
Formalisation of Open Space Transfer Procedure for new developments.

Briefing note for Cllr Jackie Porter, Cabinet Member for Built Environment and Wellbeing and Cllr Lynda Murphy, Cabinet Member for Climate Emergency.

1.0 Summary

This briefing note details the proposed procedure for the adoption of new open space by Winchester City Council, created through the development management process. This formal procedure replaces an informal approach currently used and will eventually be superseded by a new policy within the emerging Local Plan.

2.0 Background

According to the Government's [National Planning Policy Framework](#) (*paragraph 96*), access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

The [Council Plan](#) 2020 to 2025 under the heading of 'Living Well', states that providing '*attractive and well used green spaces with space for relaxation and play*' is a Council Priority. It is, moreover, a Council aim to '*maintain and enhance the open spaces and parks that support good mental and physical health for residents of all ages*'. Covid-19 has clearly demonstrated the value of green space, particularly in urban areas and now more than anytime we must ensure our green spaces are protected and well maintained.

The [Winchester District Local Plan](#) (*Policy CP7- 'Open Space, Sport and Recreation'*) seeks to ensure that as new houses are built in the District, the same quantity of accessible and high quality open green space is made available to the residents of the District through the provision of open space as part of new developments. It should be noted that The World Health organisation recommends a minimum of 9.0 sq. m per person.¹

3.0 Current situation

Larger housing developments (15 units or more) are required by Local Plan policy to provide new on-site open space to serve the new residential community. In all cases it is the developer's responsibility to arrange for the future ongoing maintenance of these open spaces.

Almost all new open spaces provided in association with new housing developments are transferred to a management company post completion. The council vets the management company by requiring from the developer a draft memorandum and articles of association for the proposed management company. The council also obligates the developer, through a financial mechanism such as s106 agreements, to step in if the management company fails to maintain the open space to the reasonable satisfaction of the Council. This gives residents confidence that if an open space is failing due to the level of management there is a mechanism to ensure a level of accountability. The Council always ensures the open space provided by the developer is of sufficient quality and compliant with the approved plans as part of the planning application process before it is 'signed-off' and transferred to the management company. Open space management also forms part of the monitoring of the development post permission.

In some instances, a parish or town council, by agreement, is prepared to take responsibility for the management of the open space on a new housing development site, as they see it as being of value to a wider community than just the on-site residents. In these cases, the parish/town council receive a 'commuted sum' from the developer to assist with the future ongoing maintenance of the open space as part of the adoption process.

1. [Modern Compact Cities: How Much Greenery Do We Need?](#)

In addition, occasionally the City Council will take on the management of significant open spaces, again where it is deemed to be of value to a wider community than just the on-site residents. The council considers whether it is expedient in the public interest to take-on such open spaces and if so, we will adopt and manage the sites (ie Barton Meadows Nature Reserve (through the Wildlife Trust); Hookpit and Abbots Barton play area and meadow.

However, historically, the council has ended up taking on small scale and localised open space as this was seen as the easiest option for some developers. However this has led to:

- WCC taking on the management of isolated, small pockets of land across the district, which were only of value to the immediate residents.
- This leads to conflict between local residents and the City Council, as residents often ask for the sites to be managed more intensively than our grounds maintenance contract allows or wish to change the way the site is used (i.e. installing dragon's teeth etc).
- The costs incurred by the council are high in comparison to the benefits received, particular in terms of officer time and the grounds maintenance contract.

Therefore for the past few years the council has only accepted sites which are of wider community value and have asked developers to seek other arrangements for the more localised sites. It is now considered appropriate to formalise this arrangement, seeking Cabinet Member agreement to continue with the current process, until the emerging Local Plan is adopted.

WCC is currently reviewing all historic open space dedications and ensuring that outstanding open space transfers comply with this briefing note.

To confirm any open space on WCC Housing land is managed/maintained by WCC Housing and any open space on either WCC Estates or WCC Car Parking land is managed/maintained by the Natural Environment and Recreation Team.

3.0 Proposal:

It is therefore proposed that:

- Winchester City Council continues to ensure that appropriate open space provision is included within all new residential development within the District;
- Any open space which serves on-site residents is adopted and maintained by a management company or housing association;
- Any open space which will serve a wider community is offered to the Parish Council.
- Any open space which will serve the wider community is considered for adoption by the City Council.
- To assess whether a site is deemed significant for the City Council, each site will be considered on its own merits. Assessment criteria will include, but not limited to, location; size; current use; future use; biodiversity value; landscape value; connectivity and wider links to the District's green infrastructure;
- The Council reserves the right to not take on any site which does not provide wider community benefits and this is reflected in the section 106 agreements;
- All land is appropriately adopted within a reasonable timeframe.

4.0 Longer term approach

This procedure will be formally adopted into the Open Space Strategy which is currently being updated and will form part of the evidence base to the emerging Local Plan.

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