

Response of the Open Spaces Society to the Ministry of Housing, Communities and Local Government consultation on reform of the planning system in England

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.

The focus of the society, in responding to the consultation, 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. This response principally deals with the proposals that are relevant to that focus.

The society recently launched an [Open Space Charter for England](#) to underline the current issues in relation to open spaces and propose actions for resolution. We are deeply concerned that the government's proposals will undermine the protection for green spaces, public paths and our unique and varied landscapes.

Our main concerns about the proposals for reform are as follows.

- They will lead to weakened protection for local open spaces, which were so valuable during the lockdown restrictions, particularly in areas proposed for designation in the white paper for 'Growth' or 'Renewal'.
- No additional safeguards are included to protect open space in 'Protected' areas, as protection only extends to Areas of Outstanding Natural Beauty or areas with similar existing protection (see our comment below).
- The smaller open spaces that people rely on for health and wellbeing will be vulnerable to development.
- There are no pro-active measures to level up open space provision for all.
- Neighbourhood planning must be retained to empower local communities to shape the places in which they live, as it enables protection of open space through the Local Green Space designation.
- The proposals for much greater use of permitted development rights, zoning and permission in principle will result in much more development affecting public rights of way, but without any prior administrative consideration of the rights of way themselves.

- There would be loss of local democracy, with community engagement restricted to the Local Plan-making stage, resulting in councillors and the public in general no longer being able to consider individual planning applications.
- The purpose of the planning system is not properly addressed in the proposals, and over-simplification of the system will lead to unsuitable and unsustainable development.
- The proposals appear to conflict with the provisions of the Environment Bill and the 25-Year Environment Plan, particularly in relation to environmental net gain and people's access to nature

Provision of Open Space

It is difficult to see how the promise (page 25) '... for our children and grandchildren, our reforms will leave an inheritance of environmental improvement – with environmental assets protected, more green spaces provided ...' will be achieved without further mechanisms to protect green spaces, even if more open spaces are actually created. There must be a major reform of the funding and protection of open space. The government (as referenced in our open space charter) should ensure that there is statutory funding for the provision and long-term maintenance of open space.

There needs to be clarification of what types of land will be included in the 'Protected' areas: the list on page 29 is grossly inadequate and does not even mention national parks.

The phrase 'important areas of green space' (page 29) appears in the list, but it must be clarified to ensure that amenity areas valued by local communities (particularly during lockdown) are included and protected. Otherwise, if such 'important' areas are interpreted as being only well-established parks for instance, those valuable areas of such vital importance to local people near where they live will be vulnerable to development.

Proposal 5

We do not agree that areas identified as 'Growth' areas should automatically be granted outline planning permission for the principle of development. At present, if a development affects a public right of way, it must be given additional publicity (ie in the local press). However, once planning permission is given, it is assumed that the permission took account of the impact on the right of way (even if it did not), and that the Secretary of State is predisposed to confirm a consequential public path order. In the government's proposals this would appear to apply even if the permission is deemed or prior approved, so that the impact on the right of way could not possibly be taken into account. The proposals for zoning and greater use of permission in principle will result in much more development affecting a right of way, but without any prior administrative consideration of the right of way itself. This will mean that alteration of the rights of way network will become a *fait accompli*, within the control of the developer. This is contrary to [para.98] of the NPPF, which seeks to protect and enhance public rights of way and access.

Proposal 7

We agree that Local Plans should be more user friendly and accessible to enable effective community involvement. However, it is important that the detailed local policies are retained to ensure effective land management and sustainable development, for the health and wellbeing of the public.

Proposal 9

The neighbourhood planning system must be retained, as the process empowers local people to take ownership of placemaking¹ and to shape where they live. The National Planning Policy Framework (paragraphs 99-101) enables open space to be protected as Local Green Space (LGS) through the neighbourhood plan process. It is vital that this mechanism is retained and strengthened so that valued open spaces, which are so important for health and wellbeing, can be protected.

Proposal 14

The proposals to 'fast track' beauty appear to focus on design codes for buildings with little attention paid to placemaking, amenity value and provision of open space. These considerations must be included in the proposed masterplans to ensure that open space provision is at the forefront of any development design process.

Proposal 15

The society welcomes the intention to create places of environmental and cultural value. But there is an inherent danger that, when simplifying processes that currently protect the environment, protective measures are diluted.

Proposal 17

The society welcomes the proposals for conserving and enhancing historic buildings and areas, but the reference to these areas being 'enhanced by development' is a concern as this appears to contradict the headline message of conservation and preservation.

Question 21: the provision of green space and green infrastructure must be a priority when development is proposed. During the lockdown restrictions, use of open space near to where people live has been vital for mental and physical health. Recent research by Friends of the Earth ([Access to green space in England Are you missing Out?](#)) has highlighted the unequal provision of open space. Any proposals for planning reform must address this issue and ensure that the local authorities are pro-active in the provision and protection of open space.

1 Placemaking is a multifaceted approach to planning, design and management of public spaces to create good-quality places for people .

Proposal 22

We agree that more freedom should be given to local authorities as to how they spend the infrastructure levy. The focus must be on the provision of local green space and green infrastructure.

Conclusion

The purpose of the planning system is not properly addressed in the proposals. Over simplification of the planning system will lead to unsuitable and unsustainable development. The conflicts with the Environment Bill and 25-Year Environment plan must be rectified to ensure that public health and wellbeing, and protection of local green spaces and public rights of way are paramount. If the concerns of the society are not addressed, the protection of the local open spaces, so valuable during lockdown restrictions, will be weakened in areas designated as 'Growth' and 'Renewal'. Even in the 'Protected' areas there is no protection for local green space as the protection only extends to Areas of Outstanding Natural Beauty or areas of similar status. The loss of local democracy, with restricted community engagement and the public and councillors no longer able to consider individual planning applications, will have a devastating impact on public rights of way and access to green space.

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