



# Local Green Space Designation

## Frequently Asked Questions

### Q1. What is a Local Green Space?

Local Green Space (LGS) designation is a way to provide special protection for green areas of importance to local communities. The National Planning Policy Framework (NPPF) – first published in 2012 – introduced the concept of the LGS designation. The latest version of the NPPF (2019) states the following:

*Para. 99 The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.*

*Para. 100. The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) 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 c) local in character and is not an extensive tract of land.*

*Para. 101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*

### Q2. When can an area of Local Green Space be designated?

The NPPF states that LGSs should only be designated when a neighbourhood plan is prepared or reviewed and be capable of enduring beyond the end of the plan period. Nether Wallop PC is currently preparing a neighbourhood plan so now is the time to consider the LGS process and the opportunity this presents.

### **Q3. How were the Local Green Spaces for Nether Wallop proposed?**

Through the recent village survey, which was sent to every household in the parish in December 2019, residents were asked about local green spaces important to them. This exercise was supplemented by a public engagement event held in the village hall in January 2020. These results were then collated by the steering group and assessed against the NPPF criteria. The spaces you see here in this exhibition are those that the steering group feel are worthy of inclusion in the plan.

### **Q4. Can areas already protected under alternative allocations and designations (e.g. conservation areas) be considered for designation as a Local Green Space?**

Yes. National planning guidance makes clear that different types of designations are intended to achieve different purposes. However, when considering additional protection, the parish council will also need to consider whether any additional local benefit would be gained through designation as an LGS.

### **Q5. Can areas already being considered for alternative uses be considered as Local Green Space?**

In general, sites that already benefit from planning permission for alternative use will not normally be considered appropriate for LGS designation. This is consistent with national guidance which states that LGS designation will rarely be appropriate where the land has planning permission for development.

It is recognised that there might be some exceptions to this. For example, the approved development would be compatible with the LGS designation or where it can be demonstrated that the planning permission is no longer capable of being implemented. The government have made it clear that LGS should not be used in a way that undermines the aim of plan making.

## **Q6. Does land need to have public access?**

No. Land does not need to have public access. For example, green areas which are valued because of their wildlife, historic significance and/or beauty can all qualify for LGS designation even if the public have no access to the land.

Designation as an LGS in the Nether Wallop Neighbourhood Plan will not itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiations with land owners, whose legal rights must be respected.

## **Q7. What about public rights of way?**

Areas that may be considered for designation as LGS may be crossed by public rights of way. There is no need to designate linear corridors as LGS simply to protect rights of way, which are already protected under other legislation.

## **Q8. Does land need to be in public ownership?**

No. National planning guidance makes it clear that an LGS does not need to be in public ownership. The parish council will contact site owners (if known) once a site is included in the first full draft of the plan, to inform them of the forthcoming formal consultation period. This consultation is known as the pre-submission (Regulation 14) consultation period, a six-week window during which comments on the draft plan are invited. Landowners will then have a formal opportunity to make representations to the proposed designation.

## **Q9. How restrictive is the Local Green Space designation on ownership?**

Designation as an LGS would give an area protection consistent with that in respect of Green Belt. Otherwise there are no new restrictions or obligations on landowners. Landowners will be contacted at an early stage on any proposals to designate any part of their land as LGS.

## **Q10. Who will manage the Local Green Space?**

Paragraph 99 of the NPPF states that LGSs should be capable of enduring beyond the end of the plan period. Therefore it is important that the parish council understands the owner's current and longer term plans for the site. Management of the LGS will remain the responsibility of the land owner. Local communities can consider how, with the landowner's agreement, they might be able to get involved, perhaps in partnership with interested organisations that can provide advice or resources.

## **Q11. Who decides which areas will qualify for protection as Local Green Space?**

Where a neighbourhood plan is being prepared, it will be for those responsible for preparing the plan to decide which sites will qualify for inclusion within that document. In the case of Nether Wallop, this is the steering group operating with the consent of the parish council. An LGS can only be designated when a neighbourhood plan is prepared, or reviewed, and will therefore need to be listed within such plans.

## **Q12. Why has my land been nominated for inclusion in the draft plan as a Local Green Space?**

Through the recent village survey, which was sent to every household in the parish in December 2019, residents were asked about local green spaces important to them. This exercise was supplemented by a public engagement event held in the village hall in January 2020. These results were then collated by the steering group and assessed against the NPPF criteria. The spaces you see here in this exhibition are those that the steering group feel are worthy of inclusion in the plan.

## **Q13. Who in the parish decided to designate my land as Local Green Space?**

Where a neighbourhood plan is being prepared, it will be for those responsible for preparing the plan to decide which sites will qualify for inclusion within that document. In the case of Nether Wallop, this is the steering group operating with the consent of the parish council.

## Q14. Can I appeal against my land being designated Local Green Space?

This is the process for LGS nomination, designation, and appeal:

1. A preferred list of nominated sites will be included in the pre-submission draft (Reg. 14) version of the plan – the date for this to be published is still to be decided. This version of the plan will be consulted upon for six weeks when a landowner can formally object to the designation. Written support for LGSs can also be submitted.
2. An objection does not automatically mean a site will be removed from the plan. It could remain – with a written justification – in the document at the next stage, which is the submission version (Reg. 16) when the plan is submitted to Test Valley Borough Council. A further six week consultation period follows, when a landowner can continue to object to the land being designated. Written support for LGSs can also be submitted.
3. The submission plan is not revised or updated by either Test Valley BC or Nether Wallop PC but instead goes before an independent examiner who will check the plan for general conformity with the regulations.
4. Part of the examination process will be a check on the appropriateness of the nominated LGSs. The examiner will be made aware of the previous representations of support and/or objection and will take these into account. He/she may recommend the removal of one or more LGS sites or approve them all – this is an unknown at this stage.
5. If the examiner is content with the plan's general conformity, he/she will recommend the plan can proceed to local referendum, possibly following a series of modifications to the plan. These modifications may include an update to the LGS list.
6. If the referendum is successful, the plan comes into legal force and the LGSs are made final for the plan period.

Before all of this however, Nether Wallop PC are sharing now (through this exhibition) the likely list of sites that could be included in the Reg. 14 version of the plan. This allows landowners and the public alike a chance to comment informally on the LGS process.

**Q15. What was the process by which my land was designated as Green Space?**

Through the recent village survey, which was sent to every household in the parish in December 2019, residents were asked about local green spaces important to them. This exercise was supplemented by a public engagement event held in the village hall in January 2020. These results were then collated by the steering group and assessed against the NPPF criteria. The spaces you see here in this exhibition are those that the steering group feel are worthy of inclusion in the plan.

**Q16. Does designation mean I cannot develop or build anything on my land?**

Designation is used to protect land from building and development. So, typically, once a designation is in place, this means no development or building on land designated as LGS. Exceptions to this can include development or buildings required enhance the intended purpose of the land. For example, a new pavilion building on a recreational ground. Another exception is essential infrastructure works. For example, a small brick block housing a pumping station if a water pipe runs underneath the site.

**Q17. If my land has been identified as Local Green Space in the past and it is now not in the list, does that mean it is no longer Local Green Space?**

The Nether Wallop Neighbourhood Plan is still in the early stages of preparation. Several sites have been discussed in the past as potential candidates for designation, but no formal designations have been made yet. See answer to Q14 for further details of the nomination, designation, and appeal process.

**Q18. Will I receive compensation if my land is designated a Green Space?**

No, there is no compensation to landowners if land is designated as an LGS.