



RESPONSE

NATIONAL PLANNING POLICY FRAMEWORK

The Open Spaces Society (formally the Commons, Open Spaces and Footpaths Preservation 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 right to enjoy them.

1. We are concerned that reducing all the current Planning Policy Statements and Planning Policy Guidance notes to one document could lead to a weakening of existing protection in particular in respect of areas of open space, for which the valuable existing policies should be retained.
2. The purpose of planning needs to be made clear. Key policies and principles on achieving sustainable development need to be clearly defined. Any policy presumption in favour of sustainable development should be consistent with the existing duty for local authorities to take decisions in accordance with the development plan.
3. We are dismayed that the presumption is firmly in favour of development. This, together with the financial incentives for development highlighted in the Localism Bill will undermine the protection of the environment and open spaces which are so important to the public.

4. The Open Spaces Society has a particular interest in the proposed new green space designation. 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.

Sustainable development

We strongly disagree that the National Planning Policy Framework (NPPF) has the right approach to establishing and defining the presumption in favour of sustainable development.

The default answer to a planning application now stated to be yes (paragraph 19) completely changes the nature of decision making in planning. The term sustainable development is not defined (paragraph 10). The five principles in the UK Shared Framework for Sustainable Development

- living within environmental limits,
- ensuring a just society,
- achieving a sustainable economy,
- promoting good governance,
- using sound science,

should be embodied in the NPPF. It should reflect the duties contained in the Planning and Compulsory Purchase Act 2004.

We are concerned that local authority decisions could be undermined where a plan is 'absent', 'indeterminate', 'out-of-date', or 'silent' (paragraphs 14, 20, 110, 165). This shifts the balance of decision making in favour of landowners and developers. The NPPF does not require community consultation where this enforced granting of permission is allowed and this will remove local people's influence over planning decisions as envisaged in the Localism Bill.

The NPPF should include the existing 'brownfield first' policy to protect open spaces.

Paragraphs 128-132

The protection of open and undesignated land has been reduced and the sequential approach to the disposal of open spaces in the current Planning Policy Guidance (PPG) 17 (Open Spaces, Sport and Recreation) has been omitted. The protection of the countryside for its own sake has not been included.

Paragraph 129

- a) What criteria will be used to decide whether open space is surplus to requirements?
- b) How will the local community be involved in this process?
- c) It is not clear how or by whom the need for, and benefits of, development will be defined or how they will be weighted against the needs and benefits of open space.

Paragraph 130

We support in principle the new Local Green Space designation but the issues below need to be addressed to ensure that local communities can engage with a process that is fit for purpose and will lead to land that is valued by local communities being protected permanently through the designation.

- a) What are the special circumstances under which development will be allowed?
- b) The process for designating land remains unclear. In order to engage local people, the process must be clear and accessible.
- c) Do communities identify land?
- d) Will there be a minimum requirement of public support?
- e) Who will decide if land is to be designated and included in the local plan?
- f) Will there be an appeal process?

- g) If the designation is to come through a neighbourhood plan and these plans are not mandatory, have a cost impact and were introduced to allow increased development, how will it be possible for any land to be designated using this process?
- h) The designation can only be made when a local plan is written or reviewed. There will be severe delay before communities could have the opportunity to have land registered, during which time the land will be vulnerable to disposal or development. How will this risk be rectified?
- i) What will happen to open space that is not designated?
- j) What is the relationship to the proposed list of community assets in the Localism Bill?

Paragraph 131

- a) This states the designation '*will not be appropriate for most green areas or open space*'.
Why is this very narrow restriction being applied? It undermines the government's claims, both in the Natural England White Paper and Coalition Agreement, that it is important to protect open space given the impact such spaces have on the health and well-being of local communities. This issue must be addressed otherwise it is difficult to envisage how any areas of land could qualify.
- b) The criteria are very subjective and vague.

Who will define 'reasonably close proximity to a centre of population or urban area'?

Does this mean land in rural areas could not be designated?
- c) How will 'demonstrably special' be defined? We would refer to the society's publication 'A Framework for Green Space' (copy attached) which shows the types of areas that would benefit from the designation.
- d) Will there be national criteria?

- e) There is no mention of management powers or enforcement powers. These must be included so that the land is adequately protected. It remains unclear what level of protection and what time scale is involved. We believe the protection should be permanent.

Paragraph 132

- a) This whole paragraph undermines the purpose of the designation which has been stated to be to protect locally significant green areas which are special to communities (paragraph 35 of the consultation).
- b) Development should not be considered possible where land has been designated. Development is to be allowed (paragraphs 144/145) on the same basis as development on green belt land. Such large scale development—buildings for agriculture and forestry, infilling, mineral extraction, engineering operations—would be completely inappropriate on a local green space.
- c) The protection seems minimal and barely offers any protection at all. This aspect must be addressed as a matter of urgency as the designation will not be fit for purpose.

Impact Assessment

QB4 1 What are the resource implications of the new approach to green infrastructure?

The policy objectives (paragraph 79) state the criteria under this designation would be flexible to suit need. The local council will have to demonstrate how the designation of land reflects the policy's intentions and fits with national designation. However, neighbourhood plans are not mandatory and will have a cost impact. The designation is proposed to come through the neighbourhood plan which seems a contradiction in terms as such plans have been proposed to allow more not less development.

A more flexible process which will engage local communities should be considered otherwise the new designation will not protect land important to local people. Designations will be limited to land seen as 'special' (paragraph 81) 'and the presumption in favour of sustainable development will ensure that the new designation will not restrict development'.

QB4 2 What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

The NPPF (paragraphs 130/131) says the Local Green Space designation can only be instigated when a plan is prepared or reviewed.

- How will local communities engage in the process?
- How will the decision be made as to which areas of land will be designated?

There must be much greater transparency, clarity and flexibility to enable the process to be fit for purpose. In addition, the Local Green Space designation 'will not be appropriate for most green areas or open space' (paragraph 131). This is a major concern and must be reconsidered.

Land which is open and undesignated has already had its protection weakened (paragraph 129) and the sequential approach to the disposal of open space in the current PPG17 has been omitted. Open spaces will be even more vulnerable and the criteria for the new designation must be extended to ensure land important to local people is protected. At present it is difficult to ascertain whether any areas will be designated.

The designation has been linked to the current consultation of the Department for Environment, Food and Rural Affairs on village green legislation. Defra's proposals will make it more difficult to register land as village greens and the new designation must not be seen as a replacement for current laws which protect village greens.

The two issues should be considered separately as the basis for registering land as village greens, where people have established their rights to use it over 20 years, is entirely different to the proposals for land that is 'special' to a community under the new designation.

In addition, the new designation will not grant the public rights to use the land for recreation and this crucial aspect must be reviewed so that the local community can benefit where land is designated.