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**B I L L**

TO

Make provision for the protection of gardens and urban green spaces; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Amendment of the Town and Country Planning Act 1990**

(1) The Town and Country Planning Act 1990 (c. 8) is amended as follows.

(2) After section 71A insert—

**“71B Duty as respects gardens and urban green space in exercise of planning functions**

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In the exercise of any function under or by virtue of the planning Acts, the Greater London Authority Act 1999 (c. 29) or the Planning and Compulsory Purchase Act 2004 (c. 5), special regard shall be had to the desirability of preserving gardens and urban green spaces.”

(3) In section 336, after the definition of “function”, insert—

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““green space” means—

- (a) land laid out as a public garden;
- (b) land used for the purposes of public recreation; or
- (c) an area of open space which benefits wildlife and biodiversity;”.

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**2 Short title and extent**

(1) This Act may be cited as the Land Use (Gardens Protection Etc) Act 2009.

(2) This Act extends to England and Wales only.

# Land Use (Gardens Protection Etc) Bill

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supported by  
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