

Protecting Parks and Green Spaces: Where to start?

This guide outlines the main ways in which communities can influence how their parks and green spaces can be protected and developed in the long term.

Introduction

Many neighbourhood groups, such as residents' associations or friends' groups, already influence how their local parks and green spaces are used and managed. However, local authorities and communities should consider the full suite of powers to protect the broader benefits of parks and green spaces for communities.

There are various existing powers and ways to engage communities in local parks and green spaces, from consultation and planning to ownership. This guide outlines the main ways in which communities can influence how their parks and green spaces can be protected and developed in the long term. Some of the options are discreet but many of them work well together and are best explored as a package of enabling measures.

Neighbourhood planning

Neighbourhood plans are planning documents drawn up by communities with the support of local authorities. On approval by an independent inspector, a community referendum must be held (more than 50 per cent of the community must vote in favour for the plan to pass). Plans should consider not only what already exists in the area, but also what is missing. As a result, there is scope for parks and green space creation, as well as preservation and enhancement. The process of creating a neighbourhood plan can also increase community engagement with the local area. For more information see:

<https://neighbourhoodplanning.org/>

Local Green Space designation

The following is taken from government [guidance](#):

‘Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities. Local Green Space designation is for use in Local Plans or Neighbourhood Plans. These plans can identify on a map (‘designate’) green areas for special protection. Anyone who wants an area to be designated as Local Green Space should contact the local planning authority about the contents of its local plan or get involved in neighbourhood planning.’

Assets of Community Value, Community Right to Bid

Introduced in the Localism Act, Assets of Community Value, Community Right to Bid allows community groups to take on the ownership of land and buildings, including parks and green spaces, under certain circumstances. The first stage involves local community organisations (including Parish and Town Councils) identifying potential Assets of Community Value. These are land or buildings that currently ‘further the social wellbeing or social interests of the local community’. Given the social benefits that parks and green spaces provide, many sites are likely to fulfil this criterion. Once identified the asset may be entered onto the local authority’s list of Assets of Community Value.

The second stage occurs once the owner of the asset wishes to sell it (at which point owners must inform the local authority). A six-week moratorium (or pause) on the sale is initiated to give a relevant community organisation a window of time to decide whether it wishes to bid to purchase the asset on the open market. If the community group does decide to bid, it has a further 4.5 months to raise the money required. The owner is not obliged to sell to the community organisation, but that may be a desirable outcome for the parties concerned. For more information see: <https://mycommunity.org.uk/take-action/land-and-building-assets/assets-of-community-value-right-to-bid/>

Thousands of assets have been successfully listed under the scheme, including parks and green spaces. Search the [Keep it in the Community](#) website for a list of Assets of Community Value and assets owned and run by the community in your area.

Community Right to Challenge

Also a part of the Localism Act, the Community Right to Challenge gives community organisations (as well as charities, Parish and Town Councils, and two or more local authority employees) in England, the right to submit an expression of interest to run some local authority services. If the authority accepts the expression of interest, they must run a procurement exercise for the service. The interested group will need to compete with others who may wish to run the service too. Parks and green space management is a relevant service included within the scope of the Right to Challenge.

For more information see:

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

Meanwhile use

Meanwhile use, i.e. the temporary use of under-used land or buildings by community organisations, can be an important way of making sure a neighbourhood's assets are being fully used, including parks and green spaces. For more information see: <https://www.meanwhile.org.uk/> and ask your local authority how they can support meanwhile use.

Community Asset Transfer (CAT)

Unlike the Localism Act's 'Community Rights', CAT is not a right of request by communities. It's a path that communities and local authorities can *choose* to take in partnership. [Legislation](#) gives authorities the necessary powers to transfer the ownership and/or management of land and buildings (usually via long leasehold) to community organisations at less than market value, where it promotes social, economic and environmental well-being.

Although sometimes confused with Assets of Community Value, Community Right to Bid (see above), CAT is quite different. Due to its potential to achieve a transfer at market discount, it is arguably a more desirable route than the Right to Bid, where the purchase is on the open market.

In Locality's Freedom of Information survey of local authorities in 2018, we found that the majority of local authorities had completed at least one asset transfer. Whilst we did not ask for a break-down of asset transfer types in the EOI, we know

from our enquiry service that parks and playing fields are considered for disposal by local authorities. See: <https://locality.org.uk/policy-campaigns/save-our-spaces/about-save-our-spaces/>

Community Right to Reclaim Land

The Right to Reclaim Land enables anyone to apply to the Secretary of State to investigate why public sector land or buildings are vacant, under-used or derelict. It then empowers the Secretary of State to force the sale of such land or buildings on the open market, providing communities with an opportunity to purchase them. This power was previously known as Public Request to Order Disposal (PROD), but this was rarely used. For more information see:

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

Deed of Dedication

Fields in Trust works in partnership with landowners including local authorities, voluntary organisations and private landowners to protect land through a Deed of Dedication (or Minute of Agreement in Scotland) – a binding legal commitment with the landowner – which allows it to be protected in perpetuity for current and future generations to enjoy. To find out more and nominate a park or green space for protection contact: www.fieldsintrust.org

Legal covenants

The law allows, in some instances, for ‘restrictive’ and ‘positive’ covenants to be created to govern what can happen to registered land. Sometimes the restrictions and obligations on the landowner are quite stringent, but it is an area that can be complicated to understand and enforce. Some rules can go back many years and be contained in different places. Start your search at the Land Registry [website](#).

Participatory budgeting

Participatory budgeting is an important step in engaging communities with their local parks and green spaces, where citizens are involved in the process of deciding how public money is spent. According to [research](#) there has been over 11,000 Participatory Budgeting experiences worldwide. For more information see:

<https://www.local.gov.uk/topics/devolution/engaging-citizens-devolution/approaches-civic-and-democratic-engagement-0> and ask your local authority how they can support participatory budgeting.