

Earnley Parish Council

Approach to the adoption and management of open spaces associated with New Developments

Introduction

This guidance aims to encourage the development of useful, sustainable and well used open spaces, which will benefit the whole community, the environment and support a healthy economy.

Earnley Parish Council is amenable to adopting open space as long as:

- The provision meets the appropriate quality standards at the time of adoption;
- The developer provides a commuted sum to the Parish Council on or before the date of adoption, sufficient to fund the management and maintenance for a period of 15 years (which is deemed not unreasonable bearing in mind that the Parish Council will be responsible for maintaining the open space in perpetuity);
- The developer pays all legal costs relating to the transfer of the land or facilities to the Parish Council;
- Confirmation has been provided that there are no aspects that would compromise the ability of the Parish Council to maintain the site, including but not limited to: past mine workings or landfill, contaminated land, areas vulnerable to flooding, buried pipes and cables.

Note that this policy document sets out requirements for a variety of different types and uses of open space. It is understood that not every area of adopted open space will necessarily incorporate every aspect covered by this policy. For example, some developments will not involve the provision of a formal play area, and there is no assumption that every development must make provision for allotments. In some cases, the adopted land may remain in a relatively natural state.

Why Is Open Space Important?

Open space has environmental, social and economic benefits and is therefore an essential component of sustainable development.

Open spaces are people's places and make neighbourhoods attractive places where people want to live and work. They also act as wildlife corridors. Open spaces are vital for encouraging biodiversity and provide ecological systems that absorb pollutants and rainwater, mitigate flooding and provide shade and cooling.

Open spaces are places for informal recreation, important for our physical and mental well-being. They can play a part in building community cohesion, can stimulate the economy and attract enterprise.

Open space in new developments

This section is designed to set the standards by which we would expect open space to be provided on new developments, with a view to achieving some or all of the following benefits:

1. It provides the community benefit required.
2. It integrates well with existing open space.
3. It is planned with long-term sustainability in mind.
4. It is high quality and accessible rather than simple quantitative provision.
5. It includes well-designed informal open space for quiet relaxation on site.
6. It provides appropriate children's play facilities which are visible from nearby houses but not so close that they would cause disturbance.
7. Outdoor sport is accessible by walking, cycling and public transport.

New developments can have a significant impact on existing recreation and leisure provision, putting pressure on existing resources and creating new demands for facilities from all sections of the community. The Parish Council will need to be assured that the new development provides enough facilities to meet the needs generated by that development.

General requirements in designing open space

It is expected that open space will be laid out as part of the on-site design. Future maintenance is to be funded via a separate agreement with the Parish Council.

Land Ownership/Responsibility

- Developers must confirm exact boundaries and any boundary responsibilities, including ownership of any hedgerows and watercourses;
- The Parish Council requires confirmation as to the extent of any potential flooding and whether there have been any flood management plans developed;
- It is expected that any hedgerow adjoining development boundaries shall be conveyed to the adjoining property and not form part of any land adoption proposal;
- There may be situations where development boundaries cross over parish boundaries. Whilst the Parish Council is prepared in principle to take ownership and undertake grounds maintenance, there may need to be discussions with neighbouring Parish Councils.

Design

- Open space should be seen as an important community facility and an asset to the development, and not just a residual parcel of land which has no development opportunity. Therefore, the Parish Council would expect that its input into development of the open space is a forethought rather than an afterthought;

- Long-term maintenance should be considered at the outset to ensure the most appropriate use of materials, design and specification;
- Developments should aim to be connecting with existing open space to create green corridors, and with suitable walking and cycling routes to ensure maximum connectivity.

Land Use

- Open spaces must have a clearly defined purpose;
- Open space may be multi-function offering a variety of different outdoor recreation;
- Open spaces should be flexible so that they can be adapted to meeting changing demands and circumstances.

Landscaping

- Open spaces should incorporate as many existing features as possible where it is appropriate to retain them, including watercourses, trees and woodland, wetland, heritage features, paths and desire lines;
- The area may include Sustainable Drainage Schemes (SuDS);
- Sites must be checked for persistent notifiable weed problems, including Japanese Knotweed & Himalayan Balsam, and an appropriate plan for control put in place;
- All trees to be retained on site must be inspected and all remedial works as identified in an action plan addressed.

Security

- Open spaces should take into account security issues;
- All open spaces should be secured and fenced where necessary to prevent any unauthorised use. Any gates should be lockable and, where appropriate, lockable bollards should be provided.

Infrastructure

- Public art, where provided, should be appropriate to reflect the local heritage, promote distinctiveness and add additional interest;
- In locating receptacles to collect litter and dog fouling, consideration must be given to the ability to access areas for collection, and the type of receptacle to ease collection.

Connectivity

- Paths should be connected, comfortable, convenient, convivial and conspicuous.
- Where appropriate suitable tarmac surfacing should be used to minimise future maintenance.
- Accessibility to the open space from the adopted highway needs to be provided with appropriate gating and removable bollards as necessary to allow access for vehicles two metres wide if required.

Natural Greenspace/Countryside Design Guide

It is expected that Open Space shall be laid out as part of the on-site design to an agreed management plan

Detailed below are the requirements the Parish Council would wish to see addressed before any formal adoption of land to take place:

- Should have a natural appearance and include minimal man-made artificial features, promoting a sense of nature and tranquillity;
- Should promote contact with nature;
- Should include local, native species such as wildflower meadows, grasslands, scrubland and open water;
- Should allow people to easily identify with and get a sense of which season it is;
- Should provide opportunities for exploration and/or natural play through the existence of varied habitats;
- Green spaces should be laid out in such a manner that would facilitate the use of mechanical maintenance equipment (grass cutters, tractors, flails, bailers etc) where appropriate;
- It is expected that pedestrian desire lines have been considered so that natural pathways can be mowed out easily;
- Any natural space may incorporate a Sustainable Drainage Scheme (SuDS). These areas need to be easily accessible for maintenance machinery (see separate section on SuDS).

Play Space Design Guide

It is expected that an agreed space shall be designed and the site prepared including fencing, for the installation of play equipment as part of the on-site design. Where the Play Space is provided as part of a development, the initial outfit of play equipment should be provided by the developer. The future provision of replacement equipment and equipment maintenance should be funded through the community element of the Community Infrastructure Levy. Play equipment and its future maintenance shall be funded through the community element of the Community Infrastructure Levy. The Parish Council is happy to consider the design and the build.

Detailed below are the requirements the Parish Council would wish to see addressed before any formal adoption of land takes place.

Play Areas should meet the following requirements:

Number of properties	Play area Type	Size	Age Range
100 properties	Local Area of Play (LAP)	250m ²	Under 6
150 properties	Local Equipped Area of Play (LEAP)	375m ²	4-12

250 properties	LAP & LEAP	625m ²	0-12
350 properties	Neighbourhood Equipped Area of Play (NEAP)	875m ²	0-14

- Play provision needs to be appropriate for the needs of the community and should be accessible for every child within appropriate walking distance;
- The location of play should be influenced by the site, shape and contours of the development site and its relation to the surrounding developments and communities;
- Play areas should be accessible enough that parents should feel confident about where their children are playing, within visibility of neighbouring properties and along well used pedestrian routes. They should be sited close enough to housing to encourage informal parental supervision but not so close to be disruptive to residents' enjoyment of their property. LEAPs should be 25 metres away from the nearest residential building wall, whilst NEAPs should be 50 metres away.
- Play areas should be accessible from paths to enable enjoyment during inclement weather. Surfaces within the play area and the access to them from nearby paths must be free draining so they do not become waterlogged or boggy after heavy rain and/or flooding. Where appropriate tarmac paths should be used to avoid future maintenance;
- Any gradient should be compliant with the Equality Act and should not cause any unnecessary maintenance burden;
- Consideration should be given to the use of materials that would provide a long-term, robust and durable solution to play. Materials should stimulate the senses in terms of colour, sound and touch. Any construction should allow for spare parts to be easily accessible;
- Play equipment should be inclusive and accessible to all;
- Surfacing is limited to either specialist safety surfacing or matting to ensure children's safety, resistant to vandalism and an unnecessary maintenance burden;
- All play areas should be fenced off with dog-proof 1.2 metre bow top fencing with two-way self-closing, self-clamping/anti-slam gates, one of which should be 2 metres wide to facilitate access for maintenance. Gates should be a different colour to fencing;
- Seating and litter bins should be provided within the play area. Bins should be enclosed, lockable and of durable construction, and approved by the Parish Council for maintenance and emptying purposes. Seating should also be of a durable construction to reduce future maintenance;
- Where on-site provision is not feasible, Earnley Parish Council will use the commuted sum to upgrade existing play facilities in the parish.
- No planting shall be provided within the fenced play area. Appropriate screening is acceptable to reduce noise pollution, however this should not cause the play facilities to become isolated and out of view;

- The number and type of equipment shall be in accordance with the National Playing Field Association's 6-acre standard, providing robust equipment that ensures no unnecessary maintenance burden;
- A post-construction inspection by ROSPA must be undertaken prior to adoption;
- Should there be a delay between construction of the play area and/or a RoSPA Inspection and the land adoption, the Developer shall carry out weekly inspections in the same way that the Parish Council would carry out weekly inspections

Buildings or Structures

It is expected that any structures shall be laid out as part of the on-site design to an agreed management plan

Detailed below are the requirements the Parish Council would wish to see addressed before any formal adoption of land takes place:

- Any building or structure should be influenced by the site, shape and contours of the development site and its relation to the surrounding developments and communities;
- The proposed building or structure meets the needs of the parish;
- Should there be a delay between construction of the building or structure and the land adoption, the Developer shall carry out weekly inspections.

Community Orchard

A Community Orchard will make locally grown fruit available to residents, promote conservation and promote local character. In support of this requirement appropriate local Sussex fruit varieties should be preferred.

It is expected that the Community Orchard shall be laid out as part of the on-site design to an agreed management plan.

Detailed below are the requirements the Parish Council would wish to see addressed before any formal adoption of land takes place:

- The Orchard will be planted in traditional style meaning there will be 20 feet between trees,
- The trees will be planted between November and March, subject to ground conditions,
- The orchard will include a variety of species including a minimum of 50% Sussex heritage trees,
- The meadow below the orchard is to be planted with 100% native wildflower seed,
- An information board is to be provided which includes information on the types of trees planted and their fruit.

Allotment Design Guide

It is expected that Allotment shall be laid out as part of the on-site design to an agreed management plan.

Detailed below are the requirements the Parish Council would wish to see addressed before any formal adoption of land to take place:

- The site should be safe and secure with appropriate security fencing and gates allowing a 2-metre-wide access for maintenance vehicles;
- Car access to the gate off the highway should be constructed with appropriate on-site parking (one parking space per 10 plots);
- There shall be a communal storage, equality act compliant meeting space, equality act compliant compostable toilets, noticeboards and hardstanding to store manure/woodchips etc on site.
- Each plot will be provided with a 6ft x 4ft wooden shed, a small greenhouse, water capture and compost bins facilities as specified;
- Plots shall be laid out with appropriate paths, there shall be a mix of plot sizes to meet the differing needs of allotment holders;
- The site shall support bio-diversity through communal planting, hedging and wildlife schemes;
- Provision shall be made for appropriate drainage;
- Metered water supply shall be installed with one standpipe per 10-15 plots;
- Appropriate signage showing plot layout, location of communal facilities and contact details shall be provided

Sustainable Drainage Scheme (SuDS)

The Parish Council will not adopt any SuDS Scheme where it is considered that this will expose the Parish Council to onerous risk or ongoing liability as the occupier of the land. In particular, where the provision of a SuDS Scheme is a condition of a housing development, its maintenance should be the ongoing responsibility of the management organisation for the development, even where it is sited within or only accessible through adopted open space. The agreement for transfer of open space to the Parish Council shall make provision for access to the SuDS Scheme to allow for maintenance.

The Parish Council will only adopt SuDS ponds and wetlands that are within an area which is or shall become a public open space where they are not a requirement to ensure drainage of an area of developed land, and where the ongoing maintenance arrangements can be accommodated in the same way as that open space.

Any flood mitigation ponds which are unlikely to hold permanent water must be constructed to have banks of no greater than 14 degrees to allow for standard grass cutters to maintain when the area is dry.

If any flood mitigation ponds are to be constructed that are likely to hold permanent water, these areas must be fenced off and appropriate life-saving equipment installed.

Any underground tanks which are to be sited under public open space which is to be adopted by the Parish Council must be able to withstand the weight of a 2 tonne grass cutter passing over it.

The Council will not adopt any communicating/connecting pipework from any retaining pond to any underground tanks or outflow to the sewage undertaker's demarcation chambers.

Maintenance and Management of Open Spaces

Earnley Parish Council is amenable to adopt open space as long as:

- The provision meets the appropriate quality standards at the time of adoption;
- The developer provides a commuted sum to the Parish Council on or before the date of adoption sufficient to fund the management and maintenance for a period of 15 years (which is deemed not unreasonable bearing in mind that the Town Council will be responsible for maintaining the open space in perpetuity);
- The developer pays all legal costs relating to the transfer of the land or facilities to the Parish Council

Planning Policy emphasises that appropriate maintenance and management arrangements are essential to the quality of open space environments. Whilst the planning system has limited control over open space maintenance, it can make provision through planning conditions and S106 Agreements.

Management of open spaces requires a long-term perspective, with the flexibility to respond and adapt to issues or changes such as community needs and priorities, biodiversity, climate change, improvements to access, quality, safety and competing needs. A maintenance plan should involve the following:

- Grass cutting
- Shrub maintenance
- Tree work
- Hedge cutting
- Bin emptying
- Overlaying footpaths
- Maintenance of furniture (benches, bins, bollards, signs etc)
- Replacement of vandalised equipment
- Replacement of safety surfacing
- Annual RoSPA Inspections
- Annual Risk Assessment

It is therefore vital that maintenance and management implications are given full consideration alongside the planning and design of open spaces.

Parish Council advice to Developers

Pre-application Discussions

Discussions regarding open space requirements should take place at an early stage in the formulation of any development proposals; this is crucial in determining the ultimate form and acceptability of a particular project. Officers would be keen to understand how a development will:

1. Incorporate that maximum amount of greenspace.
2. Link or enhance existing provision.
3. Integrate with the management and maintenance ambitions of the developer.

It is envisaged at this stage the Parish Council should be in a position to provide an in-principle agreement to the adoption of open space.

Planning Application Submission

Historically many planning applications have been approved subject to conditions requiring the finalisation of the precise details of open space, location of play areas and appropriate maintenance plans. The Parish Council will only engage expert support when it is satisfied that there is a genuine willingness on the part of the developer for the open space to be adopted by the Parish Council. The Parish Council will work with colleagues from the Planning Authority to ensure a comprehensive approach to any agreements.

Post Planning Approval

The Parish Council shall work with the Planning Authority and the Developer to enter into a S106 agreement, to agree the adoption and level of developer contribution towards ongoing maintenance. The Parish Council shall provide an indication of the sum of monies to be paid to the Parish Council (this would however be subject to certain timescales upon completion).

Costs shall be developed by the Responsible Financial Officer of the Parish Council in conjunction with the Chairman of the Council and the Chairman of the Finance Committee (if in place). A total maintenance price for a year would be calculated and multiplied by **15 years** to give a final figure. The Developer's Contribution, once paid over to the Parish Council, would be invested and released annually into the Parish Council's annual revenue budget.

Appendix One

Table showing Local Apple Varieties from Sussex

Variety	Type	Flowering Period	Description
Aldwick Beauty	Dessert	Full Flower: 16/05	A seedling which arose in the garden of Mrs D.M. Alford, Aldwick, Bognor Regis, Sussex. Received by the National Fruit Trials in 1969. Fruits are sweet but tend to be rather dry.
Alfriston	Culinary	Full Flower: 10/05	Raised in the late 1700s by Mr Shepherd at Uckfield, Sussex and named Shepherd's Pippin. Re-named Alfriston in 1819. Received the Award of Merit from the Royal Horticultural Society in 1920. Fruits are soft, coarse-textured, not very juicy and acid. Cooks well.
Ashdown Seedling	Dessert	Full Flower: 08/05	Originated with the Ashdown and General Land Company, Horsted Keynes, Sussex. Received by the National Fruit Trials in 1966. Fruits are very similar to Discovery
Coronation Full	Dessert	Flower: 13/05	Raised at Buxted Park, Sussex by H.C. Princep and introduced by Pyne, Topsham, Devon. First recorded in 1902. It received an Award of Merit from the Royal Horticultural Society in 1902 as Edward's Coronation. Fruits have soft, coarse flesh with a sweet, aromatic flavour.
Crawley Beauty	Dual Purpose	Full Flower: 29/05	Found in a cottage garden in Crawley, Sussex in about 1870 and introduced in 1906 by nurserymen J. Cheal & Sons of Crawley. It appears to be identical with French variety Nouvelle France. Received an Award of Merit from the Royal Horticultural Society in 1912. Fruits have slightly coarse texture, rather dry flesh with a subacid, slightly sweet flavour.

Crawley Reinette	Dessert	Full Flower: 15/05	Introduced by J. Cheal & Sons, Crawley, Sussex. Recorded in 1902. Fruits have soft flesh with an acid to subacid flavour.
Doctor Hogg.	Culinary	Full Flower: 09/05:	Raised by Sidney Ford, gardener at Leonardslee, Horsham, Sussex. Introduced in about 1880 by W. Paul & Son. It received a First-Class Certificate from the Royal Horticultural Society in 1878. Fruits have tender flesh with a sweet and subacid flavour. Cooks well
Eastbourne Pippin	Dessert	Full Flower: 07/05	Raised in 1930 at Eastbourne, Sussex, by E.A. Lindley. Fruits have fine, tender flesh with a sweet to subacid flavour.
Edmund Jupp (JI)	Dessert	Full Flower: 13/05	Originated near Horsham, Sussex. It was first recorded in 1862. Fruits have tender flesh with a subacid and slightly sweet flavour.
Egremont Russet	Dessert	Full Flower: Early in season	Believed to Originate in Petworth, West Sussex. Recorded by nurserymen in 1872. Golden skin with large areas of brown russet. Crisp flavour, nutty and sweet. A trouble-free variety.
Forge	Dessert	Full Flower: 15/05	Said to originate at a Forge Farm in Sussex or near one of the old forges in the iron district near East Grinstead. It was described 1851 when already well known. Fruits have crisp, very juicy flesh with a pleasant aromatic flavour.
Golden Bounty	Dessert Full	Flower: 13/05	Raised in about 1940 by A.C. Nash, Scutes Farm, Hastings. Fruits have firm, fine flesh with a rich and subacid flavour.
Golden Pippin (Miller)	Dessert	Full Flower: 10/05	Originated in England. It was recorded in 1629. Fruits have firm, crisp flesh with a sweet, subacid and rich flavour.
June Crewdson	Dessert	Full Flower: 13/05	Originated with Bernard Crewdson, Limpsfield, Sussex. It first fruited in

			1943. Fruits have firm, fine, crisp flesh with a sweet flavour.
Knobby Russet	Dessert	Full Flower: 06/05	Brought to notice in 1820 by Haslar Capron of Midhurst, Sussex, England. Fruits have firm, rather dry flesh with a fairly strong flavour.

Adoption checklist for Landscape and Setting	
Has the Developer confirmed that there is no past mine/landfill, flooding and/or contamination issues attached to the site?	
Has there been opportunities for the Parish Council staff to walk around the site either independently or with the developer?	
Has the Management/Maintenance Plan been drafted/Agreed with the Planning Authority?	
Has the developer supplied maps to the parish council outlining: <ol style="list-style-type: none"> 1. Boundaries and maintenance responsibilities 2. Types of open spaces including size 3. Context of development site to existing communities/recreational facilities? 	
Has the Highways and Public Rights of Way Team at West Sussex County Council been consulted over any footpath/roadways particularly where there may be the requirement for the parish council to maintain hedgerows, highway trees and grass verges?	
Has the matter of SuDS been discussed with Chichester District Council/West Sussex County Council to determine whether the responsibility for such would rest with a separate management company or the parish council?	
Has the land for adoption been regularly inspected and maintained by the developer prior to the handover?	
Adoption checklist for Greenspaces	
What is being retained in terms of hedges, trees and water courses?	
Have all retained trees been inspected and appropriate actions carried out ahead of adoption?	
Has the site been inspected for persistent notifiable weed problems including Japanese Knotweed & Himalayan Balsam and the appropriate actions carried out ahead of adoption?	
Have any pathways been laid out to specification?	
Adoption checklist for Play Area	
Type of play area - LAP, LEAP or NEAP.	
Proximity to housing.	
Fencing 1.2m bow-top with two self-closing gates, and one gate to be 2m wide to facilitate maintenance.	
Durable equipment from a reputable supplier with the ability to deliver spare parts.	
Bins - durable, lockable.	
Benches - durable.	
Safety surfacing meets acceptable standards.	
Parish Council approved signage.	

Useful Reference Documents:

[A guide to setting up and managing a community orchard](#)

[Orchard Network](#)

[Community Orchard Project](#)