

BRIEFING NOTE

TO: Strategic Placemaking Scrutiny Committee

- *“To scrutinise the failures in the past adoption processes for public realm*
- *To look at lessons learnt to ensure that a process is in place to ensure that the public realm in new estates can be adopted more easily.*
- *To review how the legacy issues of public realm adoptions can be resolved.”*

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1. Background

Milton Keynes is witnessing development and regeneration activities, resulting in expanded numbers of residential, commercial and leisure facilities. To support these growing premises the surrounding infrastructure, such as improved and increased highways and green space is often also included within the development criteria and associated planning permissions.

The landowners of these developments can, if they wish, then seek to transfer the newly created infrastructure, and associated maintenance, into the public ownership via a legal negotiation and agreement with Milton Keynes Council. However, there is no legal requirement for developers to offer infrastructure for adoption.

2. Current Position

At any given time, due to the large number of developments ongoing there are numerous adoption negotiations and assessments going on. Each area must be assessed against a defined number of criteria to ensure that the public asset is of suitable construction and design, that it is ‘fit for purpose’ and does not unduly encumber the public purse with longer term financial burdens. The layout and design of open space and its constituent parts, i.e., play areas are agreed through the planning process. and future maintenance sums are agreed via S106 of the Towns and country planning Act 1990.

Once areas have been completed there are two main routes for open space adoption, and these are detailed below:

a) **The preferred option – transfer to The Parks Trust**

In growth areas the open space is adopted first by MKC and then transferred to a suitable third party such as the Parks Trust on a 999-year lease, funded through the tariff arrangement. The ‘Tariff’ is an amount of money per residential unit, or per hectare of employment development, that is payable by owners of land in the Urban Development Area (UDA). The UDA covers land to the north, east and west of the City where future expansion is likely to take place. The Tariff money goes to funding

infrastructure and services that are required to support the growth of the City. The Framework Agreement binds the landowners who have signed it to pay the Tariff and to its terms and conditions.

Outside of the tariff developers are required to include a management and maintenance strategy for all new or extended open space and green infrastructure, which shall include details of the proposed ownership of the open space/green infrastructure; the identity of the responsible maintenance (stewardship) body, financial and public accountability, and a suitable and sustainable financial arrangement to maintain the open space and green infrastructure in perpetuity.

b) MKC Adoptions

Where areas of open space do not or unable to fit with the Parks Trust portfolio, i.e., isolated and remote from other open space managed by the trust they are adopted by MKC. Generally, a commuted sum would have been agreed at the planning stage through a S106 agreement, for the future maintenance and in some instances provision. However, wherever possible contributions are requested to enhance existing sites within the catchment of the development rather than creating additional areas of open space.

- *Reviewing landscape designs and planning applications for new parks, liaising as necessary with the Council's Development Management Team, Senior Landscape Architect and other MKC officers in the process.*
- *Inspecting newly-landscaped areas and reporting defects to developers to complete remedial works.*
- *Calculating future maintenance costs and endowments.*

MKC draws down on maintenance sums received through S106 agreements each year in support of the landscape contact. Addition works are also undertaken to reduce the long-term maintenance through the transformation project, removing inappropriate features or planting in a poor condition due to age.

MKC / Parks Trust Green infrastructure officer

Since March 2019, MKC and MKPT have co-funded a dedicated Green Infrastructure officer role. The primary function of the role is to work with developers and planners to monitor the design and construction process for new parks and green spaces in the growth and development areas of Milton Keynes. Most development is undertaken by commercial developers and the role is about ensuring the new parks and green spaces are properly planned, delivered in accordance with the policies of the Local Plan and transferred into the care of the Parks Trust.

- *Reviewing landscape designs and planning applications for new parks, liaising as necessary with the Council's Development Management Team, Senior Landscape Architect and other MKC officers in the process.*
- *Inspecting newly-landscaped areas and reporting defects to developers to complete remedial works.*
- *Calculating future maintenance costs and endowments to enable MKPT to adopt the sites (many of the current pipeline of projects come under the MK Tariff Agreement)*

3. Concerns

The previous Supplementary Planning Guidance was revoked at a Delegated Decision meeting on 23rd February 2021 and replaced by the adopted Planning Obligations SPD 2021. The new SPD does not contain formulae as these are no longer permitted unless they have been through the Local Plan

process. Therefore, there is less clarity for both MKC and the developer on what is to be provided and the likely cost.

The Parks Trust have a formula to calculate adoption costs based on an annual cost of maintenance multiplied by 28.571 to create a lifetime cost. MKC has a similar approach based on a tendered schedule of rates, but sums are drawn down generally over 10 years. Alternatively use of quotations based on clear specifications would be acceptable in order to calculate the monetary obligations.

MK Council's clear preference to sustain the proven MK approach and all strategic open space, including public open space, play areas and green infrastructure should pass to MKC as described above. To ensure this, robust efforts are required throughout the planning and development stages. This was considered on 24th March 2020 "Landscape Management Companies" and a Delegated Decision was taken. The Council has few formal powers available to require developers to follow the MK approach, but the decision sets out the steps it can take to encourage it using the powers it does have.

Developers are sometimes slow to deliver open space or to transfer it. The process can be affected by macro events: economic downturn resulting in slowing in house building or take over of developers, to micro: change of staff or sub-contractor. These events are hard to predict and can only be managed through good communication.

4. **Summary**

The Authority continues to foster good relations and working practices with all developers to help to expedite adoptions. Through the Green Infrastructure officer and both the Landscaping Adoptions and Placemaking teams the Authority strives to make processes more efficient and encouraging early council involvement with developments by providing pre-planning advice and by making in-house design services available to the developers – such as landscape and play design.

Whilst we will continue to try and improve and refine the 'adoption process', it is a difficult and challenging process that is not controlled by the Authority and is therefore is not an immediately expedient process. However closer working with developers and communications with residents over roles and responsibilities as well as the continued streamlining of processes (within the statutory framework) will help to give an improved service and greater understanding and perceptions of the challenges faced.