

Local Plan

GRAVESHAM
LOCAL
PLAN

Local Green Space consultation

Consultation Document September 2020



Delivering a Gravesham to be proud of

Introduction

Gravesham Borough Council recognises the importance of green spaces to the health and well-being of those who live and work within the Borough. Green spaces provide a range of social, environmental and economic benefits including:

- Improved well-being and health
- Improved social activity and community cohesion
- More attractive places to live, work, visit and play
- Enhanced biodiversity including providing opportunities for wildlife habitats and wildlife corridors
- Providing opportunities for climate change adaptation and mitigation especially in urban areas, e.g. flood mitigation, reducing rain water runoff, carbon stores through planting additional trees and shrubs, etc.

The Council is seeking residents of the Borough and other stakeholders to nominate potential sites for Local Green Space designation, and to comment on the criteria that will be used to assess these nominations for formal designation through the emerging Local Plan.

Background

The National Planning Policy Framework makes provision for the designation of land as a Local Green Space through the preparation or revision of local and neighbourhood plans¹. This designation is intended to be a means by which communities can identify and protect green areas that are of particular importance to them.

The National Planning Policy Framework does not define what it means by the term 'green space' although the glossary does include a definition of 'open space' as:

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

¹ See NPPF 2019 paragraphs 99 – 101 at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

The National Planning Policy Framework advises that the Local Green Space designation should only be used where the local green space meets the following criteria:

- It is in reasonably close proximity to the community it serves;
- It is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- It is local in character and not an extensive tract of land.

The National Planning Policy Framework goes on to advise that once designated, policies for managing development within a Local Green Space should be consistent with policies applying to Green Belts. This would stop inappropriate development within a Local Green Space unless justified as an exception under policy or where very special circumstances exist that clearly outweigh harm to the designated Local Green Space.

Additional guidance on Local Green Space designation

Planning Practice Guidance² issued by the Government sets out further advice on the process of designating Local Green Spaces, the sorts of land to which it could apply and its relationship to the wider objectives of the planning system. This guidance is reproduced below as it relates to Gravesham.

What is Local Green Space designation?

Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.

How is land designated as Local Green Space?

Local Green Space designation is for use in Local Plans or Neighbourhood Plans. These plans can identify on a map ('designate') green areas for special protection. Anyone who wants an area to be designated as Local Green Space should contact the local planning authority about the contents of its local plan or get involved in neighbourhood planning.

How does Local Green Space designation relate to development?

Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify

² See <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#Local-Green-Space-designation>

sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.

What if land has planning permission for development?

Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented.

Can all communities benefit from Local Green Space?

Local Green Spaces may be designated where those spaces are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city.

What if land is already protected by Green Belt?

If land is already protected by Green Belt policy, then consideration will need to be given to whether any additional benefit would be gained by designating such land as Local Green Space as well. It will be the exception not the norm for land to be protected through both Green Belt and Local Green Space designations.

What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or conservation area?

Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

What about new communities / developments ?

New residential areas and developments may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if they are demonstrably special and hold particular local significance.

What types of green area can be identified as Local Green Space?

The green area will need to meet the criteria set out in the National Planning Policy Framework (see above). Whether to designate land is a matter for the local planning authority and ultimately requires the approval of Secretary of State for Housing, Communities and Local Government. Examples of green areas include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.

How close does a Local Green Space need to be to the community it serves?

The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.

How big can a Local Green Space be?

There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.

Is there a minimum area?

Provided land can meet the criteria set out in the National Planning Policy Framework there is no lower size limit for a Local Green Space.

What about public access?

Land being considered for designation as Local Green Space can be publicly accessible or have no public access at all. Land without public access could be considered for designation due to the land being valued because for its importance in terms of wildlife, historic significance and/or beauty. Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.

What about public rights of way?

Areas that may be considered for designation as Local Green Space may be crossed by public rights of way. There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.

Does land need to be in public ownership?

A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) are advised to contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.

Would designation place any restrictions or obligations on landowners?

Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.

Who will manage Local Green Space?

Management of land designated as Local Green Space will remain the responsibility of its owner. If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources.

Can a Local Green Space be registered as an Asset of Community Value?

Those proposing land to be designated as Local Green Space can nominate such land or buildings to the Council for listing as an Asset of Community Value. Once land or buildings are nominated to the Council, the Council will decide if the nomination meets the Government requirements for listing as an asset of community value. The statutory rules about assets of community value can be found in sections 87 – 103 of the Localism Act 2011 and in The Assets of Community Value (England) Regulations 2012.

Assessing whether land should be designated as a Local Green Space through the Local Plan process.

The Council is seeking to designate Local Green Spaces through the emerging Local Plan. However, we can only do so if a Local Green Space meets the requirements of the National Planning Policy Framework as set out in the introduction to this consultation document. Regard also has to be had to the additional guidance on Local Green Space Designation contained in national Planning Practice Guidance.

As the Local Planning Authority for Gravesham, we will consider all sites submitted to the Council for local green space designations and those found to meet the requirements will be published as part of a Regulation 18 Local Plan consultation for further comment at a later date.

A policy relating to Local Green Spaces will be included in emerging policy. Designating land as Local Green Space should:

- Be consistent with national and local policies, including planning of sustainable development
- Complement investment in sufficient homes, jobs and other essential services

To assist in this process, the Council is proposing to use the following criteria in assessing candidate sites put forward by local communities or their representatives. Those proposing sites for Local Green Space designation will need to provide evidence as to why the Council should do this and upon which it can base its decision. This is also an opportunity for local stakeholders to provide feedback on the following criteria.

Criterion 1: There is no current planning permission for the site (in whole or in part) which once implemented would undermine the designation of the site as a Local Green Space.

The designation of a site as a Local Green Space would not normally be appropriate where there is an existing planning permission for development. An exception to this would be where a site is sufficiently large to accommodate such a designation as part of the proposed development or where planning permission is no longer capable of being implemented.

Criterion 2: The proposed Local Green Space is not land allocated for development as part of a Local or Neighbourhood Plan or required to meet the Borough's development needs and is consistent with the objective of achieving sustainable development through the planning process, complementing investment in the delivery of sufficient homes, jobs and other essential services.

It would not be appropriate to designate an area as a Local Green Space where it is allocated or proposed for development in a Local or Neighbourhood Plan unless it can be shown that such a designation is consistent with such an allocation or proposal and the Local Green Space could be

incorporated within the site as part of the development.

Criterion 3: The Local Green Space designation would provide protection additional to any existing protective policies and its special characteristics could not be protected through any other reasonable and more appropriate means.

It is only appropriate to designate a Local Green Space already protected by another designation where it would provide additional and justifiable benefit to the community. This accords with advice set out in national Planning Practice Guidance.

Criterion 4: The site proposed for designation as a Local Green Space is local in character and not an extensive tract of land.

Whilst national policy and guidance does not set out precisely what an 'extensive tract of land' means, as a matter of planning judgment, such areas should be by definition 'local' and be fairly well contained and defined by edges so as not to be 'extensive'.

Criterion 5: The proposed Local Green Space should be within close proximity to the community it serves.

National planning policy states that an area to be designated as a Local Green Space should be in reasonably close proximity to the community it serves. Whether or not a site is in 'close proximity' is a matter of planning judgement based on local circumstances and why the green area is considered to be special. If public access is a key factor, then the site would normally be within easy and safe walking distance of the community served and not severed from it due to changes in levels or presence of other significant barriers to movement. Sites should feel part of the local area and should not stand isolated from the communities they serve.

Criterion 6: The site's special characteristics and any use, activity or function which forms part of the case for designation as a Local Green Space should be capable of being maintained and managed so as to endure beyond the period of the Local Plan.

To accord with the requirements of national planning policy. The end of the Local Plan period would normally be a minimum 15 years from the date of adoption. This would be in the region of 2036/7 if the document is adopted following examination around 2021/22.

Criterion 7: The site to be designated as a Local Green Space should be demonstrably special to the local community it serves and hold a particular local significance that community.

To accord with the requirements of national planning policy. To determine whether this criterion is met, robust and convincing evidence must exist to satisfy at

least one of the following supporting evidence below is met.

i. The proposed Local Green Space is of particular local significance because of its beauty.

This would include an assessment of the visual attractiveness and aesthetic value of the proposed Local Green Space and the contribution it makes towards townscape, landscape, character and/or setting of the settlement of which it forms part. Features on the site such as woodland, specimen or ancient/veteran trees or water could also contribute to the overall value of a site, as could the presence of important public views or vistas made available by the existence of the site. The site should contribute significantly to local identity and character and plays an important role in defining the sense of place of the area.

ii. The proposed Local Green Space is of particular importance because of its own historical significance or the contribution it makes to the significance of heritage assets as part of their setting.

This would involve an assessment of whether the proposed Local Green Space itself could be viewed of local significance because of its own historical importance to the local community. This may be because:

- There are recognised heritage assets on the site;
- The site has well established and documented links with an historic person or event; or
- The site has retained historic features or boundaries that contribute to sense of place and an appreciation or enjoyment of the historic environment.

In addition, any contribution the site makes towards the significance of heritage assets as part of their setting would also be a consideration.

iii. The proposed Local Green Space is of particular local significance because of its recreational value.

This would involve an assessment of the significance of the proposed Local Green Space for recreation and whether or not it provides an important asset for the local community pursuing a particular activity or range of activities. Although most green and open spaces will fall within this category and be of recreational value, the aim is to identify why a particular area offers something unique or special that could not realistically be accommodated on the sites that would otherwise serve the local community.

National guidance states that there is no need to designate linear corridors as Local Green Spaces simply to protect public rights of way, as they are already protected under other legislation.

iv. The proposed space is of particular local significance because of its tranquillity.

This would involve an assessment of whether the site can be considered of importance to the local community because of the tranquillity it provides, offering a place for quiet reflection and peaceful enjoyment. A proposed Local Green Space would need to demonstrate the following type of qualities:

- A feeling of remoteness or quiet contemplation
- A general inability to see man-made structures such as roads, power lines or excessive lighting
- Has a general lack of noise from vehicles or industry

Within urban areas, the proposed Local Green Space should be sufficiently distinct from its surroundings to offer a tranquil experience that would otherwise be lacking, contributing significantly to sense of place.

v. The proposed Local Green Space is of particular local significance because of its richness of wildlife.

In assessing whether the site can be considered of importance to the local community because of its richness of wildlife, it would as a minimum need to relate to one of the following:

- Be designated for its wildlife value (e.g. Local Wildlife Site or site identified of similar value)
- Include a combination of important landscape features such as ancient hedgerows, ancient woodland, aged or veteran trees, pockets of woodland and wildflower meadow
- Show a unique and/or diverse range of wildlife. This would need to be evidenced by ecological surveys and/or expert advice.

Areas that the Council is unlikely to designate as Local Green Space given national policy and guidance

The designation of a Local Green Space should not be seen as a way of blocking development, but rather as a way of identifying green spaces that are important to local communities and worthy of retention because of their importance and special qualities.

As noted above, the National Planning Policy Framework is quite clear that the designation of any Local Green Space should be consistent with the objective of achieving sustainable development through the planning process and complement investment in the delivery of sufficient homes, jobs and other essential services.

Designated Local Green Spaces are also required to be capable of enduring beyond the Local Plan period and there are two circumstances where this is unlikely to be the case. These are:

- School and college playing fields – in order to address future needs for school places there may be a need to reconfigure the arrangement of school buildings and playing fields to accommodate new or improved accommodation. National planning policy states that Councils should give great weight to the need to create, expand or alter schools. It is arguable therefore, that educational sites should not be designated as Local Green Spaces.
- Highway land/roadside verges – land adjoining an existing highway is subject to a range of ‘Permitted Development’ rights or may also be required to bring forward important local highway schemes. Under these circumstances, it would be difficult to demonstrate that the green space has the potential to endure. National guidance also states that there is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation.

In accordance with national planning guidance, the Council is also unlikely to designate a site as a Local Green Space where it is already within the Green Belt. The exception to this could be where there would be an additional local benefit as a result of such a designation, related to the reasons for the Local Green Space being created.

Next Steps

Once the consultation period has closed, the Council will consider all submissions received against the assessment criteria and identify candidate Local Green Spaces that can be taken forward as part of the emerging Local Plan.

Before doing this, the Council will endeavour to contact the owners of the candidate Local Green Space sites to seek their views on designation. However, it should be noted that there is nothing to prevent the Council from seeking to designate any site in public or private ownership where the criteria are met in accordance with national planning policy and it is properly justified.

The emerging Local Plan will be subject of further public consultation later this year, with the next consultation being a Regulation 18 Stage 2 Consultation. As part of this consultation, local residents and other stakeholders will be able to give further views on Local Green Space as part of the emerging plan.

Ultimately, any such decision to designate or not designate a Local Green Space will be subject to independent examination by a Planning Inspector appointed by the Secretary of State, to which further representations may be made in accordance with due process.

For further information please contact planning.policy@gravesham.gov.uk