

Response to Consultation from Department for Communities and Local Government: Fixing our broken housing market, February 2017

Introduction

1. The Open Spaces Society (OSS) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's right to enjoy them.
2. The society welcomes the opportunity to respond to the Housing White Paper.
3. The OSS is concerned that the White Paper focuses on housing development in isolation. There should be requirements to create places with access to open spaces which benefit public health and well-being. Green infrastructure should be planned at the outset. This is a missed opportunity.
4. The OSS has a particular interest in the local green space designation (LGS). In April 2011, we published 'A Framework for Green Spaces' setting out what the proposed new green space designation should achieve. We urged that the designation should give permanent protection and must place on the local authority a duty to protect the land, together with powers of enforcement, through the courts if necessary.

In March 2015 we launched a tool-kit to assist local planning authorities and the public to protect open space.

We remain concerned that the criteria for designating land as an LGS in paragraphs 76 to 78 are not defined sufficiently and, as there is no prescribed process, there is no consideration of public access. Management or enforcement of the designation remains under-used, resulting in areas valued by local communities remaining unprotected and vulnerable to development. The protection afforded is only stated to be similar to that of the green belt and, given the proposals in the consultation about relaxing that protection, we are concerned that the LGS designation will be further undermined. We believe that these issues should be re-visited as part of any amendments to the National Planning Policy Framework (NPPF). Here is an

opportunity to spell out the criteria for designating and a means of protecting local green space.

- 5 The main problem remains that there is little guidance (apart from repetition of the wording in the NPPF) on the planning guidance website in the PPG Open space, sports and recreation facilities, public rights of way and local green space.
- 6 We are receiving increasing numbers of inquiries from the public about the process. It is not straightforward as there is no prescribed process so each authority may have a different interpretation of the wording of the criteria and a different application process. Once a submission has been made for LGS, there is nothing to stop a planning application being considered and determined, which undermines the LGS process. Developers are now challenging LGS policies in plans, further undermining the process.
- 7 Responses to the consultation that cover the remit of the OSS are attached. Questions 4, 7, 8, 10, 12 and 13 have been responded to by the society.

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Response from the Open Spaces Society: Fixing our broken housing market

Question 4

Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

- a) authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?;*
- b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?;*
- c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?*
- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?*

We welcome the addition in the current NPPF in footnote 9 of Ancient Woodland and aged or veteran trees. However the apparent change in the status of the policies from a suggested to a definitive list may have the unintended consequence that open space designated as LGS, or a town or village green (TVG), will be more vulnerable. The presumption in favour of development on brownfield land could result in the provision of vital open space in both urban and rural areas not being given adequate priority, to the detriment of the public's health and well-being.

A list that only includes some but not all protected land will put open space and TVGs at risk.

Question 7

Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?

Yes, if the provision of open space is included.

Question 8

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) *highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?;*
- b) *encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?;*
- c) *give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?;*
- d) *make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be sites of half a hectare or less?;*
- e) *expect local planning authorities to work with developers to encourage the sub-division of large sites?; and*
- f) *encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?*

The effect of the proposed change to the NPPF would result in housing being developed on brownfield sites unless there are overriding conflicts with the Local Plan or the NPPF which cannot be mitigated. These proposals for a presumption in favour of brownfield land could, the society believes, mean that provision of open space in both urban and rural areas will not be considered properly. In addition the ability to grant permission in principle for development sites included on a register of land and sites included in any other 'qualifying document', such as a Local Plan, has already resulted in additional 'trigger events' restricting further the right to apply to protect land as a TVG. It would appear that if brownfield land of high environmental value is included, there will be added pressure to develop these sites which are often areas for recreation and wildlife, particularly in urban areas. Most Local Plans already include policies that support development of small sites on brownfield sites and on suitable windfall sites. We are concerned that proposals to develop small sites close to settlement boundaries could leave surrounding land more vulnerable to development, destroying the character and amenity of the area.

At present Local Plans usually include policies used to assess applications for development on small not sites not allocated in the plan. However if land is outside the settlement boundaries, open space could be vulnerable. A statement should be included about the protection of open space.

Question 10

Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

- a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?*
- b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?*
- c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?*
- d) development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?*
- e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?*
- f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?*

Neighbourhood plans not only give an opportunity to provide housing, they also allow for land to be designated as LGS for the benefit of the health and well-being of the local community. The designation itself provides protection similar to that of green belt. Our concern is that where land has been designated as LGS its protection will be weakened by the proposals to allocate sites for development in the green belt, through neighbourhood plans. The proposals are likely to result in weakening the protection of green belt and protected landscapes and be detrimental to the public who will lose vital areas for access and recreation.

We agree that green belt should retain its special protections, and greater opportunity should be taken to enable it to provide green space for recreation.

Just because some green belt land is of poor environmental quality, this should not be an excuse for developing it. Consideration should be given to improving its environmental features and increasing its accessibility and recreational benefits.

We support the premise that green belt should only be developed in exceptional circumstances and criteria set out for determining this.

If green belt land is given over to development, local policies should require the impact to be offset by mitigating improvements to the environmental quality and accessibility of remaining green belt land.

Additional green, accessible space should be made available, where there is any new development on green belt land.

Question 12

Do you agree with the proposals to amend the National Planning Policy Framework to:

- a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?;*
- b) make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?;*
- c) emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?;*
- d) makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and*
- e) recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?*

Pre-application discussions should include early consideration of open spaces needs.

Question 13

Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

- a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?;*
- b) address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?;*
- c) ensure that in doing so the density and form of development reflect the character, accessibility and infrastructure capacity of an area, and the nature of local housing needs?;*

- d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?*

In some cases the White Paper seems to be promoting higher-density development at the cost of sustainable development. For example section 1.53 promotes the more efficient use of land and the scope of higher density housing and in so doing be able to 'take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances; for example, avoiding a rigid application of open space standards if there is adequate provision in the wider area.' As there is no definition of 'wider area', this is an ambiguous statement that could increase confusion for local authorities around both open and green spaces. Natural England believes that no person should live more than 300m from accessible natural green space. It is not clear from the White Paper whether this is suggesting that the health and well-being benefits of being close to green space are being over-ridden by the need to build higher density housing.

The proposals to support higher-density development should not take priority over the provision and protection of open space. The benefits to communities derived from green spaces for health are vital. The policy should include targets for open space along the lines of the Natural England Greenspace Standards.