

Protocol for the Delivery of New Public Open Space (POS) in the Planning Process

Acronyms –

- POS – Public Open Space
- DMT – Development Management Team
- PO – Planning Officer
- SMDM – Service Manager Development Management
- NGSpO – Neighbourhood and Green Spaces Officer
- PCO – Planning Contributions Officer
- HDC - Harborough District Council
- LPA - Local Planning Authority
- LMP - Landscape Management Plan
- ManCo - Management Company

Referenced Documents

[Open Spaces Strategy 2021](#)

[Provision for Open Space Sport and Recreation 2021](#)

[The Corporate Property Strategy, Supplementary Policy and Procedures Disposal & Acquisition Procedure provides a mechanism for adoption of open space. Appendix C, Section 5:](#)

Step 1

Pre-planning advice

Occurs before planning application received by HDC.

Identifies and addresses issues early. Advice given concerning on site POS or off site POS contributions if required; however, on site POS provision is preferred. Pre planning advice is confidential in most cases.

- Developer submits concept landscape proposals received by DMT.
- NGSpO consulted by DMT/PO on concept landscape proposal.
- S106 contributions are calculated for the development by NGSpO (includes on site POS and off site POS contributions – 7 typologies)
- POS requirements identified during pre-planning advice phase by NGSpO
- POS requirements supplied by NGSpO to DMT and developer/land owner
- On site POS is not adopted by Harborough District Council

Moves to Step 2

Step 2

Detailed Design – Occurs as part of planning application after consent for development is secured.

- PO conditions detailed landscape scheme as part of planning consent (Landscape Scheme to include Plans, specifications and Landscape Management Plan (LMP)).
- Developer submits detailed landscape scheme in order to discharge planning condition.
- A LMP should be produced prior to the transfer of POS to a third party (Management Company, Parish or residents Management Company). A LMP should provide the following minimum information:
 - o Desktop review of the site including context, designations and history;
 - o Site specific information including ecology, arboriculture and public rights of way;
 - o Aims and objective for the management of the Site;
 - o Management organisation who will be responsible for the POS post practical completion;
 - o Funding of long term maintenance of the Site; and
 - o Procedure of review and monitoring of the POS and the LMP.
- NGSpO reviews detailed landscape proposal considering site specific requirements. Will either recommend agreement to proposal or negotiate through the PO an acceptable detailed landscape proposal.
- If not previously provided at Pre Application stage, S106 contributions are calculated for the development and provided to the PO
- PO discharges relevant planning condition against detailed landscape proposal and forwards a copy of the S106 to the Planning Contributions Officer (PCO) who lodges it on the Section 106 database

Moves to step 3

Step 3

Implementation – Developer and their appointed landscape company complete the onsite POS (may be phased).

- Developer lays out POS in accordance with accepted detailed landscape proposal.
- Developer seeks approval from LPA for POS at 'Practical Completion' by inviting NGSpO to inspect the POS.
- Developer submits with the invitation; a PDF drawing clearly illustrating the total area of the overall development and the calculated area of the relevant POS
- NGSpO inspects POS at the request of the developer and provides a report for the PO detailing whether the POS is satisfactorily complete or whether remedial action is required to sign off at Practical Completion stage.
- When signed off for Practical Completion the POS is maintained by the developer for a 12 month period in accordance with the LMP. The developer maintains POS up to the stage where they wish, or are required under Section 106 Agreement (Step 4)
- N.B. Most agreed landscape schemes require that both implementation and management of landscape be professionally monitored by the architect or other landscape professional as part of completion of the development, in order to help the satisfactory implementation of on site POS and smooth operation of the adoption process to a suitable third party (ManCo, residents ManCo or Parish Council)

Inspection fails - remedial works identified and carried out by developer. Developer applies for reinspection.

Inspection passes - POS found to be substantially in accordance with agreed detailed landscape scheme. PO issues Practical Completion Certificate to Developer or Owner. (**Moves to Step 4**)

Step 4

Management – Occurs once practical completion certificate is issued by PO.

- Where no management period has been secured under the Section 106 Agreement the Developer or Owner will transfer POS to a ManCo or Parish Council
- When a management period has been secured the Developer maintains the POS in accordance with the LMP for 12 months
- After 12 months the developer must contact the NGSpO and/or PO to sign off the POS for 'Final Completion'
- The Developer may be required to provide a post installation inspection certificate for play areas or other structures/facilities associated with the POS.

Step 5

Legal transfer – Occurs once landscape maintenance transfer inspection passed, or after Practical Completion Certificate issued if no management period agreed.

- Developer transfers the POS to a ManCo or other third party for maintenance

Note: The Council does not ordinarily adopt Public Open Space for maintenance.

- The Corporate Property Strategy, Supplementary Policy and Procedures Disposal & Acquisition Procedure provides a mechanism for adoption of Public Open Space. Appendix C, Section 5: Adoption of Public Open Space of the Corporate Property Strategy outlines the criteria under which HDC will adopt Public Open Space. The Council will not adopt areas of Public Open Space unless one of the following applies:
 - o A commuted payment is available from the developer in accordance with extant Planning Guidance for developer contributions;
 - o The area is of interest to a charitable trust or a Parish Council which will maintain the land; or
 - o The Council will utilise an Assessment Toolkit to determine whether the land will be accepted by the Council as shown in the Appendix. A score below 30 is likely to be considered unsuitable for adoption.

Step 6

Enforcement

- Once the Public Open Space has been transferred to the relevant management organisation, concerns or complaints regarding the long-term management of the Public Open Space should be referred to the management organisations in the first instance as it is their responsibility to maintain the Public Open Space in accordance with the approved LMP.

- It is the management organisation who are responsible for dealing with all ongoing maintenance and whom residents have a contractual agreement with. The planning enforcement team at HDC should only be contacted if there is a serious breach of planning control, for example the noncompliance of a planning condition that is having a serious significant impact on the immediate area and/or residential amenity.