

## Land-use consultation

# Response from the Open Spaces Society, April 2025

## 1 Introduction

1.1 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 rights to enjoy them.

1.2 We respond only on those matters which are within the competence of the society having regard to its objects. Accordingly, the headings below refer only to those questions in the consultation in which the society has an interest and views to express.

1.3 The society fully acknowledges the complexity of land-use management and welcomes a consultation which seeks to coordinate efforts. However, the society makes the following general assessment of the consultation. Unfortunately, the consultation wholly fails to address the role of land in accommodating, providing, and creating a demand for public access and its recreational value. Public access cannot be divorced from the question of land use.

1.4 The countryside is the product of millennia of public access. Farming could not take place without public lines of communication to enable access to fields (whether for carts, for teams of horses, or for labourers), and to enable access from farms to markets. Most roads in ancient countryside (as distinct from the planned countryside of inclosure) are hundreds if not thousands of years old: they, with their holloways, hedges or walls, banks and causeways, droveways, roadside wastes, and ancient crossroads, provide a framework to the pattern of land use within. Footpaths and bridleways—again, the majority of those within the ancient landscape date back to time immemorial—thread the countryside linking every settlement. These ways, which are as much a part of our history as ancient churches or timber-framed farmhouses, are under threat from modern farming and development. They do not even attract a footnote in the government's consultation on land use. Indeed, the history of England is written in the land, whether in ancient holloways or prehistoric remains, ruined abbeys or tumble-down cottages. Yet the consultation does not spare a single thought for history. There is more to land use than the choices to be made between farming, development, and biodiversity—but you would not glean it from this consultation.

## 2 Question 1

**2.1 To what extent do you agree or disagree with our assessment of the scale and type of land use change needed, as set out in this consultation and the Analytical Annex?**

[Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / I don't know]

Disagree

**Please explain your response, including your views on the potential scale of change and the type of change needed, including any specific types of change.**

2.2 The assessment does not take account of the need for public access. This is not mentioned in the vision. The framework seems to be geared towards protecting agricultural land and food production, without addressing how space for people is integrated into this. Public paths, access land, commons, village greens, and open spaces must be at the heart of the land-use framework. Access to land is not just a right, but a common good providing health and well-being.

2.3 The House of Lords' Land Use in England Committee recommended, in December 2022, after an extensive inquiry<sup>1</sup>:

*Access to green and open spaces is important for health and wellbeing, as well as providing an important economic function through tourism. While the Government has made commitments to access in its 25 YEP and as part of ELMS, these do not have the same status as other land commitments. This should be reviewed in the context of a land use framework and a clear prioritisation of access embodied within it, to emphasise its importance and reduce potential conflict with other important uses. It is particularly important to prioritise access near locations where people live, such as in and near urban and peri-urban areas. (Paragraph 120)*

2.4 This recommendation appears to have been ignored, notwithstanding that the section on *Making the best use of land* purports to draw on the report (see footnote 19).

## 3 Question 2

**3.1 Do you agree or disagree with the land use principles proposed?**

[Strongly agree / Agree / Neither agree nor disagree / Disagree / Strongly disagree / I don't know]

Disagree

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<sup>1</sup> [committees.parliament.uk/committee/583/land-use-in-england-committee/publications/](https://committees.parliament.uk/committee/583/land-use-in-england-committee/publications/)

**Please provide any reasons for your response including any changes you believe should be made.**

3.2 These principles make no recognition of the importance of protecting and conserving history in the landscape. Again, there is no mention of public access, which should be included in the land-use principles.

## 4 Question 3

4.1 **Beyond Government departments in England, which other decision makers do you think would benefit from applying these principles?**

- Combined and local authorities (including local planning authorities)
- Landowners and land managers (including environmental and heritage groups)
- Others (please specify)

4.2 Assuming the principles are extended to include public access, we would add:

- Parish and town councils
- Highway and surveying authorities<sup>2</sup>

## 5 Question 4

5.1 **What are the policies, incentives and other changes that are needed to support decision makers in the agricultural sector to deliver this scale of land use change, while considering the importance of food production?**

5.2 Although public access is not cited as a land-use change, it ought to be. Public access should be incentivised through agricultural payments, such as the environmental land management scheme (ELMS). Landowners and occupiers should be penalised when in receipt of public subsidy for land where paths and access are not in good condition, to act as an incentive to obey the law and follow good practice, and to compensate for the near-elimination of local-authority enforcement activity in consequence of 15 years of austerity in local government. Payments should be available, and promoted, to secure permanent increases in access, such as through the dedication and physical provision of new public rights of way, and particularly multi-user trails available to all non-motorised users. Payments also should be available to improve existing public rights of way: for example, to ensure that they are easy to follow (by improving surfaces, by better waymarking and signposting, and by enhancing digital media to increase awareness of opportunities for access).

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<sup>2</sup> Surveying authorities are local authorities charged with maintaining the definitive map and statement under Part III of the Wildlife and Countryside Act 1981. Both highway and surveying authorities are county councils in two-tier local-authority areas.

5.3 There should be legal requirement to implement rights-of-way improvement plans, not merely to produce them.

## 6 Question 7

6.1 **What approach(es) could most effectively support land managers and the agricultural sector to steer land use changes to where they can deliver greater potential benefits and lower trade-offs?**

6.2 As stated in response to Q4, ELMS payments for access, and cross-compliance rules to penalise those who fail to respect public paths and access land would help to steer land use to provide greatest public benefit.

## 7 Question 10

7.1 **What changes are needed to accelerate 30by30 delivery, including by enabling Protected Landscapes to contribute more? Please provide any specific suggestions.**

7.2 Long-term, sufficient, and secure funding for our protected landscapes is vital; they have demonstrated repeatedly how they provide value for money, and are well placed to innovate in countryside management and reward good practice. However, repeated cuts, and lack of advance knowledge of the funding settlement, means that they struggle to deliver. It is also crucial that public bodies follow the new duty to further the statutory purposes of protected landscapes.

## 8 Question 11

8.1 **What approaches could cost-effectively support nature and food production in urban landscapes and on land managed for recreation?**

8.2 The consultation focuses on the 'manifesto commitments to create nine new national river walks and three new national forests in England, expanding access to the great outdoors.' We want to see greater opportunities for public access throughout the countryside, and particularly close to where people live: while the manifesto commitments are welcome, they will not deliver increased access for the vast majority who are remote from the targeted areas and routes. Moreover, much greater access opportunities can be achieved merely through improving the accessibility of the existing rights-of-way and minor-road network to non-motorised users, such as by improving surfaces, signposting, awareness and confidence, and much of this can be done by working with or through land managers.

8.3 Government must implement the environmental improvement plan target to provide green and blue space within 15 minutes' walk of everyone. This is especially important in urban areas, and the space must be safe and easily reached. One means of achieving this is to require developers to register open space in development as town or village green, providing

secure access by right to local people beyond those living and/or working in the new development.

## 9 Question 12

9.1 **How can Government ensure that development and infrastructure spatial plans take advantage of potential co-benefits and manage trade-offs?**

9.2 See answer to Q11, by requiring the registration of open space as town or village green, particularly making this mandatory in new housing developments.

## 10 Question 18

10.1 **What improvements could be made to how spatial data is captured, managed, or used to support land use decisions in the following sectors? Please give any reasons for your answer or specific suggestions.**

- Development and planning: such as environmental survey data
- Farming: such as supply chain data and carbon or nature baseline measurements
- Environment and forestry: such as local and volunteer-collected environmental records
- Recreation and access: such as accessible land and route data
- Government-published land and agricultural statistics

10.2 Information about access opportunities should become more widely available and embedded in contemporary digital media. For example, information about journey opportunities on foot, cycle, and horseback should be available from Google Maps and similar apps taking account of the public rights-of-way network. Journey planners should be able to rely on the use of public rights of way. This requires more information to be collected and disseminated about the useability of the public rights-of-way network, including surfaces, obstacles (such as stiles and barriers), potential barriers (such as dual carriageways and railway lines), and ease of identifying the route.

10.3 All highway authorities should use the same system to capture data about public rights of way and allow easy reporting of problems.

## 11 Question 20

11.1 **Which sources of spatial data should Government consider making free or easier to access, including via open licensing, to increase their potential benefit?**

11.2 Ordnance Survey, HM Land Registry register of title.

11.3 Ordnance Survey maps, and particularly the Explorer series, remain the best and often the only practical medium for following rights of way in the countryside. But there is only limited access to these maps online, other than for a fee, and declining public awareness and skills in using the product. We suggest that what the Ordnance Survey does best—recording the precise nature of field and other physical features in the countryside, and the interaction of the rights-of-way network with these features—should be integrated into widely available quasi-public apps, such as Google Maps, so that such apps mean that following a footpath across fields is as easy as threading through town-centre alleyways.

11.4 We support making the HM Land Registry register of title more freely open to public inspection. At the very least, details of the ownership and tenancy of land, and the boundaries to title, should be open to public inspection without charge, so that the public can identify land managers.

## 12 Question 21

**12.1 What gaps in land management capacity or skills do you anticipate as part of the land use transition? Please include any suggestions to address these gaps.**

- Development and planning
- Farming
- Environment and forestry
- Recreation and access
- Other (please specify)

12.2 We suggest that many land managers lack skills in managing recreation and access. Poor understanding may discourage land managers from exploiting opportunities to deliver more, even where funding is available.

## 13 Question 23

**13.1 Should a Land Use Framework for England be updated periodically, and if so, how frequently should this occur?**

- Yes, every 5 years
- Yes, every 3 years
- Yes, another frequency or approach. Please provide details.
- No
- I don't know

13.2 It should be updated at least every 5 years.