

Thurrock Council
Designating Local Green Space Guidance
January 2022

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1. Background

- 1.1. Thurrock Borough Council (the Council) recognises the benefits that green and open spaces have for the physical and mental health and wellbeing of people in the borough and the value communities place upon them. This is to be reflected in the Council's new Local Plan, which will guide development from 2022 to 2040.
- 1.2. Under the 2006 Local Plan, the Council designated various types of green space under policies for nature conservation and landscape/townscape character or amenity reasons. Since 2012, local planning authorities, as part of Plan-making, have been able to designate green areas and open spaces as Local Green Space (LGS) in order to afford them a higher level of protection provided they are of particular importance to local communities. This designation can only be made in Local Plans or Neighbourhood Development Plans (NDP) and, once designated, LGSs receive protection broadly consistent with national Green Belt policy thereby only permitting development in exceptional circumstances.
- 1.3. Whilst areas of open space and land of environmental value have always been identified by the Council, designation as a LGS is something different. The designation focusses on the importance of identified areas for the local community. Importantly NPPF makes it clear that this designation should be consistent with wider planning policy for an area including the provision of new homes and employment opportunities, and it should not be seen as means to stop wider development needs.
- 1.4. This document sets out the Council's intended approach to identifying, assessing and designating sites as LGSs across the borough as part of the evidence base informing the new Local Plan. It outlines the national and local policy position for LGSs and sets out the criteria and step-by-step process for LGS designation.

2. National Planning Policy Framework

- 2.1. Since 2012, local planning authorities, as part of Plan-making, have been able to designate green areas and open spaces as Local Green Space (LGS) in order to afford them a higher level of protection provided they are of particular importance to local communities. LGS designation was introduced in the National Planning Policy Framework (NPPF) in March 2012.
- 2.2. The updated NPPF (July 2021) makes provision for LGS in chapter 8, which is headed "Promoting healthy and safe communities". Under the sub-heading "Open Spaces and Recreation", paragraphs 101, 102 and 103 provide as follows:

"101: The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should 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 updated, and be capable of enduring beyond the end of the plan period.

*102: The Local Green Space designation should only be used where the green space is:
in reasonably close proximity to the community it serves;*

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

local in character and is not an extensive tract of land.

103: Policies for managing development within a Local Green Space should be consistent with those for Green Belts."

- 2.3. The Planning Practice Guidance (PPG), published by the Government in March 2014 (see PPG Guidance on LGS Designation), provides further guidance on LGS designation. It is particularly important to note that the guidance clarifies that, although some areas considered for LGS designation can have no public access, '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 landowners, whose legal rights must be respected' (paragraph 017 Reference ID: 37-017-20140306). The proposed designation of a site as LGS therefore does not require a landowner to provide public access over and above any that already exists and consequently nor should it encourage the public use of private land.
- 2.4. With regard to areas already protected by an existing designation, the PPG also states that '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).
- 2.5. The bar for LGS designation is set at a very high level and it is clear from the national policy that LGS designation should be the exception rather than the rule. Consequently, the Council considers that sites with the following existing protections are to generally be considered sufficiently protected in managing development and therefore reduces the need for further designation as a LGS. Thus the Council does not envisage there would be a beneficial gain in designating them. However, there may be exceptions where these protections only protect a small proportion of the site or owing to site-specific circumstances:
- Special Protection Areas: protected under the EC Birds Directive (79/409/EEC)
 - Special Areas of Conservation: protected under the EC Habitats Directive (92/43/EEC), transposed into UK law by the 'Conservation of Habitats and Species Regulations 2017'
 - Common Land
 - Village/Town Greens
 - Ancient Woodland
 - Local Nature Reserves
 - Sites of Special Scientific Interest (SSSI)
 - Local Wildlife Sites
 - National Trust, Woodland Trust, and Forestry Commission owned sites
 - Designated/Non-Designated Heritage Assets (as per paragraphs 189-208 of the NPPF), including:
 - i) Grade I and II Listed Buildings, as well as/or including churches and/or churchyards/cemeteries (where they or their setting incorporates the majority of the site)
 - ii) Registered Historic Parks and Gardens

- iii) Scheduled Monuments
- iv) Within Conservation Areas

2.6. The sort of area that could be designated as LGS in Thurrock could therefore include:

- some of the areas of importance to local communities identified through public consultation
- areas of Importance to the form and character of settlements
- formal or informal sports and playing fields (if not already covered by an appropriate designation)
- previously developed sites that now act as green or open spaces

2.7. Although the NPPF describes protection as similar to that of Green Belt, the Council will treat sites considered for LGS designation within the Green Belt the same as those outside of the Green Belt for the following reasons:

- there are some differences with Green Belt policy
- it is important for local communities within the Green Belt to identify areas that are special to them

2.8. Furthermore, the Green Belt protection relates to the majority of the borough and so while considering the high level of housing and other needs within the borough, the Council has decided to not exclude considered LGS sites from possible designation (subject to the Council's designation methodology) already protected by these designations.

2.9. It is also noted that many sites may be designated under other Policies in the Local Plan, such as relating to recreational open space, important open space, or areas of landscape importance. While these designations are important, these designations serve different purposes to the LGS designation. Applying the above guidance, it may be the case that each settlement has a number of sites that are worthy of consideration. Following the criteria-based assessment process detailed in this document, however, not all would likely qualify for formal designation as a LGS.

3. Purpose of the document

3.1. This guidance document sets out the Council's intended approach and clarifications to identifying, assessing, and designating sites as LGSs across the borough as part of the evidence base informing the new Local Plan. It sets out the criteria and step-by-step process for LGS designation.

3.2. Although individual Local Planning Authorities are responsible for applying the Government's Green Spaces criteria through Local and Neighbourhood Plans, the Council has agreed to develop a consistent guidance and advice. As lessons are learnt and best practice emerges the document will be reviewed to provide additional support in identifying, evidencing and proposing LGS for designation to help shape a consistent approach.

4. Criteria for assessing Local Green Space

4.1. To qualify as a LGS, a site should fall within the criteria set out in the NPPF and further detailed in the PPG. These criteria provide guidance, which should then be interpreted at a local level. The interpretation of this criteria is detailed below and will be used to create a site assessment form (see Appendix 1). Successfully satisfying all five criteria does not,

however, guarantee LGS designation as the site may already be sufficiently protected by existing designations:

- **Criterion 1: Land is not subject of a planning permission for development**
- **Criterion 2: The space is not allocated or proposed for development in the Local or Neighborhood Plan**
- **Criterion 3: The space is not an extensive tract of land and is local in character**
- **Criterion 4: The space is within close proximity of the community it serves**
- **Criterion 5: The space is demonstrably special to the local community and holds particular local significance**

4.2. The Council will consider any evidence submitted against the sub-criteria and come to a judgement as to whether or not to propose a site as LGS giving clear reasons as to why.

i) The proposed space is of particular local significance because of its beauty

- Does the space contribute to the visual attractiveness of the townscape or character/setting of the settlement?
- Is the site specifically mentioned in any relevant landscape character assessments as a particular point of interest or does it contain features that are characteristic of the area?
- Does the site contribute to the setting of a historic building/place or other special feature?
- Is the site highlighted in literature or art – for example, the site is mentioned in a well-known poem or shown in a famous painting?
- Are there valued views of the site or does it afford particular views?

ii) The proposed space is of particular local historic significance

- Are there any historic buildings or heritage assets on the site – for example, listed buildings, scheduled ancient monuments, registered parks and gardens, ancient routeways?
- Are there any important historic landscape features on the site – for example, old hedgerows, historic ponds or historic garden features?
- Did the site play an important role in the historic development of the village or town?
- Did any important historic events take place on the site?
- Do any historic rituals take place on the site – for example, maypole dancing?

iii) The proposed space is of particular local significance because of its recreational value

- Is the site used for playing sport?
- Is the site used by the local community for formal and/or informal recreation?
- If the site is a school's private playing field, then is the site either publicly accessible or visually prominent?
- Is there any restricted public access that might reduce the site's recreational value and/or the community's recreational benefit where recreational value is the most valued characteristic of the site?

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

- Do you consider the site to be tranquil – for example, there are no roads or busy areas close by?
- Is the site within a recognised tranquil area – for example, within the Campaign to Protect Rural England's tranquillity maps?

v) The proposed space is of particular local significance because of its richness of wildlife

- Is the site formally designated for its wildlife value – for example, a Local Wildlife Site?
- Does the site contain notable biodiversity interest or value and, in particular, are there notable species or habitats present – for example, the site may be an important wildlife corridor or provide a buffer to other higher value areas?
- Is the site part of a long-term study of wildlife by members of the local community?

5. Local Green Space designation process

- 5.1. The government has not set out a standard methodology or template for the process of designating sites as LGS and therefore the designation methodology below is proposed by the Council after reviewing other local authority examples and in accordance with the latest NPPF and PPG. Below is the Council's approach to properly consider and where appropriate designate LGS:

Step 1: Consultation with stakeholders groups as part of the Local Plan process Issues and Options (Stages 1 and 2).

Between February and April 2016 the Council consulted formally on Local Plan Issues and Options (stage 1). The Council sought to find out from residents what types of open spaces they use, how regularly they use them, how they get there, and any ideas they may have on how things could be improved. This information was used by the Council to help form new standards for open space. The Council invited communities to nominate Local Green Spaces in their area that they felt meet the following criteria:

- geographically close to the community it serves
- special to that community because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife, and so on
- local scale – that is, not an extensive tract of land

This consultation only generated 34 responses. Therefore, the Council decided to reopen the nomination process as part of Local Plan - Issues and Options (Stage 2) consultation, December 2018. This consultation generated several responses with very limited supporting evidence provided.

Step 2: Identifying possible sites for Local Green Space designation using the variety of sources of information.

That is:

- Landscape Character Assessment
- the Council's Green Infrastructure Plan
- review of adopted Proposals Maps showing formally designated sites, such as Sites of Local Nature Conservation Value, Local Wildlife Sites, Roadside Nature Reserves, and so on
- Conservation Area management plans
- consultations with stakeholder groups as part of the Local Plan process
- local knowledge

Identifying and proposing sites for LGS designation in the new Local Plan will be undertaken by planning officers. A site assessment form to aid the assessment process has been developed and will be circulated to Wards.

Step 3: Assessing the identified sites.

Once a list of potential sites is collated from a variety of sources, their suitability for designation as a LGS will be assessed against the criteria set out in Section 4 of this Guidance document. The full assessment of all sites considered for LGS designation will be included within the supporting Local Green Space Assessment document accompanying Local Plan.

The Council will review the evidence provided through the site assessment forms and will evaluate whether each site is suitable for designation as a LGS or whether any additional evidence is required.

If the evidence to be found sufficiently robust and the site satisfies all the criteria necessary for designation, provided the site is not already sufficiently protected by other designations, then the site will be proposed for LGS designation in the above Assessment document.

Step 4: Consult with councils, landowners, and other organisations.

The PPG clarifies that a LGS does not need to be in public ownership. However, the guidance also states how the Local Planning Authority '*should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space*' but also that '*landowners will have opportunities to make representations in respect of proposals in a draft plan*' (paragraph 019 Reference ID: 37-019-20140306).

The Council will, prior to Regulation 18, have informal consultations in the borough to seek views and information on proposed LGSs including landownership. The Council will also engage with NDP groups in the request for this information.

Following the national guidance, the Council will contact landowners prior to the Regulation 18 public consultation so to ensure that landowners of sites proposed for designation are made aware that their site or sites are being proposed and also provide details on how to sign up to the Local Plan consultation portal if they wished to comment on the proposal in support or objection.

Step 5: Consult the community on proposed designations (Regulation 18 and 19 public consultations).

The recommended LGS designations will be tested through public consultation as part of the Local Plan process. Anybody can object to or support policies or sites in a Plan during the consultation process and these consultation responses must be considered.

Step 6: Examination and adoption.

All consultation responses received during the Regulation 18 consultation will be considered and sites reassessed accordingly with the policy wording and mapping amended as required prior to the Regulation 19 consultation.

- 5.2. The LGS promoters are advised to contact planning officers with the request for LGS designation for the site with accompanying evidence to demonstrate that the proposed location meets the five criteria set out in this Guidance document, **Section 4**. In addition, the LGS promoters will be required to fill out the Appendix 1 site assessment form when proposing the site for LGS designation accompanied by the map with the proposed site boundary.

Questions and answers

1. **Can areas already protected under alternative allocations and designations (e.g. Green Belt, Area of Outstanding Natural Beauty, Conservation Area) be considered for allocation as a Local Green Space**

Yes. National Guidance makes it clear that different types of designations are intended to achieve different purposes.

When considering additional protection, the Council will, however, need to consider whether any additional local benefit would be gained by an additional allocation as a Local Green Space.

2. **Can areas already being considered for alternative uses be considered as Local Green Space?**

The methodology states that in general, sites that already benefit from planning permission for alternative use will not normally be considered appropriate. This is consistent with national guidance which states that Local Green Space designation will rarely be appropriate where the land has planning permission for development.

It is recognised that there might be some exceptions to this where for example the approved development would be compatible with the Local Green Space designation, or where it can be demonstrated that the planning permission is no longer capable of being implemented.

It should however be noted that the Government are clear that the identification of Local Green Space should be consistent with the local planning of sustainable development and complement investment in homes, jobs and other essential services. Plans must identify sufficient land in suitable locations to meet identified development needs.

The government has made it clear that Local Green Spaces should not be used in a way that undermines the aim of plan making.

3. **Does land need to have public access?**

Land does not need to have public access. The Council recognise that some land being considered may have no public access – for example, green areas which are valued because of their wildlife, historic significance and/or beauty.

Allocation as a Local Green Space in the Local Plan does not itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiations with landowners, whose legal rights must be respected.

4. **Does land need to be in public ownership?**

National guidance makes it clear that a Local Green Space does not need to be in public ownership.

If the Local Green Space is going to be proposed for designation within the Draft Plan, the council will contact the landowners (if known) in advance of consultation. Landowners will have opportunities to make representations to the proposed allocation via the Draft Plan.

5. How restrictive is the Local Green Space allocation on ownership?

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

6. Who will manage the Local Green Space?

Management of the Local Green Space will remain the responsibility of the landowner.