

CW&C – Local Green Space Comments

First Response

Our Property Team has just come back to me to ask which parcels of lands exactly (in the attached maps) are being put forward by the group as LGS. As you'll see in most of them, there are multiple parcels of land. This is so they can comment on the proposals better. Another additional question they have asked is whether there any intention for there to be an application to list them as assets of community value or to seek a community asset transfer?

Our Green Infrastructure Officer from Total Environment has also come back with her initial comments and the table below against the information in the latest Open Space Study (2016). She makes an important point regarding the Tattenhall Centre which is currently an educational centre with their own green space. This couldn't be considered as LGS as its not really public land like the others. Similarly, depending upon which parcels of land on Rookery Drive the group is referring to, the primary school grounds wouldn't be public. Oaklands, Greenlands, the Spinney are also not currently mapped as Open Space.

Site name	Open space reference	Open space study designation	Other info
Covert Rise	1032	Mapped as amenity greenspace	
Gorsefield	1033	Mapped as amenity greenspace	Aware community orchard planted there recently
Oaklands	-	Don't think mapped on CWaC open space mapping?	
Greenlands	-	Don't think mapped on CWaC open space mapping?	
Rookery Drive	1027	Mapped as Tattenhall Rd/Chester Rd amenity greenspace	Site adjoins school playing field & Park Playing Field On the CWaC open space mapping Rookery Drive, Park Playing Field and school playing fields are all mapped as amenity greenspace.
Castlefields	896, 213 & 139	3 typologies mapped here play child, play youth & park and recreation	
Park Playing field	1983 1609 1027	3 typologies mapped here:- Primary school Play child Amenity greenspace	This is a large area surrounding the Tattenhall primary school. LHS is a playing field which was recently fenced off for school use only. The site in question for the neighbourhood plan update is on the RHS containing the play space which is publicly available
Tattenhall Centre	-	Not mapped on open space mapping	Should this be mapped as Education rather than open space?

The Spinney	?	Not sure this is mapped?	I believe this site is to the rear of St. Albans church (Ref 1165) the church is mapped as church yard & cemetery. Is the spinney separate to the church? Aware of recent improvement scheme.
Millbrook End	1028	Think mapped as Chester Rd / Spinney End as amenity greenspace	

Please could you clarify these for our teams.

Many thanks. If you need any further information, please do let me know.

Many thanks

Kind Regards

Roshnee Chavda
Planning Officer - Planning Policy
Place Strategy
Cheshire West and Chester Council

Further Update

Comments from the Green Infrastructure Officer, Total Environment:

In addition to the previous comments (in the attached email), for Greenlands and Oaklands, neither are mapped as open space. This could be they have been missed off or perhaps too small to be mapped as amenity greenspace. But just to be safe it would be good to check with Highways that perhaps they are not highways land e.g. some kind of verge. The Spinney and Millbrook end are the same site on the mapping (1028) amenity greenspace. (Please refer to the table in the earlier email, also attached)

Comments from Property:

In addition to the previous comments (in the attached email), The Tattenhall Outdoor Education Centre is currently an operational property managed by Edsential, a Council company owned jointly with Wirral Council. There is no indication that this may cease, operational needs do change over time and the Council's property interests should be protected. Property would resist the inclusion of the Tattenhall Centre in these additional provisions and also the inclusion of land within the school site which is already subject to specific protection under the Education Acts.

Comments from Education:

From an education perspective, they would concur with Property's views on the area of land noted as 'Park Playing field'. The red lined area comprises part of the primary school site for Tattenhall Park Primary. That area being its school playing field. The school is currently a community school and hence the school land is owned by the local authority. This land is subject, to specific protection under various Education legislation and would not be deemed as public land for open access to the public. Organisations can apply to the school for instance, for say community use of the playing field e.g. a football team, but would require that permission to do so. This would typically be out-of-school hours, to ensure safeguarding of the pupils, staff and visitors to the school on school business.

It is also of note that the red-lined land RHS of the centre path is not part of the school boundary, but is owned by the LA. Please could you confirm if that piece of land is leased to the Parish Council?

Policy Comments:

While it is understandable why the group would want to designate the Tattenhall centre as LGS, especially if it is privately owned land. However, it could be challenging to argue that it is 'in reasonably close proximity to the community it serves' in accordance with the NPPF criteria if it is mainly schools in Cheshire and beyond that visit the site (rather than members of the local community). If the NP group still want to include the Tattenhall Centre they need to ensure that they consult the owners of the site.

In terms of Park Playing Field, the NP group need to be clear which part is within the school site and has limited public access and which part is publicly accessible. The part within the school site might not meet the LGS criteria as it isn't generally accessible to the local community and also our property / education teams don't think it is necessary for it to be included as LGS as it is already protected under education legislation. If the group still wants to keep this in, it would be likely that property/Education would object it again at Reg14 stage.

I hope this is okay. If you have any further questions or comments please do let me know.

Thank you

Kind Regards

Roshnee Chavda

Planning Officer - Planning Policy

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Cheshire West and Chester Council

Response from Lucy Hughes CCA

CWaC are wrong. Local Green Spaces do not need to be open to the public, nor be public land. The guidance is here <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#Local-Green-Space-designation>

Relevant sections are below -

What about public access?

Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty).

Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.

Paragraph: 017 Reference ID: 37-017-20140306

Revision date: 06 03 2014

Does land need to be in public ownership?

A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.

Paragraph: 019 Reference ID: 37-019-20140306

Revision date: 06 03 2014

Would designation place any restrictions or obligations on landowners?

Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.

Paragraph: 020 Reference ID: 37-020-20140306

Revision date: 06 03 2014

Further Response

I sent my reply before I saw Roshnee's correcting herself. They don't have to have public access though, and whilst they are in an alternative viable use now, I think that you could argue that designating LGS is partly to protect against future redevelopment? Up to the groups though really, as it seems like CWaC would object, so it may not be worth the battle? Worth having a think about.