LONDONASSEMBLY

Public life in private hands
Managing London's public space

May 2011

.

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About this report

On 13 October 2010 the Committee agreed to review the management of publicly accessible space in London. It sought to examine the different approaches for managing publicly accessible space in London and to assess the Mayor's manifesto commitment to ensure access to public space is as unrestricted and unambiguous as possible, with the following term of reference:

- To review the Mayor's role in influencing the quality and accessibility of London's public spaces through planning policy and other measures.

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Chair's foreword

Public spaces and places – our streets, squares, parks, waterfronts and footpaths - define how people perceive and live in a city. They reflect the priority we give to the wellbeing of our city and its citizens. They are vital to the quality of life London can offer.
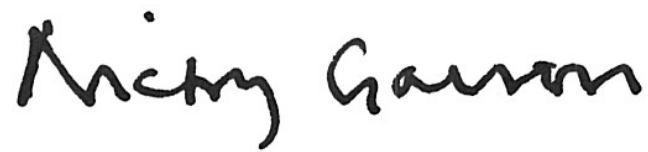
The public realm should be public. It's where people of all backgrounds, ages and interests can mix and get a shared sense of belonging and ownership. For London to become a more sustainable city we must expect higher densities of development. But we must not allow this to increase exclusion and inequality, as it risks compromising the democratic principle of open and easy access for all.

London planning has become adept at the delivery of high quality public realm as part of large scale private developments. This is especially true of developments that combine office, retail, residential and leisure - all of which need public access. However, having established this principle of good quality public realm, the planning system has not caught up with the fact that what is in effect public space is often subject to private management. In an age of austerity this is being exacerbated. Budget pressures on local authorities are increasingly leaving the management of public space in the hands of developers.

Investors and developers see the quality of public space as integral to the success and value of their sites. This can lead them to seek control of public areas and to apply codes of conduct that are, for many people, inappropriately restrictive. Of course there may be reasonable concerns around liability and health and safety. However, many of these restrictions range from the precautionary and unnecessary to the total exclusion of all but a privileged few - hardly in the spirit of democracy and inclusion.

This report highlights the fact that planning has an essential role to play in the protection of one of London's most precious community assets. It

makes clear recommendations to the Mayor and the boroughs about the role planning should play in ensuring standards for public access and use, the negotiation of responsibility for long-term management between boroughs and developers, and involving the local community. Above all, to enshrine the principle of open access into the future, inclusive access and use must be built in from the earliest point of any development application.

Nicky Gavron

Chair of the Planning and Housing Committee for the public space review

Executive Summary

Public spaces form one of the essential components of London - they play a major part in London's economy, environment and quality of life for both Londoners and visitors.

Londoners expect high quality, accessible, safe, well-maintained public spaces regardless of who owns or manages them. However, the Mayor of London is concerned that *"there is a growing trend towards the private management of publicly accessible space (…) where Londoners can feel themselves excluded from parts of their own city".*[1]

The main focus of our review is the different ways public space is managed and the importance of recognising the needs of different stakeholders. On land that is privately owned all powers lie, in principle, in private hands. However, through the planning system, the local authority can create and maintain a level of influence on any 'public' space proposed and ensure that it is managed in an acceptable way.

There are different models of ownership and public space management in the UK, all of which can provide solutions to particular spaces and have both potential benefits and disadvantages.[2]

We also see more, and more complex, models of ownership and private management. On the one hand, budget pressures mean many local authorities find it increasingly difficult to maintain high standards of public realm provision and management. Developers, on the other hand, have begun to see the quality and management of public space as integral to the success and value of their sites.

While private ownership or management of public space is not, in itself, a cause for concern, a number of case studies we looked at show that problems can arise with spaces in which commercial interests prevail over public access.

Various stakeholders are involved in providing and managing public spaces – the developers, the boroughs, local communities and, where relevant, London's Mayor. These stakeholders often have different priorities and objectives, and it is a complex task to find a suitable balance of those priorities for any new public space. Achieving a successful balance between priorities depends in part on the stage at which planning permission is given and when the planning conditions and legal agreements are negotiated.

There is good practice to be found that can help address how to improve the management of, and access to, public space. Crucially, an early appreciation of the issue will allow time for all stakeholders to put forward their priorities and to join the discussion about how management of the space will be applied.

The Committee heard from many stakeholders that active early community consultation on development proposals, particularly where they include open space or other public space, is vital to a successful outcome for public space management.

For example, for the redevelopment of the Kings Cross Central site it was agreed that the London Borough of Camden would adopt the streets and public areas and protect unrestricted public access to the area. A legal agreement sets out the principles for the management for the public realm including maintenance standards. If the positive aspirations for an inclusive public realm at Kings Cross are met, this type of management scheme may provide a useful template for future development.

Through the London Plan policies and other guidance, the Mayor can provide clear and continuous advice to London boroughs and key partners to ensure that the public realm is managed in the most suitable way, to keep it as welcoming and unrestricted as possible.

The Mayor's Great Outdoors scheme[3] has already facilitated a range of visible public realm improvements but it is unclear if the importance of appropriate management for the accessibility of spaces has been addressed.

With additional London-wide guidance, the Mayor could make sure that the right arrangements for successful management of public spaces are put into place between boroughs and developers (or a voluntary organisation) at the outset. We recommend that the Mayor consider developing Supplementary Planning Guidance on the public realm.

Strategic policy guidance in London is fully recognised by London boroughs in their work on Local Development Frameworks and in individual decisions on proposed development and need not be incompatible with Government intentions to further the localism agenda.

Most local authority planning policies currently do not systematically address the issue of future access to and management of the public realm, particularly in private developments. The Committee suggests that boroughs should be mindful of the Mayor's priorities for London's public realm, to ensure that continuous public space management is delivered at a local level and with the involvement of the local community.

The Mayor can also provide direction to development proposals of strategic importance and facilitate a multidisciplinary approach to ensuring accessible, high quality public spaces. We would therefore expect the Mayor's own concerns on the accessibility of the public realm to be reflected in his dealings with major applications and to form a specific part of his comments on proposed schemes.

1 Introduction

"The importance of pedestrian public spaces cannot be measured, but most other important things in life cannot be measured either…Parks and other pedestrian places are essential to a city's happiness."
Enrique Peñalosa[4], former Mayor of Bogotá, Colombia

The importance of good accessible public space for all

1.1 Public spaces[5] form one of the essential components of a city and give an area a sense of place. They are where people come together to meet, talk, eat and drink, trade, debate or simply pass through[6] - they are important nodes of social interaction. Public space is civic and it is, within the realms of the law, available for the citizen on a completely unrestricted basis.[7]

1.2 Public spaces are particularly important in London. They help to create a city where people want to live and where businesses want to invest, and provide the setting for the city's rich architectural heritage. High-quality, accessible, safe, well-maintained public spaces play a major part in London's economy, environment and quality of life for both Londoners and visitors. Good public spaces also contribute significantly to making London a more sustainable city.[8]

> Public spaces help to create a city where people want to live and businesses want to invest.

1.3 These ideas are also reflected in the Mayor's spatial development strategy – the (Draft Replacement) London Plan – which states that:

"The quality of the public realm has a significant influence on quality of life because it affects people's sense of place, security and belonging"[9].

1.4 A major study by Project for Public Spaces (PPS) has found that successful public spaces have four key qualities:

- they are accessible;
- people are engaged in activities there;
- they are comfortable and have a good image; and
- they are sociable places where people meet each other and take people when they come to visit.[10]

1.5 Londoners rightly have specific expectations of the public spaces they use, regardless of who owns or manages them. The public can expect that everyone has a general right (not just a privilege) to access and use the space; that the space will be well-maintained; and that the space will be safe for all reasonable uses.

A growing trend towards the private management of public space?

1.6 The Mayor of London is concerned that:

"There is a growing trend towards the private management of publicly accessible space where this type of 'corporatisation' occurs, especially in the larger commercial developments, Londoners can feel themselves excluded from parts of their own city".[11]

1.7 Peter Bishop, former Group Director for Design, Development and Environment at the London Development Agency (LDA) expanded further on these concerns to the Committee. He said: *"We are creeping towards the segregation of the city… It's a very dangerous trend".* He argued that designing and managing cities should start from the assumption that public space is available for the citizens on a completely unrestricted basis but that there is the danger of an erosion of that concept of public space.[12]

> Public space is available for the citizens on a completely unrestricted basis but there is the danger of an erosion of that concept of public space.

1.8 In the last two decades, there has been a notable shift in developers' attitudes to the ownership of public spaces in London and elsewhere. Until the 1980s, any open space – whether it is green space, parks, open space or streets – has generally been "adopted" by the local authorities, who experienced very little pressure for other uses. Planning and design experts point to the expansion of the Canary Wharf estate and some of the city developments in the mid to late 1990s as a 'turning point'. Now, in many cases, a developer will assume that they themselves will take ownership of an open space, with absolute control, in order to protect the value of the development as a whole.[13]

1.9 As a result, many major redevelopment schemes now incorporate spaces that are accessible to the public but not necessarily 'public' in legal terms. Land ownership largely determines who controls access to this kind of space and it is through the management of the space that the look and feel of the environment is created. Privately managed space tends to impose a different set of rules from those applying to spaces in public ownership. The effect was described by an American planning academic:

"The public is welcome as long as they are patrons of shops and restaurants, office workers, or clients of businesses located on the premises, but access to and use of the space is only a privilege and not a right".[14]

1.10 Cases such as Canary Wharf and others have led experts and commentators[15] to three main conclusions about the risks to public space brought about by these trends:

- They conclude that people's right to access public space is increasingly being affected and replaced by a privilege that can be withdrawn, restricted, regulated and controlled. Some people receive this change positively: for example, they may welcome security measures or increased cleanliness. Others may feel or be excluded altogether from some of these spaces.
- They are concerned that, like some of our high streets, public spaces are in danger of losing their distinctive local character in cases where overly regulated and corporate management starts to turn the public realm into a sterile, unvarying environment. Not enough thought is given to the design of public spaces and their subsequent management and upkeep.
- They see a risk that the original civic meaning and importance of the public space could be lost. People often assume that all public space is owned and managed on the public's behalf for the general good. Private sector developers do not necessarily share that assumption when they take control of public spaces.

The review

1.11 This report presents the findings of our review of these concerns. The report considers the evidence about trends in management of public space and identifies some specific causes of problems relating to the management. It recommends that the Mayor should continue to provide leadership, guidance and direction to protect our rights of access to and enjoyment of public space and build upon his achievements through his Great Outdoors scheme.[16]

1.12 One mechanism that is available to reconcile the different requirements of the users and owners of public space is the planning system. A central theme of this report is how that system is working and what needs to be done to improve how it works.

1.13 The report makes a number of recommendations to the Mayor in relation to strategic planning advice and his powers regarding strategic planning applications where he can influence the management of London's public spaces. The report also addresses boroughs directly with suggestions on how to incorporate public realm management in their planning policies and decisions more effectively, and highlights the need to ensure time and capacity for community involvement.

Access to public space is increasingly being affected and replaced by a privilege that can be withdrawn, restricted, regulated and controlled.

1.14 The report draws on academic research and policy documents, and the Committee's meetings with experts and other stakeholders. A large number of examples and other useful information collected by the Committee is set out in the appendices to this report. We thank everyone who contributed and hope the report will add to this important debate by drawing together existing research and expert opinion, applying it to the London context, and identifying what the Mayor should do to put the latest thinking on these issues into practice.

2 How the ownership and management of public land is changing

2.1 Our review has collected many examples and case studies that highlight the changing approach to the management of public spaces, both in London and other world cities. The examples are supported by a literature review and further expert opinions (also see paragraphs 2.10-17 and Appendices 2 and 3). While current and historical land ownership data for London is not readily available to accurately quantify these changes[17], we conclude that in the last twenty years, there has been a trend towards increased private ownership and management of public space.

2.2 We have found that there are some examples of good privately managed public spaces: safe, popular and vibrant areas where previously people would not have thought of going. An example is Bermondsey Square in south London which recently won an award as 'best new public space'.[18]

2.3 There are also examples where certain restrictions to public use and access have been introduced, or where new private development of public spaces is associated with restrictive management. At a new public square in Paddington Basin in west London overzealous security guards have in the past prevented photography, even of people photographing each other in the space.[19]

Need for management

2.4 All public spaces require some form of management. If a space is to fulfil its role and remain accessible and inclusive, a management body must coordinate a number of tasks. It must find sources of financial investment for the space, maintain the space physically, regulate its use and mediate conflicts of interest. In the past, land owned or controlled by local councils, like parks or streets, was understood to be public, unlike private sites which were usually considered private property and not accessible to the general public (unless there was an actual public right of way).[20]

2.5 Increasingly, there is a blurring of once clear-cut lines between public and private areas of the city. Some commentators believe that the growth of 'private-public' space produces over-controlled, sterile places which tend to look the same and fail to connect with the local environment and community. They also raise questions about democracy and accountability and the displacement of social problems into neighbouring districts.[21]

There has been a trend towards increased private ownership and management of public space.

If a space is to fulfil its role and remain accessible and inclusive, a management body must coordinate a number of tasks.

> Through the planning system, the local authority can create and maintain a level of influence on any 'public' space.

2.6 **The focus of the review is therefore on management and on recognising the needs of different stakeholders. On land that is privately owned all powers lie, in principle, in private hands. However, through the planning system, the local authority can create and maintain a level of influence on any 'public' space proposed or ensure that it is managed in an acceptable way.**

Different management models

2.7 From our analysis of literature and a number of case studies, there appear to be four emerging models of public space management in the UK. While the management models are quite clear, they can apply to both publicly and privately owned land. The models are:

- predominantly publicly controlled, eg by a city council or local borough – the traditional approach;
- predominantly privately controlled, eg through a service delivery contract or development agreement – a common approach with varying degrees of devolvement;
- predominantly controlled by the voluntary sector, eg a community organisation – this is often seen at neighbourhood level and on smaller sites; and
- mix of public and private interests – this could be a Business improvement district (BID[22]), eg the Heart of London BID, or a publicly owned site where a range of managerial or service tasks are contracted out to private sector providers.

Examples of management models – Positive and negative aspects

2.8 All models can provide solutions to particular spaces and have both potential benefits and disadvantages.[23] Some may be more suitable for certain locations or uses and more successfully deliver certain objectives than others. Table 1 overleaf (Management models) provides examples for each type of management model and summarises positive and negative aspects of those approaches.

Table 1

Management model	Examples (Details of all examples are at Appendix 2)	Positive aspects	Negative aspects
Public	**Trafalgar Square** is managed by the Greater London Authority and can be used for rallies and demonstrations; filming and photography; and promotional events. Other examples include Highbury Fields and Brixton Central Square (Windrush Square).	Clearer level of accountability and priority for public interests. The public get involved in decision making through statutory consultation and the provision and management of the spaces is usually based on borough wide policies.	Frequently a high level of bureaucracy and increasingly a lack of funding. The standards of maintenance may suffer from limited funds and new investment can be difficult to secure. There can be a higher level of antisocial behaviour in poorly designed or maintained areas that are not policed.
Private	**More London** is a privately owned estate that employs its own cleaning, maintenance and security staff. Other examples include Regent's Place, Old Spitalfields Market, Central St Giles and Stratford City (Westfield).	Often benefit from a greater level of resources and the ability to react quickly to changing demands. A higher amount of available funding can secure higher spec materials and more frequent maintenance.	There is a greater risk of exclusion of groups when there is a conflict with commercial interests. The space can be dominated by corporate tenants rather then the local community where it is located. For example, photography or filming is frequently not permitted.
Voluntary sector/trust	**Potters Fields Park** is managed by a not for profit organisation represented by the GLA, residents and retailer associations and the Council. Other examples include Westway Development Trust, Bankside Open Spaces Trust and numerous 'Friends of parks' Groups. Have proven to generally respond sensitively to the needs of its users	Have proven to generally respond sensitively to the needs of its users. Stakeholders usually have regular opportunities for involvement at different levels.	May lack a strategic approach or adequate management expertise. Management and staffing are dependent on volunteers and funders which can lead to inconsistencies also in relation to skills. Income can be generated through events but paid events can prevent low income groups from using the spaces. On occasion there are strategies to make additional profits by charging for photography or filming activities on a site.
Mix /Partnership approach	The **Heart of London BID** delivers services in the areas of street cleansing, street safety and marketing in addition to the existing services provided by Westminster Council through a joint Service Level Agreement. Other examples include London Bridge BID, Wimbledon Town Centre Partnership & Management Board or the Central Park Conservancy in New York City.	The arrangements are often specific to a particular open space type and have evolved as a consequence of ownership and funding. BIDs raise a tax from local businesses and spend it on improving the local environment. The level of responsibility and involvement is flexible.	In return for additional funding the businesses decide what the environment looks like and this, consequently, affects the control of public space.

Reasons for the trend towards private control

2.9 We see more, and more complex, models of ownership and private management. There are three main reasons for this development, two of which are primarily applicable to the public sector and a further reason applies to the private sector. Those reasons also suggest that the trend will continue.

Public spending pressures

As resources get tighter, many local authorities find it increasingly difficult to maintain high standards of public realm provision and management.

2.10 As resources get tighter, many local authorities find it increasingly difficult to maintain high standards of public realm provision and management. The Committee was told that it will, therefore, become more and more tempting for councils to leave maintenance and management entirely in the hands of private developers.[24] Local authorities are sometimes reluctant to take on responsibilities for new spaces where these require a long-term maintenance commitment when struggling with a tight budget. These two aspects can actually reinforce each other:

"A poorly designed and inadequately managed public realm leads directly to the desire of key commercial and community interests to desert publicly managed space in favour of [private] more highly managed and inevitably exclusionary space. Indirectly this perpetuates itself by withdrawing investment from traditional public space to which perceived antisocial elements are now relegated. It is further reinforced by removing key civil groups from the public space, in turn, perpetuating management trends".[25]

Public goal of growth and regeneration

2.11 The general public often assume that local authorities will be responsible for the public realm in new developments, but this is not always the case. London boroughs seek to promote and support economic development and regeneration which relies on private investment into the local area.

2.12 There is a belief that privately managed spaces and the money spent on them, will more successfully regenerate a derelict or run down site or area, bringing business, jobs and wider benefits to the borough. The additional restrictions and controls to the public realm for the wider community often seen in these spaces may be considered a "small price to pay" but the potential long-term impacts are not always understood.

Property value

2.13 Developers increasingly see the quality and management of public space as integral to the success and value of development sites, so they have sought ownership and management control of public spaces much more than they previously would have done. Particularly where there is an element of retail in a development, an attractive environment is key to maintain thriving businesses.

2.14 When planning for and managing an open space, private developers will often invest heavily in elements with a strong visible impact: high-quality materials, for example, or intensive cleaning regimes. Doing so can also help them to add value to their investment portfolio. The demands of the tenants and service charge payers are prioritised and will often be reflected in additional controls over general access to the space.[26]

Examples and case studies

2.15 Private or non-public ownership or management of public space is not, in itself, a cause for concern; it can be beneficial. Our review identified examples of good practice where a successful management approach was established. They include Brown Hart Gardens in Mayfair where extensive public engagement took place, and Mint Street Park in Southwark, which is successfully managed by a local steering group.

2.16 A number of other case studies show that problems can arise with privately managed public spaces in which commercial interests prevail over public access. Such problems can arise in particular from the closure of gated parks and other sites[27], restrictions to public use where events are held[28], or physical restrictions to accessibility[29] which can be due to insufficient maintenance. The intensity of security measures and the behaviour of security staff were also raised as concerns.[30] Further details of all examples are set out at Appendix 3.

2.17 Overall, our review has highlighted public concerns around the following themes:

- people can feel, or are, excluded from the space;
- people feel that the rules of behaviour are weighted too heavily towards regulation and control; and
- people experience a sense of segregation between privately managed spaces and the surrounding, publicly managed, areas.

Developers increasingly see the quality and management of public space as integral to the success and value of development sites.

Private ownership or management of public space is not, in itself, a cause for concern.

3 Improving the management of London's public realm

3.1 Various stakeholders are involved in providing and managing public spaces – the developers, the boroughs, local communities and, where relevant, London's Mayor. They have different priorities, key issues and objectives and it is a complex task to find a suitable balance of those priorities for any new public space.

3.2 Our review has found that there are four main areas for action to improve the public realm in London and make it more accessible and inclusive:

- planning policies and guidance;
- negotiations over planning applications and planning obligations;
- the creation of management agreements; and
- the involvement of local communities.

3.3 Both the Mayor and a number of stakeholders[31] agree that public spaces must be managed in a meaningful and transparent way. Doing so is a major challenge for the future in a difficult financial environment. Those involved need to look innovatively at creating a public realm that is high quality, fully accessible and has character. It should also, preferably, be easy to maintain at a low cost.

> The Mayor and a number of stakeholders agree that public spaces must be managed in a meaningful and transparent way.

Planning policies and guidance

3.4 It is essential for London boroughs to encourage inward investment but also to provide and maintain public spaces. A high quality, accessible public realm is important, both for quality of life and for encouraging commercial interests. Alongside any economic strategies, the planning system, and therefore local planning policies, is the main factor in supporting both these objectives.

3.5 Our review of borough policies suggests that the boroughs often lack sufficient guidance to balance these two objectives. It is unclear if boroughs are sufficiently aware of the potential negative impacts that could result from not addressing public space management at the outset of any discussions with developers. The design process itself should, ideally, incorporate consideration of future users, maintenance and management needs.

3.6 Many local planning policies seek an accessible and inclusive public realm in new development in principle, but rarely does this objective translate into detailed planning conditions or agreements. Our review of a range of planning policy documents for a sample of ten London Boroughs found that most of them do not have specific policies

addressing the management arrangements for public space in private developments. Where public access and management are mentioned, no practical guidance is given as to how this could be achieved; only a few suggest that management aspects could be addressed through Section 106 agreements or associated planning conditions.[32] Sometimes these objectives appear as more of an aspiration, covered in the supporting text of policies only. Where specific supplementary guidance on the provision and management of the public realm exists, the need to consider these issues at an early stage and to negotiate appropriate agreements between the partners involved is not always identified.[33]

3.7   The City of London has made a good start by "seeking public access [to open spaces] wherever possible" and seeking to enter into agreements with landowners to secure this.[34] There is also inspiration to be drawn from other global cities. In New York City a very specific zoning policy[35] encouraged private developers to provide spaces for the public within or outside their buildings in return for allowing them greater density. This approach has created a network of over 500 "privately owned public spaces" (POPS) across particular districts and was considered successful overall.[36]

3.8   However, while the principle of the New York City policy was useful, not all of these spaces have been designed or maintained to a high quality and some are now underused.[37] In addition to the single focus on provision, a requirement to also present details of accessibility and a future management strategy could have prevented such unwanted effects and should be considered in any similar approaches. A successfully managed and popular POPS is Paley Park, a small vest pocket park[38] in midtown Manhattan that features a waterfall.[39]

3.9   The POPS scheme also showcases the potential to make internal public spaces and roof spaces publicly accessible. In London the recently opened One New Change shopping centre has a public viewing terrace with access to a café and a restaurant that is open to the general public until late. Transport for London has plans to develop public realm improvements alongside the Crossrail stations. Those may include integrated public resting areas and viewing points: for example, a rooftop park at Canary Wharf station. The design proposals for the US Embassy in Nine Elms feature a public park connecting the outside with the inside to make the building more approachable.

3.10 As part of its review, the Committee visited Kings Cross Central, a 67 acre (0.27 sq km) redevelopment site providing offices, homes, a university and large amounts of open space, as an example of emerging good practice (further details are at Appendix 4). For this development it was agreed that the London Borough of Camden would adopt the streets and public areas and unrestricted public access to the area has been protected.[40] Proposals include a Public Realm Strategy and an Access and Inclusivity Statement that set out the objectives and standards for the public spaces (see Appendix 7 for excerpts of the legal agreement).

Planning obligations and timing

3.11 There are many calls on planning obligations to deliver a range of improvements or infrastructure. Developers appreciate the value, both financially and for the wider community, of attractive public spaces within or near a development, whether it is office, retail, residential or mixed use. An inviting public realm increases footfall to shops and services, provides places to relax for employees and residents, and integrates the area better with its surroundings through pedestrian connections.

> It is crucial that a balance between various objectives is achieved through negotiations based on clear planning policies.

3.12 It is crucial that a suitable balance between various objectives is achieved through negotiations between developers and boroughs, based on clear planning policies. The main way of setting out and securing specific arrangements related to a development at the planning stage is through planning obligations such as Section 106 agreements, the emerging Community Infrastructure Levy (CIL) or through planning conditions attached to the permission.[41]

3.13 Planning policies form the basis for the boroughs' scope of decision-making and can influence the design and future control over, and management of, the public realm. These aspects are best approached in an integrated way as design and management impact on one another. While it has to be clear who a space is for so that design can ensure there are no barriers to access, it must also take into account the practicalities of management and maintenance to function in the long term.

3.14 Achieving a successful balance between priorities depends in part on intervening at the stage when planning permission is given and when the conditions under Section 106 are negotiated. At this stage, responsibilities and details of design, access and management need to

be firmly established. Not all London boroughs have the expertise to really tie such details down at that stage and the Mayor could have a lead role to play in offering support and advice.[42]

3.15   Royal Arsenal Gardens in Woolwich is an example where no particular management regime or relevant planning conditions were agreed at the outset. As a result the space has, in the past, deteriorated quickly and the local authority had no powers to influence the situation at that point.

Management agreements

3.16   As part of a S106 agreement or required planning obligations, a management agreement could help prevent inconsistencies over time or at least provide a point of reference. Any agreement should set out, as a minimum, the basic expectations for the public space (ie public access) and be attached to the planning permission.

3.17   The legal agreement[43] drawn up for Kings Cross Central (discussed in paragraph 3.10), refers to a Public Realm Strategy and sets out the principles for the management of both the public realm and estate realm including maintenance standards and principles for inclusive design and defines permitted closures. The document includes a welcome level of detail; hopefully, the united approach will contribute to making the public realm more inclusive and equally enjoyable for onsite businesses and residents as well as the general public.

3.18   There are also new management arrangements that give some cause for concern. At Stratford City[44] a 'Site Wide Estate Management Strategy' has been drawn up that deals with management responsibilities and displays a strong focus on security measures and access restrictions (extracts are at Appendix 7). However, these matters are not (yet) defined in detail. The lack of transparency and clear lines of accountability over how this large development is managed is of concern to some observers who worry that heavy-handed security could dissuade or intimidate some people.[45]

3.19   The actual success or potential problems of these arrangements can only be judged after the development has been fully implemented. Only time will tell if the positive aspirations will be met. If they are, these management schemes may provide a useful template for future development.[46] There are currently a number of large schemes planned in London potentially providing a significant amount of public

> The legal agreement for Kings Cross Central sets out the principles for the management of both the public realm and estate realm.

realm. Because of their strategic importance they have been or will be referred to the Mayor for consultation (also see Chapter 4 on the Mayor's planning powers). These schemes include Kings Cross Central; Cricklewood, Brent Cross and West Hendon; Elephant and Castle; Olympic Park; Stratford City; and Croydon Town Centre (see Appendix 4 for details).

3.20   We would encourage the Mayor, local authorities and developers to consider an integrated approach as has been the case with Kings Cross Central and come to joint management agreements for the public realm at an early stage in the planning process where possible.

Community involvement

3.21   A common difficulty during early community engagement is trying to avoid the interests of particular groups of users being crowded out by louder or more influential voices. The facilitators of consultation should focus on drawing out the views of those least likely to engage so they are not overlooked, in order to make the outcome more representative of an area.

Early community consultation is vital to a successful outcome for public space management.

3.22   Many experts who responded to the Committee's consultation[47] agreed that early community consultation on development proposals, particularly where they include open space or other public space, is vital to a successful outcome for public space management. The public can help inform and shape proposals and in the later stages give their views to ensure schemes are successfully integrated.[48] A number of boroughs and organisations[49] told the Committee that Londoners should have the right to be fully engaged in the planning process whenever new public spaces are being created or changes are being suggested.

3.23   English Heritage point out the importance of actively involving the local community at an early stage in the design and management of public spaces (both existing and proposed). In the case of existing spaces it is essential to ensure that the value of the space to the local community and its historic interest is identified, valued and used as a basis to introduce change or better management practices.[50]

3.24   Some community groups report on the difficulties arising from the formality of the consultation work and the 'check-box' attitudes towards community involvement they have experienced. They stress

the importance of genuine involvement of the public rather than it being a 'token' exercise.[51]

3.25 Many also argue that local communities are consulted on street and other public realm improvements, but are generally less informed about aspects of management complexity that are involved with large-scale physical changes.[52] Ultimately the use of public space by all members of the community is driven by hands-on, practical and engaging projects that enable people to take pride in their local spaces and take decisions on how they are managed.[53] Ideally, councils should encourage the development of borough-wide and neighbourhood open space forums to provide a focus for community involvement that informs the whole design process and a comprehensive strategy for the future management, maintenance and enlivenment of a space.[54] Public involvement should go beyond the planning stage once a space is in use.[55] This will enable ongoing dialogue which can help fine tune the management strategy in the light of actual use.

3.26 Suggestions were made to the Committee on how such ongoing engagement could be implemented involving new technology. Coventry University is running a research project called "Voice Your View" which encourages users of public space to give their comments about a space in real time.[56]

> **How can Boroughs ensure public spaces are accessible and user friendly in the long-term and avoid unforeseen restrictions?**
>
> Crucially, an early appreciation of the issue will allow time for all stakeholders to put forward their priorities and to join the discussion about how management of the space will be applied.
>
> At the stage when planning permission is given and when the conditions under Section 106 are negotiated, responsibilities and details of design, access and management need to be firmly established.
>
> To best enable this, there should be specific planning policies addressing the management arrangements for public space in private developments, ideally supported by practical guidance for implementation.

Possible questions to consider:

- Are there any current or future users of the area that have not yet been consulted?

- What restrictions may a developer want to impose on a site?

- Is the future management of the site specifically addressed in a draft planning permission or draft S106 agreement?

Some good practice to consider (see Appendix 3 and 4 for details):

- Brown Hart Gardens in Mayfair

- Mint Street Park in Southwark

- Kings Cross Central

- Policy approach in Lyon, France

Possible issues to consider (see Appendix 3 for details):

- Balancing commercial interests and public access

- Agreeing an acceptable limit to closure of gated parks and other sites, eg for events

- Avoiding physical restrictions to accessibility, eg design errors or insufficient maintenance

- Recognising the possible positive and negative impacts of security measures and staff

Conclusion

3.27   There is good practice to be found that can help improve the management of, and access to, public space. The next section of our report highlights the role for the Mayor in establishing more formal mechanisms for enhancing the accessibility of London's public spaces.

4   What the Mayor should do

4.1   The Mayor has an important role, derived from the areas of his statutory responsibilities, in making sure that London's public spaces meet people's expectations and achieve their potential contribution to London's life, economy and environment. For a few public spaces he is directly responsible, for example Trafalgar Square, and he may soon also have a level of involvement in the management of the Royal Parks.

The Mayor's powers and influence over planning and development

4.2   The Mayor has four major ways of influencing urban development to strike a balance between public and private control of the public realm:

- he is responsible for producing and updating the Spatial Development Strategy for London (the London Plan);
- he can issue Supplementary Planning Guidance on specific policy areas and produce other types of guidance;
- he leads on a number of London wide initiatives and programmes that promote and invest in the public realm[57]; and
- he is consulted on planning applications of "potential strategic importance" that are referred to him by London Boroughs.[58]

4.3   Through the London Plan policies and other guidance he can provide clear and continuous advice to London boroughs and key partners to ensure the public realm is managed in the most suitable way, and to keep it as welcoming and unrestricted as possible. This can be implemented through the planning process and by setting up management agreements.

4.4   The Great Outdoors scheme has facilitated a range of visible public realm improvements but it is unclear if the importance of appropriate management of public spaces has been addressed. The programme's future and potential funding is uncertain at present. It would be useful to see a 'lessons learned' report from the Mayor to form the basis for any continuation of the programme or for other future investment schemes. Such /a report could also highlight how the relationship between design and management as well as community involvement have been addressed.

4.5   When providing direction to development proposals of strategic importance, the Mayor has the opportunity to facilitate a multidisciplinary approach to creating and managing public space. As

> The Mayor has four major ways of influencing development to strike a balance between public and private control.

part of this approach he can request and review future management arrangements and engage with the relevant partners to promote examples of good practice.

4.6 The Mayor also has wider responsibilities in relation to the public realm through his duty to promote equality of opportunity, sustainable development and economic development. In addition he has a role through Transport for London, which directly owns and manages public spaces, in designing streetscape and new public spaces and in directing funding.[59]

4.7 The Mayor is therefore well placed to offer guidance and direction in this subject area and lead by example. He can:

- highlight to boroughs the need to get more involved and ensure that they address the management of the public realm at the right time;
- provide advice through his planning team where needed; and
- call in applications to be directly responsible for the decision-making.

The Mayor's planning policies and the localism agenda

4.8 The Mayor has provided strategic justification for inclusion of both strategic policy and advice for boroughs to consider in their Local Development Framework (LDF) preparation. The Panel report of the Examination in Public into the proposals for replacing the London Plan endorsed the position taken by the Mayor as consistent with the concept of localism.

4.9 The Panel report supported the approach towards strategic planning that has been proposed in the London Plan. The Mayor's London Plan policies are split three ways, between:

- Strategically important statements of Mayoral policy;
- Policies that will be applied by the Mayor and other planning authorities in deciding planning applications; and
- Advice to boroughs in preparing their LDFs

4.10 The Panel has accepted that the Mayor's three-fold division of policies need not be a barrier to the idea of "localism" - as borough development plan documents are only required to be in general conformity with the London Plan.

4.11 It is clear that the objectives of Mayoral strategic planning policy need not be incompatible with Government intentions to further the localism agenda. The Mayor can give advice to boroughs when preparing their LDFs, particularly where authorities may want to consider how their particular circumstances might differ from those of London overall.

4.12 Furthermore, the Panel recognised that the Mayor wishes to affirm his own approach to strategic planning and it believes that there is a particular role for strategic policy guidance in London that is fully recognised by the boroughs in their detailed LDF work and in individual decisions on proposed development.

4.13 To this extent the Committee believes its recommendations set out in this chapter, both to the Mayor and boroughs, are entirely consistent with the overall objectives of strategic planning and localism.

Public space management in current Mayoral policies and strategies

4.14 At present Mayoral policies and programmes predominantly focus on the design aspect of public space. A number of written submissions from both the public and private sector[60] argue that the Mayor should "extend his advice beyond the design and into the management stage". Doing so would also assist those boroughs who have not yet been able to address public realm management in their local planning policies.

4.15 Many experts[61] propose that there should be clear London-wide guidelines and standards. These would be available for each borough to use flexibly to take account of local character and need. Guidance would also help boroughs address the disparities in decision-making, priorities and skills on public realm management we have identified (see examples in Chapters 2 and 3 and respective appendices).

4.16 With additional guidance the Mayor could make sure that the right arrangements for successful management of public spaces are put in place between boroughs and developers (or a voluntary organisation) at the outset to ensure the public realm can remain accessible and enjoyable for future generations.

4.17 Government proposals for replacing S106 are still developing, but it is important that the replacement takes account of public realm issues.

> The objectives of Mayoral strategic planning policy need not be incompatible with Government intentions to further the localism agenda.

> Many experts propose that there should be clear London-wide guidelines and standards.

The Mayor should ensure that the provision and ongoing management of London's public spaces is covered through S106, CIL[62] or other suitable funding arrangements. He should also advise boroughs to define access arrangements as early as possible in the process.

4.18 Local authorities who carry on with the current system of planning obligations will be required to adopt the CIL charging schedule as it replaces the use of Section 106 tariff agreements from April 2014.[63]

4.19 While the Mayor has supported a number of public space programmes, proposals for a London-wide Public Realm Strategy[64] were never realised. In the absence of such a broader document, the need for additional guidance remains. While there may be scope for a full strategy in the long term, supplementary planning guidance can provide a more short-term and pragmatic solution.

4.20 Boroughs have the option to make use of any standards and templates provided by the Mayor. This can save them time and resources, simplify cross-boundary partnerships and assist planners in their negotiations, and could be set out as a policy guidance document (eg an SPG). Based on Draft London Plan Policy 7.5 (Public realm) the document could expand on the requirement for *"accessible, inclusive spaces that are easy to maintain"* and the need to *"incorporate local social infrastructure such as public toilets, drinking water fountains and seating"* which will require an appropriate design, management and maintenance approach.

Existing Mayoral guidance on play space provision and housing design provides useful examples on how management issues can be addressed.

4.21 Existing Mayoral guidance on play space provision and housing design provides useful examples on how management issues can be addressed. These principles could certainly be applied to other types of publicly accessible spaces.

4.22 The previous Mayor's 'Providing for Children and Young People's Play and Informal Recreation' SPG is based on the adopted London Plan Policy 3D.13 (Children and young people's play and informal recreation strategies). This policy asks for *"appropriate arrangements for management and maintenance of play and communal facilities"*.

4.23 Paragraph 3.24 of the SPG concurs with the findings of our report in stating that:

"Good design and the right location can help to create successful places for play, but they will only remain successful if an effective management and maintenance regime is in place. … the responsibility for this should be clarified at the outset".

4.24 Chapter 5 of the SPG helpfully adds that planning conditions and Section 106 agreements attached to planning permissions can be used to *"secure the provision of play facilities and management and maintenance of these spaces by developers"*.[65]

4.25 More recently the current Mayor's Housing Design Guide (Interim Edition) has identified the need for suitable management arrangements for communal open space in housing developments. Section 7.4 of the Guide states under 'Forward Planning for Management and Maintenance' that:

"Shared or communal areas must have robust management structures that deliver a secure, supportive and safe environment, and provide for management and maintenance activities … . A joint management plan, … should be drafted prior to planning stage".[66]

4.26 As set out in paragraphs 4.15 - 4.20, additional London-wide policy guidance on public realm management would be of great benefit. To ensure boroughs have sufficient strategic guidance on public space provision and management, we recommend that the Mayor develops Supplementary Planning Guidance on the public realm:

Recommendation 1

The Mayor should consider developing Supplementary Planning Guidance (SPG) on the public realm once the Draft London Plan is adopted. This should take (draft) policy 7.5 (Public Realm)[67] as its starting point and set out:

- **the importance of public spaces and what is expected from them in principle;**

- **clear guidance on how boroughs could approach the provision and design of public realm, what desirable minimum standards are in terms of access and use, and how subsequent management responsibilities can be negotiated between boroughs and developers;**

- **model planning and legal conditions;**

- **model clauses for Section 106, Community**

> **Infrastructure Levy (CIL) and similar agreements that boroughs can make use of where needed; and**
>
> - **the benefit for boroughs of entering into these negotiations at the earliest point in any development application.**

Public space management in Borough policies and LDFs

4.27 As set out in paragraphs 3.5 and 3.6, local authority policies do not systematically address the issues of future access to and management of the public realm, particularly in private developments. To ensure that continuous public space management is delivered at a local level and with the involvement of the local community (also see paragraphs 3.21 – 3.25), boroughs should take into account the Mayor's concerns about the public realm and reflect this in their local policies. Many London boroughs currently do not have specific policies addressing management arrangements. We would want to see that change.

> **Recommendation 2**
>
> **To assist the implementation of the Mayor's priorities for London's public realm (Draft London Plan policy 7.5) boroughs should be mindful, when preparing their LDFs, of:**
>
> - **how public space is to be managed in any significant schemes; and**
>
> - **how they will engage the community in both the design and the ongoing management process.**

Public space management and strategic planning applications

4.28 As set out in paragraphs 4.6 – 4.8, the Mayor can provide direction to development proposals of strategic importance and facilitate a multidisciplinary approach to creating and managing public space.

4.29 Through his extended planning powers on London's largest development schemes, the Mayor has a particular role in ensuring accessible, high quality public spaces. We would therefore expect the Mayor's own concerns on the accessibility of the public realm to be reflected in his dealings with major applications and to form a specific part in his comments on proposed schemes:

Recommendation 3

The Mayor should encourage boroughs to draw up meaningful written agreements with developers that secure the highest possible level of public access to managed public spaces in new developments, whether they are in public or private ownership. This would help boroughs ensure that their policies relating to public space management are taken forward into the implementation of schemes.

The Mayor should take the opportunity to reinforce the importance of written agreements through his comments on strategic applications received by boroughs, or in the rare occasions when he acts as the Local Planning Authority. Where useful, he should promote the application of guidance from any new Public Realm SPG.

The Mayor's comments on strategic planning applications should indicate where this requirement has been necessary and he should assess the impact of this recommendation at the end of the first year of the new London Plan's adoption.

The Mayor can provide direction to development proposals of strategic importance and facilitate a multidisciplinary approach to creating and managing public space.

Recommendations

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- model planning and legal conditions;

- model clauses for Section 106, Community Infrastructure Levy (CIL) and similar agreements that boroughs can make use of where needed; and

- the benefit for boroughs of entering into these negotiations at the earliest point in any development application.

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Evidence base

Contributor	Reference
Anna Minton, journalist and writer	PPS027
Atkins	PPS012
British Council of Shopping Centres	PPS025
British Land Company	PPS004
British Property Federation	PPS028
British Trust for Conservation Volunteers	PPS030
Centre for Accessible Environments	PPS026
City of London	PPS007
City of Westminster	PPS019
Commission for Architecture and the Built Environment (CABE)	PPS005
Community Matters	PPS036
Confidential submission	PPS021
Crossrail	PPS041
Ealing Wildlife Network and Brent River and Canal Society	PPS033
English Heritage	PPS039
Friends of the Parkland Walk	PPS006
Green Spaces Forum	PPS014
Grosvenor	PPS042
Guide Dogs Association	PPS037
Inmidtown BID	PPS043
Land Securities	PPS038
Land Use Consultants	PPS001
Legal and General	PPS031
Living Streets	PPS008
London Borough of Bexley	PPS018
London Borough Southwark	PPS034
London Borough of Waltham Forest	PPS022

London Councils	PPS009
London First	PPS035
London Forum	PPS020
London Wildlife Trust	PPS032
Mayor	PPS023
Natural England	PPS040
Okra Landscape Architects	PPS010
Potters Fields Trust	PPS002
Professor Matthew Carmona, UCL	PPS017
Royal Parks	PPS024
Sustrans	PPS011
The Crown Estate	PPS029
The Glass House	PPS013
Think Place	PPS015
Thorn Hill Street Community Gardeners	PPS003
Urban Space Management	PPS016

The evidence base used for the investigation included the 43 written submissions above from a wide variety of stakeholders. The Planning and Housing Committee also met with the following experts on 23 November 2010:

- Peter Bishop, former Group Director of Design, Development and Environment, London Development Agency at the time

- Robert Evans, Executive Director, Argent Group plc

- Prof Matthew Carmona, Head of the Bartlett School of Planning, University College London

- John East, Director of Development Services, London Borough of Newham

- Eric Reynolds, Director Urban Space Management

Appendix 1 Definition of 'Public Space'

For the purpose of this report 'public space' (also called 'the public realm') considers all spaces including streets, squares and parks that everyone can use and access in principle, regardless of who owns or manages the space.

There may be restrictions to the activities that are deemed acceptable in some of those public spaces, ie cycling might not be allowed or a park might be closed at night-time.

A useful government definition supports this approach:

"Public Realm relates to all those parts of the built environment where the public has free access. It encompasses: all streets, squares, and other rights of way, whether predominantly in residential, commercial or community/civic uses; the open spaces and parks; and the 'public/private' spaces where public access is unrestricted (at least during daylight hours). It includes the interfaces with key internal and private spaces to which the public normally has free access."[69]

This is different from the legal definition in the Town and Country Planning Act 1990 and the more traditional planning definition of 'public open space' (POS), still used by some local authorities, to mean publicly accessible green space without any formal facilities for recreation provision.[70]

Public space can include: streets, footpaths/pavement; civic squares; seafronts and promenades; market places; shopping precincts; other hard surfaced space.

There is also public green space, ie urban parks and gardens, country parks or canal- and riverbanks. Public outdoor sports facilities (ie playing fields and pitches) can often be found within parks, or adjacent to them.

Playspace (ie children's playgrounds or skateparks) is sometimes found as part of a park and sometimes as a space in its own right.[71]

Appendix 2 Examples of different management models

Private management

More London includes City Hall, office blocks, hotels, shops, restaurants, cafes, and a pedestrianised area containing open-air sculptures and water features. It is a privately owned estate that employs its own cleaning, maintenance and security staff.

Regent's Place is a 13-acre (52,600 sq m), fully-managed estate in central London comprising 1.5 million sq ft (139,355 sq m) of office, retail and leisure space. A masterplan helped enhance the public realm through new pedestrian routes, a new public square and remodelling of the existing public space. The majority of the proposals have been implemented. Regent's Place is monitored by nearly 100 CCTV cameras and a team of 45 security guards.

The western end of **Old Spitalfields Market** has been redeveloped as part of adjacent new office provision to include restaurants, shops and a large indoor arts and crafts market. Construction of the new development, Bishops Square, was completed in 2006. It has been recognised with a number of awards, including Planning Awards Best Public Space 2007. The eastern end of Spitalfields Market retains some distinctive perimeter buildings hosting a popular food and general market that is open seven days a week.

Central Saint Giles is a mixed use scheme of 500,000 sq ft (46,452 sq m), located in London's West End, comprising office space, retail, restaurants, cafes, residential and an outdoor public piazza. Pedestrians can walk into and through Central St Giles from five entrance points on surrounding streets. The scheme also established a corporate-community partnership between the development team and a nearby primary school to help improve the school's premises and provide ongoing support.

Public management

Trafalgar Square underwent a significant transformation between 2001 and 2003. The north side of the square has been closed to traffic, creating a broad terrace in front of the National Gallery and establishing a direct connection between the gallery and the heart of the square, with the central staircase a popular new feature. The changes also include a cafe, public toilets and lifts for disabled access. The square is managed by the Greater London Authority and can be used for rallies and demonstrations, filming and photography, as well as promotional and seasonal events.

Highbury Fields is an open space in the London Borough of Islington. At 29 acres (0.12 sq km), it is the largest open space in the borough and is also a Site of Local Importance to Nature Conservation. As the most significant green open space in the borough, Highbury Fields has to cater for a diverse number of recreational needs. In 2006 the council worked with the Highbury Fields Association (HFA) and the local community to develop a vision for the future of the site following extensive consultation with residents, local schools, community groups and other stakeholders. The Vision was approved by the Council in July 2007.

Brixton Central Square opened in 2010 and links three existing spaces that form the heart of Brixton - Tate Gardens, Windrush Square and St Matthew's Peace Garden. Brixton Central Square will now also be known as Windrush Square. The redevelopment follows several years of consultation and aims to create a safe, high-quality public space reflecting the unique and diverse local community. This is a joint project between Lambeth Council, Transport for London (TfL), Design for London and the local community. The square provides a focal point for the town centre and a much-needed venue for community events.

Voluntary management/Trust

Potters Fields Park adjacent to More London is managed by the Potters Fields Park Management Trust, a not-for-profit organisation managed by the GLA, residents and retailer associations and Southwark Council. The Trust's objective is to manage and maintain the park as an open space and garden for the public to enjoy. It also generates income through promotional and ticketed events.

At **Russia Dock Woodland** a group of residents help to protect and enhance the woodland and the Stave Hill ecological park, which together run through the middle of the Rotherhithe peninsula. The group addresses everything from damaged signage and rubbish management to development planning applications and has frequent dialogue with Southwark Council about the management of the Woodland area. In July 2009 they were awarded Green Flag status and in December the London Tree and Woodland Award.

The **Bankside Open Spaces Trust (BOST)** is a not-for-profit organisation, which provides support and inspiration for local communities to improve and sustain the green space of north-west

Southwark. Acting as an umbrella group, it has overseen successes with 13 gardens and parks. BOST supports and services local groups to carry out consultation, fundraise and oversee improvements. The trust also provides informal horticultural training.

Westway Development Trust was set up in 1971 to develop, for community benefit, the 23 acres (93,100 sq m) of land left derelict when the A40 Westway flyover was built through west London. 80 per cent of the land has been developed for community facilities, including the eight acre (32,400 sq m) Westway Sports Centre and three and half acres (14,200 sq m)of public parks and green-space. Other facilities include the skateparks at Meanwhile Gardens and on Acklam Road.

Mixed management/Partnership

The **Heart of London BID**[72] was established in 2005 through a 71 per cent majority vote by local businesses surrounding and including Leicester Square and Piccadilly Circus. The BID delivers services in the areas of street cleansing, street safety and marketing in addition to the existing services provided by Westminster City Council through a joint Service Level Agreement. In the period 2009 to 2010 £40 million were committed for Public Realm improvements and an 8.1 per cent increase in average monthly footfall was achieved.

Team London Bridge (TLB) is the BID for the London Bridge-Tower Bridge area which comprises over 270 businesses. It is an independent, not-for-profit company founded in 2005, and is led by a board of non-executive, unpaid directors. The board is mostly made up of representatives from BID-levy paying businesses but also includes a local residential group and a landowner. The vision is *"to make London Bridge a world-class business district and visitor destination that is better managed, cared-for and connected"*. As part of its service activities TLB seeks to provide an enhanced street scene, public realm upgrades and planning and development communications.

The **Wimbledon Town Centre Partnership** is made up of local business, councillors, council officers, residents associations, the Town Centre Manager, Town Centre Warden and the Community Police Inspector. The **Wimbledon Town Centre Management (WTCM) Board** is made up of supporting businesses and the local council. Both the Partnership and WTCM are responsible for providing a strategic view of the Town Centre and deciding on the strategic direction of the

Wimbledon Town Centre Action Plan. There are plans to set up a BID in the area by 2012.

The **Central Park Conservancy** (New York) restores, manages and enhances Central Park, in partnership with the public, for the enjoyment of present and future generations. For any project, the Conservancy consults with park users and surrounding communities to help develop its plans. In 2006, the City of New York renewed an existing management contract with the Conservancy for another eight years. The Conservancy is responsible for the day-to-day maintenance and operation of the Park and provides 85 per cent of Central Park's $37.4 million annual budget through its fundraising and investment revenue. The City, in addition to the annual fee to the Conservancy for the services it provides, funds lighting and maintenance of the Park drives and retains control and policy responsibility for the Park.

Appendix 3 Detailed examples of positive and negative management

London

At **More London Estates,** signage is displayed listing behaviour that is not acceptable; estate employees man the site and will speak to individuals involved in behaviour that is deemed unacceptable[73]. While the enforcement of set rules and the omnipresence of security staff has been criticised elsewhere, More London's public space is not gated and is open 24 hours a day 365 days a year.

Cyclists' organisations have reported that it took many years of negotiations until sufficient cycle parking was made available for visitors of More London. It has been criticised that the interests of the general public and issues of green travel and sustainability have not been addressed adequately.[74]

Westminster squares – As the relevant planning authority, the City of Westminster has noted that there are occasional unauthorised uses of some London squares, which is contrary to the terms of the London Squares Preservation Act 1931 when the events in those squares exclude the public from using the space as pleasure ground when it is a ticket holder event.[75]

Defensible architecture, barriers, gates and extensive CCTV are present to varying degrees in the majority of privately owned and managed places, from the Canary Wharf Estate to More London. The search for the evidence required to quantify this status is hampered by a lack of research into the subject.[76]

Studs in surfaces or slopes to deter skateboarders can be useful additions in order to exclude these groups[77] in areas where it would dominate and limit the extent to which the space can be used by all, for example in some areas of the Thames path.

For **Brown Hart Gardens**, a four-month public engagement programme explored and collected the ideas of local residents, users and stakeholders. The developers, Grosvenor, were seeking to make this privately owned public space as inclusive as possible, both in physical design terms and its management structure[78]; the space, however, has limited opening hours.

Formerly run down **Mint Street Park** now is a highly successful park space managed by a 'Friends of' steering group. Bankside Open Spaces Trust enables local groups and residents to develop a sense of

ownership and authorship over the space[79]. The park that had a reputation for crime and anti-social behaviour has since been transformed to meet the needs of key user groups who were heavily involved in the planning and implementation of the works.

The **Bermondsey Square** development, which includes a hotel, office space, homes, a cinema, bookshop, supermarket and restaurant, has been named London's best new public space at the London Planning Awards in January 2011. Developed in partnership with users and neighbours, precise design of the square is carefully detailed and successfully integrates publicly and privately managed space whilst providing a flexible arena for everyday activities and special events.[80]

Early night-time closures – this applies to important green spaces in central London, such as Embankment Gardens[81] and some public open spaces in mixed developments like Tabard Square or Neo Bankside[82]. Commentators argue that closure times are too restrictive and prevent Londoners from making the best use of the spaces, particularly in the summertime.

Rules of behaviour – For example at a newly created open space within a development at Paddington basin, overzealous security guards often prevent photography even of people photographing each other in the space.[83]

Ticketholder events – For example at Potters Field Park regular events being held in the space, both free and ticketholder events, restrict the general use of the green area which some feel is becoming too frequent for its limited size.[84]

Physical accessibility – The Duke of York steps are currently inaccessible to a range of users. There are also access problems between Tower Bridge and the Thames Path for people with restricted mobility including wheelchair users or parents with pushchairs.[85]

International

New York's Bryant Park, formerly a public green square, fell into decay in the 1960s prior to its takeover by a private corporation that brought it back into use to a high standard of design and maintenance. Bryant Park Corporation, the private management company for the park, has been criticised for its highly regulating management.

Parts of New York's Broadway were turned into pedestrian plazas in spring 2009. The change, which banned vehicles on Broadway from 47th to 42nd Streets and from 35th to 33rd Streets, was promoted as an innovative way to fight congestion. It quickly became a fascination for tourists and New Yorkers alike. Even though it fell short of achieving its chief objective of improving traffic flow it has instead improved pedestrian safety and foot traffic, along with the aesthetic enhancement to an area once associated with exhaust and gridlock.

Berlin's Potsdamer Platz has been completely remodelled as a primarily commercial area but with a significant public space component. One of these quasi-public spaces is the **Sony Centre**, a huge, semi-enclosed town square. Although this centre is an open access space, with places where people can just 'hang out', some are critical of its primarily consumption-based and controlled function.

Successful **public spaces in Portland, Oregon**, include Pioneer Courthouse Square, **Jamison Square** and Keller Fountain Park. **Pioneer Courthouse Square** was designed and developed as a result of extensive residents' involvement and demand. It now includes a waterfall and amphitheatre seating area and its design was chosen through a competition. A non-profit corporation handles the programming, maintenance, and security of the site while the annual budget is generated from event fees and leases to shops and vendors.

Melbourne in Australia developed a unified policy for quality and vitality in city streets and undertook extensive renovation of pavements and street furniture to ensure that its streets invite people to walk. Many of its public parks are managed by 'Parks Victoria', aiming to maximise funding levels and employing a particular framework to optimise services for the parks.

Barcelona in Spain adopted targeted measures to establish high quality public spaces with a range of different uses. It has delivered several hundred new squares, parks and promenades over only one decade as well as renovating existing spaces. The great variety of design elements they included made a comprehensive and long-term maintenance regime difficult and costly and some areas fell into disrepair.

Lyon in France developed a coordinated, comprehensive and social policy for streets and squares to cover both its centre and its suburbs.

The use of a fixed set of furnishings and materials throughout the city enabled a consistent level of upkeep and maintenance and allowed the authority to maintain control over costs.

Such a 'library' of elements is also deployed by, for example, the London Boroughs of **Westminster** and **Hackney** through their Public Realm SPDs.[86]

Appendix 4 Planned large development proposals in London

Kings Cross Central comprises 67 acres (0.27 sq km) of brownfield development, creating 8 million sq ft. of new development. The first offices, homes and a university are expected in 2012. Over 40% per centof the development will be public open space, including ten new parks and squares and 20 new streets. Once complete, an estate management company will manage the parks and public spaces while the principal trafficked streets will be adopted by Camden Council.

At Kings Cross a joint management approach has been agreed between the developer and the local authority - Camden will adopt the principal street network within the development whereas other parts of the public realm and pedestrian routes will be managed and maintained by the Development Estate. Full public access to those areas will be secured via a legal agreement.

One of the motives that drove Camden to insist on that arrangement was to make King's Cross *"feel like a piece of London ... where people have the right, as citizens, to do on a street in a new chunk of London what they could do on any other street"*. Leaving the management of the larger public spaces to the private sector was felt to achieve better maintenance standards and management of events.[87]

The regeneration of **Cricklewood, Brent Cross** and **West Hendon** is a £4 billion scheme incorporating plans for a whole new town centre, the creation of 27,000 jobs, 7,500 homes, three schools and several 'high quality' parks and open spaces.

The £1.5 billion, 70-acre (0.28 sq km) regeneration programme for **Elephant and Castle** includes the creation of a new pedestrianised town centre, market square, green spaces and also thousands of new homes and jobs.

Olympic Park and Stratford City – The **Olympic Park** in East London will provide 10,000 - 12,000 new homes, schools, health facilities, thousands of new jobs and around 252 acres (1 sq km) of urban parks and waterways.

The adjacent **Stratford City** development will create a new £4bn metropolitan centre with more than 100 shops, two department stores, cafés, schools, hotels, parks and health centres. A 'Site Wide Estate Management Strategy' deals with access, management responsibilities and security.

Croydon Town Centre – A £450 million joint venture between John Laing and Croydon Council is regenerating significant sites across Croydon through a new model of public private partnership: the asset backed Urban Regeneration Vehicle (URV). A new public service delivery hub for the council opens in 2013, followed by the phased regeneration of four important town centre sites creating approximately 1,250 residential units as well as retail and leisure opportunities, to be delivered between 2012 and 2017.

Appendix 5 Draft London Plan policies, suggested changes and other guidance

London Plan Examination in Public

As part of the review of the Mayor's London Plan (London's Spatial Strategy) an Examination in Public (EiP) of the Replacement London Plan took place at City Hall over the summer of 2010. It provided an opportunity for a structured discussion before an independent Panel of selected matters arising from the Panel's consideration of the draft Replacement London Plan and of responses to the prior consultation that took place regarding the Plan.

The Panel Report, together with all the other consultation responses, must be taken into account when the Mayor decides whether any changes need to be made to the Draft Plan.

Draft Policy 7.5 | Public realm

The original Draft London Plan Policy (October 2009) can be found in the **2009 Draft Replacement London Plan** at this web link: http://www.london.gov.uk/shaping-london/london-plan/strategy/download.jsp

The policy as amended by the 'Consolidated Draft Replacement London Plan' (December 2010) takes account of the 'Early Suggested Changes from the EiP:

Policy 7.5 | Public realm

Strategic

A London's public spaces should be secure, accessible, **inclusive, connected**, easy to understand and maintain, **relate to local context**, and incorporate the highest quality **design**, landscaping, planting, **street** furniture and surfaces.

Planning decisions

B ~~New~~ Development should make the public realm comprehensible at a human scale, using gateways**,** focal points and landmarks **as appropriate**, to help people find their way. Landscape treatment, **street** furniture and infrastructure should be of the highest quality, have a clear purpose, maintain uncluttered spaces and should contribute to the easy movement of people through the space. Opportunities for the integration of high quality public art should be considered, and opportunities for greening, such as through planting of trees and other soft landscaping wherever possible, should be maximised. Treatment of the public realm should be

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informed by the ~~history~~ **heritage values** of the place, **where appropriate.**

C   ~~New~~ Development should incorporate local social infrastructure such as public toilets, drinking water fountains and seating, where appropriate. ~~New~~ **development** ~~It~~ should also reinforce the connection between public spaces and existing local features such as ~~heritage landmarks~~, the Blue Ribbon Network and parks **and others that may be of heritage significance.**

LDF preparation

D   **Boroughs develop local objectives and programmes for enhancing the public realm, ensuring it is accessible for all and reflects the principles in Policies 7.1, 7.2 and 7.4**

7.15 The quality of the public realm has a significant influence on quality of life because it affects people's sense of place, security and belonging, **as well as having an influence on a range of health and social factors**. For this reason, public and private open spaces, and the buildings that frame those spaces, should contribute to the highest standards of comfort, security and ease of movement possible. **Open spaces include both green and civic spaces, both of which contribute to the provision of a high quality public realm** (see Policy 7.18). Legibility and signposting can also make an important contribution to whether people feel comfortable in a place, and are able to understand it and navigate their way around. **On going maintenance of this infrastructure should be a key consideration in the design of places.**

Other Mayoral guidance

The former Mayor's Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation (March 2008) and the LDA's Housing Design Guide (August 2010) provide a good template for the management of playgrounds and amenity spaces that could in principle be applied to all publicly accessible space.

More specifically, the SPG makes reference to the adopted **London Plan Policy 3D.13 Children and young people's play and informal recreation.** It states under 'Strategies': Appropriate arrangements for management and maintenance of play and communal facilities should be provided.

Chapter 3 of the SPG emphasises at 3.10: A good space for play does not happen by accident. Success is a matter of securing enough physical space in the right locations, understanding user requirements, designing and creating spaces that attract and engage children and young people, and ensuring appropriate long-term management and maintenance.

Paragraph 3.24 adds that: Good design and the right location can help to create successful places for play, but they will only remain successful if an effective management and maintenance regime is in place. All spaces will require a degree of ongoing inspection and site maintenance, and the responsibility for this should be clarified at the outset.

The Housing design guide supplements the **London Housing Strategy** and sets out the objectives for communal spaces in **Chapter 1** (Shaping Places). Paragraph 1.2.3 clarifies that where communal open space is provided, development proposals should demonstrate that the space has suitable management arrangements in place. (this is based on the Building for life, criterion 16)

The need for early consideration of management solutions is further explained in **Chapter 7**, section 7.4 (The Design Process from Inception to Planning): All new developments that involve shared or communal areas must have robust management structures that deliver a secure, supportive and safe environment, and provide for management and maintenance activities (…). A joint management plan, specifying how the freeholder or landlord(s) will manage and maintain the development and the structures for ongoing leaseholder or tenant consultation, should be drafted prior to planning stage.

The complete SPG can be found at:
http://legacy.london.gov.uk/mayor/strategies/sds/docs/spg-children-recreation.pdf, the Housing Guide at *http://www.lda.gov.uk*

Appendix 6 Examples of local planning policies

London Borough of Camden

Core Strategy Policy CS14 - Promoting high quality places and conserving our heritage

(...) d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;

Development Policy DP31 - Provision of, and improvements to, open space and outdoor sport and recreation facilities

(...) Priority will be given to the provision of publicly accessible open space.

The full policy text can be found here:
http://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/development-plans-and-policies/local-development-framework/local-development-framework-ldf.en

London Borough of Hackney

Core Strategy Policy 24 - Design

All development should seek to (...) create a sense of place and local distinctiveness that is attractive and accessible (...) through:

- (...) enhancing of the area between the public and private domains including boundary treatment and access for all.

- (...) promoting social inclusion, reducing barriers to movement and applying the principles of 'Secure By Design'.

The full policy text can be found here:
http://www.hackney.gov.uk/core-strategy.htm

London Borough of Hammersmith and Fulham

UDP Policy EN23 - New open space provision in connection with development

New open space (...) will be required to have safe and easy access for all users, including disabled people, and to include facilities and equipment sufficient to enable the use of the open land for the purposes intended. Planning conditions may be imposed, or planning obligations sought, to deal with these matters and to ensure that the land is properly maintained.

The full policy text can be found here:
*http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Plann
ing/Local_plan/78938_UDP_amended2007.asp*

The City of London

Core Strategy Policy CS19 – Open Space and Recreation

**To encourage healthy lifestyles for all the City's communities
through improved access to open space and facilities,
increasing the number and quality of open spaces in the City,
(…) by:**

**(…) (ii) securing public access, where possible, to existing
private spaces;**

**(iii) securing additional publicly accessible open space and
pedestrian routes, (…);**

**2. Improving access to new and existing open spaces, (…) and
ensuring that open spaces meet the needs of all of the City's
communities. (…)**

The full policy text can be found here:
*http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Environ
ment_and_planning/Planning/Local_Development_Framework/core_
strategy.htm*

UDP Policy REC2 – Provision and Use of Open Spaces

**5.12 (…) The Corporation will seek to enter into agreements
with landowners to secure public access to open spaces.**

The full policy text can be found here:
*http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Environ
ment_and_planning/Planning/Planning_policy/udp.htm*

Appendix 7 Site management frameworks and Section 106 clauses

Extracts from Kings Cross Central – Section 106 Agreement (2006)

Principles for the management of the development estate realm areas

1. **The Developer shall allow the public at large the right of passage on foot along the footpaths and open spaces** and on bicycle along appropriate areas within the Development Estate Realm Areas (…).

2. **The Developer shall manage and maintain the completed Development Estate Realm Areas in accordance with the key criteria for the Green Flag Awards Scheme or its successor and otherwise the highest prevailing standards at the time in respect of comparable open spaces** within major developments in Central London.

3. **The Developer** or any person, firm or other body authorised by the Developer **shall be entitled:**

(a) **to close the Development Estate Realm Areas or any of them … in the case of emergency or for the purposes of maintenance, repair, decoration** (…);

(…) (g) to prevent public access to the Development Estate Realm Areas and in such a manner so as to prevent the Development Estate Realm Areas from becoming public highway by prescription;

(h) **to eject from or refuse access to the Development Estate Realm Areas to any persons** conducting themselves in any excessively noisy or disorderly manner or indecently behaving or causing any significant nuisance or annoyance to other members of the public

provided that in each case **any constraints on access to the public or any of them** are minimised as far as possible, **are reasonable and do not materially detract from the sense of the space being part of the public realm.**

SECTION V: ACCESS AND INCLUSIVITY

(…) "Inclusive Design Champion": A suitably qualified person (…) to apply Inclusive Design Principles (…) to actively consider and integrate access issues at all stages of the design process (…).

"Inclusive Design Principles": The principle of designing environments so that they create an environment where everyone can access and benefit from the full range of opportunities available to members of society by removing

barriers that create undue effort, separation or special treatment and enables everyone regardless of disability age or gender to participate equally confidently and independently in mainstream activities with choice and dignity. (…)

1. When preparing the detailed design of buildings within the Development the Developer shall:

> (a) retain an Inclusive Design Champion to inform and monitor the emerging detailed designs; and

> (b) commission specialist consultants to undertake accessibility audits in relation to such designs with a view to the Inclusive Design Principles informing the design of the public realm.

2. In carrying out his or her responsibilities the Inclusive Design Champion shall consult with and have due regard to the advice and/or response received from the (…) the King's Cross Access Forum.

The complete document is available at Camden's website http://www.camden.gov.uk (Application Ref 2004/2307/P)

Extracts from Stratford City – Site Wide Estate Management Strategy (2007)

2.2 Key Objectives

- **To provide a safe, secure and well maintained environment (...) and all stakeholders can partake and influence the use and quality of the environment around them.**

- To create a high quality built environment that looks as good in the long term as it does on day one.

- **To ensure that people (...) feel safe and secure at all times.**

2.4 Access Principles

(…) **The public will generally have access to the site except where there are good reasons for restricting access (...)**

3.2 Access to Parks

Secured by design principles will be applied to park design and operation and this may involve some access restrictions. (…) subject to detailed proposals and agreement with LB Newham.

4 Ownership and Maintenance - 4.1 Introduction and Overall Philosophy

(…) The management structure will be flexible and can evolve as the scheme develops. **This is based on the judgement that those with the greatest stake in an area/service are most likely to take the care to ensure it is managed to a high standard.** (…) The approach will ensure the flexibility to respond to successes and failures. (…)

4.4 Roads

The Section 106 Agreement specifies that SCDL is responsible for management and maintenance of all primary and secondary roads within the site unless it is agreed with LB Newham that they are adopted as public highway. (…)

5.2 Security in Public Areas

In accordance with the Section 106 Agreement (8.19), **the EMC may make reasonable rules and regulations with regard to the conduct of persons using any Public Access Area provided that the Council shall first approve any modifications. The EMC will also be responsible for organising patrol, surveillance and response where appropriate.** (…)

8 Governance Structure - 8.2 The EMC

(…) The EMC will manage the estate and common areas (…). **The EMC will be responsible for** establishing and operating all stakeholder forums to ensure **appropriate liaison, commitment and feedback on all estate wide issues, strategy and planning.**

The complete document is available at the ODA planning website http://planning.london2012.com/publicaccess (Application Ref 7/90024/AODODA)

Appendix 8 Mayoral programmes

London's Great Outdoors

The Mayor's Great Outdoors programme has already seen more than £40 million invested in public realm improvement projects, with further funding for over 50 schemes secured from Transport for London, the London Development Agency and London's boroughs as well as other sources such as private developers.

The Mayor's manifesto guidance documents "London's Great Outdoors", "Better Streets" and "Better Green and Water Spaces" outline how the Mayor's vision for all public spaces in London could be delivered. While the intention is to make London's streets and public squares and parks more user-friendly, attractive and accessible for Londoners, and a range of improvement has been delivered, guidance remains vague on many points (eg how accessibility can be secured in practice) and does not specifically address, for example, the issue of exclusion of certain groups or uses from the public realm.

Some of the projects that were delivered by the programme or are currently under way include the following:

- **Oxford Circus crossing** – Decluttering and a new diagonal crossing have dramatically improved the streetscene, widened the footways and significantly eased congestion.

- **Sutton Town Centre** – The high street was enhanced through design and architectural improvements including a new square to make the area more inviting.

- **Deptford to New Cross Links** – Fordham Park is in one of the priority routes that will improve the linkages between Deptford and New Cross and introduces both new play areas and an ecological corridor.

- **St Paul's Environs** - This project aims to enhance the environment at one of London's busiest visitor attractions.

Transport for London's (TfL) Major Schemes programme

TfL investment priorities take account of transport needs across the capital. Most of TfL's investment in public realm projects is funded through the borough Local Implementation Plan (LIP) process. TfL has worked with the boroughs and London Councils to jointly develop and deliver major public realm schemes. Many of the projects were also chosen as they support the Mayor's Great Outdoors programme.

Currently the Major Schemes programme (formerly Area Based Schemes) focuses on public realm improvements around Olympic Games venues and other sites likely to attract large numbers of Olympic visitors and that can be delivered in time for the Games. In the future, TfL will seek bids from boroughs for fewer, higher value schemes that create a noticeable improvement in the public realm.[88]

Examples

In 2009 the Mayor agreed extra TfL funding for the Exhibition Road project which is hoped to transform Exhibition Road into one of the most important public spaces in London.

The Mayor of London, the Royal Borough of Kensington and Chelsea, and the City of Westminster have been working jointly on proposals to improve the environment around the museums and institutions in the Exhibition Road area for a number of years.[89]

Appendix 9 Orders and translations

How to order
For further information on this report or to order a copy, please contact Michael Walker, Administrative Officer, 020 7983 4525, michael.walker@london.gov.uk

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Chinese

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Hindi

यदि आपको इस दस्तावेज का सारांश अपनी भाषा में चाहिए तो उपर दिये हुए नंबर पर फोन करें या उपर दिये गये डाक पते या ई मेल पते पर हम से संपर्क करें।

Vietnamese

Nếu ông (bà) muốn nội dung văn bản này được dịch sang tiếng Việt, xin vui lòng liên hệ với chúng tôi bằng điện thoại, thư hoặc thư điện tử theo địa chỉ ở trên.

Bengali

আপনি যদি এই দলিলের একটা সারাংশ নিজের ভাষায় পেতে চান, তাহলে দয়া করে ফোন করবেন অথবা উল্লেখিত ডাক ঠিকানায় বা ই-মেইল ঠিকানায় আমাদের সাথে যোগাযোগ করবেন।

Greek

Εάν επιθυμείτε περίληψη αυτού του κειμένου στην γλώσσα σας, παρακαλώ καλέστε τον αριθμό ή επικοινωνήστε μαζί μας στην ανωτέρω ταχυδρομική ή την ηλεκτρονική διεύθυνση.

Urdu

اگر آپ کو اس دستاویز کا خلاصہ اپنی زبان میں درکار ہو تو، براہ کرم نمبر پر فون کریں یا مذکورہ بالا ڈاک کے پتے یا ای میل پتے پر ہم سے رابطہ کریں۔

Turkish

Bu belgenin kendi dilinize çevrilmiş bir özetini okumak isterseniz, lütfen yukarıdaki telefon numarasını arayın, veya posta ya da e-posta adresi aracılığıyla bizimle temasa geçin.

Arabic

للحصول على ملخص لهذا المستند بلغتك، فـرجاء الاتصال بـرقم الـهاتف أو الاتـصال على العنوان الـبريدي الـعادي أو عنوان الـبريد الإلكتروني أعلاه.

Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਸੰਖੇਪ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਲੈਣਾ ਚਾਹੋ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ 'ਤੇ ਫੋਨ ਕਰੋ ਜਾਂ ਉਪਰ ਦਿੱਤੇ ਡਾਕ ਜਾਂ ਈਮੇਲ ਪਤੇ 'ਤੇ ਸਾਨੂੰ ਸੰਪਰਕ ਕਰੋ।

Gujarati

જો તમારે આ દસ્તાવેજનો સાર તમારી ભાષામાં જોઈતો હોય તો ઉપર આપેલ નંબર પર ફોન કરો અથવા ઉપર આપેલ ટપાલ અથવા ઇ-મેઈલ સરનામા પર અમારો સંપર્ક કરો.

Endnotes

[1] *Mayor of London (2009):* Manifesto for Public Space - London's Great Outdoors

[2] *Carmona, M, De Magalhães, C, Hammond, L (2008):* Public space: The management dimension

[3] The Mayor's "London's Great Outdoors" is an investment programme for public realm improvement projects, based on the manifesto documents "London's Great Outdoors", "Better Streets" and "Better Green and Water Spaces.

[4] During his tenure as mayor of Bogotá (1998-2001), Peñalosa spearheaded major improvements to the city centre, including the rejuvenation of plazas, creation of a large park in an area previously scarred by crime and drugs, and the transformation of one of the main downtown avenues into a dynamic pedestrian public space.

[5] For the purpose of this report "public space" (also called "the public realm") considers all spaces including streets, squares and parks that everyone can use and access in principle, regardless of who owns or manages the space. More details are at Appendix 1.

[6] *Mayor of London (2009):* Manifesto for Public Space - London's Great Outdoors

[7] Peter Bishop (London Development Agency), Planning and Housing Committee, 23 November 2010

[8] ibid

[9] Draft Replacement London Plan policy 7.5, Public Realm

[10] Project for Public Spaces (PPS) is a nonprofit planning, design and educational organization dedicated to helping people create and sustain public spaces that build stronger communities http://www.pps.org/grplacefeat/

[11] *Mayor of London (2009):* Manifesto for Public Space - London's Great Outdoors

[12] Peter Bishop (London Development Agency), Planning and Housing Committee, 23 November 2010

[13] Peter Bishop (London Development Agency), Prof Matthew Carmona (UCL), Planning and Housing Committee, 23 November 2010; Anna Minton, journalist and writer (PPS027)

[14] *Banerjee, T (2001):* The future of public spaces: Beyond invented streets and reinvented places. *Journal of the American Planning Association,* 67, 1, 9-24. Tridib Banerjee is professor of Urban and Regional Planning at the University of Southern California School of Policy, Planning and Development

[15] Peter Bishop (London Development Agency), Prof Matthew Carmona (UCL). Planning and Housing Committee, 23 November 2010; Anna Minton, journalist and writer (PPPS027)

[16] The Mayor's "London's Great Outdoors" is an investment programme for public realm improvement projects, based on the manifesto documents "London's Great Outdoors", "Better Streets" and "Better Green and Water Spaces. More details and completed examples are at Appendix 8

[17] The main obstacle here is that Land Registry data is incomplete, only partly digitised and lacking in detail about publicly accessible spaces. Obtaining relevant data is, therefore, almost impossible – or at least very difficult, time consuming and expensive. Access to ownership data alone will also not immediately reveal if a piece of land contains a publicly accessible space.

[18] See Appendix 3 for details and further examples.

[19] City of Westminster (PPS019); also see Chapter 3 and Appendix 3 for details and further examples.

[20] Public rights of way (PRoW) are highways that allow the public a legal right of passage and will remain a highway until there is a legal event to close, divert or extinguish it as a PRoW. Rights of way can be on any land, including privately owned land. Although a 'highway' is often considered to be a major road, the proper sense of this word can refer to the smallest footpath as well as the biggest motorway. http://www.naturalengland.org.uk/ourwork/enjoying/places/rightsofway/legalprow/default.aspx

[21] *Minton, A (2006):* What kind of world are we building? The privatisation of public space; *Punter, J (1990):* The privatisation of the public realm, in: Planning Practice and Research, Volume 5 Issue 2; *Williams, Dr K & Green, Dr S (2001):* Literature Review of Public Space and Local Environments for the Cross Cutting Review FINAL REPORT; London Forum of Amenity & Civic Societies (PPS020)

[22] A Business Improvement District (BID) is an initiative supported by local businesses and the local authority which aims to improve a specified geographical area. BIDs are principally funded via a mandatory levy on business occupiers, which is in addition to the non-domestic business rate, as well as by voluntary contributions from local landowners and commercial partners. The London BIDs Programme has been running since 2003 and currently supports 15 locations.

[23] *Carmona, M, De Magalhães, C, Hammond, L (2008):* Public space: The management dimension

[24] John East (London Borough of Newham), Planning and Housing Committee, 23 November 2010

[25] *Carmona, M (2010):* 'Contemporary Public Space: Critique and Classification, Part One: Critique', Journal of Urban Design, 15:1, 123 - 148

[26] London First (PPS035); The Crown Estate (PP029); London Borough of Southwark (PPS034)

[27] ie Embankment Gardens, Tabard Square or Neo Bankside (Living Streets [PPS008], London Borough of Southwark [PPS034]) – see Appendix 3 for details

[28] ie Potters Fields Park (SE1 Forum - http://www.london-se1.co.uk/forum/read/1/111159/page=2) – see Appendix 3 for details

[29] ie the Duke of York Steps or the Thames Path near Tower Bridge (Centre for Accessible Environments[CAE]) – see Appendix 3 for details

[30] ie Paddington Square or More London (City of Westminster [PPS019]; London Borough of Southwark (PPS034); London Forum of Amenity & Civic Societies (PPS020); Anna Minton, journalist and writer [PPS027]) – see Appendix 3 for details

[31] Inmidtown BID (PPS043); The Crown Estate (PP029); Legal & General Property (PPS031); London Borough of Southwark (PPS034); Grosvenor (PPS042); London Forum (PPS020); Mayor of London (PPS023)

[32] For example London Borough of Hammersmith and Fulham – UDP Policy EN23 (see Appendix 6 for details)

[33] For example London Borough of Hackney – Draft Public Realm Design Management and Maintenance Guide 2009

[34] City of London – Core Strategy Policy CS19 and paragraph 5.12 of the supporting text to UDP Policy REC2 (see Appendix 6 for details)

[35] The 1961 Zoning Resolution inaugurated the incentive zoning program in New York City. The program encouraged private developers to provide spaces for the public within or outside their buildings by allowing them greater density in certain high-density districts. Since its inception, the program has produced more than 3.5

million square feet of public space in exchange for additional building area or other considerations such as relief from certain height and setback restrictions.

[36] http://www.nyc.gov/html/dcp/html/priv/priv.shtml

[37] Ibid.

[38] A vest-pocket park is typically as small as the space occupied by a single building in the surrounding community, and is often a converted vacant lot.

[39] Paley Park – why it works: It is located directly on the street, it has reasonably priced food, as well as moveable chairs and tables that let people be comfortable and have some control over where they sit. A waterfall provides a dramatic focal point and its noise blocks out the sounds of the city and creates a sense of quiet and privacy. There is also adequate shade in the summer from the trees. http://www.pps.org/great_public_spaces/one?public_place_id=69

[40] Mayor of London (PPS023)

[41] Planning obligations and legal agreements are used to secure community infrastructure to meet the needs of residents in new developments and/or to mitigate the impact of new developments upon existing community facilities. They can also be used to require specific operations or activities to be carried out on land. Section 106 (S106) of the Town and Country Planning Act 1990 allows a Local Planning Authority enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. The Planning Act 2008 contains enabling clauses for a Community Infrastructure Levy, a charge on development which local planning authorities can choose to set and which is designed to help fund needed infrastructure identified in their plans. It will be paid primarily by owners or developers of land which is developed. The government has recently undertaken consultations on the CIL. http://www.welhat.gov.uk/index.aspx?articleid=1048

[42] John East (London Borough of Newham), Planning and Housing Committee, 23 November 2010

[43] See Appendix 7

[44] Stratford City will comprise more than 100 shops, two department stores, cafés, schools, hotels, parks and health centres

[45] *Minton, A (2009):* Ground Control. Fear and happiness in the twenty-first-century city; *Body-Gendrot, S (2005):* Public Life And Urban Spaces. The New Urban Visions Of London: Is Safety In Public Space The Major Issue? Reflection Paper for: Cities Programme, London School Of Economics And Political Science

[46] *Minton, A (2006):* The privatisation of public space

[47] Inmidtown BID (PPS043), CAE [Centre for Accessible Environments (PPS026)], London Wildlife Trust (PPS032), Grosvenor (PPS042), London First (PPS035), English Heritage (PPS039), Living Streets (PPS008), The Glass House Community led Design (PPS013)

[48] Grosvenor's Brown Hart Gardens has been identified as good example for early community involvement (see Appendix 3).

[49] Inmidtown BID (PPS043); Legal & General Property (PPS031); London Wildlife Trust (PPS032); Grosvenor (PPS042); London First (PPS035); Guide Dogs (PPS037); English Heritage (PPS039); Living Streets (PPS008); The Glass-House Community Led Design (PPS013)

[50] English Heritage (PPS039)

[51] CAE (Centre for Accessible Environments [PPS026]); Brent River & Canal Society/Ealing Wildlife Network (PPS033)

[52] Peter Heath, Atkins (PPS012)

[53] BTCV (British Trust for Conservation Volunteers [PPS030])

[54] CABE (The Commission for Architecture and the Built Environment [PPS005]); The Glass-House Community Led Design (PPS013)

[55] Inmidtown BID (PPS043)

[56] Inmidtown BID:(PPS043): In Coventry, comments can be made on touch screens placed in the public space, on line, via an app, by phone or in writing. The comments are fed into a computer programme, analysed and displayed for others to comment on. More details can be seen on www.voiceyourview.com/cucampus

[57] Eg London's Great Outdoors (see Appendix 8) Better Streets, Better Green and Water spaces, Safer Parks Award

[58] See Appendix 4 for planned large schemes in London

[59] See Appendix 8 for examples.

[60] eg John East (London Borough of Newham), Prof Matthew Carmona (UCL), Robert Evans (Argent), Planning and Housing Committee, 23 November 2010; Living Streets (PPS008); Legal & General Property (PPS031); British Land (PPS004); English Heritage (PPS039)

[61] Ibid.

[62] Community infrastructure levy (CIL) was brought into effect in England and Wales in April 2010 when the Community Infrastructure Levy, England and Wales Regulations 2010 (CIL Regulations) came into force. It cannot be charged in any area until the relevant local planning authority or other charging authority has an approved charging schedule.

[63] http://www.mcgrigors.com/e-bulletin/planning/2011-03-14.html

[64] Design for London was developing a London wide public realm strategy in 2007 under the previous Mayor, Ken Livingstone, which was planned to be published in 2008 and set the wider context for area specific strategies. The '100 Public Spaces' Programme was to be integrated into the wider strategy (Mayor of London Opportunity Area Planning Framework; Outer London: Issues for the London Plan 2007). Under Mayor Boris Johnson this idea became the 'Great Spaces' Programme.

[65] *Greater London Authority (2008):* Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation – Full details of relevant sections are at Appendix 5

[66] *Design for London (2010):* Interim Housing Design Guide – Full details of relevant sections are at Appendix 5

[67] "London's public spaces should be secure, accessible, easy to understand and maintain, and incorporate the highest quality landscaping, planting, furniture and surfaces. ...". See Appendix 5 for the full text, the draft revised policy and for proposed changes to the policy.

[68] Ibid.

[69] *ODPM (2004):* Living Places: Caring for Quality

[70] *Department for Transport, Local Government and the Regions (2002):* Improving Urban Parks, Play Areas and Green Spaces

[71] *Department for Communities and Local Government (2006):* Green and Public Space Research: Mapping and Priorities

[72] Business Improvement District; also see endnote 17 for a definition

[73] London Borough of Southwark (PPS034); London Forum of Amenity & Civic Societies (PPS020); Anna Minton, journalist and writer (PPS027)

[74] Jenny Jones, AM, Planning and Housing Committee, 23 November 2010

[75] City of Westminster (PPS019)

[76] Anna Minton, journalist and writer (PPS027)

[77] London Forum of Amenity & Civic Societies (PPS020)

[78] Grosvenor (PPS042)

[79] *Tavernor, R (2006):* Bankside 123, for: Cities Programme , London School Of Economics And Political Science

[80] SE1 Forum - http://www.london-se1.co.uk/news/view/5056

[81] Living Streets (PPS008)

[82] London Borough of Southwark (PPS034)

[83] City of Westminster (PPS019)

[84] SE1 Forum - http://www.london-se1.co.uk/forum/read/1/111159/page=2

[85] CAE (Centre for Accessible Environments [PPS026])

[86] Westminster Way Public Realm Strategy – Consultation Draft; Hackney Draft Public Realm Design Management and Maintenance Guide 2009

[87] Peter Bishop (London Development Agency); Planning and Housing Committee, 23 November 2010

[88] *Mayor of London (2009):* Manifesto for Public Space - London's Great Outdoors

[89] http://www.tfl.gov.uk/static/corporate/media/newscentre/archive/11016.html