

Response of the Open Spaces Society to the Ministry of Housing, Communities and Local Government consultation on National Planning Policy Framework and National Model Design Code Consultation proposals

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 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.

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 concerned that the government's proposals taken together with those in the [Planning White Paper](#), for the extension of Permitted Development Rights and the proposals to change the Article 4 directions, will undermine the protection for green spaces, public paths and our unique and varied landscapes.

Our main concerns about the proposals for amendments to NPPF are as follows

- An opportunity has been missed to improve the process to designate land as a local green space (LGS) and to strengthen the protection leaving the local open spaces, so vital during the lockdown restrictions, vulnerable to development.
- There are no pro-active measures to level up open space provision for all.
- The uncertainty surrounding the future of Neighbourhood Planning puts at risk one of the two mechanisms to enable local communities to submit land for protection as LGS.
- 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.
- It is disappointing that this is only a cursory look at the NPPF rather than a full review. Given the increasing number of government proposals in relation to planning we are concerned that the responses to this consultation may not be adequately evaluated.

Question 1 – A bit about you

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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 rights to enjoy them.

Q1 Do you agree with the changes proposed in Chapter 2? Achieving sustainable development?

OSS welcomes the inclusion of the UN sustainable development goals, but believe the goals should be woven through the NPPF rather than just a brief mention, to ensure decisions made are truly sustainable and in line with the UN goals.

There should be a clear definition of 'beauty' to reflect the aims of the 25 Year Environment Plan 'to protect and enhance our natural built and historic environment'.

Q2 Do you agree with the changes proposed in chapter 3: Plan-making?

We welcome the recognition about the need for holistic place-making. The pandemic has highlighted the need for the provision of local green space accessible for all. However, we question the impact of the proposed additional documents and their role in relation to the NPPF. The NPPF should be the primary document and not be undermined by the introduction of additional layers which have the potential to undermine local democracy and local plans.

Q3 Do you agree with the changes proposed in Chapter 4: Decision making?

OSS opposes the proposed changes in chapter 4 and urges that there should be no change to the Article 4 directions. These directions are an essential mechanism for local planning authorities to protect important natural and heritage sites, and to preserve local character of conservation areas and landscapes. 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. It is essential that the changes to Article 4 are abandoned in order to ensure that good-quality places are delivered in which people can live and work.

Q4 Do you agree with the changes proposed in Chapter 5: Delivering a wide choice of high-quality homes?

Yes, we agree with the changes proposed.

Q5 Do you agree with the changes proposed in Chapter 8: Promoting healthy and safe communities?

We agree with the changes proposed and support the reference to the benefits of protecting local green spaces for access, and mental and physical health as such provision is vital for the health and well-being of local communities. However, LGS (currently NPPF paragraphs 99/101) is only awarded a similar protection to that of green belt land and so remains vulnerable to development as the protection is not statutory or permanent.

Q6 Do you agree with the changes proposed in Chapter 9: Promoting sustainable transport?

We agree that it is important that green and blue infrastructure is provided and integrated with public rights of way, to ensure people have access to nature.

Q7 Do you agree with the changes proposed in Chapter 11: Making effective use of land?

We welcome the changes, which reinforce the need to provide beautiful and sustainable places through the planning system. These changes are vital to ensure that local green space is created and protected, as highlighted by the increased need for such areas during lockdown restrictions, for the health and well-being of local communities. However, unless the LGS designation-process and protection are revised and made more robust these vital areas will remain vulnerable to development.

Q8 Do you agree with the changes proposed in Chapter 12: Achieving well-designed places?

We tentatively welcome the government's proposal for a National Model Design Code on condition that this must include robust community engagement. Further detail must be provided about the nature of the community engagement proposed. We support the new paragraph 130, 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.

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.

This disparity needs to be urgently addressed so that local open spaces are not left vulnerable to disposal and development.

Q9 Do you agree with changes proposed in Chapter 13: Protecting the Green Belt?

Yes, we agree, with the changes proposed.

Q10 Do you agree with changes proposed in Chapter 14: Meeting the challenge of climate change, flooding and coastal change?

We welcome the changes 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.

Q 11 Do you agree with the changes proposed in Chapter 15: Conserving and enhancing the natural environment?

We welcome the changes to limit development in designated landscapes, and the acknowledgment of the possibilities for the protection and enhancement of the environment for public access, environmental and health and welfare benefits.

Q 12: Do you agree with changes proposed in Chapter 16: Conserving and enhancing the historic environment?

No comment.

Q 13: Do you agree with the changes proposed in Chapter 17: Facilitating the sustainable use of minerals?

No comment.

Q14 Do you have any comments on the changes to the Glossary?

A definition of 'beauty' should be included in the glossary to ensure that its meaning is clear and it enables the provision of attractive and energising places where people can live and work.

We welcome the change to the definition of green infrastructure which accords with that set out in the new national framework of green infrastructure standards.

Q15 National Model Design Code. We would be grateful for your views on the National Model Design Code, in terms of a) the content of the guidance, b) the application and use of the guidance, c) the approach to community engagement

The National Model Design Code (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.

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.

We believe it would be helpful to reference access to green space standards, and highlight where environmental gains, including public access can be achieved.

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.

The provision for open spaces (in the nature section) should include protection mechanisms, and public access.

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.

The NDMC should require accessible open space (as outlined in the society's [Open Space Charter for England](#)) within walking distance of new developments.

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.

It is unclear what status will be afforded to masterplans produced by developers.

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.

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.

We believe that PDR developments can go ahead without adhering to the proposed NMDC, as there is no requirement to provide green infrastructure to support the additional residents. Such developments are frequently of poor quality and this appears to conflict with the government's stated aim to integrate 'beauty' into the planning system.

16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

No comment.

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Open Spaces Society
25 March 2021**