

SENT BY EMAIL

Date: 17<sup>th</sup> May 2023

Dear Sir / Madam,

Bath and North East Somerset Council (B&NES) have now commenced preparation of a new Local Plan for the District which will entail a full review of existing planning policies and proposals.

The New Local Plan for B&NES will set out where and how the new homes and jobs needed in Bath and North East Somerset will be delivered. This will include identifying and allocating new sites for development.

In addition to allocating development sites the new local plan will seek to identify green areas of particular importance to be designated as Local Green Spaces. This is in line with the National Planning Policy Framework (NPPF), and Planning Practice Guidance (PPG) which encourages local communities to identify and nominate green areas of particular importance to them for special protection. Noted that the identified areas can only be designated as Local Green Spaces through either a Local Plan or a Neighbourhood Plan. Once designated these open spaces will not be developed except in very special circumstances. We are therefore, requesting community organisations, including Parish Councils, to identify and nominate spaces for potential designations as Local Green Spaces in the Local Plan.

In relation to policy and, as set out above the NPPF sets out the criteria for assessing and allocating land as local green space. Relevant sections of the NPPF are as follows:

2021 NPPF Section 8

*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:

- 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.

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

Planning Practice Guidance (PPG) further details information regarding local green space designations.

PPG - Paragraph: 013 Reference ID: 37-013-20140306

*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.*

The Bath and North East Somerset Placemaking Plan echoes the above guidance through the following policy:

#### Placemaking Plan

##### **POLICY LCR6A: LOCAL GREEN SPACES**

1. *Development that would conflict with the reasons that the local green space has been demonstrated to be special to the local community and holds a particular local significance; and prejudice its role as Local Green Space will not be permitted unless very special circumstances are demonstrated.*
2. *Local Green Spaces are defined on the Policies Map and additional areas may also be designated as Local Green Space in Neighbourhood Plans.*

National Policy makes clear that blanket designation of all green space is not appropriate. Proposed designations must be supported by evidence that the green area is special to the local community. There are several specific exceptions, where designating a local green space would not be appropriate:

- Education sites – The NPPF places great weight (para 95 (a)) on the need for Schools and Colleges to expand/alter. Because of this, local green space designations within school ground including playing fields are very unlikely to be suitable for designation.
- Highway Land/Verges - Land adjoining the highway is subject to permitted development rights and may need to be utilised or reconfigured for highway works and is therefore not suitable for designation.
- Sites with planning permission – A green space within a site with extant planning permission (within the red line) cannot be designated until the development is complete.

Land cannot be excluded because there is an existing planning designation, although national guidance recommends that the bar is higher for land within the Green Belt/ Area of Outstanding Natural Beauty (AONB) or with another national designation i.e. the added value of the designation needs to be demonstrated over and above the existing designation. On this basis it is very unlikely that land within the Green Belt/AONB or within a nationally designated Historic Park & Garden would be suitable for designation.

In preparing the Local Plan Options document we are seeking new sites for nomination as local green spaces. Noted that land which has previously been assessed as part of the Placemaking Plan is not proposed to be reassessed as part of the new local plan. For example, land that is already designated as local green space will continue to hold such a designation. Land previously nominated and not designated will also not be reassessed. The reason being sites previously put forward were assessed by both the Council and a Planning Inspector as part of the Placemaking Plan examination, and under a policy framework which is the same as that used for this current consultation. Therefore, it is requested that only new land not previously put forward be nominated now for designation. This is because the guidance/policy in place at the time of the Placemaking Plan designations is currently valid.

Where the landowner is not the parish council/community organisation nominating the site as a Local Green Space, B&NES Council will also endeavour to contact the landowner to let them know their land has been nominated and to ask for their comments.

Please also note that the council will be conducting a call for nature sites later in May. This should not be confused with nominating land for a Local Green Spaces designation. The call for nature sites will seek land for uses concerning Biodiversity Net Gain (BNG), and Local Nature Recovery Strategies (LNRS). Land put forward as part of a call for nature sites will seek to create new wildlife habitat and contribute to nature recovery. This is distinct from the Local Green Spaces designation process and purposes (as set out above).

A nomination form and Guidance note are set out within Appendix 1 attached to this letter. The document presents a template to be filled out and returned to [planning\\_policy@bathnes.gov.uk](mailto:planning_policy@bathnes.gov.uk)

Please can nominated sites be submitted to the Council by Friday 5pm 14<sup>th</sup> July 2023 in order to enable consideration in preparing the Local Plan Options document. If Parish/Town Council meetings are taking place after this date Parishes may wish to submit spaces subject to formal ratification at the next meeting of the Parish/Town Council.

Should you have any queries in respect of this process please contact Hayden Foster in the Planning Policy team at [hayden\\_foster@bathnes.gov.uk](mailto:hayden_foster@bathnes.gov.uk)

Yours sincerely



Richard Daone  
Deputy Head of Planning (Policy)  
Bath and North East Somerset Council