



Test Valley Borough Council

**Neighbourhood Development Plans
Identifying Local Areas of Green Space**

December 2016

1 Introduction

This note will provide you with guidance on how to identify, assess and designate green areas as Local Areas of Green Space within a Neighbourhood Plan.

The Local Areas of Green Space designation is a method of providing special protection against development for green areas of particular importance to local communities.

2 Planning Context

The National Planning Policy Framework (NPPF) gives the following information on Local Areas of Green Space designations:

Paragraph 76: Local communities through local and neighbourhood plans should be able to identify for special protection green areas of importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green spaces should be only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

Paragraph 77: The Local Green Space designation will not be appropriate for most green spaces or open space. The designation should only be used:

- Where the green space is in reasonably close proximity to the community it serves;
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- Where the green area concerned is local in character and is not an extensive tract of land.

Further information is provided by the National Planning Practice Guidance: <http://planningguidance.communities.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

3 Is your site suitable for a Local Green Space designation?

In order to assess whether your site is suitable for Local Green Space designation, you will need to have regard to the following criteria:

1. Is the green area located reasonably close to the community it serves?

The maximum distance of a green area to the community it serves is not defined in the NPPF, but will depend on local circumstances and may vary according to the size of the community. It is expected that the green area is within easy walking distance of your community.

You will need to illustrate the proximity of your site to your community on a map.

2. Is the green area demonstrably special to your community, or does it hold any local significance?

You will need to demonstrate that the green area holds particular local significance for one, or more, of the following reasons:

- Beauty;
- Historic significance;
- Recreational value;
- Tranquillity;
- Richness of wildlife.

3. Is the green area an extensive tract of land?

There is no minimum or maximum size for a green area, and the sizes will vary between different communities, however it will need to be local in character.

However, an independent examination into a neighbourhood plan concluded with the inspector deciding not to designate an area as a Local Green Space because he considered its size of 19 hectares to be an extensive tract of land.

4. Does the green area have existing planning permission?

If a green area has existing planning permission, Local Green Space designation would not normally be appropriate.

Special exceptions to this would be those sites which are large enough to accommodate a green space designation as part of the development.

Information on planning permissions is available on the Council's website:

<http://www.testvalley.gov.uk/resident/planningandbuildingcontrol/viewplanningapplicationonline/view-planning-applications-online/>

5. Is the green area already designated?

If a green area is already protected by another designation, you will need to consider whether designating it as a Local Green Space would confer any additional benefit to the community.

Existing designations include:

- Area of Outstanding Natural Beauty (AONB)
- Special Protection Area (SPA)
- Site of Special Scientific Interest (SSSI)
- Special Area of Conservation (SAC)
- Registered Historic Park and Garden
- Local Nature Reserve (LNR)
- Ramsar site

6. Is the green area capable of enduring beyond the end of your Neighbourhood Plan?

You will need to consider how the space will be managed into the future.

It may be useful for you to assess your site against the 'Designation Tree' in Appendix 1.

Appendix 2 sets out some Frequently Asked Questions.

4 Process

Step 1: Assess the green area

Use the criteria above, and the Designation Tree in Appendix 1, to establish whether your green area has potential to be suitable.

At this stage, you will need to look at preparing evidence indicating why you believe a green area is suitable for designation.

Step 2: Contact the landowner

You will need to ensure that a land owner is made aware that their site has been nominated for Local Green Space designation. This is the duty of the Parish/Town Council, not Test Valley Borough Council, and notice must be given in writing.

If you do not know the ownership of a site, this can be determined via the Land Registry website.

Landowners will be given the opportunity to make representations for and against the proposed designation during the Neighbourhood Plan examination.

Step 3: Draft your Local Green Space policy

The proposed Local Green Space designation policy and an accompanying map illustrating the green space, its size, and its proximity to your community, must form a section within your Neighbourhood Plan.

Step 4: Public consultation

Once your draft Neighbourhood Plan is complete, it must be consulted upon for a minimum period of 6 weeks.

Anybody can object to policies or sites in a plan during the consultation process. All responses received at this stage regarding the proposed designation must be considered and responded to, and any amendments made to policy wording and proposal map.

Following this, the neighbourhood plan is submitted to the Council for a further six week public consultation.

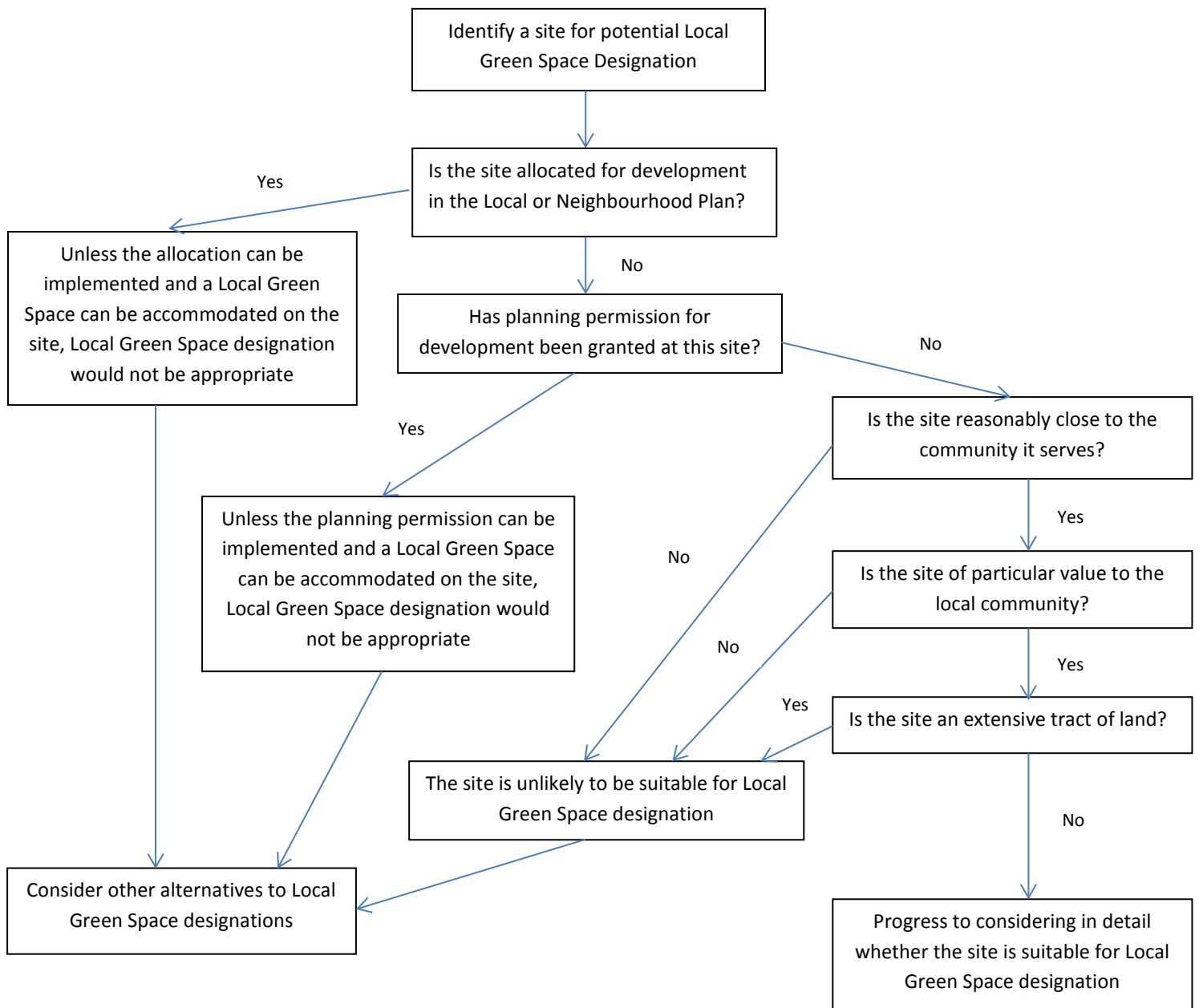
Step 5: Neighbourhood plan examination

The green space designation will be tested during the examination process. The draft Neighbourhood Plan will be independently examined by a Planning Inspector, who will ensure that the plan is robust and based on sound evidence.

Step 6: Designation

Following approval of the Neighbourhood Plan, the designation of the Local Green Space will become formal.

Appendix 1: Designation Tree



Appendix 2: Frequently Asked Questions (FAQ)

What types of green area can be identified as a Local Green Space?

Provided the green area meets the criteria in Section 3, there is no size nor distance requirements that need to be met, and whether to designate land is a matter for local discretion.

Green areas can include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments or urban spaces that provide a tranquil oasis.

Does land need to be in public ownership?

The green area does not need to be in public ownership, but the landowner must be made aware at a very early stage of the proposal to designate any part of their land.

Landowners will be given the opportunity to make representations in respect of proposals in a draft plan.

Does the land need to be publically accessible?

Some areas under consideration may already have largely unrestricted public access, however land could be considered if it does not have any public access, for example for wildlife purposes or historic significance.

The designation of a green space does not immediately give the public access to the land, and any public access would need to be negotiated with the land-owner.

Can you designate a Local Green Space if it is crossed by a Public Right of Way?

Areas under consideration may be crossed by Public Rights of Way (PRoW).

You do not need to consider designating a tract of land in order to protect a PRoW as this right is already protected under alternative legislation.

Would designation of a green space place any restrictions or obligations onto a landowner?

There would be no new restrictions or obligations on landowners.

Who would manage the Local Green Space?

The management of the green space would remain the responsibility of the landowner.

If the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be an important consideration.

Can a Local Green Space be registered as an Asset of Community Value?

A Local Green Space can also be nominated for listing as an Asset of Community Value. Listing gives community groups an opportunity to bid if the owner wants to dispose of the land.