

Guidance for Communities on How to Protect Green Space and Heritage Sites

Appendices

Appendix A

Nominating an Asset of Community Value. Steps required:

There is now a statutory duty upon local authorities, including:

District Councils;
County Councils (in an area where there are no district councils);
Unitary Authorities; and
London Boroughs

to maintain a list of assets of community value.

The local authority will determine the format of the list. The list should be made publicly available.

Nominations for the list of assets have to come from the community itself. For the purposes of making a nomination, the request must come from a voluntary or community body with a local connection and relate to land in the local authority's area, or in the neighbouring local authority's area.

An eligible voluntary or community body is defined as:

an unincorporated group of 21 or more people who appear on the local electoral register;

a community interest group: i.e. a legally constituted organisation such as a charity, company limited by guarantee that does not distribute profits amongst its members, an Industrial and Provident Society that does not distribute profit amongst its members or a Community Interest Company.

a Neighbourhood Forum designated as such by the local planning authority;

a Parish Council in respect of land in its own area;

a neighbouring Parish Council if the Parish Council borders an unparished area, then they may nominate an asset with that neighbouring local authority.

It is likely that councils will appoint a single point of contact to manage community



nominations if the nominated asset crosses local authority boundaries. If potential nominators are unsure which council to target within their local area, they should start with their local planning authority. Search for your local planning authority using a postcode at the planning portal. (planningportal.co.uk)

The nomination process should be clear and simple. Any form of written nomination submission should be acceptable, whether on-line, by email or a letter. Eligible voluntary and community bodies can make as many nominations as they wish.

A nomination form can be found here:

<https://mycommunity.org.uk/resources/nomination-forms-for-assets-of-community-value-acv/>

The regulations set out what is required in a nomination, as follows: a

a description of the nominated building or land including its proposed boundaries;

a statement of all the information which the nominator has with regard to the names of the current occupants of the land and the names and current or last known addresses of all those holding a freehold or leasehold stake in the land;

the nominator's reasons for thinking that the asset is of community value; and

evidence that the nominator is eligible to make a community nomination.

Once a nomination is made, the council will have up to eight weeks to decide whether or not to list the asset. The council must decide which nominations are eligible to be listed.

The council must give notice that it intends to list the asset to:

the owner;

the occupier (if the occupier is not also the owner)

a parish Council if any of the land is in the parish council's area

the nominating body.

If a nomination is not approved, the council must write to the nominator and give the reasons why. There is no right of appeal against the council's decision.

There is also an eight-week period during which the owner can request a review of the decision. The review must be carried out within eight weeks of the asset being listed and if the decision is still to list the asset, the owner has a right of appeal to a First Tier Tribunal.

If listed, the asset will remain on the list for a maximum of five years, at which point it can be re-nominated and re-listed subject to local interest and continued compliance with the definition of an asset of community value. In terms of maintaining the list, if the asset was included in the list in response to a community nomination, the council must give written notice of the asset's removal from the list to the person who made the nomination.



Some assets may not be listed. There is a list of exclusions in the regulations, but the most relevant ones to note, are:

residential property including gardens, outbuildings and other associated land owned by a single owner (unless the residence is a building that is only partly used as a residence and but for that residential use of the building, the land would be eligible for listing, for example, accommodation as part of a pub or a caretaker's flat);

operational land of 'statutory undertakers', which covers mainly transport infrastructure such as ports, railways and roads;
licensed and some unlicensed caravan sites.

Assets of Community Value (ACV) Council Lists

Barking and Dagenham has six successfully nominated ACVs listed:

<https://www.lbdd.gov.uk/sites/default/files/attachments/Assets-of-community-value-successful-nominations-March-2018.pdf>

Brentwood has 10 ACVs listed:

<https://opendata.brentwood.gov.uk/View/property/register-of-community-assets#>

Havering Council has one asset registered on its List of Assets.

https://www.havering.gov.uk/downloads/download/645/assets_of_community_value

<https://mycommunity.org.uk/resources/understanding-the-community-right-to-bid/>

Appendix B

The Community Right to Bid

The Community Right to Bid (Assets of Community Value in legislation) is one of a raft of initiatives introduced in the Localism Act 2011. The Community Right to Bid allows communities and parish councils to nominate buildings or land for listing by the local authority as an asset of community value. An asset can be listed if its principal use furthers (or has recently furthered) their community's social wellbeing or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset comes to be sold, a moratorium on the sale (of up to six months) may be invoked, providing local community groups with a better chance to raise finance, develop a business and to make a bid to buy the asset on the open market.

Background

The Localism Act

The Localism Act 2011 includes new freedoms and flexibilities for local government. It also introduces new rights and powers for individuals and communities to take over public services, community assets and influence planning and development. This includes the



Community Right to Bid. The other main new rights are Community Right to Challenge and Community Right to Build.

The other Community Rights

Community Right to Build

Community Right to Build is a power that gives local organisations the right to bring forward small-scale community-led developments. The new right forms part of the Neighbourhood Planning provisions in the Localism Act that give parish councils, or neighbourhood forums the right to develop plans for their area. Development proposals in neighbourhood plans, and Community Right to Build will need to be agreed through an independent examination, and have the agreement of 50% of people who vote through a community referendum. Local Authorities have a duty to assist and advise community organisations, which are also free to involve partners such as developers or housing associations.

Community Right to Challenge

Community Right to Challenge is the right for community organisations to say that they are interested in running a particular public service and potentially get the chance to bid to do this. If a community group, charity, parish council or group of public sector staff identifies a service they would like to run then they can submit an expression of interest to the authority. If accepted this will trigger a procurement exercise. The interested group will then most likely need to compete with others in a competitive tendering process.

Community Asset Transfer

Community Asset Transfer is the transfer of management and/or ownership of land or buildings from a public body to a community-based organisation, at less than market value, in order to promote social, economic or environmental wellbeing.

The Community Right to Bid is sometimes confused with Community Asset Transfer. Although they share some of the same objectives, these are substantively different mechanisms that communities can use to acquire land and buildings. The crucial differences are:

- Community Asset Transfer is the transfer of ownership or management of publicly owned assets, whereas the Community Right to Bid applies to some public and some privately owned assets.
- Community Asset Transfer is the transfer of management or ownership at less than market value. Community Right to Bid gives a window of opportunity for a community group to compete to buy an asset on the open market.
- Community Asset Transfer is a voluntary process entered into proactively by public bodies. The Community Right to Bid is a pre-emptive legal right pertaining to communities.

How the Community Right to Bid works

The Legislation

How the Community Right to Bid works is set out in the Localism Act and Regulations: With the Community Right to Bid, Local Authorities must keep a 'List of Assets of Community Value'; the legislation sets out in detail the process they must enter into and what information they must include.

The legislation also outlines the definition of an asset of community value, what groups can



legitimately nominate, the appeals process for land owners, timescales for groups interested in buying land or property on the list, and compensation available to the owners of land or property on the list.

Appendix C

Neighbourhood Plans

Any Neighbourhood Plans in the Land of the Fanns area should take into account its unique character and bio-diversity.

What can neighbourhood plans do?

Under the National Planning Policy Framework (NPPF), neighbourhood plans have the opportunity to designate Local Green Spaces, which are of particular importance to the local community. This will afford protection from development other than in very special circumstances. Paragraph 100 of the NPPF states that 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.

When designating Local Green Spaces, it is important to consider what protection is already afforded to an area and whether or not the designation will provide any further safeguard.

In addition, neighbourhood plans can also:

- help to identify green infrastructure deficiencies,
- set policies for development around local green space and for development affecting other green infrastructure,
- require provision of new open space for new development.

Some of the benefits of local green space – facilitates social interaction, supports physical activity, enables movement, provides a habitat for wildlife, can be used as a flexible events space, for flood mitigation, forms part of character of an area, for food growing opportunities, contributes to quality of place

Types of green infrastructure that can be considered in a neighbourhood plan

- Outdoor recreation facilities, parks and gardens - Sports pitches and greens, playgrounds, urban parks, formal garden
- Amenity green space - Informal recreation spaces, housing green spaces, country parks, landscape planting, green roofs, domestic gardens, trees, village greens, urban commons, other incidental space
- Natural and semi-natural urban green spaces - Nature reserves, woodland and scrub, grassland, heathlands, moors, wetlands, ponds, open and running water, landscape planting
- Green corridors - Rivers and canals including their banks and floodplains, trees,



hedgerows, dry stone walls, road and rail corridors, cycling routes, pedestrian paths, rights of way

- Local character areas - Churchyards, treed areas, roadside verges, landscape screening, setting of a building, open gaps, views
- Other - Allotments, community gardens, orchards, cemeteries and churchyards

How to do it

What is it? What type is it? Does it have any statutory designation or status? Quality and condition of space? Value and benefit to the community?

Step 1: Identify green areas

Existing evidence that may be helpful could include Council's Open Space Audit, Conservation Area Management Plans, Parish Plans or Town and Village design statements. Council's adopted or emerging local plan

Step 2: Assess green areas - site visits may be helpful to form a clear understanding

Existing evidence that may be helpful could include Statutory designations (such as green belt, registered historic parks and gardens, Local Nature Reserves and SSSIs), landscape assessments, feedback from community engagement, local

authority data on tourism and visitors, local authority data on green space provision and need, local sport strategy

Step 3: Identify & contact landowners

Step 4: Map preferred sites & draft policy

Step 5: Consult the community on proposed designations

Things to consider

Does the proposed space have clearly defined edges? Does the space feel local in character and scale? How does the proposed space connect physically, visually and socially to the local area?

How close is the space to the community it serves? Where are the nearest centres of population?

Does the space contribute to the visual attractiveness of the townscape or character / setting of the settlement? Is the space covered by other landscape or townscape designations? (e.g. Area of Outstanding Natural Beauty or Conservation Area)

How is the proposed space of particular local significance, in respect of its historic significance?

Does the proposed space or elements of the space have local historical significance? (e.g. conservation area) Are there any historic buildings or structures in the space? (e.g. listed building or scheduled monument) Are there any important historic landscape features on the space? (e.g. veteran trees or old hedgerows) Does the space have a historic literature or art connection?

How is the proposed space of particular local significance, in respect of its recreational value?

What variety of recreational activities does the space support? (e.g. the space is used for playing sport and for informal recreation) Is the space already identified in the Council's Open Space study?

How is the proposed space of particular local significance, in respect of its richness of wildlife?

Is the proposed space formally designated for its wildlife value? (e.g. is it a SSSI, SNCI (Wildlife Site of Site of Importance of Nature Conservation) or Local Nature Reserve). Are



any important habitats or species found in the space?

Other green infrastructure aspirations for a neighbourhood plan

- Provide new footpaths or access points to green space
- Restore or create important features – hedgerows
- Increase plant diversity in landscaping schemes
- Policy on green roofs
- Street trees
- Identify improvements to existing public rights of way
- Protection of veteran trees

Case studies

<http://www.eaststaffsbc.gov.uk/sites/default/files/docs/planning/planningpolicy/neighplanning/yoxall/Final%20Made%20Plan.pdf> Yoxall – did a character analysis and included policies on green infrastructure

<https://www.somersetwestandtaunton.gov.uk/media/1167/west-monkton-and-cheddton-fitzpaine-ndp.pdf> West Monkton & Cheddton Fitzpaine Neighbourhood Plan- Policy TAU11 allocates 16 hectares of land at the former Priorswood landfill site for community woodland and other recreational uses. The allocation will positively add to the green open space network within the NP area with a linking bridge from the canal towpath and a ramped access to the A38.

<https://neighbourhoodplanning.org/>

Appendix D

Nature Reserves

There are two types of protection afforded to Nature Reserves:

a. A Local Nature Reserve is a statutory designation made by the local authority under the powers of the National Parks and Access to the Countryside Act 1949.

Havering has many examples of this

https://www.havering.gov.uk/directory/11/nature_reserves

b. A nature reserve without the statutory protection afforded by the local authority, is an area of land that it is up to the owner of the land to protect it for wildlife. In this instance there is no official designation and there is no statutory protection.

Your local Wildlife Trust, Wildlife Partnership or biological records office would be a good place to start and they advise the following:

- Survey your site really thoroughly before you do anything to find out what lives there already and how wildlife is already using the site.



- Decide on what species can realistically be attracted to the site and what species already there could have their populations enhanced – they might be common or rare species but important locally.
- Draw up a long-term plan, which includes maintaining the site and monitoring it. You might create new areas of habitat, restore existing habitats or perhaps leave some areas wild and untouched.
- Then raise or find the money you need to implement your plan.
- Seek help from volunteers in your community.

Types of land

Many types of land can make suitable local nature reserves (LNRs). They're usually areas of natural green space but the following types of land can also be LNRs as long as they have wildlife or geological interest:

- brownfield and artificial sites, such as historic cemeteries
- agricultural land and orchards

commons and other accessible green spaces

RSPB Rainham Marshes

<https://www.theguardian.com/travel/2009/may/24/rainham-marshes-rspb-travel>

Cranham Marshes local nature reserve - managed by Essex Wildlife

Trust <https://www.essexwt.org.uk/nature-reserves/cranham-marsh>

<http://www.thameschase.org.uk/visitor-centres/upminster-and-harold-wood/essex-wildlife-cranham-marsh>

Bedfords Park

https://www.haverling.gov.uk/info/20037/parks/690/bedfords_park

The Chase (partly in Barking & Dagenham) <https://www.lbbd.gov.uk/services/the-chase-local-nature-reserve>

the Manor

https://www.haverling.gov.uk/directory_record/104/the_manor_nature_reserve

Cranham brickfields local nature reserve - owned and managed by havering

council <https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1452175&SiteName=cranham%20brickfields&countyCode=&responsiblePerson=&SeaArea=&FCAArea=>

<http://www.thameschase.org.uk/visitor-centres/upminster-and-harold-wood/cranham-brickfields>

<https://www.publicspace.org/works/-/project/h159-opening-of-rainham-marshes>

<https://www.interregeurope.eu/policylearning/good-practices/item/1058/rainham-marshes-nature-reserve/>

<https://www.thurrock.gov.uk/rainham-marshes-nature-reserve/overview>

<https://www.independent.co.uk/environment/nature/wildlife-finds-a-haven-on-former-mod->



firing-range-5544961.html

<https://www.essex-tv.co.uk/mland-water-begin-work-on-new-thames-side-habitat-in-rainham/>

<https://democracy.havering.gov.uk/ieDecisionDetails.aspx?Id=1070>

<https://www.peterbeardlandroom.co.uk/rainham-marsh.html>

Appendix E

Local heritage listing

The National Planning Policy Framework defines a heritage asset as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.”

Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

The **National Heritage List** for England (NHLE) is a register of all nationally designated heritage assets, including listed buildings, scheduled monuments, protected wreck sites, registered parks and gardens.

Local heritage listing is a way for a community and a local authority to identify heritage assets that are valued as distinctive elements of the local historic environment. Local Listing can only afford a modest measure of protection against their removal or adaptation, but having these buildings of importance as an amenity placed on the local register of Assets of Community Value provides an additional statutory safeguard. See Appendix A.

Historic England has developed the first comprehensive guide to developing local heritage lists, based on examples of good practice from around the country.

The advice note *Local Heritage Listing* will be of use to local authorities, community groups and other interested stakeholders in the identification and management of significant local heritage assets using a local heritage list¹.

Heritage Asset Register Buildings of Local Heritage Interest

Not all councils have a separate Heritage Asset Register.

Havering's Asset Register is a record of all the buildings of local heritage interest in the Borough. Buildings of local heritage interest are recognised by the Borough as heritage assets, and are valued by the community for their contribution to the history, appearance, character and cultural role of Havering. They are included in this register, which is separate from the national statutory list of Listed Buildings held by the Secretary of State.

There are no additional planning controls, which affect buildings on the Register except

¹ <https://historicengland.org.uk/listing/what-is-designation/local/local-designations/>



where they are in Conservation Areas, or areas where they are subject to Article 4 Directions. However, these heritage assets have been positively identified as having a degree of historic, architectural or townscape significance meriting material consideration in planning decisions.

Although Listed Building Consent will not be a necessary factor, there will be a presumption in favour of preserving the significance of the non-designated heritage asset when deciding on planning applications. When making planning applications, the Council encourages applicants to consider the significance of the heritage asset, and show how this has been taken into account in the design of the project.²

Appendix F

Conservation Areas

Conservation Areas are defined as ‘areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’.³

Historic England provides advice on how Conservation Areas are designated and managed.⁴

Barking and Dagenham Council has designated four of its spaces as Conservation Areas and has produced a document to explain; the Conservation Guide can be found online⁵. The Council reviews the plan every five years and must consult residents and other people or organisations who have an interest (such as English Heritage) on any boundary changes.

In conservation areas there are some extra planning controls and considerations in place to protect the historic and architectural elements, which make the place special.

You can have a say in how your conservation area is managed. Local communities often work with the council to draft Conservation Area Appraisals and management plans. Some councils have Conservation Area Advisory Committees, which usually include local residents and business representatives.

There may also be local amenity groups or civic societies who are involved with the management of your conservation area.

You may have come across these groups already, though your local council may be able to provide more information.

² https://www.haverling.gov.uk/download/downloads/id/1403/heritage_register.pdf

³ Section 69 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ <https://historicengland.org.uk/advice/planning/conservation-areas/>

⁵ https://www.lbld.gov.uk/sites/default/files/attachments/Conservation-Areas-Guide-Non-technical-Summary_0.pdf



Additionally, you can search for groups in your area through Civic Voice, an organisation representing civic societies at national level⁶.

See Historic England's publication *Valuing Places: Good Practice in Conservation Areas* for examples of partnerships between communities and local authorities⁷.

Further reading and resources

Thames Chase Plan

<http://www.thameschase.org.uk/about-thames-chase/thames-chase-plan>

Watch This Space, easy to use guide to the planning system should you encounter a threat to your local park or green space from a planning development:

<http://www.fieldsintrust.org/Upload/file/support/watch-this-space/england/>

Locality Report Endangered Spaces. What you need to know before you get started.

https://assets.ctfassets.net/bffxiku554r1/4mn1daOSkbTy6GO4zAPG4u/78231eddf1d08efb9d9571328e0e9f01/Spaces_PDF.pdf

Independent charity runs all of the parks in Milton Keynes: www.theparkstrust.com

Ladder of Participation

https://localtrust.org.uk/wp-content/uploads/2020/01/Developing-Potential_A-guide-for-communities.pdf

<https://cles.org.uk/community-wealth-building/what-is-community-wealth-building/>

<https://www.nesta.org.uk/feature/new-radicals-2012/community-land-scotland/>

<https://www.nesta.org.uk/feature/rethinking-parks-community-empowerment/>

<http://thegardenstrust.org/conservation/conservation-publications/>

Community Organisers <https://www.corganisers.org.uk/>

Land Aid Charitable Trust <https://www.landaid.org/>

⁶ <http://www.civicvoice.org.uk>

⁷ <https://historicengland.org.uk/images-books/publications/valuing-places/>



Locality <https://locality.org.uk/>

Meanwhile use guidance [https:// www.gov.uk/government/collections/meanwhile-use-leases-and-guidance-forlandlords](https://www.gov.uk/government/collections/meanwhile-use-leases-and-guidance-forlandlords)

101 Civic Ideas http://www.civicvoice.org.uk/uploads/files/101_civic_ideas_1.pdf

Campaign to Protect Rural England How to respond to Planning Applications: An eight-step guide <http://www.cpre.org.uk/resources/housing-and-planning/planning/item/1903-how-to-respond-to-planning-applications> (NB does not refer to the London Plan)

Campaign to Protect Rural England. How to Respond to a Planning Application (video of a training session; first 20 mins come recommended)

<https://www.youtube.com/watch?v=1P8Uyq9fQFk>

Guide to Community Rights, Environment and Planning Law, Friends of the Earth: <https://d8.foe.co.uk/legal-and-planning/guide-community-rights-environment-and-planning-law>

National planning policy framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

JustSpace planning network (London) [http://www.justspace.org.uk/Neighbourhood planning toolkit](http://www.justspace.org.uk/Neighbourhood_planning_toolkit), Locality <https://neighbourhoodplanning.org/toolkits-and-guidance/createneighbourhood-plan-step-by-steproadmap-guide/>

Land Workers Alliance is a union of farmers, growers, foresters and land-based workers with a mission to improve the livelihoods of their members and create a better food and land-use system for everyone. They work for a future where producers can work with dignity to earn a decent living and everyone can access local, healthy and affordable food, fuel and fibre – a food and land-use system based on agroecology and food sovereignty that furthers social and environmental justice:

<https://www.landworkersalliance.org.uk>

Shared Assets supports the development of new models of managing land that are sustainable and productive, create livelihoods, enhance the environment, and involve local people in making decisions about the places they care about. They are environmental governance and stewardship experts: www.sharedassets.org.uk

Open Space Society campaigns for stronger protection for common land, village greens, open spaces, and public paths in England and Wales:

<https://www.oss.org.uk/what-do-we-fight-for/>

The National Federation of Parks and Green Spaces is the umbrella organisation for the movement of over 7,000 local Friends Groups for public green spaces throughout the UK, and their local area forums and networks. We are calling for the setting up of Friends groups for every green space, and Forums of such groups for every area and town. Together we can work for the resources, standards and management all the UK's green spaces deserve!

Visit our websites to find more information: Friends Groups' issues, case studies, How To guides, and more: www.parkscommunity.org.uk About the Federation and strategic



issues: **www.natfedparks.org.uk** You can also contact Michelle at networks@natfedparks.org.uk

Our Space Award

The Our Space Award is a grant scheme that aims to help Londoners green their city through active community engagement and participation. It will support Londoners of all ages and backgrounds, communities and schools in improving community open spaces, making them inclusive places for all to enjoy.

In addition to the above, the Mayor of London has committed further funds for the 2019 round for turning grey, hard landscaping areas, into greener spaces where they will provide a benefit in terms of drainage. This can range from removal of hard surfaces and creating rain gardens, to installation of Sustainable Urban Drainage planters which can collect water from drain pipes and divert it from the sewage system.

<https://www.groundwork.org.uk/london-grants/our-space-award/>

Community organising can help build a base in civil society:

<https://www.organisers.org.uk>.

Groundwork has developed a guide on how to set up a Meanwhile Garden.https://issuu.com/groundworkuk/docs/cls1_meanwhile_gardens

