

**Berkswell Draft NDP**  
**Local Green Space Designation**  
**National Government Policy, Advice and Guidance**

**In relation to suggestions for additional and existing areas of proposed Local Green Space please could all steering group members consider the following advice?**

**In particular please look at text marked in red.**

**National Planning Policy Framework (NPPF)**

See

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

Related guidance: [Open space, green space and rights of way](#)

77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves
- where the green area 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
- where the green area concerned is local in character and is not an extensive tract of land

Related guidance: [Open space, green space and rights of way](#)

78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.

Related guidance: [Open space, green space and rights of way](#)

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## Government Guidance

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

Guidance

### **Open space, sports and recreation facilities, public rights of way and local green space**

Gives key advice on open space, sports and recreation facilities, public rights of way and the new Local Green Space designation.

Published 6 March 2014

From:

**[Ministry of Housing, Communities & Local Government](#)**

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### **Open space, sports and recreation facilities**

#### **How should open space be taken into account in planning?**

Open space should be taken into account in planning for new development and considering proposals that may affect existing open space (see National Planning Policy Framework [paragraphs 73-74](#)). Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to [green infrastructure](#) (see National Planning Policy Framework [paragraph 114](#)), as well as being an important part of the landscape and setting of built development, and an important component in the achievement of sustainable development (see National Planning Policy Framework [paragraphs 6-10](#)).

It is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. In carrying out this work, they should have regard to the [duty to cooperate](#) where open space serves a wider area. See [guidance on Local Green Space designation](#), which may form part of the overall open space network within an area.

Related policy:

- [paragraph 70](#)
- [paragraphs 73-74](#)
- [paragraphs 156-157](#)
- [paragraph 162](#)
- [paragraph 171](#)

Paragraph: 001 Reference ID: 37-001-20140306

Revision date: 06 03 2014

### **How do local planning authorities and developers assess the needs for sports and recreation facilities?**

Authorities and developers may refer to [Sport England's guidance](#) on how to assess the need for sports and recreation facilities.

Paragraph: 002 Reference ID: 37-002-20140306

Revision date: 06 03 2014

### **Who should local planning authorities consult in cases where development would affect existing open space, sports and recreation facilities?**

Local planning authorities are [required](#) to consult [Sport England](#) in certain cases where development affects the use of land as [playing fields](#).

Where there is no requirement to consult, local planning authorities are advised to consult Sport England in cases where development might lead to:

- loss of, or loss of use for sport, of any major sports facility;
- proposals which lead to the loss of use for sport of a major body of water;
- creation of a major sports facility;
- creation of a site for one or more playing pitches;
- development which creates opportunities for sport (such as the creation of a body of water bigger than two hectares following sand and gravel extraction);
- artificial lighting of a major outdoor sports facility;
- a residential development of 300 dwellings or more.

Authorities should also consider whether there are planning policy reasons to [engage other consultees](#).

Paragraph: 003 Reference ID: 37-003-20140306

Revision date: 06 03 2014

## **Public rights of way and National Trails**

### **Where can I find information on public rights of way and National Trails?**

Local highway authorities hold information about the location of public rights of way in the areas they cover. They are required to record the existence and location of rights of way on a definitive map. Natural England also has information about [public rights of way](#) and [National Trails](#).

Public rights of way form an important component of sustainable transport links and should be protected or enhanced. The [Defra Rights of Way circular \(1/09\)](#) gives advice to local authorities on recording, managing and maintaining, protecting and changing public rights of way. It also contains guidance on the consideration of rights of way in association with development. The Circular also covers the statutory procedures for diversion or extinguishment of a public right of way.

Related policy:

- [paragraph 69](#)
- [paragraph 75](#)
- [paragraph 156](#)
- [paragraph 162](#)

Paragraph: 004 Reference ID: 37-004-20140306

Revision date: 06 03 2014

## **Local Green Space designation**

### **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.

Paragraph: 005 Reference ID: 37-005-20140306

Revision date: 06 03 2014

### **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.

Paragraph: 006 Reference ID: 37-006-20140306

Revision date: 06 03 2014

### **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 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.

Paragraph: 007 Reference ID: 37-007-20140306

Revision date: 06 03 2014

### **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.

Paragraph: 008 Reference ID: 37-008-20140306

Revision date: 06 03 2014

### **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.

Paragraph: 009 Reference ID: 37-009-20140306

Revision date: 06 03 2014

### **What if land is already protected by Green Belt or as Metropolitan Open Land (in London)?**

If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.

One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.

Paragraph: 010 Reference ID: 37-010-20140306

Revision date: 06 03 2014

### **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.

Paragraph: 011 Reference ID: 37-011-20140306

Revision date: 06 03 2014

### **What about new communities?**

New residential areas 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.

Paragraph: 012 Reference ID: 37-012-20140306

Revision date: 06 03 2014

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

The green area will need to meet the criteria set out in [paragraph 77](#) of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.

Paragraph: 013 Reference ID: 37-013-20140306

Revision date: 06 03 2014

### **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.

Paragraph: 014 Reference ID: 37-014-20140306

Revision date: 06 03 2014

### **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, [paragraph 77](#) of 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.

Paragraph: 015 Reference ID: 37-015-20140306

Revision date: 06 03 2014

### **Is there a minimum area?**

Provided land can meet the criteria at [paragraph 77](#) of the National Planning Policy Framework there is no lower size limit for a Local Green Space.

Paragraph: 016 Reference ID: 37-016-20140306

Revision date: 06 03 2014

### **What about public access?**

Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions.

**However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their 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.

Paragraph: 017 Reference ID: 37-017-20140306

Revision date: 06 03 2014

### **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.

Paragraph: 018 Reference ID: 37-018-20140306

Revision date: 06 03 2014

### **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) should 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.

Paragraph: 019 Reference ID: 37-019-20140306

Revision date: 06 03 2014

### **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.

Paragraph: 020 Reference ID: 37-020-20140306

Revision date: 06 03 2014

### **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.

Paragraph: 021 Reference ID: 37-021-20140306

Revision date: 06 03 2014

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

Land designated as Local Green Space may potentially also be nominated for listing by the local authority as an [Asset of Community Value](#). Listing gives community interest groups an opportunity to bid if the owner wants to dispose of the land.

Related policy: [paragraphs 76-78](#)

Paragraph: 022 Reference ID: 37-022-20140306

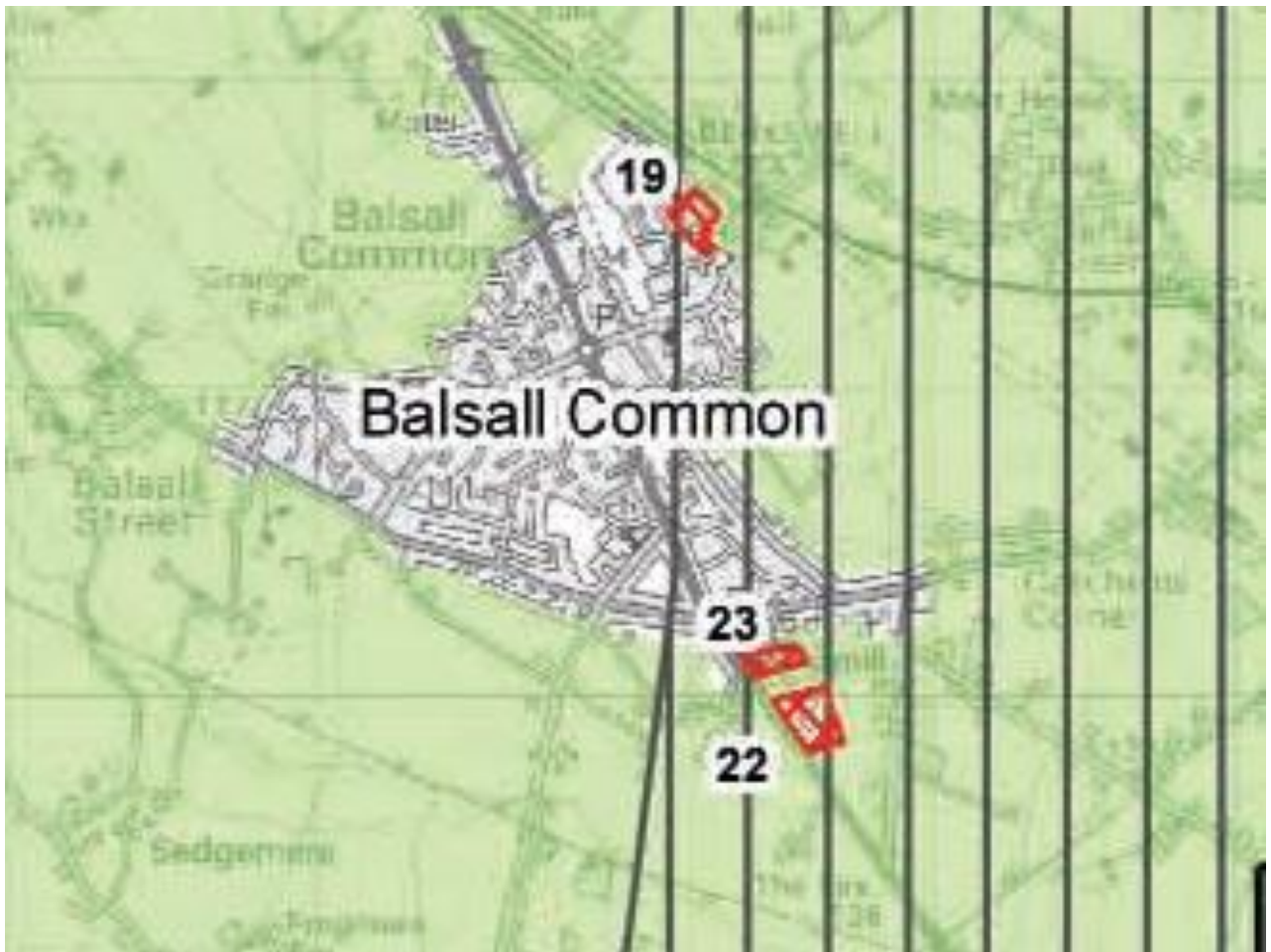
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Adopted Local Plan 2013 Proposals Map



LPR Proposals Map

