

Local Green Space – Frequently Asked Questions

When can an area of Local Green Space be designated?

Paragraph 76 of the NPPF is clear that Local Green Spaces should only be designated when a Local or Neighbourhood Plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.

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

Yes. National Guidance makes it clear that different types of designations are intended to achieve different purposes. When considering additional protection the council will however need to consider whether any additional local benefit would be gained by an additional designation as a Local Green Space. It should be noted that Darlington Borough contains no Green Belt or Areas of Outstanding Natural Beauty designations.

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. This is consistent with national guidance which states that Local Green Space designation will rarely be appropriate where the land has planning permission for development. It is recognised that there might be some exceptions to this where for example the approved development would be compatible with the Local Green Space designation or where it can be demonstrated that the planning permission is no longer capable of being implemented.

The council recognise that some sites may also be put forward as a Local Green Space on land already proposed for an alternative use within the council's emerging Local Plan and its supporting evidence base including the council's [Housing and Employment Land Availability Assessment \(HELAA\)](#). The appropriate use of the site will need to be considered through the preparation of the draft Local Plan with this providing the most appropriate means to assess and consider alternative land uses.

It should however be noted that the Government are clear the identification of Local Green Space should be consistent with the local planning of sustainable development and complement investment in homes, jobs and other essential services. Plans must identify sufficient land in suitable locations to meet identified development needs.

The government have made it clear that Local Green Spaces should not be used in a way that undermines the aim of plan making.

Does land need to have public access?

No. Land does not need to have public access. The council recognise that some land being considered may have no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty).

Designation as a Local Green Space in the Local Plan does 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.

What about public rights of way?

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

Does land need to be in public ownership?

No. National guidance makes it clear that a Local Green Space does not need to be in public ownership. The Council will contact site owners (if known) once a site is submitted, to inform them of the outcome of the assessment and if the site is proposed for designation within the Draft Local Plan in advance of consultation. Landowners will have opportunities to make representations to the proposed designation via the Draft Local Plan.

How restrictive is the Local Green Space designation on ownership?

Designation as a Local Green Space 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 Local Green Space.

Who will manage the Local Green Space?

Paragraph 76 of the NPPF states that Local Green Spaces should be capable of enduring beyond the end of the plan period, therefore it is important that the Council understands the owner's current and longer term plans for the site. Management of the Local Green Space 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.

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

Possibly. Land designated as Local Green Space may potentially also 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. In order for land or buildings to be listed as an [Asset of Community Value](#), it must be demonstrated that the current primary use furthers the social well-being or social interests (cultural, recreational, or sporting interests) of the local community. In order for land to be designated as Local Green Space, it must be demonstrated that the space is reasonably close to the community, is special to that community and is local in character.

Land can be considered for designation as Local Green Space if it has or does not have public access, however for land to be listed as an Asset of Community Value it does need to be accessible to the local community.

Can Local Green Space be designated in new residential development?

New residential areas may include green areas that were planned as part of the development. Such green areas could be designated as Local Green Space if they meet the criteria set out in the NPPF i.e., are demonstrably special, hold particular local significance and is local in character.

Who decides which areas will qualify for protection as Local Green Space?

It will be for the Local Planning Authority to come to an objective and balanced decision as to those sites that qualify for protection within a Local Plan. Where a Neighbourhood Plan is being prepared, it will be for those responsible for preparing any Neighbourhood Plan to decide which sites will qualify for inclusion within that document.

Local Green Space can only be designated when a Local or Neighbourhood Plan is prepared, or reviewed, and will therefore need to be listed within such plans.

What happens if a site is not designated as Local Green Space?

Applications for Local Green Space will be assessed by the Council against the criteria set out on the [Local Green Space Designation Webpage](#). Where application sites meet these tests they will be considered as proposed Local Green Space designations in the draft Local Plan. Where application sites do not meet these tests they will not be considered for designation. Both applicants and landowners will be able to submit comments on the draft Local Plan or Neighbourhood Plan during periods of public consultation. Any comments submitted will be considered as part of the local or neighbourhood plan preparation process and in line with The Town and Country Planning (Local Planning) (England) Regulations 2012 and The Neighbourhood Planning (General) Regulations 2012.