

A submission to the Communities and Local Government Committee inquiry on public parks from the Open Spaces Society September 28 2016

Executive summary

1. The society submits that:
 - ♦ a statutory duty must be introduced to provide, monitor, manage and maintain parks and open spaces;
 - ♦ there must be adequate public resources for all public green spaces;
 - ♦ there must be robust protection in planning and other relevant legislation ensuring that these valuable spaces are retained for future generations because such spaces are capable of delivering a wide range of environmental and quality-of-life benefits for local communities; and
 - ♦ there is an unacceptable level of commercialisation of open spaces and parks to the detriment of the public which must be addressed.

Introduction

2. Written evidence submitted by the Open Spaces Society ('the society') 25a Bell Street, Henley-on-Thames RG9 2BA, a registered charity (no 1144840) and a company limited by guarantee, registered in England & Wales (no 7846516).
3. The society is Britain's oldest national conservation body having been founded in 1865 and is a company limited by guarantee, whose objects include, *inter alia* –
 - ♦ 'to protect common land, open spaces and town and village greens from encroachment...;
 - ♦ to protect, preserve and enhance existing public paths and carriage-ways used mainly as public paths; ... and
 - ♦ to secure the creation and preservation of new public paths, open spaces and access to and over open countryside for the benefit of the public...'
4. While there are other bodies interested in similar work, the society is the only body whose objects are dedicated to the creation and preservation of open spaces in all their forms.
5. The society was involved with the Urban Spaces Taskforce (Department for Transport, Local Government and the Regions) in 2001/2002 and has a wealth of knowledge about open-space protection and management. Our concern about the vulnerability of green spaces led to the launch of our open spaces protection tool-kit in 2015: [*Protecting open space*](#).
6. The society was also involved in the recent project on Pocket Parks (Department for Communities and Local Government) but was disappointed about the lack of resources to enable wide take-up of the scheme.

7. The society remains concerned that the reduction of the detail previously contained in the Planning Policy Guidance Note PPG17, *Open Space Sport and Recreation*, to a few paragraphs in the current Planning Policy Guidance; the difficulties with the current local green space designation process and its lack of statutory protection, and the vulnerability of open spaces disposed of under section 122/123 of the Local Government Act 1972 (as amended) have all contributed to a decline of open-space provision.

Who uses parks and open spaces, how often and for what?

8. The principal users of any park are usually local inhabitants. People rarely make special trips to parks with the exception of large country parks which are not local to them although, of course, they may do so when visiting friends and family.
9. Other users include persons playing sports, promoters of events and the visitors to those events (who may well not be local)
10. Parks are principally used as places for:
 - ◆ fresh air in urban environments
 - ◆ quiet contemplation
 - ◆ recreation
 - ◆ playing of sports on parts of them
 - ◆ visiting events.

The contribution of parks to the health and well-being of communities

11. This 2004 report, *The Value of Public Space (2004 CABE Space)* states in language that needs no elaboration, the benefits that parks provide:

‘Public space is all around us, a vital part of everyday urban life: the streets we pass through on the way to school or work, the places where children play, or where we encounter nature and wildlife; the local parks in which we enjoy sports, walk the dog and sit at lunchtime; or simply somewhere quiet to get away for a moment from the bustle of a busy daily life. In other words, public space is our open-air living room, our outdoor leisure centre.’
12. In essence, the primary contribution of parks — especially in urban areas — is as an escape from the urban environment allowing the recharging of batteries. They make people feel better, happier and less depressed. It is impossible to exaggerate the benefits that come from this. It is something which everyone knows intuitively, and which is supported by research. A city without parks would be a sad place indeed.

The impact of reductions in local authority budgets on parks

13. The impact has been severe. As parks are a discretionary service, their budgets are highly vulnerable and most park budgets have been cut by around 20% since 2010 with more cuts to come.
14. Recent details of the financial pressures on parks can be found in the National Heritage Lottery Fund report ‘*State of UK Public Parks*’ (‘the report’) published in 2014.

15. The report details the present threats to open spaces while pointing out that these spaces are among the most highly-used public assets with 34 million people making regular visits to them – and presumably many more millions visiting less regularly.
16. It also reveals that 86% of park managers have seen budget cuts since 2010. 81% of council parks departments have lost skilled management staff, and 77% have lost frontline staff; 45% of local authorities were looking at selling their parks and green spaces or outsourcing their management.
17. The report advises that these cuts will continue to be made as funding for services, other than social care and waste disposal, are scheduled to fall by a further 46% by 2020.
18. A second, follow-up, report (*State of UK public parks 2016*) published on 7 September 2016 catalogues the continuing decline and neglect of parks due to huge budget cuts. The second report highlights that there is a growing deficit between the rising use of parks and the declining resources that are available to manage them. Half of all local authorities have considered selling or transferring management of green space and parks to others. In Wales 90% of councils expect to charge for services and 70% of parks were expected to decline over the next three years. A recent State of the Market report from the Association of Public Service Excellence found that 78% of local authorities agree that ‘the squeeze’ on public sector resources is affecting parks and green spaces disproportionately to other service areas.
19. Not only do local authorities have insufficient funds to maintain their parks properly for the benefit of their residents, but lack of funds has also encouraged local authorities to seek to maximise the income they can generate from those same parks.
20. There has been a huge upsurge in the number of large events being held in parks. These events take the form of music festivals, racing, trade events and so on. These events can last several days during which local inhabitants are prevented from using the parks in the way they normally do because large sections of the park are closed off for the event and the only persons admitted are paying guests, a majority of whom usually are not local inhabitants.
21. There are a number of significant problems associated with these large events:
 - ♦ They take place mostly in the summer when the parks are most used by local inhabitants reducing the area of the park available to them at a time when it is most needed and most popular.
 - ♦ Local inhabitants are barred from entering the part of the park where the event takes place unless they pay for admission to the event whereas, ordinarily, they have a right to enter any part of the park.
 - ♦ A typical large event has a setting-up period of a week or so, three days for the event and another week or so for the breakdown. Apart from the closures for the event itself, the ground is often damaged necessitating much longer closures to enable grass to recover.
 - ♦ The area closed can be a huge section of the park. For instance in London, in the case of the Formula E racing in Battersea Park this year, up to 92% of the area of the park was closed for a time. More typically the Wireless Festival in Finsbury Park closed 27% of the

park and, in the case of Victoria Park, about 25-30% was closed from the beginning of June to 22 July 2016 for two events. In this case, although the events were some weeks apart, the closure continued between the two so as to allow the ground to recover after the first event with the consequent inconvenience to ordinary park users.

What the administrative status of parks should be in the light of declining local authority resources

22. The 2003 Local Government and Regions Committee report, 'Living Places' Cleaner, Safer, Greener, recommended at paragraph 117, 'if local authorities were given a statutory duty of care for public spaces, they would be encouraged to prioritise funding to improve them. We therefore recommend that local authorities should be given a new statutory duty.' The society calls on the current inquiry committee to recommend that the upkeep of parks and open spaces becomes a statutory service, and ensure that adequate funding arrangements are put in place.
23. We note that, where local authorities manage open spaces under the Open Spaces Act 1906, they are under a duty (s.10(b)) to "maintain and keep the open space...in a good and decent state." However, many parks are not held under the 1906 Act, and the language of the Act is outdated and vague in its effect. We would prefer to see a duty imposed on local authorities, similar to the duty on library authorities under s.7 of the Public Libraries and Museums Act 1964, to establish and maintain a comprehensive network of parks and open spaces to cater for the needs of those living and working in their area.

How new and existing parks can best be supported

24. Long-term revenue and capital-funding arrangements, a key recommendation of the 2003 committee report must be provided.
25. The National Federation of Parks and Green Spaces has championed the positive response by friends groups but they cannot take the place of local authorities who own most of the public green spaces and have wider statutory and democratic duties.
26. We believe all publicly-accessible green spaces should be monitored and managed to an appropriate standard, including a range of enforcement processes.

What additional or alternative funding is available and scope to generate revenue from park users.

27. Access to parks is, in many cases, a right and in other cases, even if not a right, it should be. Therefore admission charges generally are not acceptable and would destroy the whole raison d'être of parks.
28. Local authorities hold land for open space purposes under various powers including the Open Spaces Act 1906. The land must be used for the benefit of the public for recreation.

29. The mechanism for disposing of open space under the Local Government Act 1972 (as amended by the Local Government, Planning and Land Act 1980) sections 122/123 is not robust enough, as only consideration of objectives is required leading to disposal, without replacement land being provided. This has resulted in the loss of many open spaces. The process should be reviewed and strengthened, preferably by reverting to the requirements before they were amended.
30. The protection of open space must be robust, in addition to long-term maintenance, to ensure adequate provision for future generations. It is important not to overlook the wider position. The National Planning Policy Framework, 73, 74, 114, states that open space can provide health and recreation benefits, have an ecological value and contribute to green infrastructure.
31. Generating revenue from visitors from provided facilities (cafés, sports facilities etc) is acceptable but budgetary controls mean that fees are being increased regularly – to the point where poorer members of the public may not be able to afford them. If that happens then the most vulnerable users of the park, who might benefit most from the use of sports facilities, will effectively be barred from using them.
32. The generation of revenue from large events is, however, much more controversial. Those attending these large events are not using a park because of its innate attractions. They are merely attending an event that happens to be situated in a park. If the event takes place on some other type of land then the attendees would go there instead.
33. Accordingly the society is opposed to the generation of revenue by this method unless it can be shown that the event is not out of scale with the park in question. In this context the society has for many years in London relied on the Greater London Parks and Open Spaces Order 1967 (the ‘1967 Order’) to remind London Boroughs that their powers are constrained in this regard.
34. Unfortunately the recent decision in *R (on the application of the Friends of Finsbury Park) v Haringey London Borough Council & ors*, concluded that the restrictions in the 1967 Order are overridden by general powers in section 145 of the Local Government Act 1972. This was a huge and unwelcome surprise and the applicants have sought leave to appeal.
35. If this decision is upheld, it may mean that all existing constraints on the holding of events in parks in London have been removed. This is certainly the interpretation being put on the decision by some local authorities and therefore the threat to London’s parks in particular is very grave indeed.

What are the advantages and disadvantages of other management models such as privatisation, outsourcing or mutualisation?

36. The society strongly believes that public ownership of parks is the best model. Privatisation or outsourcing the management of parks would result, as these models always do, in focusing the managers on profiting monetarily from the parks whereas the focus must always be on the benefits to inhabitants, wildlife etc.
37. The result would be more events, more increases in fees, probably more closures of land for sports facilities and so on – all to the detriment of that majority who simply wish to enjoy the park.
38. Mutualisation might be a model but any such idea would have to come with very tough constraints to ensure that the primary objective is always to ensure the provision of publicly accessible open space, and that local authorities are not able to dispense with funding obligations.
39. The trend towards greater involvement of the community via parks friends groups etc is welcome but it does not address the fundamental problem of the long-term management and maintenance of these spaces. In the view of the society they are so important to the well-being of the country as a whole that the problem cannot be properly addressed until the management of parks is made a statutory service. That would help ensure that parks always receive a minimum level of funding to ensure their continued utility in the future.
40. Without this there is instead a worrying trend of friends groups and open space managers competing for funds instead of working together.