

England Tree Strategy Response from the Open Spaces Society

The Open Spaces Society 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 rights to enjoy them.

In responding to this consultation, we have a particular interest in promoting public access through England's network of public rights of way and public rights of access, and in providing for the better management of new woodland to reflect the many public goods which it can sustain.

The main concerns are the criteria for selecting the location of trees, in relation to land registered as common land and land registered as town and village greens as, unlike ancient woodland, these areas are not included in the National Planning Policy Framework (NPPF), as protected habitats and so potentially more vulnerable. In addition, tree planting on common land, where fencing is involved, may require consent under section 38 Commons Act 2006

We would want to see public access to new areas of tree planting and a process for considering the impact of woodland creation on existing rights of way. Where new woodland is planted across rights of way, guidance should require that a sufficient margin is left unplanted on either side of the outer edge of the right of way to avoid any interference with use of the right of way in the longer term. We suggest that margin should be 3m for a footpath, and 5m for a bridleway or carriageway.¹

We would be concerned if delivery of protection of new woodland was through the use of conservation covenants because access provision is not a mandatory requirement within the process as proposed through the Environment Bill.

New woodland should be dedicated as access land under section 16 of the Countryside and Rights of Way Act 2000, giving the public the right to walk there and, where appropriate to ride and cycle.

We support the aims of the strategy with its focus on expanding, protecting and improving woodland and how trees can connect people to nature, support the economy, combat climate change and recover biodiversity.

¹ It is unlawful, under s.141 of the Highways Act 1980, to plant a tree within 15ft (4.57m) of the centre line of a made-up carriageway.

We agree that trees should be planted close to where people live, to expand people's access to the benefits from contact with the outdoors. We note that public money will be used to secure public goods in line with the emerging Environmental Land Management scheme.

We are pleased that the government is committed to the expansion and management of woodland to deliver multiple environmental social and economic benefits. Any new strategy must be integrated to a long-term environmental vision as set out in 25-year Environmental Plan. The strategy must also take an integrated approach to the various demands on land use.

We support the ambitions of increasing access to trees in and around towns and cities to enable investment in and protection of green infrastructure.

However, any planning of the location of new trees and woods must be sensitive to existing features and habitats, ensuring that land such as registered common land and the rights of commoners are not compromised.

We believe the Environment Bill, which will create a new system for spatial strategies for nature should include provision for access. We are concerned that the use of conservation covenants which are private voluntary agreements will not guarantee additional access as part of the process.

The use of local partnerships to make decisions to identify the best places to plant trees must include people with the appropriate skills and knowledge. We support planting trees on the green belt to provide wider public access to woodlands close to where people live.

Question 36: In order of preference as to which actions by government would be most effective in addressing barriers to peoples' access to trees and woodland

- F) regulating to protect land mapped as open access land under CROW to prevent it losing that status when trees are planted
- C) creating new accessible woodlands in and around towns and cities
- B) offering more generous woodland management incentives for those woodlands with public access
- D) supporting woodland access with bespoke incentives, simply to allow access
- A) supporting woodland access through existing incentives and rights of way
- E) improving the quality of access by investing in infrastructure such as signage, trails
- G) supporting people to become trained to better facilitate contact with nature

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