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A framework for green space



The pond at Ilketshall St Andrew, Beccles, Suffolk before reclamation work

Photograph: Adrian Sampson

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*Marie Louise Gardens, West Didsbury, Manchester
Photograph: Jonathan Booty*

Introduction

In autumn 2010, the Department for Communities and Local Government (DCLG) and the Department for Environment, Food and Rural Affairs (Defra) agreed to ‘create a new designation to protect green areas of particular importance to local communities’. However, by April 2011, the government has made no progress whatever in developing its ideas.

1. The Open Spaces Society asked its members to advise on what they would wish such a designation to achieve. In this note we have distilled the responses we received. We offer it for consideration without prejudice to what we may say when the government places more precise proposals before us.
2. DCLG stated that the new designation should ‘protect green areas of particular importance to local communities’. Of course many such areas are already protected because they are registered commons, town and village greens or are under protective ownership (eg National Trust, Woodland Trust, highway verges and some local ownerships). It is important that any new designation should not interfere with or weaken the status of such land. We therefore see the proposed new designation as a means of protecting parcels of land which do not fall within existing designations or protective ownership and which for various reasons will not meet the criteria for so doing.
3. The land for designation as ‘green space’ may well consist predominantly of small—and often very small—pieces of land in urban or otherwise built environments. Very often such land will not look particularly green or in any way inviting. Nevertheless we believe that all such land, especially in areas of dense development, or where other open space is not close at hand, has its recreational and visual value for local people and this should be the guiding principle. Criteria for inclusion in the new designation could be landscape, natural character, recreational, historical, heritage and community value. We recommend individuals and groups to trawl through their areas to identify potential sites for the new designation and mark them on a map. We give some examples of such sites below.

4. Ideally, the designation of such land as green space should be by means of a simple registration process overseen by the local authority. Such a process should be capable of being initiated at any time either by a number of individuals, owners or tenants of adjoining property or by local authorities (including parish councils and parish meetings). The process must be straightforward and transparent, with a clear system for appeal against refusal to designate.
5. The protection given to the land thus registered should:
 - (a) be public (copies of plans delineating the land should be held by local authorities and available for public inspection);
 - (b) guarantee the land permanently against development which would adversely affect its character and use by the public;
 - (c) place on the registering local authority a duty to implement (b) and provide requisite supporting powers of enforcement, through the courts if necessary;
 - (d) where possible ensure that a statement of the land's purpose be registered with the land, and
 - (e) make it the duty of the registering authority to carry out that purpose, which may be done by delegation to others, eg local civic or amenity organisations or ad hoc committees of trustees.
6. We wish to emphasise that the proposed new designation is *in addition to* the process for registering land as a new green where it fulfils the relevant requirements, ie has been used by local people for 20 years for informal recreation without being stopped and without permission. We have separately proposed improvements to that process, which involve amending the regulations not the law.

Examples of green spaces which need the new designation

◆ **Harlington, Dunstable, Bedfordshire**

Harlington has open space at its heart; it cannot be granted village-green status because it is owned by a charitable trust. A further hectare of adjacent woodland has been purchased for the village; part of this is in the Chilterns Area of Outstanding Natural Beauty but the majority of it is not. There is also an award-winning, spring-fed pond which is a county wildlife site with considerable biodiversity but it is not a site of special scientific interest. These sites are not protected and need the new designation.

◆ **Sidmouth, Devon**

East Devon District Council has granted permission for development for 103 homes on land which is in the East Devon Area of Outstanding Natural Beauty, and was not designated as land available for development.

◆ **Testwood, Totton, Hampshire**

More than seven and a half hectares of land was given to the New Forest District Council as informal open space with agreement that it would never be built on. In 1999 HCC Ecology recommended 'this land be retained as semi-natural grassland for informal recreation'. In 2005 the Hampshire and Isle of Wight Wildlife Trust confirmed that the area has considerable value as informal public open space and as a buffer for the Lower Test Nature Reserve with significant intrinsic wildlife value.

Yet the land is the subject of proposals for development and has no protection.

◆ **Love Lane Green, London Borough of Croydon**

Since the 1970s this 1.5-hectare plot was well used by local people for recreation, and fairs and fêtes were held. It is Metropolitan Open Land but in spite of this, several planning applications have been made and it has been gradually fenced off. The council attempted to buy the land but was unsuccessful and local people have been campaigning to regain use of it.

◆ **Loughton, Essex**

This is an area of high-density housing, with a number of green areas, large and small, highly valued by local people. Jessel Green (8.32 hectares) and Rochford Green (0.97 hectares) are both owned by Epping Forest District Council and form part of the Debden housing estate. They were listed as potential housing development sites in 2008 and are still under threat.



*Jessel Green, Loughton, Essex
Photograph: Loughton Town Council*

◆ **Gunnersbury Park, London Borough of Hounslow**

The land (75 hectares) was bought by the Boroughs of Ealing and Hounslow to preserve the Regency mansion of Gunnersbury Park, and enable the grounds to be enjoyed by the community. The landscape is of national significance (it is registered as grade 2* and designated as Metropolitan Open Land), with mature trees, open spaces and historic buildings. But it has insufficient funding and has suffered from decline. Now a major application is to be submitted to the Heritage Lottery Fund for a restoration scheme.
www.gunnersburyfriends.org/

◆ **King's Stairs Gardens, Rotherhithe, London Borough of Southwark**

The proposed construction of the Thames tunnel could result in King's Stairs Gardens, 3.5-hectares with Metropolitan Open Land status, being used as a major construction site for seven years. Trees, wildlife habitat and public amenity will be lost. This is one of the few riverside parks remaining in London and contributes to a wildlife corridor from the Thames to Surrey Quays. It is part of the Mayor of London's Strategic Walk Network and incorporates not just the Thames Path National Trail but also the Jubilee Greenway. It is recognised for its ecological value too. It is of great importance to the local community but does not have full protection to retain it as an open space. www.saveksg.com/



Photograph: The Bosco Centre

◆ Marie Louise Gardens, West Didsbury, Manchester

Marie Louise Gardens is a 3.4-hectare oasis of peace and tranquillity in one of Manchester's most densely-populated suburbs. It was given to the citizens of Manchester in 1903 by Josephine Silkenstädt, in memory of her daughter Marie Louise who died aged 26 in 1891.

The park has over 250 mature trees, including some rarities, shrubs and lawns, creating an atmosphere of seclusion.

The Friends of Marie Louise Gardens was formed in 2008 following a successful campaign by local residents to prevent the sale of part of the gardens for development. Now the friends are working in partnership with Manchester City Council on a restoration plan for the gardens. www.marielouisegardens.org.uk



*Marie Louise Gardens, Didsbury, Manchester
Photographs: Jonathan Booty*

◆ **Etling, East Dereham, Norfolk**

The town council has bought a triangle adjacent to Neatherd Moor (registered common land) and alongside one of the byways connecting the moor to Etling Green. It is intended as additional wildlife habitat. A second area, Abbots Field adjacent to Neatherd, was left to the town in perpetuity as open space.

Neither of these valuable open spaces is fully protected from future development, despite their continual use by the public. Dereham Town Council is committed to a long-term plan to create open space and green corridors for people and wildlife around the town. A new designation would ensure a firm legal basis to protect existing and future spaces.

◆ **Harding's Pits, King's Lynn, Norfolk**

In 2000 the Harding's Pits Community Association obtained a grant to enhance a derelict industrial site of approximately two hectares as a Doorstep Green. The land was owned by King's Lynn and West Norfolk Borough Council. The green was opened in 2004, and tenure was purportedly guaranteed for 25 years. In 2008 the borough council proposed to develop the site as part of a marina complex which would result in the destruction of the green. The local authority said the covenant could easily be revoked with the agreement of Natural England (who inherited oversight of Doorstep Greens from the Countryside Agency). The plans are on hold because of the recession, but the threat to the land remains. Doorstep Green designation is not sufficient protection. www.hardings-pits.org.uk

◆ **Natural History Museum, Cromwell Road, London Borough of Kensington and Chelsea**

There are important open spaces in the grounds of the Natural History Museum: East and West Grounds (7,525 sq m); Wildlife Garden (5,776 sq m), Darwin Garden (3,195 sq m), Palaeontology Grounds (4,475 sq m) and Museum Lane (740 sq m). The east lawn, which is part of East Grounds in front of the Natural History Museum, is being paved over and used for events for approximately eight months of the year. The loss of open space is detrimental to the amenity value of the area for local people and visitors.

◆ **Bulwell Hall Park, Nottingham**

The land (128 hectares) is in designated green belt and has rare, calcareous, protected grass meadows. It is a site of importance for nature conservation with protected mature landscapes areas and ancient woodlands. It is owned by Nottingham City Council.

In spite of this, part of land has been developed for housing, and 10-foot-high embankments and ditches surround most of the park. Part has been used as a landfill site for at least four years, with a waste management licence.



*Blenheim Allotments, adjacent to Bulwell Hall Park
Photograph: Trevor Rose*

◆ Ilketshall St Andrew, Beccles, Suffolk

The Ilketshall St Andrew and St John Land Management Company Ltd manages seven commons, totalling 40 hectares, around some villages in Suffolk. These provide interesting spacious areas for local people to enjoy for walking, horse-riding, bee-keeping, bird-watching and as a recreation area. Most of the grass is cut for hay each year and the whole area is run under the Higher Level Stewardship scheme to encourage flora and fauna. The company considers that this provides a model for others, and for the proposed green-space designation.



*Rejuvenated pond at Ilketshall St Andrew after reclamation work
Photograph: Adrian Sampson*

◆ **Horsham, West Sussex**

The Horsham Society is disappointed that landowners, particularly councils, are not making use of the voluntary registration procedure for town and village greens. The society asked Horsham District Council voluntarily to register five small pieces of land which it owns in the town, but it has refused to do so, even though the land has no development potential. These spaces are important to the townscape and are of amenity value—but they have no protection.

The photograph shows Pennybrook Green, one of the smallest pieces, in Guildford Road, Horsham. It is an attractive oasis in what is now a busy entry road to the town. Here shoppers and others frequently stop to rest, or just watch the world go by.



Photograph: John Steele

Examples of councils who are proactive about green spaces

◆ Leicestershire County Council

Leicestershire County Council's cabinet agreed in October 2010 to consult communities about green spaces and wedges in their neighbourhoods; to develop planning policy advice for a consistent approach to green spaces and wedges which takes account of local views; to take every opportunity to influence the government's emerging planning and green space proposals, emphasising the important role of green wedges in Leicestershire; to request local planning authorities and others to avoid making decisions which entail the loss of green spaces or wedges ahead of the proposed consultation on this, and to consider making a bid for the establishment of 'ecological zones' in Leicestershire.

More than 1,200 people attended Community Fora across Leicestershire in February and March, and most of them have taken part in the green spaces consultation exercise. Attendance at many fora has been higher than normal and has been particularly high where the possible development of greens spaces is a matter of concern to local communities.

Residents also had an opportunity to make comments on green spaces they value using an interactive, online map of the county. Over 1,000 nominations of green spaces have been made through this method.

Following the consultation, in April 2011 the council's cabinet, among other things, requested the development of Supplementary Planning Guidance to support the Local Development Framework in giving added protection to green spaces, and resolved that the views of local communities about how green spaces might be improved and enhanced be used to help prioritise county council programmes.

◆ Elmbridge Borough Council, Surrey

In the 1990s, Elmbridge Green Belt and Urban Open Space Association (Evergreen) undertook to list and mark on a map all the green open spaces of community value in Elmbridge Borough, which at that time had no protection from built development. Public open spaces owned by the council (both district and county) came into this category together with playing fields and a school and hotel grounds.

With few exceptions, the sites listed were eventually included in the Elmbridge Local Plan (adopted in 2000) as Strategic Open Urban Land (SOUL). The local plan policy (ENV28) together with the explanation was as follows:

- *In order to maintain the structure, character and environmental quality of the urban area, the council will not permit the built development of strategic urban open land, as identified on the proposals map.*
- *One of the most important features of the [local] urban landscape structure is the pattern of open land within the urban area ... In the more rural area the protection afforded by the green belt maintains the separation between communities and allows residents to enjoy the visual and aural benefits of keeping this land open. If the quality of life is to be maintained, it is important to also keep land open in the more urban or residential parts ...'*

There was a second category—Other Open Land. These were sites which were not quite as strongly protected, developers having the opportunity to develop part of the site in return for public access to the remainder, for example.

These local plan policies have been remarkably successful in protecting green open areas from ‘inappropriate’ development. The SOUL sites have remained intact and green in spite of pressures for redevelopment (by the council in some cases). Latterly, however, with the abolition of county structure plans and regional plans and the slow progress on Local Development Framework, the integrity of local plan policies is being severely compromised. The need for a new designation which protects vulnerable green space is therefore becoming increasingly urgent.

Securing new public open spaces through section 106 agreements has also played a crucial role. It is vital that the resulting sites guarantee public access in perpetuity (or the legal equivalent) and have secure funding for their future maintenance. The difficulty here is that in most cases section 106 agreements are negotiated between lawyers and planners (sometime at appeal hearings) without any public involvement or consultation. And once they are signed, the enforcement of the key provisions about open space often gets forgotten.

The Open Spaces Society is unable to accept liability for any misinterpretation of the law or any other error or omission in the advice in this paper.

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