

Title of Report	LOCAL GREEN SPACES	
Presented by	Councillor Robert Ashman Planning and Infrastructure Portfolio Holder	
Background Papers	The National Planning Policy Framework	Public Report: Yes
	Local Plan Committee Report 20 June 2018	Key Decision: Yes
Financial Implications	The cost of the potential work on Local Green Space can be met from existing budgets.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	There is no specific requirement to include Local Green Spaces as part of the Local Plan. Where they are included, they will need to be justified to ensure that they are considered 'sound' as part of the Examination process.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	As set out in the report, including Local Green Spaces as part of the new Local Plan will have some resource implications.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To consider whether the new Local Plan should designate Local Green Space.	
Recommendations	THAT LOCAL GREEN SPACES NOT BE IDENTIFIED AS PART OF THE SUBSTANTIVE LOCAL PLAN REVIEW	

1. BACKGROUND

1.1 The National Planning Policy Framework (NPPF) (paragraphs 99, 100 and 101) states:

“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.

The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) 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 c) local in character and is not an extensive tract of land.

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

1.2 It is clear from the NPPF that the designation is not suitable for every green space in a settlement. It also cannot be used to put in a blanket cover to achieve Green Belt type protection under a different name and prevent sustainable development.

1.3 Any open green space is eligible to be considered including privately owned land as long as the criteria set out in the NPPF are met. It should be noted that designation of private

land does not confer any additional rights of access over the land in question than already exist.

- 1.4 If a site already has a level of protection under another designation for example National Park, Sites of Special Scientific Interest (SSSI) or Conservation Areas, then consideration needs to be given to whether a further level of protection would generate any additional local benefit.

2.0 CURRENT POLICY POSITION

- 2.1 The adopted Local Plan does not identify Local Green Space and instead leaves such designations to be considered as part of Neighbourhood Plans.
- 2.2 The issue of Local Green Space was discussed at the Local Plan Examination in response to comments from local residents. The Local Plan Inspector suggested that the designation of Local Green Space could be explored as part of the Local Plan review, but he did not require that Local Green Spaces be included as part of any subsequent review.

3.0 LOCAL GREEN SPACE CONSULTATION

- 3.1 As part of the review of the Local Plan, a report on Local Green Space was considered by a meeting of this Committee on 20 June 2018. The report recommended that consideration be given to the inclusion of a Local Green Space policy in the new Local Plan depending on the outcome of a call for sites. The Committee agreed that an 8 week consultation would be undertaken to allow evidence to be gathered and that the call for sites be sent to Parish Councils, Local Ward Members and a webpage published to make the consultation accessible to the wider population.
- 3.2 The Local Plan Committee Report also identified that once the consultation had ended that an assessment of the nominated sites could be undertaken and a report published which would outline the sites submitted and the consideration of each.
- 3.3 The Council undertook an 8-week consultation between 25 June and 28 August 2018. The Council contacted the Parish and Town Councils within the District and all District Councillors to seek nominations based on their knowledge of their local areas. Parish and Town Council and/or Local Councillors were requested to collate responses from local people and submit sites that might be appropriate. A specific webpage was also published.
- 3.4 A total of 83 sites were nominated through the call for sites process. These nominations were largely from Parish Council's (73 nominations from 11 different parish councils) and the remaining nominations came from other organisations.
- 3.5 The following list identifies the number and the location of the responses:

Settlement	Number of sites put forward
Appleby Magna	1
Ashby de la Zouch	20
Blackfordby	3
Breedon on the Hill	4
Ellistown and Battleflat	2
Hugglescote and Donington le Heath	1
Kegworth	8
Newton Burgoland	2
Packington	3
Swannington	9
Swepstone	1
Tonge	1
Whitwick	27
Wilson	1
TOTAL	83

3.6 As can be seen from the table above the nominated sites do not cover all parts of the district.

3.7 In addition, a number of the responses contained incomplete information, such as missing site plans and little or no justification as to why sites should be designated as Local Green Space. Where there was insufficient information respondents were contacted after the close of the consultation and asked to provide the additional information. In the majority cases no additional information was provided.

4.0 ASSESSMENT OF NOMINATED SITES

4.1 Following the close of the consultation, the responses were collated and a draft methodology was produced for assessing the sites. The methodology was based on the criteria in the NPPF and sought to assess the sites in two stages: an initial assessment, based on the more general requirements in the NPPF and then a more detailed assessment based on the more detailed/subjective criteria.

4.2 The first stage of assessment involved a desktop review of the sites against the initial criteria (listed below):

- Does the proposed site already have planning permission for development?
- Is the proposed site allocated/proposed for development in the Local Plan?
- Is the proposed site subject to any other designations in the Local Plan?
- Is the proposed site in close proximity to the community it serves?
- Is the proposed site an extensive tract of land?

4.3 Given the nature of the above criteria only sites where a site plan had been provided could be assessed. On this basis 73 of the 83 submitted sites were assessed.

4.4 The results of the initial assessment identified that 16 sites could be discounted as they did not meet one or more of the initial criteria. This leaves 57 sites that could be assessed in more detail.

4.5 The detailed assessment looked to consider the following:

- How the site is demonstrably special to the community with regard to :
 - Beauty
 - History
 - Recreation
 - Tranquillity
 - Wildlife
- Is the site publically accessible
- Is the site capable of enduring beyond the Local Plan Period

4.6 The 57 sites that met the initial criteria have yet to be assessed against the above (detailed) criteria. This is primarily due to the fact that the information is incomplete for many of the sites which will take time and resources to resolve

5.0 NEIGHBOURHOOD PLANS

5.1 Since the adoption of the Local Plan (November 2017) two Neighbourhood Plans have been made within the District; Ashby de la Zouch (29 November 2018) and Ellistown and Battleflat (16 July 2019).

5.2 In addition two further Neighbourhood Plan Areas have been designated at Hugglescote and Donington le Heath and Swannington. This is in addition to Blackfordby Neighbourhood Plan Area that had been designated before the Local Plan was adopted.

5.3 Both Ashby de la Zouch and Ellistown and Battleflat have a policy in their Neighbourhood Plan that designates Local Green Spaces. There are 10 sites designated in Ashby de la Zouch and two in Ellistown. Blackfordby in their pre-submission Neighbourhood Plan identify 3 sites to be designated as Local Green Space. In addition, Hugglescote and Donington le Heath have recently (November 2019) published their draft pre-submission Neighbourhood Plan for consultation which includes a Local Green Space Policy that identifies 6 green spaces they wish to designate as Local Green Space. All of the sites identified in made and emerging neighbourhood plans are included in those sites that were nominated through the call-for-sites.

6.0 NEXT STEPS/POLICY OPTIONS

6.1 There are two potential next steps, these are outlined below.

Do not include Local Green Spaces in the new Local Plan

6.2 This is the approach taken in the adopted Local Plan. The NPPF identifies that Local Green Space can be designated in Local Plans and/or Neighbourhood Plans and is therefore acceptable for the Local Plan to not designate Local Green Space.

6.3 The Local Plan Inspector required the council to explore the designation of Local Green Spaces, there was no requirement from the Inspector to include a Policy as part of the review of the Local Plan.

6.4 In addition, Neighbourhood Plans are (and have) coming forward within the District, all of which seek to designate Local Green Space. Encouragement could be given to the inclusion of Local Green Spaces as part of any future Neighbourhood Plans.

Include a Local Green Space Policy in the new Local Plan

6.5 Some initial work on this option has already taken place, such as the call for sites and an initial assessment of sites. Based on this there would be 57 sites to assess in further detail.

6.6 However, there are gaps in the information that was provided during the consultation, particularly in respect of the justification of why sites are considered to be demonstrably

special to the community. Therefore, this information would need to be requested and could delay the assessment process.

- 6.7 As already noted, the responses received during the consultation do not cover the whole district.
- 6.8 Therefore, if only those sites which have been put forward were to be designated as Local Green Spaces only some parts of the district would be covered. This could be addressed by officers seeking to identify potentially suitable sites in those areas not the subject of proposed sites. This would have implications from a resource perspective.
- 6.9 If it was decided to not include any sites other than those put forward to date, this may lead to a number of additional sites being put forward for consideration when the new Local Plan is consulted upon in due course. This would result in more sites needing to be assessed at that point in time and could delay the preparation and submission of the new Local Plan.
- 6.10 From the above, it is apparent that including Local Green Spaces as part of the new Local Plan will, whichever approach is taken, have implications in terms of resources and potentially the timescale for preparing the new Local Plan. This needs to be weighed against the potential benefits arising from designating such sites.

Conclusion

- 6.11 The original intention to include Local Green Spaces as part of the substantive Local plan review remains an option. However, the response to the call for sites would suggest that there is less support than might have been expected. If the Local Plan were only to include those sites put forward to date, this would be unsatisfactory, as large parts of the district would not have any sites identified. To ensure a comprehensive coverage would have significant resource implications.
- 6.12 On balance, officers are of the view that having regard to the above considerations, that the substantive Local plan review should maintain the approach taken in the adopted Local Plan. Instead, officers should encourage the inclusion of Local Green Spaces in supporting the preparation of Neighbourhood Plans. The recommendations above allow for this.

Policies and other considerations, as appropriate	
Council Priorities:	- Developing a clean and green district
Policy Considerations:	None
Safeguarding:	None discernible
Equalities/Diversity:	None discernible
Customer Impact:	None identified
Economic and Social Impact:	None identified
Environment and Climate Change:	Not identifying Local Green Spaces in the Local Plan would mean that no sites were protected against possible development.

Consultation/Community Engagement:	A call for sites in 2018 was undertaken with Parish and Town Councils.
Risks:	<p>There is no specific requirement for Local Green Spaces to be identified as part of local plans. Not including Local Green Spaces in the Local Plan would be likely to be challenged through the consultation and examination process. The fact that the Council could demonstrate that it has given consideration to their designation should minimise the risk to the Local Plan.</p> <p>If Local Green Spaces are to be identified as part of the Local Plan it is essential that there is appropriate evidence available to justify their designation. The current level of evidence which has been submitted in a significant number of cases is lacking and so this would need to be addressed.</p>
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