

EFRA Committee Urban green Spaces Inquiry

Summary of Open Spaces Society's recommendations to the committee, October 2023

Require a full review of National Planning Policy Framework (NPPF) 2023.

Introduce legal protection and long-term maintenance of urban green space.

Require councils to improve access for recreation and protection of open space using the powers available to them (see the society's [Council powers guidance](#)).

Make the provision of open space a statutory requirement.

Provide additional funding and help for planning authorities to ensure they have sufficient skills and resources.

Introduce a national plan for open spaces, with a national standard for the amount of green space and ring-fenced funding which will secure good-quality spaces close to people's homes.

Place a duty on local authorities to ensure that everyone can enjoy good-quality, well-maintained, and safe open space within 300 meters of their homes. This can be assisted by requiring:

- local authorities to manage and protect their green spaces, and to provide the resources to achieve this;
- developers to provide open space as an integral part of all major development, and to dedicate the land as town or village green so that local people have rights of recreation there and it is secure for ever;
- improve the Local Green Space process and strengthen the protection to ensure that local open spaces, so vital during the lockdown restrictions, are not vulnerable to development;
- develop pro-active measures to equalise open space provision for all;
- deliver a more accessible neighborhood-planning regime;
- ensure that the use of permitted development rights, and permission in principle, will not result in more development affecting public rights of way;
- provide protection for the environment, important open spaces and public rights of way when onshore wind-power schemes are proposed on sites that have not been designated in the local plan.

The planning system and national planning policy need to recover nature and tackle climate change and contribute to meeting the Government's own environmental targets, such as the Environment Act 2021 targets and net zero, and environmental ambitions.

However, there have been significant missed opportunities for tackling the urgent nature and climate crises. Instead of bringing forward the strategic policies that would enable the planning system to work for nature and people, the government has not proposed any direct changes to the NPPF to support the planning and protection of open spaces.

Current open-space protections and policies relating to the disposal of open space in the planning system and in the proposed planning reforms are designed mainly to assist developers rather than to protect existing green space by allowing for disposal and mitigation that may not even be in the same neighborhood. In the society's view the planning system must have the protection and creation of open space, and the need to provide opportunities for public recreation (including public rights of way), at the same level of priority as transport and other infrastructure requirements.

The Government should consider the following additions to the NPPF:

The prohibition of development on irreplaceable habitats, applying the strengthened policy protection for ancient woodland and ancient and veteran trees to land registered as common land which provides multiple benefits for access, farming, biodiversity and mitigation of climate change.

A new planning designation with a presumption against any change that would be to the detriment of equitable open space provision for all, consistent with the recently published [Environment Improvement Plan](#). The mechanism could be through the Local Nature Recovery Strategies and recognised in local plans, to ensure people, nature, and climate all benefit. The equitable provision of open space is a crucial part of the levelling-up agenda.

The Natural England Green Infrastructure (GI) Standards should be included in a local GI Strategy and applied in local and neighbourhood plans and require consideration of the urban-greening factor contained in the standards.

There must be more robust protection for open space once a new development has been created, for instance a requirement for registration of the land as [town or village green \(TVG\)](#).

To ensure good environmental outcomes, the planning system should be held to account through a strengthened legal duty to contribute to nature's recovery and the achievement of net zero by 2050.

Introduction

1. The Open Spaces Society is Britain's oldest national conservation body, founded in 1865.
2. We campaign for the protection and management of common land, town and village greens, open spaces, and public paths, in town and country, throughout England and Wales.
3. The focus of the society, in responding to the call for evidence, is on the creation and protection of open space, and the levelling up of its provision, across England, and the protection of public rights of way.
4. The society launched an [Open Space Charter for England](#) to underline the issues in relation to open spaces and propose actions for resolution.
5. We are concerned that the extension of Permitted Development Rights and changes to the Article 4 directions, undermine the protection for green spaces and public paths, and is detrimental to the establishment of communities for the physical and mental well-being of the general public.
6. Permitted-development right (PDR) developments are not required to adhere to open space or green infrastructure strategies and they deliver poor-quality development which does not fit with the government's aim to integrate 'beauty' into planning or level up the provision of access to green space.
7. OSS is a member of the [Better Planning Coalition](#) (BPC) and continues to lobby for a fair and transparent system that works for access and people, and addresses mitigation of climate change.
8. Due to the fundamental importance to levelling up of access to a healthy natural environment, the BPC is asking for a levelling-up mission to reduce environmental inequality across the UK to be added to the Levelling Up and Regeneration Bill. This will create a crucial cross-Government strategic focus to tackle environmental inequality, promoting nature recovery, climate mitigation and adaptation, people's health and wellbeing, and the prosperity and cohesion of local communities.
9. We tentatively welcomed the government's introduction of a National Model Design Code (NMDC) on condition that this must include robust community engagement. However further detail must be provided about the nature of the community engagement proposed. We supported the proposed new paragraph 130 (NPPF), on the provision and protection of trees and street trees, and recognition of the wider role that wooded areas and trees play in enhancing landscapes—provided that public access is granted to these areas.
10. However, it is very disappointing that the opportunity has been missed to include local open spaces which provide similar essential access, health, and well-being benefits. The current LGS protection, only granted if strict criteria are satisfied, does not provide enhanced or permanent protection for areas of open space which are so essential for the mental and physical health of local people. The protection is only the same as afforded to green belt land, which can be built on in certain circumstances.
11. This disparity needs to be urgently addressed so that local open spaces are not left vulnerable to disposal and development.
12. The NMDC (page 18) requires levels of provision of new green space to be based on the government's open space and recreation guidance. The guidance could be

strengthened by reference to the aims of the government's 25 Year Environment Plan.

13. The NDMC should require accessible open space (as outlined in the society's [Open Space Charter for England](#)) within walking distance of new development. This would be consistent with the Government's commitment that everyone 'be within 15 minutes of their nearest greenspace.
14. We would question whether local planning authorities are going to have the necessary resources to produce their own design codes and to engage in meaningful community consultation.
15. It is unclear what status will be afforded to masterplans produced by developers.
16. We also question to what extent the implementation of the NMDC may be limited by the proposed changes to reduce the scope of Article 4 directions, particularly given the recent government proposal to extend PDRs. Local planning authorities need to retain the ability to remove permitted development rights in order to allow design codes and guidance to be fully effective.
17. A stated principle of the NMDC purports to encourage early community engagement in the design of places and planning applications, and this should be reflected more strongly in the NMDC. This should be in addition to public consultation on proposed new development.
18. We welcome the change to the definition of green infrastructure (in NPPF glossary) which accords with that set out in the new national framework of green infrastructure standards.
19. The NMDC does not appear to recognise the importance of the role of green infrastructure in restoring the natural environment alongside the health and wellbeing benefits green infrastructure provides. The value and benefits of green space (and their protection) in enhancing the natural environment must be recognised in relation to holistic place-making in the NMDC. The NMDC should reflect the government's policies that already recognise the importance of local green spaces and connecting spaces.
20. The NMDC should focus on how landscape character will be taken into account in the design process, in respect of protecting local natural and cultural heritage.
21. We believe it would be helpful to reference access to green space standards, and highlight where environmental gains, including public access, can be achieved.
22. In addition, all design codes, no matter who develops them, must be subject to full consultation and community engagement and meet the required standards in national and local policies.
23. The provision for open spaces (in the nature section) should include protection mechanisms, and public access.

1. How successfully are the Government and Local Authorities protecting and increasing urban green spaces, and what trends can be seen in the extent and quality of those spaces?

1.1 The government and local authorities are not sufficiently enabling the protection and increase in urban green spaces.

1.2 The think tank, 'Centre for Cities', which focuses on improving the economies of the UK's largest cities and towns, published an article at the start of lock down period, '[How easy is it for people to stay at home during the coronavirus pandemic?](#)' It concluded that the provision of public open space, such as parks, varies by location and that not all built-up areas can currently provide enough space for the inhabitants to exercise safely and maintain social distancing.

1.3 The covid restrictions on public movement highlighted the importance of the accessibility of open space that is near to where people live, in future it will be important to ensure provision of open space is adequately protected.

1.4 There are several reasons why there is a disparity across the country as to the provision and protection of urban green spaces. First, it is important to remember that there is no statutory provision for open space. This means that there is no ring-fenced funding and local authorities, partly as a result of budget cuts, have less money to spend on the creation and long-term maintenance of open space. Alternative funding methods (for instance transferring land so that it is held by a charity), and disposals of open space and playing fields have also impacted on the amount of open space available. Local authorities (in accordance with the National Planning Policy Framework (NPPF)) do seek provision of open space in new developments but the on-going maintenance and long-term protection of such spaces is a problem, and some developers require continuing payments from new residents to maintain the open spaces.

1.5 The society encourages land owners and developers to [register land as a town or village green](#) (TVG) more permanently to protect the land, or to have the [land designated as a Local Green Space](#) (LGS).

1.6 There have been several reports on the benefits of open space on the health and social well-being of the public, for instance by [Natural England](#), [Mind](#) and the NHS.

1.7 It is helpful briefly to summarise the role of the [National Planning Policy Framework](#) (NPPF) 2023, in England, in respect of open space generally, as this illustrates why there is a disparity in the amount of open space in different areas.

1.8 There is no national strategic plan for England. Wales does now have an overarching spatial plan.

1.9 The NPPF provides policies for sustainable development in England. For example, chapter 8 'Promoting healthy and safe communities', provides that planning policies and decisions should aim to achieve healthy, inclusive and safe places. Paragraph 91 advocates the need to provide high quality open space. Paragraph 92 argues that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions.

1.10 There are no national standards for the amount of green space that should be provided, but there are some good practice examples for instance the [Natural England](#) ANGST (accessible natural green space standards), and Natural England Green Infrastructure framework and [Fields in Trust](#) (FIT) standards.

1.11 It is left to local authorities to make decisions about the amount and location of open space. Planning policies (as required under paragraph 96-97 of NPPF) should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities, and opportunities for new provision.

1.12 The information gained from those assessments is then used to determine what open space, sport/recreational provision is needed.

1.13 It is through the [Local Plan/Neighborhood Plan](#) process that open space provision is made alongside allocation of sites for development. However open space does not have absolute protection because (NPPF para 97) it can still be built on if the criteria are satisfied. For example, if an assessment has been undertaken which shows the open space is surplus to requirements or the loss resulting from a proposed development would be replaced by equivalent or better provision in a suitable (but note not necessarily the same) location, the protection can be challenged. Alternatively, if the development is for other sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use, there is room to relax the provision.

1.14 The society has encouraged people to [identify land during the plan process](#) so that it can be designated as LGS under NPPF paragraphs 99-101. Once designated as LGS the land is protected in the same way as green belt land, but there are still exceptional circumstances when such land can be developed.

1.15 Our website provides guidance [on registering land as TVG](#). Such registration offers more permanent protection from development. Once registered it is protected under section 29 Commons Act 1876 and section 12 Inclosure Act 1857. It is possible for councils and other landowners voluntarily to register open space as TVG to provide protection.

2. What environmental challenges are urban areas facing, and how could wider access and inclusion to green spaces (including dog-friendly spaces) address these challenges? Areas to consider but not limited to:

- Increased temperatures and the 'urban heat island' effect
- Flooding risks and water quality in urban watercourses
- Air pollution and the associated health implications
- Noise pollution
- Climate change and carbon storage
- Pressures on biodiversity and ecosystems in urban centres
- Resource and waste management

2.1 Current open space protections and policies relating to the disposal of open space in the planning system and in the proposed planning reforms are designed mainly to assist developers rather than to protect existing green space by allowing for disposal and mitigation that may not even be in the same neighborhood. In the society's view the planning system must have the protection and creation of open space, and the need to provide opportunities for public recreation (including public rights of way), at the same level of priority as transport and other infrastructure requirements.

2.2 Access to and protection of our natural environment need to be addressed both within the planning system and the proposed EOR regime, to ensure equality for all.

2.3 We welcome the changes in chapter 14 of the NPPF which acknowledge the role that green infrastructure and associated networks can play in flood mitigation, but such areas must also provide public access for the health and well-being of local communities.

2.4 We support measures that would be beneficial for ensuring future development is resilient to changes in climate. For example, the provision of GI in new development can aid climate-change adaptation and improve resilience to extreme weather events. In doing so it can provide a pleasant environment, have a positive impact on people's health and well-being, enhance biodiversity, assist with water management, and contribute towards cooling and shading.

2.5 The NMDC (page 18) requires levels of provision of new green space to be based on the government's open space and recreation guidance. The guidance could be strengthened by reference to the aims of the government's 25 Year Environment Plan.

3. To what extent will Government initiatives such as the Green Infrastructure Framework, the levelling up parks fund and urban tree challenge fund adequately address the issues associated with a lack of green space in towns and cities?

3.1 The Green Infrastructure Framework is guidance only and its use is not mandatory. The Natural England Green Infrastructure (GI) Standards should be included in a local GI Strategy and applied in local and neighborhood plans including requiring consideration of the urban-greening factor contained in the standards.

3.2 While the levelling-up parks fund is welcome it is unlikely to be sufficient to address the issues associated with a lack of green space.

4. Will the Government achieve its aims to increase the amount of green cover to 40% in urban residential areas? What other additional measures should the Government take to increase green urban space?

4.1 Increased levels of funding, by making provision of urban green spaces a statutory requirement and ring-fencing funds, will be needed to improve provision of such spaces.

4.2 We disagreed with the assertion (in the recent consultation on the Environmental Outcome reports) that some matters, such as those with an insignificant local impact but which are important cumulatively, could be more appropriately and effectively addressed through policy and policy compliance than through the EOR regime. We do not feel that policy or its application is always sufficient to ensure cumulative impacts are properly considered.

4.3 We urge the government not to remove human health as a matter for consideration in environmental assessment. Human health should be retained as a matter as it currently is in EIA. The gap between environmental assessment, particularly in the context of planning and development, and human health, must be closed if the government is to address health disparities and improve health outcomes across the country. The BPC has put forward various amendments during the Levelling-up and Regeneration Bill's process to try and ensure that health and well-being and access to green space are dealt with as a priority. Rather than removing human health as a factor in environmental assessment, the government should use this opportunity to clarify how environmental assessment should address human health given its importance as part of the levelling-up agenda.

5. Is access to urban green spaces equally distributed across all sectors of society? Do the environmental and associated health risks disproportionately impact certain groups? What barriers to access exist and how can they be addressed?

5.1 We welcome the Government's recognition that the land-use planning system and national planning policy need to recover nature and tackle climate change and contribute to meeting the Government's own environmental targets, such as the Environment Act 2021 targets and net zero, and environmental ambitions.

5.2 However, there have been significant missed opportunities for tackling the urgent nature and climate crises. Instead of bringing forward the strategic policies that would enable the planning system to work for nature and people, the government has not proposed any direct changes to the NPPF to support the planning and protection of open spaces, including for biodiversity.

5.3 Current open space protections and policies relating to the disposal of open space in the planning system and in the proposed planning reforms are designed mainly to assist developers, rather than to protect existing green space, by allowing for disposal and mitigation that may not even be in the same neighborhood. In the society's view the planning system must have the protection and creation of open space, and the need to provide opportunities for public recreation (including public rights of way), at the same level of priority as transport and other infrastructure requirements.

5.4 However, the concerns of the OSS about the LGS process and designation must be addressed to ensure provision of open space for all. At present the protection of LGS is said in the NPPF at paragraph 101-103 to be similar to that of green belt (GB) protection. The protection must include opportunities for public recreation. At present GB does not provide opportunities for recreation or for the creation of public rights of way. There is nothing in Part 2 of the NMDC (Nature) about protection of green space. Changes are needed to ensure open space is protected so that it can provide multiple benefits for future generations.