



**REPORT of  
DIRECTOR OF CUSTOMERS AND COMMUNITY**

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**to  
COUNCIL  
18 DECEMBER 2014**

**THE GOVERNANCE AND MANAGEMENT OF PARKS, OPEN SPACES AND  
PUBLIC REALM FACILITIES IN NEW DEVELOPMENTS**

**1. PURPOSE OF THE REPORT**

- 1.1 To seek a Member decision on the governance and management options for parks, open spaces and other public realm facilities in new developments.

**2. AREA FOR DECISION / ACTION**

- 2.1 The Maldon District Local Development Plan (LDP) sets out important principles to guide development in the District including two Garden Suburbs and other major developments.
- 2.2 The provision of excellent quality, well managed and maintained open space and other public realm facilities is vital to help foster thriving and vibrant communities that are also active and healthy. This principle has been integral to developing the Strategic Masterplan Frameworks for the Garden Suburbs and will also guide other development in the district.
- 2.3 In the past the Council has received significant benefit from the adoption of public land and other facilities due to new developments and approximately three quarters of the parks and open spaces currently owned and managed by the Council have come about as a result of a developer providing and transferring the land to the Council through the planning process.
- 2.4 Through the planning process, the Council has been able to influence the design and other aspects of the land to ensure that it was fit for purpose before it was transferred to the Council. In a few cases however the Council was given land that over time has given rise to a number of significant management challenges and was not always given land with sufficient resources to cover its management.
- 2.5 The Council manages an extensive portfolio of land covering over 100 hectares of parks and open spaces that also includes buildings and other facilities often leased for use by the local community and other interests. The Council is well placed to provide the appropriate governance arrangements but must adopt a more robust approach to decide what land is adopted by the Council and what land is managed through a range of other options that may be available locally.

- 2.6 There are a number of governance models that are being adopted in other large scale developments across the country namely:
- The traditional model of the local Council taking on public realm facilities.
  - A Community Development or Community Land Trust is set up as independent legal body to own and manage the assets.
  - Private Management Companies where local residents pay a charge on the property to cover the services required to manage the public realm facilities.
  - Community Interest Companies made up of representatives of the local council, developer and the local community.
- 2.7 A key objective of the Garden Suburbs is the establishment of sustainable communities which are well integrated and connected with surrounding neighbourhoods. The Council is committed to working with developers to develop a Community Development Strategy which reflects Garden Suburb principles, including the involvement of the communities in the long term stewardship of green spaces and community assets. The new communities will not develop overnight and as the major developments will also be phased it is critical to get the governance arrangements correct before development begins because it is unlikely that all the facilities will become available at the same time.
- 2.8 There a number of important criteria to consider before the governance arrangements for any green space or public realm facility are decided upon, namely:
- Funding is provided by the developer for the development and on-going maintenance of the facility through Section 106 agreements, to be provisioned during the planning process.
  - Where appropriate the Council works in partnership with other stakeholders to manage the facility in the future, for example a Town or Parish Council or local community group.
  - The long term management of the facility is considered, where in the short term the Council manages the land but over time moves to another management model such as a Community Trust or Community Interest Company once the local community becomes more established. The Council could retain a role in future management arrangements under this model.
- 2.9 Another important consideration is the ability of the Council to raise future revenue from the adoption of certain facilities in the new developments such as community centres or sports facilities and from event organisers who wish to run more commercial events on Council owned land.

### **3. IMPACT ON CORPORATE GOALS**

- 3.1 This activity supports the corporate goals of enabling, supporting and empowering communities to be safe, active and healthy and protecting and shaping the District and balancing the future needs of the community.

#### 4. IMPLICATIONS

- (i) **Impact on Customers** – Well managed local public realm facilities are critical to the quality of life for those residents in that community and also visitors to the wider District.
- (ii) **Impact on Equalities** – Where appropriate facilities will be available for all sectors of the local community.
- (iii) **Impact on Risk** – The Council must consider the risks involved in taking on public realm facilities but is well placed to do this due to the extensive portfolio of facilities already managed.
- (iv) **Impact on Resources (financial)** – The Council must ensure that all the costs involved and other resources required are completely covered for an appropriate time after the facilities become available.
- (v) **Impact on Resources (human)** – The Council must ensure the appropriate staff resources are available to cover the additional work that will be required if more public realm facilities are adopted directly by the Council.
- (vi) **Impact on the Environment** – There are significant opportunities to make a positive impact on the local environment through the provision of well managed public realm facilities.

#### 5. CONCLUSIONS

- 5.1 The Council is best placed to adopt and manage new green space provision subject to securing adequate resources through the planning process. However, in large developments (notably the Garden Suburbs), the Council should take a longer term view and consider the development of an appropriate governance model involving stakeholders and the community in the management of green spaces and community assets. This approach will ensure the Council has a long term role in the management of green spaces whilst also involving the community in long term governance arrangements.
- 5.2 The need for green spaces is currently defined in the Green Infrastructure Study (September 2011). The information in this document will need to be updated to ensure that there is a robust basis for negotiating green space provision through the planning process.

#### 6. RECOMMENDATIONS

- (i) that the Council adopts and manages suitable areas of green space and public realm in new developments providing that the costs and resources required to manage and maintain the facilities over an appropriate timescale are secured through the planning process.

- (ii) that in the Garden Suburbs and other large developments, the Council works in partnership with stakeholders and the community to develop appropriate governance arrangements for the future management of green spaces and public realm.

Background Papers: None.

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