**

**Appendices:**

- 1. Draft Open Spaces Strategy**

- 2. Draft Provision for Open Space Sport and Recreation**
- 3. Draft Aims and Action Plan**
- 4. Equality Impact Assessment**
- 5. Differences between Open Spaces Strategy 2009 and Open Spaces Strategy 2016 – 2021**
- 6. Consultation response summary**
- 7. Timeline for Consultation**