

Get the green space you want: How the Government can help

Localism Act 2011

- There are a number of measures in the **Localism Act 2011** (which received royal assent in November last year) that will provide important new opportunities for communities to expand the provision of green spaces in their neighbourhoods and enable local people to play a bigger role in planning, designing, managing and maintaining community green spaces for food growing or recreational and leisure purposes.
- Through the **Community Right to Bid** provisions in the Act, local authorities will be required to maintain a list of land and buildings nominated by local voluntary and community organisations as well as Parish councils as assets that are of value to the community; when listed assets come up for sale, community interest groups (including Parish councils) will be able to trigger a six month “window of opportunity” – a delay before the owner can dispose of the asset - to prepare a business case and secure the funding to bid to buy them on the open market. These facilities could include green spaces from community gardens and parks, to orchards and allotments, and are not restricted to publicly owned land. For more information, visit the DCLG web site at <http://www.communities.gov.uk/documents/communities/pdf/21261671.pdf>
- The **Community Right to Challenge** will hand the initiative to voluntary and community groups with good ideas about how they could run local council services differently and better; ensure these ideas get a fair hearing; and give them the time they need to organise themselves to bid effectively to run the service. Such services could include, for example, the management of local parks, gardens and allotments. The Right will contribute to the public service reform agenda by diversifying provision and increasing innovation and responsiveness in service delivery. For more information, visit the Right to Challenge web page at www.communities.gov.uk/communities/communityrights/righttochallenge/
- The **Community Right to Build** aims to give local communities the power to decide what is built in their area. Where developments for new buildings such as community centres on or next to allotments or parks, have the agreement of the local area through a 'community referendum', and meet a minimum criterion, communities will not need to go through the normal planning application process. This will give communities the freedom to decide how to meet the local priorities in their area, and allow new homes, shops, businesses or community facilities to be built where they want them. Communities would be able to decide the type of developments they want to see, and the benefits would be retained for the community - managed by a corporate body formed by members of the local community. Whilst it will be for communities to identify suitable land, sources of finance and secure support for their proposals, there will be help and guidance available, and advice from people who already have experience of taking forward community-led schemes. For more information, visit the DCLG web site at <http://www.communities.gov.uk/news/corporate/2126182> or

- To ensure that communities can effectively utilise the Community Rights contained in the Localism Act 2011, a package of support was made available from July to help groups who want to use the new rights. This includes the provision of information, tailored advice, guidance and funding to help community groups navigate and exercise the rights. Further details can be found at: <http://www.mycommunityrights.com> and <http://communityrights.communities.gov.uk/>
- **Neighbourhood Planning provisions** in the Act provide communities with a means to boost the amount of space for food growing or leisure and recreational activities with powers to protect existing green spaces and identify other land that could be used for the community. A referendum at the end of the process ensures communities have the final say on whether a neighbourhood development plan or development order comes into force in their area. For more information about how Neighbourhood planning will work, visit the DCLG web site at <http://www.communities.gov.uk/news/corporate/2126182> or <http://communityrights.communities.gov.uk/>

Other measures for expansion/protection of green spaces

- The **Community Right to Reclaim Land** will help communities to improve their local area by making information about land owned by public bodies more easily available and help to ensure that under-used or unused land owned by public bodies and some other organisations is brought back into beneficial use. An announcement was made on 5 October 2011, along with the launch of the Community Right to Reclaim Land web page (<http://www.communities.gov.uk/housing/housingsupply/righttoreclaim/>)
A demonstrator map provides citizens with information about publicly owned land and buildings in their local area and can be found at <http://publicasset.communities.gov.uk/>. Under this improved system for requesting the sale of land through the Public Request to Order Disposal, anyone can send a request to the Secretary of State setting out why they think land or property covered by the Request process is under-used or vacant and why it should be disposed of to enable it to be brought back into use.

A statutory instrument laid on 8 June 2011 adds the Greater London Authority, Transport for London and the British Transport Police to the list of bodies (commonly called Schedule 16), whose land can be the subject of a Request. And the Department will make use of existing legislation to treat any Requests regarding Homes and Communities Agency land in the same way. In addition, DCLG are also seeking to agree a protocol with various public bodies and others that, for whatever reason, cannot be included in Schedule 16. The protocols will be voluntary, but those signing them will commit to allowing their land and property to be treated in the same way as any other Request. This means that all major land-owning local government and many other bodies will be held to account.

- The Natural Environment White Paper published in June 2011 sets out a number of measures that the Government is taking to protect our natural environment and promote green spaces, including a **new Local Green Space designation** (for more information on this new designation see the National Planning Policy Framework below). Further

information on the Natural Environment White Paper can be found at www.defra.gov.uk/environment/natural/whitepaper

- **The National Planning Policy Framework** radically streamlines planning policy into an easy to understand set of policies. The document sets out a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans which reflect the needs and priorities of their communities. The framework includes new rights for local communities to identify, through their plans, Local Green Space of particular significance to them for special protection. This local significance could be because of the green area's beauty, historic importance, recreational value, tranquillity or richness of its wildlife. Land designated as Local Green Space should be in reasonably close proximity to the community it serves, be local in character and not extensive. By designating land as Local Green Space, local communities will be able to rule out new development other than in very special circumstances. The Framework was published on 27 March and is available to download from the Department's web site at <http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>
- Leasing privately owned land for community growing or recreational purposes is often best done by way of a legal agreement with the landowner. **Meanwhile Licenses**, developed by Locality, formerly the Development Trusts Association, are template licenses that can be adapted for use by communities wanting to grow food or take advantage of unused land for recreational and leisure purposes. The licenses, which can be downloaded from <http://www.meanwhile.org.uk/useful-info/view/legal>, will encourage landowners to rent out spare land at minimal or low cost as they will be assured of quickly getting their land back if, or when, that is required. These leases will be of particular benefit in the following situations:
 - Where land has been earmarked for development and the development hasn't started;
 - Where a community group is keen to trial a new initiative (orchard, allotments, park etc) but is unsure about the long-term viability of the project;
 - Where a community group is looking to buy a patch of land but needs to lease it in the first instance whilst they raise the necessary funds.