

Decision Maker: **DEVELOPMENT CONTROL COMMITTEE
EXECUTIVE COMMITTEE**

Date: **Thursday 10 December 2015
Wednesday 13 January 2016**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **LOCAL GREEN SPACE**

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Chief Officer: Chief Planner

Ward: (All Wards)

1. Reason for report

This report seeks member's agreement to the process to invite sites to be nominated by local communities to be assessed as Local Green Space by the Council. This includes a six weeks consultation on the draft criteria for the assessment of potential LGS sites and a revised Draft Local Green Space Policy. The suggested approach is being triggered by the 15th of July Executive's decision that a petition to designate Bull Lane's allotments as Local Green Space should be taken into consideration as a formal submission as part of the Local Plan process.

RECOMMENDATIONS

That the Development Control Committee recommends to the Executive that they:

- 1. Endorse the proposed local criteria for assessing potential sites for the Local Green Space designation as set out in paragraph 2.2 and the revised Draft Local Green Space Policy for consultation as set out in Appendix 3.**
- 2. Endorse the process for inviting local communities to submit sites for consideration as Local Green Space as set out in Section 4 and comment on the revised Draft Local Green Space Policy.**

That the Executive:

- 1. Consider the comments made by the Development Control Committee with regard to the Council's proposed approach to Local Green Space.**
- 2. Agree the Draft Local Green Space policy set out in Appendix 3 and the proposed criteria for the assessment of sites set out in paragraph 2.2 of this report, and**

3. Agree the proposed consultation process providing local communities with the opportunity to comment on the draft Local Green Space policy and the proposed site assessment criteria; and to submit sites for consideration by the Council as Local Green Space, as set out in Section 4 of this report.

Corporate Policy

1. Policy Status: New Policy: The Draft Local Green Space policy, once adopted, will be included in the Council's Local Plan
 2. BBB Priority: Quality Environment
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Planning and Renewal
 4. Total current budget for this head: £2.174m
 5. Source of funding: Existing controllable revenue budget 2015/16
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Staff

1. Number of staff (current and additional): 69 Ftes
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: None: Local Communities are encouraged to approach the Council to submit Local Green Space to the Council as part of the National Planning Policy Framework.
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Local Communities
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Ward Councillors will be consulted as part of the process of identifying and assessing sites as potential Local Green Spaces
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

1. Introduction

1.1 The Local Green Space designation was introduced by the National Planning Policy Framework (NPPF, 2012). It provides local communities with the opportunity to identify green areas of particular importance to them to be considered for the designation which provides a level of protection equivalent to that afforded to the Green Belt. Local Green Space can only be designated through the plan making process through either Local Plans or Neighbourhood Plans. The NPPF defines basic criteria and conditions in para. 77 and 76 which sites should meet in order to be designated (**see Appendix 2**) yet Planning Practice Policy Guidance (PPPG) recognises that “*designation is a matter for local discretion*”. The PPPG on Local Green Space as set out in **Appendix 2** provides further guidance relating to the criteria’s interpretation and to the implementation of the designation.

1.2. At the Full Council meeting on 29th June 2015, Members received a petition from the Bull Lane Action Group calling on the Council to designate Bull Lane Allotments in Chislehurst as Local Green Space. The Petition was referred to the 13th of July 2015 Development Control Committee and the 15th of July Executive to consider. The Executive resolved that “*the merits of designating the Bull Lane Allotments as Local Green Space be formally considered through the Local Plan process and the Petition is included as a submission seeking this change*” and that “*further work was needed to define and agree an approach to taking the Local Green Space designation forward through the Plan making process*”.

1.3. It is important for Bromley to define its own local criteria and methodology for assessment taking into consideration both national policy and associated guidance to ensure that Local Green Space remains a high test designation which is “*not appropriate to most green areas or open space as required by the NPPF (Paragraph 77)*”. The proposed criteria are set out in **section 2** of this report and will be used to assess whether Bull Lane allotments meets the requirements to be taken forward as Local Green Space within the Draft Local Plan, as well as any other sites being proposed. The proposed criteria have been considered and endorsed by the Local Development Framework Advisory Panel (LDFAP).

1.4. It is anticipated that most eligible green and open spaces in the borough will already benefit from protective planning designations relating to the desirability of protecting their openness, amenity and biodiversity value; including for example designations such as Urban Open Space, Sites of Importance for Nature Conservation, Local Nature Reserves but also Greenbelt and Metropolitan Open Space. The Local Green Space designation will only be appropriate where it adds value to existing designations. The Draft Policies and Designations Document (2014), includes Draft Policy 8.21 on Local Green Space which drew a limited amount of representations at that stage. The work undertaken by planning officers since then has evidenced that the policy should be amended to more effectively reflect the aims of the designation to protect the “unique special qualities” of land designated as Local Green Space and a draft policy justified in **Section 3** and included in **Appendix 3**.

1.5. The request to designate Bull Lane Allotments as Local Green Space is the only such request received by the Council to date. It is however important that local communities are provided with a timely opportunity to comment on the revised draft Local Green Space policy and on the proposed assessment criteria and to submit sites to the Council to be assessed and considered for the Local Green Space designation as part of the Draft Local Plan. The proposed six weeks consultation process is set out in **Section 4**. The Council’s website will feature a Comments Form (included in **Appendix 4**) enabling consultees to comment both on the draft Local Green Space policy and on the proposed assessment criteria, as well as a Site Application form (included in **Appendix 5**).

2. Draft Criteria, application form and guidelines for the assessment of potential Local Green Space sites

2.1 It is proposed that submissions to the Council for sites to be designated as Local Green Space are assessed against of the criteria set out below, which they will be required to all meet.

2.2 Local Green Space Criteria

Criteria 1. The site is submitted by the local community.

Criteria 2. There is no current planning permission which once implemented would undermine the merit of a proposed Local Green Space designation.

Criteria 3. The proposed Local Green Space site is not land allocated for development as part of Bromley's Development Plan or required to meet the borough's development needs.

Criteria 4. The site proposed for designation is local in character, and is not an extensive tract of land.

Criteria 5. Where the proposed site is publicly accessible, it is within walking distance of the community, or where the proposed site is not publicly accessible, it is within reasonable distance of the local community.

Criteria 6. The space being proposed for designation is demonstrably special to a local community and holds a particular local significance because of unique and special qualities relating to for example:

- Its beauty:
- Its historic significance:
- Its recreational value:
- Its tranquillity:
- Its richness of wildlife:

Criteria 7. 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.

Criteria 8. The site's special characteristics and any uses or activities which form part of the case for its designation can be maintained and managed during the local plan period.

3. Proposed revision to the Draft Local Green Space Policy

3.1 The local criteria seeks to ensure that land designated as Local Green Space holds particular significance for a local community because of its demonstrably special qualities. Whilst the criteria was being developed, it became clear that the draft policy which was included in the 2014 Draft Policies and Designations consultation document should be amended to ensure that it is able to effectively protect these "special qualities" which justify designation. These "unique special qualities" would be set out in a written statement, a "Statement of Significance" included as an appendix to the

Local Plan and the proposed policy associated with the designation would ensure that permission for development harming the special qualities of land designated as Local Green Space would only be granted in very special circumstances. Both the former and proposed amended Local Green Space policy are set out in **Appendix 3**.

3.2 The Local Green Space designation where justified would provide a layer of protection to the “special qualities” of the site additional to any other existing planning or open space designation, such as typically Urban Open Space but also potentially Metropolitan Open Land or Green Belt. It may be found in some instances that a site’s existing planning designations are sufficient to protect its “unique and special qualities”. This may be the case for example where a site designated as a SINC, a SSSI or a Local Nature Reserve is put forward for designation as Local Green Space to protect its biodiversity value. Conversely, the merit of the “special qualities” of a site put forward for the Local Green Space designation may warrant the site being formally considered for another planning designation.

3.3 As the Local Plan is read and applied as a whole, where there are several designations relating to a site all the relevant policies will be applied. Local Green Space designation once adopted will also set the context for any future applications for Local Green Space to be considered as part of a Neighbourhood Plan.

4. Next Steps

4.1 Local communities will be provided with the opportunity to suggest sites for assessment for the Local Green Space designation and comment on the proposed criteria and policy as part of a targeted consultation which will be advertised both on the Council’s website and on its consultation portal. Both websites will feature introductory text to the Local Green Space designation, the Draft Local Criteria and Local Green Space Policy, a Consultation Form providing consultees with the opportunity to comment on the Draft Local Green Space policy as well as on the proposed Local Criteria for the designation of local green space (attached in **Appendix 4**), and an Application Form to the Local Green Space designation (attached in **Appendix 5**). The application form will in time be supplemented with guidelines setting out how to fill the form and submit the information needed by officers to assess whether the site meets the criteria: this is to ensure that the designation remains high test, that the criteria is consistently applied between sites and that neighbourhood plans including sites for designation as Local Green Space remain in conformity with Bromley’s Local Plan.

4.2 The consultation will run for a period of six weeks during which ward members, local business and residents associations, local open and green space user and amenity groups and other relevant stakeholders will be notified by email and by post of the opportunity to submit sites. The Consultation Form and the Application Form and its associated guidelines will be sent to these consultees as well as to parties having registered an interest in proposing land for designation as Local Green Space. A press release may also be issued.

4.3 The local criteria for the designation of Local Green Space will be included in the Draft Local Plan for clarity, together with guidelines for the assessment of sites against the criteria, to ensure that any applications submitted as part of Neighbourhood Plans follow a similarly robust assessment process.

4.4 Sites submitted to be considered for the Local Green Space designation, which as agreed include Bull Lane allotments, will be assessed by the Planning Strategy team against the criteria and conclusions from this exercise will be reported to the Development Control Committee and to the Executive to agree those sites to be included in the Draft Local Plan as proposed Local Green Space.

4.5 In summary, the next steps will be:

- Local Green Space – designation criteria and draft policy to be agreed by the Council.
- Local Green Space – six weeks public consultation inviting sites to be submitted (in addition to Bull Lane Allotments), and seeking comments on the proposed designation criteria and draft policy.
- Revised draft Local Green Space policy to be prepared, taking into account the Local Green Space public consultation result and showing the Local Green Spaces proposed for designation by the Council in the Draft Local Plan.

4. POLICY IMPLICATIONS

The Local Green Space policy, once adopted, will be included in the Borough's Local Plan.

5. FINANCIAL IMPLICATIONS

It is anticipated that there would be no additional costs arising directly from the recommendations of this report.

6. LEGAL IMPLICATIONS

The Local Green Space policy, once adopted, will be included in the Borough's Local Plan; the Council's statutory planning Framework. .

7. PERSONNEL IMPLICATIONS

The consultation and the assessment associated with the Local Green Space Designation will be undertaken by the Planning Policy team.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	National Planning Policy Framework 2012 Planning Policy and Practice Guidance 2014 Full Council Committee June 29 2015 – Bull Lane Allotments Petitions Item 2014 Draft Policies and Designations Document responses to Consultation 13 th of July 2015 Development Control Committee – Petition- Bull Lane Allotments 15 th of July Executive – Petition- Bull Lane Allotments-

Appendix 1

Extract from the National Planning Policy Framework - Local Green Space

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.

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; and
- Where the green area concerned is local in character and is not an extensive tract of land.

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

Appendix 2

Extract from [Planning Policy and Practice Guidance – Local Green Space](#)

What is the Local Green Space designation?

Paragraph: 006 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?

Paragraph: 007 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?

Paragraph: 008 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.

What if land has planning permission for development?

Paragraph: 009 Local Green Space designations 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?

Paragraph: 010 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 or as Metropolitan Open Land (in London)?

Paragraph: 011 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 (e.g. 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.

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?

Paragraph: 012 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?

Paragraph: 013 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.

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

Paragraph: 014 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.

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

Paragraph: 015 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?

Paragraph: 016 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.

Is there a minimum area?

Paragraph: 017 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.

What about public access?

Paragraph: 018 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 (e.g. 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.

What about public rights of way?

Paragraph: 019 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?

Paragraph: 020 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.

Would designation place any restrictions or obligations on landowners?

Paragraph: 021 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?

Paragraph: 022 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?

Paragraph: 023 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.

Appendix 3

Local Green Space Policy - 2014 Draft Policies and Designations Document

8.21 Local Green Space

Within the Local Green Space permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm, including its 'special characteristics'

The construction of new buildings or extensions to buildings on land falling within these areas will be inappropriate, unless it is for the following purposes:

- i. appropriate facilities for outdoor sport and outdoor recreation and cemeteries which preserve the openness of the Local Green Space;
- ii. extension or alteration of a building that it does not result in disproportionate additions over and above the size of the original building;
- iii. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

Supporting Text

The National Planning Policy Framework (NPPF) introduced the Local Green Spaces designation which enables local communities to protect local green areas. The NPPF advises that Local Green Space will not be appropriate for most green areas or open space and should be consistent with the planning of sustainable development and complement investment in sufficient homes, jobs and other essential services

Such designations should only be used for open spaces in reasonably close proximity to the community they serve and where they are demonstrably special to the local community and hold a particular local significance. Such designations, which will rule out development other than in very special circumstances, consistent with the policy for Green Belts, should only occur through the Local Plan process and should be capable of enduring beyond the end of the plan period.

Proposed Draft Local Green Space Policy

Local Green space is green or open space which has been demonstrated to have unique special qualities and hold particular significance to the local community which it serves.

Development which causes harm to the “unique special qualities” of Local Green Space as defined within its Statement of Significance but is otherwise policy compliant will be considered inappropriate and planning permission will only be granted in very special circumstances.

Supporting Text

The following sites are designated as Local Green Space in the Local Plan:

- 1
- 2
- 3

Local Green Spaces are green and or open spaces which have been demonstrated to have particular value and significance to the local community which they serve for reasons set out in their Statement of Significance: These will be material to the consideration of any application for development. “In a designated Local Green Space, proposals which comply with other relevant policies and designations will only be appropriate where they do not harm the special qualities of the site as defined within its Statement of Significance. Development which is likely to cause harm will only be acceptable in very special circumstances where benefits can be demonstrated to significantly outweigh the harm.

Appendix X sets out the criteria and the methodology which was used to assess and designate Local Green Spaces alongside a Statement of Significance setting out the ‘special characteristics ‘and a location map for each site designated. Where a Neighbourhood Plan proposes to include Local Green Space it will be expected to use the same criteria and methodology for designation. This is to ensure that the criteria is consistently be applied between sites put forward for the Local Green Space designation, unless there are justified reasons for an alternative approach, and to ensure that Neighbourhood Plans remain in general conformity with Bromley’s Local Plan.

Appendix 4

Local Green Space – Consultation Form -

Do you have any comments about Bromley's Draft Local Green Space Policy?

Do you have any comments about Bromley's proposed criteria for the assessment of Local Green Space?

Appendix 5

Local Green Space Site Application Form

You are required to fill the following Local green Space site submission form.

- **Fields marked with ***. **Further guidance** regarding the information to provide within these fields is provided in the guidance note at the following [\[link\]](#).

Site Details		
1*	Site Name Site Address
2	Site Ward
3*	Site Size (ha)
4*	Site Owner details (if known)	<p><i>Are you the owner of the site?</i></p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If no, please provide the site owner's details....</i></p> <p>Name:</p> <p>Address:.....</p> <p>Postcode:.....</p> <p><i>and answer the following questions:</i></p> <p><i>Is the site owner aware of the proposal to designate the land?</i></p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>

		<p><i>Is the site owner supportive of the proposal to designate the land?</i> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>Please provide details of any discussions held with the landowner.</i></p> <p>.....</p> <p>.....</p> <p>.....</p>
5*	Accessibility	<p><i>Is the site accessible by the public?</i> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>Please provide details of existing accessibility arrangements :</i></p> <p>.....</p> <p>.....</p> <p>.....</p>
Applicant Details		
6*	<p>Applicant Name</p> <p>Organisation Name <i>(if different)</i></p> <p>Telephone Number</p> <p>Email Address</p> <p>Address (inc. Postcode)</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
7*	Community Support	<p><i>Which community(ies) is/are served by the special qualities of the site?</i>.....</p> <p>.....</p> <p>.....</p> <p><i>Please explain the nature of the evidence showing that the local community served by the site supports its designation as Local Green Space (please send the full body of your evidence by email to ldf@bromley.gov.uk)</i></p>

	
Site Planning Details		
8*	Current Planning Applications /permissions	REF:
9*	Planning Designations	
Statement of Significance		
10*	Please explain how you consider the site to have “demonstrably special value” and to hold “particular local significance” for your local community because of “ <i>unique special qualities</i> ” (<i>please continue on a separate sheet of paper if necessary</i>)	
11*	Please explain how you consider the site to be “ <u>Local in Character</u> ”	

Management of the site

12* Please explain how the site's "demonstrably unique special qualities" as described in your Statement of Significance will be able to be maintained and managed during the local plan period.