**Protecting Public Parks using the Localism Act 2011**

*Notes by Peter Sibley, London Parks and Gardens Trust*

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Some aspects of the **Localism Act 2011** that may be useful in combating threats to public green spaces.

The Localism Act was brought in with the intention of bringing planning into local rather than centralised control.

Two of its provisions may be of particular use in protecting public green spaces, these are:

Neighbourhood Development Plans.

Assets of Community Value.

**Neighbourhood Development Plans**.

This is a right, under planning law, by which communities can use to set planning policies for their own areas. A Neighbourhood Development Plan can be used to control the development, designation and use of land.

In order to be accepted a plan has to be deliverable and it has to be accepted by a local referendum.

A Neighbourhood Development Plan can be produced by:

A Parish or Town Council.

A Neighbourhood Forum.

A community organisation, (which can be an existing one or one set up for the purpose).

If it is a community organisation, it can start the process but must then become a Neighbourhood Forum to complete it.

Once agreed, a Plan can zone areas for commercial, industrial, agricultural or residential use and protect areas from any development.

Money from permitted development will come back to the neighbourhood to develop the Plan further. This is usually 25% of the development fees.

**Assets of Community Value, (ACV’s).**

A building or land can be nominated as an Asset of Community Value by amenity societies, community interest groups or by any local group of 21 or more people who are on the electoral roll of the local authority or that of a neighbouring authority.

The ACV must be in current use (or recent use) and furthers the social wellbeing of the local community as its primary purpose and its future use could be expected to continue for at least five years.

Once the nomination has been submitted, any sale or development or change of use is frozen for six weeks, at that point, if the organisation submits an ‘expression of interest’, it is frozen for another four and a half months. This is to allow the community to raise money for its purchase, find an alternative purchaser or lobby councillors for a change in planning approval.

If it is owned by the local authority, Community groups could also campaign for the ACV to be transferred to them under Community Asset Transfer legislation.

So far, most use of this ACV legislation has been to bring back into use pubs threatened by conversion into office or residential space. Although this legislation was not primarily produced with green spaces in mind, there is no reason why it cannot be used to protect publicly accessible green spaces.

For more information on these two bits of legislation and for the Localism Act in general the best source is the website mycommunity.org.uk which also gives information on grants and support for community initiatives.

*These notes were compiled by Peter Sibley of the London Parks and Gardens Trust. They are necessarily brief and incomplete. You are advised to read the sections of the Localities Act, 2011 if you wish to make use of these items of legislation.*