

Open Spaces and Assets of Community Value

Bury Neighbourhood Plan Steering Group
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1. ASSETS OF COMMUNITY VALUE

- 1.1. The Government has introduced via the Localism Act 2011 a scheme called ‘Assets of Community Value’. Under this policy a community asset can be nominated by a parish council and an application made to the Local Authority for it to be placed on the Register of Assets of Community Value. This would mean that should the owner of the asset wish to dispose of it the parish council or other community organisation in the parish must be given the opportunity to bid for it. The scheme does not give the parish council first refusal but an opportunity to prepare a proposal and bid.
- 1.2. Certain types of land, most notably residential property, are exempt from being placed on the register. Owners of property placed on the register may appeal against its listing and can claim compensation if they can demonstrate its value has been reduced.
- 1.3. The loss of local pubs in villages such as Bury has become common place. The Black Dog & Duck located in Bury village was once a public house prior to its change of use to a dwelling. This is considered a great loss by parishioners.
- 1.4. The right to bid only applies when an asset’s owner decides to dispose of it. There is no compulsion on the owner to sell it.
- 1.5. The Government issued a written statement in January 2015, stating that it planned to pass regulations providing that any property listed as an asset of community value would have to apply for planning permission to change its use class, instead of being able to do so under permitted development rights. This was done via the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (SI 2015/659), effective as of 6 April 2015.
- 1.6. It is therefore prudent for the Neighbourhood Plan to provide special protection for any designated assets to ensure that their community use is retained. A policy that would apply to any community asset should therefore be considered.
- 1.7. However, as discussed earlier the Neighbourhood Plan does not have the power to designate Assets of Community Value, and this must be progressed by the Parish Council or by groups with a connection with the community outside of the Neighbourhood Plan process.

Potential Assets of Community Value

- 1.8. The Steering Group have conducted an initial review of local assets that the Parish Council may wish to take forward for nomination outside of the plan process:
 - Children’s Playground*
 - Common Land by The Wharf*

- The Wharf*
- The Recreation Ground*
- The Pill Pond*
- The Sandpit*
- The Squire & Horse Public House
- Village Hall*
- Bury Green*

* indicates asset is already owned by the Parish Council / community

2. OPEN SPACES

- 2.1. It has become clear through our survey of residents that open and green spaces are important and significant features valued by the community. They are a vital constituent in creating the rural nature of the parish.
- 2.2. The following have been identified by the local community, through consultation exercises, and by the Steering Group as areas that should be considered for local green space or local community space designation. It is recognised that some of the locations identified may be protected under other designations.

| Ref | Name / Location |
|-----|---|
| 1 | Bury Green, incorporating the Children's Playground (beside the Village Hall) |
| 2 | The Wharf (Common Land) & Boat Launching |
| 3 | Pill Pond |
| 4 | Bury Sandpit (Common Land) |
| 5 | Recreation Ground (the Cricket Field) (Common Land) |
| 6 | The Glebe Field |

- 2.3. This document will look at how these important spaces can be addressed within the plan.

How these spaces could be addressed by the Plan?

- 2.4. The neighbourhood plan has the ability to introduce policies to guide where development is located and how it should look. As open spaces are generally undeveloped, policies relating to them mainly seek to prevent their loss. The following designations/policies could be considered in the neighbourhood plan.

Local Green Space

- 2.5. Open spaces may be designated as Local Green Space where they are demonstrably special to the local community, whether in a village or in a neighbourhood in a town or city.
- 2.6. To be designated as Local Green Space, an area should meet the criteria set out in para 77 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. 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.
- 2.7. The Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities. Areas can be designated in

Local and Neighbourhood development plans and these plans should identify these areas on a map and ‘designate’ them for special protection.

- 2.8. Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. This means land should not be designated that would prevent development in suitable locations to meet local identified development needs.
- 2.9. The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.
- 2.10. Land designated as Local Green Space could potentially be nominated for listing by the local authority as an Asset of Community Value. Listing gives community interest groups an opportunity to bid if the owner wants to dispose of the land.

Other local designations

- 2.11. Whilst not recognised at the national level, a neighbourhood development plan can introduce local designations and policies to support those designations where justified and where they do not prevent the delivery of identified development needs. These can provide protection for small spaces and/or large tracts of land and policies included within the neighbourhood development plan should provide guidance for any development proposals that fall within those areas.
- 2.12. One such designation considered by the Steering Group was “Local Community Space”. This would be for areas considered worthy of a degree of protection but do not meet the criteria for the Local Green Space designation.

Methodology

- 2.13. In order to determine whether the spaces identified by the local community should be designated, a methodology was formulated to assess all areas proposed.
- 2.14. The following methodology has been used to identify which areas should be identified as Local Green Space or Local Community Space, and which areas should not be designated at all.
- 2.15. All identified areas were assessed against the following criteria, and a response assigned to each criterion (Yes/No):
 1. Reasonably close proximity to the community it serves
 2. Demonstrably special to a local community and holds a particular local significance
 3. The area is local in character and is not an extensive tract of land.

4. Actively and currently used by the community

2.16. For an area to be designated as Local Green Space, they must meet criteria 1, 2, and 3.

2.17. For areas to be designated as Local Community Space, they should not be designated as Local Green Space and must meet criteria 1, 3 and 4.

Guidance for assessing the criteria

2.18. The following guiding principles were used when assessing the open spaces against the criteria set out in the methodology.

1. Reasonably close proximity to the community it serves

The proximity of a Local Green Space to the community it serves will depend on local circumstances, including why the green area is seen as special, but it must be reasonably close. For example, if public access is a key factor, then the site would normally be within easy walking distance of the community served.

2. Demonstrably special to a local community and holds a particular local significance

It should be judging how important the space is to the local community, this can be shown through consultation responses. Local significance can relate to a wide range of things such as its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife. The space could act to enhance the wider setting, perhaps as a consequence of views afforded either into from SDNP or out of the area towards other areas of the village or SDNP.

3. The area is local in character and not an extensive tract of land

This is open to interpretation but generally it should refer to the scale of the space and whether it reflects the surrounding locality. If an area covers a large area (a large field, or multiple fields for example) it should be considered an extensive tract of land.

4. Actively and currently used by the community

In assessing whether a space is 'actively' and 'currently' used (whether that use is formal or informal) the frequency of use, who the site is being used by, and whether it is well maintained for that use should be considered. Just because a footpath passes through an area does not necessarily mean the whole space is actively and currently in use.

Assessment of Spaces

2.19. All areas have been assessed in accordance with the above methodology and these assessments can be found in Appendix 1.

2.20. The table below shows a summary of the assessment findings (✓=Yes & ✗=No):

| Ref | Name / Location | Reasonably close proximity to the community it serves | Demonstrably special to the local community and holds a particular local interest | The area is local in character and not an extensive tract of land | Actively and currently used by the local community |
|-----|---|---|---|---|--|
| 1 | Bury Green, incorporating the Children's Playground (Beside the Village Hall) | ✓ | ✓ | ✓ | ✓ |
| 2 | The Wharf (Common Land) & Boat Launching | ✓ | ✓ | ✓ | ✓ |
| 3 | Pill Pond | ✓ | ✓ | ✓ | ✗ |
| 4 | Bury Sandpit (Common Land) | ✗ | ✓ | ✓ | ✗ |
| 5 | Recreation Ground (the Cricket Field) (Common Land) | ✓ | ✓ | ✓ | ✓ |
| 6 | The Glebe Field | ✓ | ✓ | ✓ | ✓ |

Conclusion

- 2.21. Following the review of open spaces contained within this document, a number of spaces are considered to meet the criteria for designation as Local Green Space and Local Community Space.
- 2.22. The conclusions set out below set out which spaces could be designated by the Steering Group in the neighbourhood plan. A map showing the spaces can be found at Appendix 2.

Local Green Space

- 2.23. The following spaces could be designated as Local Green space in the neighbourhood development plan as they comply with the criteria set out at paragraph 77 of the NPPF:

| Ref | Name / Location |
|-----|---|
| 1 | Bury Green, incorporating the Children's Playground (Beside the Village Hall) |
| 2 | The Wharf (Common Land) & Boat Launching |
| 3 | Pill Pond |
| 5 | Recreation Ground (the Cricket Field) (Common Land) |
| 6 | The Glebe Field |

Local Community Space

2.24. In accordance with the methodology set out in Section 2 of this document, there were no open spaces identified as being suitable for designation as Local Community Space in the neighbourhood development plan:

APPENDIX 1

Detailed Assessment of Open Spaces



| | | |
|---|---|-----------------|
| Ref: | 1 | |
| Name/Location: | Bury Green, part of the Children's Playground (beside the Village Hall) | |
| Assessment criteria | Comments | Response |
| 1. Reasonably close proximity to the community it serves | Situated in the heart of Bury village. | ✓ |
| 2. Demonstrably special to a local community and holds a particular local significance. | Extensively used as a children's play area and for village functions such as the Queen's Diamond Jubilee celebration. | ✓ |
| 3. The area is local in character and is not an extensive tract of land. | Adequate size for children's play area and larger village events. | ✓ |
| 4. Actively and currently used by the community. | Regularly used by children of all ages and by the wider community. | ✓ |
| Summary/Conclusion: | Bury Green meets the criteria for designation as Local Green Space. | |



| | | |
|---|---|-----------------|
| Ref: | 2 | |
| Name/Location: | The Wharf (Common Land) & Boat Launching | |
| Assessment criteria | Comments | Response |
| 1. Reasonably close proximity to the community it serves | Situated at the east end of Church Lane running down to the River Arun. | ✓ |
| 2. Demonstrably special to a local community and holds a particular local significance. | Site of old ferry crossing, enjoying extensive views of the Arun Valley and the South Downs and the slipway for launching of boats by parishioners. | ✓ |
| 3. The area is local in character and is not an extensive tract of land. | Compact area of grass between the end of Church Lane and the River Bank where the slipway is sited. | ✓ |
| 4. Actively and currently used by the community. | A tranquil spot used as an alternative location for village functions. The slipway provides a facility for parishioners use to launch boats on the river. | ✓ |
| Summary/Conclusion: | A beautiful location by the river that meets the criteria for designation as Local Green Space. | |



| | | |
|---|--|-----------------|
| Ref: | 3 | |
| Name/Location: | Pill Pond | |
| Assessment criteria | Comments | Response |
| 1. Reasonably close proximity to the community it serves | Situated west of hamlet of West Burton with a public right of way known as the West Sussex Literary Trail running through it. | ✓ |
| 2. Demonstrably special to a local community and holds a particular local significance. | A unique area comprising a chalk stream and ponds in a woodland setting in the lee of the Downs. | ✓ |
| 3. The area is local in character and is not an extensive tract of land. | A small area providing a tranquil oasis on the edge of the parish boundary. | ✓ |
| 4. Actively and currently used by the community. | Not extensively known or used by the community. | ✗ |
| Summary/Conclusion: | Current improvements and maintenance will enhance this location and its accessibility. This meets the criteria for designation as Local Green Space. | |



| | | |
|---|--|----------|
| Ref: | 4 | |
| Name/Location: | Bury Sandpit (Common land) | |
| Assessment criteria | Comments | Response |
| 1. Reasonably close proximity to the community it serves | Situated to the north of the parish as part of Lords Piece Open Country area and not within easy walking distance of Bury or West Burton. | X |
| 2. Demonstrably special to a local community and holds a particular local significance. | Registered Common where sand may be extracted as a common right by parishioners. | ✓ |
| 3. The area is local in character and is not an extensive tract of land. | A sandpit and small wooded area in a tranquil setting providing a functional facility. | ✓ |
| 4. Actively and currently used by the community. | Not widely used and could be promoted to encourage more intensive use. | X |
| Summary/Conclusion: | An unusual facility providing an opportunity to promote for wider use and enjoyment. It does not meet the criteria for local green space or local community space designation. However it is protected as a Registered Common. | |



| | | |
|---|---|-----------------|
| Ref: | 5 | |
| Name/Location: | Recreation Ground (the Cricket Field) | |
| Assessment criteria | Comments | Response |
| 1. Reasonably close proximity to the community it serves | Within easy walking distance of Bury village located on Bury Common opposite Turner's garage. | ✓ |
| 2. Demonstrably special to a local community and holds a particular local significance. | Common land used by Bury & West Burton Cricket Club since the 1950's. | ✓ |
| 3. The area is local in character and is not an extensive tract of land. | A larger than normal Recreation Ground providing a level playing area surrounded on three sides by agricultural land. | ✓ |
| 4. Actively and currently used by the community. | Actively used by the cricket club with plans to promote additional uses. | ✓ |
| Summary/Conclusion: | This space meets the criteria for designation as Local Green Space. | |



| | | |
|---|--|-----------------|
| Ref: | 6 | |
| Name/Location: | The Glebe Field | |
| Assessment criteria | Comments | Response |
| 1. Reasonably close proximity to the community it serves | In the north-east quadrant of the village with access from The Street and Church Lane. | ✓ |
| 2. Demonstrably special to a local community and holds a particular local significance. | Well known to the community with public rights of way extensively used. Wider use as public open space when not being used by livestock. | ✓ |
| 3. The area is local in character and is not an extensive tract of land. | Agricultural land used for grazing with a public right of way running diagonally across it and the Coffin Trail public right of way along its northern boundary. | ✓ |
| 4. Actively and currently used by the community. | Well known feature of the village with views to and from the Downs. Regularly used by parishioners and walkers. | ✓ |
| Summary/Conclusion: | The Glebe Field meets the criteria to be designated as Local Green Space. | |

APPENDIX 2

Map of Open Spaces

