

Public Open Space (POS) Adoption Procedure

Generic transfer process for the adoption of POS by Colchester Borough Council (CBC):

CBC landscape guidelines: [Landscape Guidance for Developers - Colchester Borough Council](#)

Development Charging Schedule:

[Fees for Landscape Consultancy and POS Inspection](#)

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Acronyms –

POS – Public Open Space

DT – Development Team

PO – Planning Officer

CDM – Community Development Manager

LPO – Landscape Planning Officer

PCO – Planning Contributions Officer

Step 1 Pre-planning consent – Occurs before planning application received by CBC, identifies and addresses issues early, ensuring a smooth transition process.

- POS identified during process by Development Team (DT) or Planning Officer (PO).
- Community Development Manager (CDM) consulted on any POS that may eventually be transferred to CBC.
- Developer submits concept landscape proposals received by DT/PCO. Landscape Planning Officer (LPO) consulted on concept landscape proposal.
- Following review with generic guidelines and considering site specific requirements concept proposal is negotiated into an acceptable Concept Landscape Proposal.



Step 2 Detailed Design – Occurs as part of planning application after consent for development is secured.

- PCO conditions detailed landscape scheme as part of planning consent.
- Developer submits detailed landscape scheme in order to discharge planning condition.
- LPO and CDM review detailed landscape proposal against generic guidelines and considering site specific requirements. Will either recommend agreement to proposal or negotiate, through PCO an acceptable detailed landscape proposal.
- PCO discharges relevant planning condition against detailed landscape proposal and forwards a copy to the Planning Contributions Officer (PCO) who lodges it on the Section 106 database for further reference and with Estates team who add boundary details to mapping layer indicating future CBC ownership.

Step 3 Implementation – Occurs during and after completion of development. *N.B Most agreed landscape schemes require that both implementation and management of landscape be professionally monitored, in order to help enable the smooth operation of the adoption process.*

- Developer lays out POS in accordance with accepted detailed landscape proposal.
- Developer maintains POS up to the stage where they wish, or are required under Section 106 Agreement, to offer site to CBC.
- Developer invites LPO to carry out Practical Completion Inspection of POS, submitting with the invitation; a PDF drawing clearly illustrating the total area of the overall development, the calculated area of the relevant POS and appropriate fee.
- LPO and CDM carry out Practical Completion Inspection.

Inspection fails, remedial works identified and carried out by developer, apply for re-inspection.

Inspection passes, POS found to be substantially in accordance with agreed detailed landscape scheme. LPO issues Practical Completion Certificate to stakeholders.

Step 4 Management – Occurs once practical completion certificate is held but before legal process transfers POS to CBC. *N.B Most agreed landscape schemes require that both implementation and management of landscape be professionally monitored, in order to help enable the smooth operation of the adoption process.*

- Where no management period has been secured under the Section 106 Agreement, the CDM instructs the Property & Planning Lawyer to prepare for transfer of POS (Step 5).
- When a management period has been secured, the CDM prepares a Ground Maintenance Contract Variation and the PCO reminds stakeholders of inspection of POS and to prepare Title Deeds.
- Developer maintains POS up until end of management period and then invites CDM to carry out Landscape maintenance transfer inspection.
- In advance of, or at a time suitable to the developer, it may be beneficial to provide size and species details of all trees on the site that to be transferred.

Landscape maintenance transfer inspection failed, remedial works identified and a timetable for works agreed with CDM. Developer carries out works, continues to maintain site and invites CDM for re-inspection.

Landscape maintenance transfer inspection passed, CDM issues landscape maintenance transfer certificate to developer. CBC maintains POS until legal transfer complete. Copies issued to stakeholders and to Estates team, who update mapping layer showing land, but not ownership, has transferred.

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Step 5 Legal transfer – Occurs once Landscape maintenance transfer inspection passed, or after Practical Completion Certificate if no management period agreed. Step can run in conjunction with Step 4 reducing time between handover and completion.

- Developer submits the following to the Property & Planning Lawyer:
 1. Contact details of their legal representative (if any);
 2. Up to date title documentation (i.e. where the land is registered with the title register and title plan; or where the land is unregistered, the root title going back, at least, 15 years);
 3. Any documentation referred to within the title documentation (e.g. transfers, deed of easement, deeds of covenants, plans, etc...);
 4. 6 land registry compliant plans showing the area of land being transferred in red edging. *N.B Upon receipt of the plans they will be compared to the plans held within the Section 106 Agreement and therefore the red edging should not show any discrepancies and must follow the same boundary. In the event of the boundaries not matching, a deed of variation and planning committee approval may be necessary;*
 5. Replies to the attached Enquiries before Contract and Requisitions on Title;
 6. The developer should also consider whether or not there is a commuted sum due and obtain an up to date indexed figure from the Accounts department.
- Once legal procedure is complete, stakeholders are informed, Estates update mapping layer showing maintenance and ownership has transferred to CBC and POS adoption procedure is concluded.