

**RECOMMENDED ITEM FROM SUSTAINABLE COMMUNITIES SCRUTINY
COMMITTEE – 24TH FEBRUARY 2012**

917. PATCH MANAGEMENT POLICIES – PUBLIC OPEN SPACES

The Special Projects Officer (Leisure Services) presented the report for the Committee to consider. The objective of the policy was to guide and inform the provision, enhancement and protection of public open space in Bolsover District.

In response to Members' questions, the Special Projects Officer (Leisure Services) advised that no new funding was available. However Leisure Services had been working to successfully secure external funding, mainly through Section 106 Agreements.

Members were advised that Street Services staff assisted in the maintenance of public open spaces as part of their regular tasks.

The Director of Neighbourhoods advised that the recommendations noted on the report required amendment as it was not in the Terms of Reference of the Committee to approve the policy.

In response to Members' questions regarding the development of natural open spaces, the Director of Neighbourhoods advised that this was included as part of a wider bio-diversity policy developed alongside Derbyshire County Council and other external partners.

Moved by Councillor S. Fritchley, seconded by Councillor K. Reid.

RESOLVED that 1) Sustainable Communities Scrutiny Committee accept the Public Open Spaces Policy.

2) the Public Open Spaces Policy is forwarded to the Executive for approval.

(Director of Neighbourhoods/Democratic Services)

RECOMMENDED that Executive approve the Public Open Spaces Policy

REASON FOR DECISION: To formally adopt a Policy for the provision, enhancement and protection of Public Open Spaces.

Committee:	Sustainable Communities Scrutiny Committee	Agenda Item No.:	7.
Date:	24 th February 2012	Category	
Subject:	Public Open Space Policy	Status	Open
Report by:	Head of Leisure Services		
Other Officers involved:	Special Projects Officer		
	Grounds Maintenance and Cleansing Manager		
Director	Director of Health and Wellbeing		
Relevant Portfolio Holder	Councillor A.M. Syrett Portfolio Holder for Social Inclusion		

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure by providing accessible and inclusive public open spaces that are safe, accessible and inclusive

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment through the development, enhancement and maintenance of accessible and inclusive public open spaces

REGENERATION – Developing healthy, prosperous and sustainable communities by providing accessible of accessible and inclusive public open spaces

TARGETS

None

VALUE FOR MONEY

By obtaining best value under section 123 of the Local Government Act 1972

THE REPORT

A Public Open Space Policy (attached to this report) has been produced through the Council's Patch Management Group and is one of a suite of policies that the group has produced which cover a range of environmental and enforcement issues.

This policy relates to open space within Bolsover District that is freely accessible and which is in public ownership and / or management. That is land that is owned by local government bodies (e.g. Bolsover District Council, Derbyshire County Council, Town and Parish councils), owned by a 'public' body (i.e. a not for profit organisation) and held in trust for the public or owned

by a private individual or organisation but made available for public use (e.g. through a lease or covenant to a public body).

This policy does not cover allotments, school grounds, private land or any open space for which an entry fee is charged.

The Council is committed to providing a Cleaner, Greener, Safer environment and will use all available resources and legislation to develop, enhance and maintain public open space that meets the needs of residents.

The Council acknowledges that the appearance of the physical environment and the recreational opportunities that public open space provides, impacts on the quality of life of residents.

The policy, subject to a few minor amendments has been approved by SAMT and is now presented for approval by the Sustainable Communities Scrutiny Committee.

ISSUES FOR CONSIDERATION

The policy presents an opportunity for continued investment in public open space to both develop new public open spaces, particularly in areas of identified deficiencies and to enhance existing public open spaces where they fall below nationally recognised standards.

The policy also recognises that no single department within the Council has overall responsibility for public open space.

IMPLICATIONS

Financial: Continued investment in public open space will be necessary, however external funding will be sought wherever possible through developer contributions and grant funding

Legal: Adoption of public open space created by developers

Human Resources: Staff to develop, enhance, maintain and protect public open space across the District

RECOMMENDATION

That the policy be adopted.

ATTACHMENT: Y
FILE REFERENCE:
SOURCE DOCUMENT:

BOLSOVER DISTRICT COUNCIL

Public Open Space Policy

July 2011



This Policy addresses the following Corporate Aims (show those which are appropriate to the policy only):



COMMUNITY
SAFETY



CUSTOMER
SERVICES



ENVIRONMENT



REGENERATION



SOCIAL INCLUSION



STRATEGIC ORGANISATIONAL
DEVELOPMENT

Bolsover District Council Equalities Statement

Bolsover District Council is committed to equalities as an employer and in all the services provided to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with the Equality Strategy.

The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing its functions.

This document is available in large print and other formats from any of the Council offices or by contacting the Chief Executives Directorate on 01246 242323. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

Our Equality and Improvement Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450

Fax: 01246 242423

CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Public Open Space Policy
Document type – i.e. draft or final version	Draft for comment
Location of Policy	
Author of Policy	Special Projects Officer Grounds Maintenance and Cleaving Manager
Member route for Approval & Cabinet Member concerned	
Date Risk Assessment completed	
Date Equality Impact Assessment approved	
Partnership Involvement (if applicable)	Leisure Services, Housing Planning and Street Scene
Date added to the Forward Plan	
Policy Approved by	
Date Approved	
Policy Review Date	
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	

CONTENTS

- 1. Introduction**
- 2. Scope of the Policy**
- 3. Principles of the Policy**
- 4. Policy Statement**
- 5. Responsibility for implementing the Policy**
- 6. Glossary of Terms**
- 7. Review**

1. Introduction

Public open space is land on which the public have unrestricted access for recreational use.

As such, public open space (as defined by Planning Policy Guidance 17 (PPG17) includes:

	PPG17 Typology	Primary Purpose
Green spaces	Parks and gardens	Accessible, high quality opportunities for informal recreation and community events
	Natural and semi-natural green spaces, including urban woodland	Wildlife conservation, biodiversity and environmental education and awareness
	Green corridors	Walking, cycling or horse riding for leisure purposes or travel, and opportunities for wildlife migration
	Outdoor sports facilities	Participation in outdoor sports, such as pitch sports, tennis, bowls, athletics or countryside and water sports
	Amenity green space	Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas
	Provision for children and young people	Areas designed mainly for play and social interaction involving children and young people, such as equipped play areas, ball courts, skateboard areas and teenage shelters.
	Cemeteries, closed churchyards and other burial grounds	Quiet contemplation and burial of the dead, often linked to the promotion of wildlife conservation and biodiversity
Civic spaces	Civic and market squares and other hard surfaced areas designed for pedestrians	Providing a setting for civic buildings, public demonstrations and community events

Source: *PPG17, 2002*

Public open space has a significant impact upon the lives of people who live and work in Bolsover District.

The Council owns in excess of 70 hectares of public open space and is responsible for the maintenance of a further 60 hectares of public open space owned by Derbyshire County Council, parish councils and other bodies.

The Council recognises and promotes the importance of public open space and has been working to identify and resolve any deficiencies in the provision of public open space across the district.

Over the last few years there has been significant investment of over £1 million in public open space across Bolsover District through a number of green space, play and sport initiatives.

In addition an audit of the quantity and quality of open space has been undertaken, which has informed the production of a Green Space Strategy, which aims to provide:

- Quality green spaces
- Access to enable communities to become more involved in the use, development and management of green space
- Increased satisfaction of the service by raising standards
- An essential contribution to the quality of everyone's life

Local Environmental Quality Standards (LEQS) have been established for litter, detritus, dog fouling and weeds on pavements and hard standing areas.

2. Aim and scope of the Policy

This aim of this policy is to guide and inform the provision, enhancement and protection of public open space for the benefit of everyone who lives in, works in, or visits Bolsover District.

This policy relates to open space within Bolsover District that is freely accessible and which is in public ownership and / or management. That is land that is owned by local government bodies (e.g. Bolsover District Council, Derbyshire County Council, town and parish councils), owned by a 'public' body (i.e. a not for profit organisation) and held in trust for the public or owned by a private individual or organisation but made available for public use (e.g. through a lease or covenant to a public body).

This policy does not cover allotments, school grounds, private land or any open space for which an entry fee is charged.

3. Principles of the Policy

The Council is committed to providing a Cleaner, Greener, Safer environment and will use all available resources and legislation to develop, enhance and maintain public open space that meets the needs of residents.

4. Policy Statement

The Council acknowledges that the appearance of the physical environment and the recreational opportunities that public open space provides, impacts on the quality of life of residents.

The Council will:

- 4.1 Be proactive in identifying opportunities for the development of new areas of public open space or enhancement of existing areas of public open space within and / or in close proximity to new residential and commercial developments by working with developers through the planning process to achieve this
- 4.2 Aim to provide accessible and inclusive public open space within 400m of all residential properties within the district wherever possible, with at least one significant area of public open space in each settlement
- 4.3 Ensure, wherever possible, that there is a commuted maintenance sum (see *glossary*) for a minimum period of 10 years for all areas of public open space adopted from developers through negotiation at an early stage in any development, with the agreed amount written into any section 106 agreements (see *glossary*) relating to the development
- 4.4 Identify and address deficiencies in the provision (quantity) of public open space wherever possible and aim to meet the other quality and accessibility standards shown within the Bolsover District Council Green Space Strategy 2011
- 4.5 Develop and enhance recreational opportunities (e.g. children's play, informal recreation, sport) on new and existing public open spaces wherever possible
- 4.6 Work with community groups, town and parish councils to provide, enhance and protect public open space within their community / parish
- 4.7 Seek opportunities to involve residents and community groups in the management of public open spaces through the formation of 'friends' groups
- 4.8 Seek opportunities, subject to available resources, to recognise and promote good quality public open space through national benchmarking schemes, such as the Green Flag Award
- 4.9 Encourage the use of public open space for community events, free play, summer play schemes and outreach activity sessions
- 4.10 Work towards managing and maintaining areas of public open space to nationally recognised standards (e.g. BS7370, BS EN 1176/77), subject to available resources

- 4.11 Carry out and keep records of three types of playground inspections throughout the course of the year, depending on the amount of use: Routine (Daily or Weekly), Operational (Monthly or Quarterly) and Annual (Once a year) for all children's play areas in the Council's ownership as recommended in BS EN 1176.
- 4.12 Map all areas of public open space under the Council's ownership or management using GIS to provide a live record of public open space
- 4.13 Promote public open space within the district using the Council's website and other media
- 4.14 Consider requests to purchase areas of public open space for private use (e.g. garden extensions)
- 4.15 Consider disposing of areas of public open space that are no longer needed or in use by the public

5. Responsibility for implementing the Policy

No single department within the Council has overall responsibility for public open space. The implementation of this policy will be shared between departments and directorates. Responsibility for elements of the policy is outlined below:

Development / adoption of new areas of public open space

- Housing
- Leisure Services
- Planning (Planning Policy / Development Control)

Maintenance / enhancement of existing public open space

- Housing
- Leisure Services
- Planning (Planning Enforcement)
- Regeneration
- Street Scene

Protection of public open space

- Leisure Services
- Planning (Planning Policy / Planning Enforcement)

6. Glossary of Terms

BS 7370

BSI Standards is the UK's National Standards Body (NSB) and was the world's first. It represents UK economic and social interests across all of the European and international standards organizations and through the development of business information solutions for British organizations of all sizes and sectors.

BSI Standards works with manufacturing and service industries, businesses, governments and consumers to facilitate the production of British, European and international standards.

BS 7370 describes categories of maintenance and performance standards which may be applied to most operations. The advantage of applying this standard is that it is recognised nationally, defined and understood. Having a standard also provides a baseline for performance and can be adapted to fit most landscapes.

BS 7370-1:1991 Grounds maintenance. Recommendations for establishing and managing grounds maintenance organizations and for design considerations related to maintenance

BS 7370-2:1994 Grounds maintenance. Recommendations for the maintenance of hard areas (excluding sports surfaces)

BS 7370-3:1991 Grounds maintenance. Recommendations for maintenance of amenity and functional turf (other than sports turf)

BS 7370-4:1993 Grounds maintenance. Recommendations for maintenance of soft landscape (other than amenity turf)

BS 7370-5:1998 Grounds maintenance. Recommendations for the maintenance of water areas

Commutated Maintenance Sum

An amount paid by developers to cover the cost of ongoing maintenance of public open space that has been created as part of a development, the ownership of which has been transferred to the Council.

A commuted maintenance sum is agreed through negotiation and is normally payable for a period of 10 years following an initial 12 month establishment period.

EN1176 / EN 1177

The European Standards for Playground Equipment: EN 1176 and EN 1177 have been published to harmonise existing European Standards.

The playground equipment standard (EN 1176) is published in seven parts:

Part 1: General safety requirements and test methods

Part 2: Additional specific safety requirements and test methods for swings

Part 3: Additional specific safety requirements and test methods for slides

Part 4: Additional specific safety requirements and test methods for runways

Part 5: Additional specific safety requirements and test methods for carousels

Part 6: Additional specific safety requirements and test methods for rocking equipment

Part 7: Guidance for installation, inspection, maintenance and operation

A further four parts are scheduled to be introduced over the next few years.

EN 1177 Impact absorbing playground surfacing: Safety requirements and test methods.

EN 1176 Part 7 and EN 1177 were published in 1997.

GIS

A geographic information system (GIS), geographical information system, or geospatial information system is a system designed to capture, store, manipulate, analyze, manage, and present all types of geographically referenced data. In the simplest terms, GIS is the merging of cartography, statistical analysis, and database technology.

A GIS can be thought of as a system — it digitally creates and "manipulates" spatial areas that may be jurisdictional, purpose or application-oriented for which a specific GIS is developed.

The term describes any [information system](#) that integrates, stores, edits, analyses, shares and displays [geographic information](#) for informing [decision making](#).

GIS applications are tools that allow users to create interactive queries (user-created searches), analyze [spatial](#) information, edit data, maps, and present the results of all these operations.

(Information from Wikipedia, the free encyclopaedia)

Planning Policy Guidance 17 / PPG17

Planning Policy Guidance 17: Planning for open space, sport and recreation

Planning Policy Guidance 17 (PPG17) sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by local planning authorities in the preparation of development plans (or their successors); they may also be material to decisions on individual planning applications. This replaces *Planning Policy Guidance 17* published in 1991.

<http://www.communities.gov.uk/publications/planningandbuilding/planningpolicyguidance17>

Section 106 Agreements / planning obligations

Planning obligations (also known as s106 agreements – of the 1990 Town & Country Planning Act) are private agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. The land itself, rather than the person or organisation that develops the land, is bound by a Section 106 Agreement – so this is something any future owners will need to take into account.

The Government's policy on the use of planning obligations is set out in Circular 05/05. Local planning authorities must take this guidance into account in their decisions on planning applications and must have good reasons for departing from it.

Planning Obligations are used for three purposes:

Prescribe the nature of development (for example, requiring a given portion of housing is affordable),

Compensate for loss or damage created by a development (for example, loss of open space), or

Mitigate a development's impact (for example, through increased public transport provision). Planning obligations must be directly relevant to the proposed development.

In April 2010 a number of measures within the Community Infrastructure Levy Regulations came into force. These reforms restricted the use of planning obligations and clarified the relationship between planning obligations and the Community Infrastructure Levy - the levy is a new local charge that local authorities in England and Wales can choose to charge on new developments in their area to

fund infrastructure. There are three key reforms that scale back the use of planning obligations:

Planning obligations must meet three new statutory tests from 6 April 2010.

Planning obligations cannot be used to double charge developers for infrastructure. Once an authority has introduced the levy in its local area, it must not use obligations to fund infrastructure they intend to fund via the levy.

Planning obligations will no longer be the basis for a tariff. Once an authority introduces the levy in their area, or if sooner after April 2014, it can no longer pool more than five contributions for infrastructure capable of being funded by the levy.

However, planning obligations will continue to play an important role in making individual developments acceptable. Affordable housing will continue to be delivered through planning obligations rather than the levy. Local authorities can also continue to pool contributions for measures that cannot be funded through the levy.

(Information from www.planningportal.gov.uk)

7. Review

It is intended that this policy will be subject to regular review with additional reviews as and when required to accommodate changes in legislation and local needs. We will seek the views of stakeholders when undertaking such reviews.