

# Open Spaces Society's submission to APPG inquiry



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**Would you like your response to be made anonymous?** No

*We have answered with bullet points for brevity but are happy to expand on any points.*

- 1 How could new legislation and policy enable more people to make use of existing access opportunities and public rights of way?**
  - a Require developers to register a suitable amount of land within each development as town or village green, giving local people rights of recreation there and securing the land for ever.
  - b Extend the provisions to re-register lost commons to the whole of England (Commons Act 2006, part 1), thus restoring commons and public access there. (Commons can only be re-registered in Cumbria and North Yorkshire, until 2027.)
  - c Extend the right to backpack camp on open country.
  - d Make it a statutory duty for local authorities to maintain public parks to an adequate standard (Green Flag) providing good-quality access close to people's homes. Funding for them should be considered, as part of a 'natural-health service' when central government assesses local authority budgets.
  - e Stop the commercial abuse of public parks, including for events which exclude the public and damage the land. Revenue from appropriate events must be ring-fenced for maintaining the park.
  - f Show cycle tracks on definitive maps of public rights of way and ensure that rights of walkers and cyclists are not lost when a footpath or bridleway is made into a cycle track.
  - g Give a power to highway authorities to require stiles or gates, or other lawful limitations, to be replaced by more accessible structures.
  - h Requirement on owners and occupiers to remove structures on paths when land-use changes.
  - i Highway authorities to keep a register of consents for structures on paths so that people know which ones are lawful and can report illegal ones.
  - j Amend section 119 of the Highways Act 1980 (for path diversions) to be clear that public enjoyment should not be weighed against landowner interest, ensuring that path diversions are more likely to benefit the public than now.

**2 How could legislation improve access to landscapes (e.g. woodlands, riversides, water, downland)?**

- a A new right of access to woodlands, riversides, watersides, and on water, for all users as appropriate. There is already a dataset for woodlands so that might be the land-type to go for first.
- b Review the criteria for mapping downland so that it is much less restrictive than the formula used for mapping under the Countryside and Rights of Way Act 2000.
- c Introduce a simple process to ensure that there is effective enforcement against blocking or removal of access points to mapped access land.
- d (While we do not support Scottish-style access in England as we believe it will undermine our unique rights-of-way network and not meet people's need to have confidence when gaining access to the countryside, we strongly support extending access as mentioned above.)
- e A simpler procedure by which a member of public can serve notice on a highway authority requiring it to remove obstructions from a public path or ensure that it is put into repair.
- f Introduce roll-back provisions for watercourse bankside paths to prevent paths being lost to erosion (as already occurs on the England Coast Path).
- g Impose a duty on local authorities to enforce against unlawful works on common land (currently only a power, which is rarely used).
- h Clarify that section 38 of the Commons Act 2006 (ministerial consent for works on common land) controls the cultivation of common land.
- i Enact (urgently) the government's promise to repeal the 2031 guillotine on recording public rights of way.

**3 What safeguards are needed for environment and land management?**

- a Clear signage for paths and access land so that people can see where they have the right to go.
- b Better education of the public.
- c An accessible and easily understandable code of behaviour.
- d Reintroduce in the primary-school curriculum learning about responsible behaviour in the countryside at both KS1 and KS2, eg. a litter-pick morning; a teacher-led country walk following an Ordnance Survey map (so that those skills are not lost with over-reliance on digital offers).

**4 How could legislation enable more people to undertake a broader range of responsible outdoor activities?**

- a Extend rights of horse-riders to all suitable commons and other access land.
- b Where appropriate enable other users to enjoy access land and rights of way.
- c The value of social prescribing to be attributed to parks according to use, thus showing their true value when set against the cost of prescribing.

Funding would be needed to upscale social prescribing in the countryside, as provision is currently sporadic.

- 5 What safeguards are needed for environment and land management?**
  - a As for 3 above
- 6 What legislative options could ensure green and blue spaces are more evenly distributed and better connected?**
  - a Use of environmental land management scheme (ELMS) to fund farmers to provide permanent access where people want and need it, for example to connect existing rights of way and access land (in particular, 'access islands' isolated from rights of way and other access land), provide safe road-crossings, or new paths alongside roads to offer safe routes for walkers, riders, and cyclists, and routes of greater width to benefit all users.
  - b Use tax incentives, especially inheritance-tax exemption, to provide new access where people want and need it (but this must be properly enforced, and the tax benefit must be withdrawn if the applicant has substandard public paths or access land).
- 7 What legal or policy mechanisms could ensure access to nature is better used to support health and wellbeing outcomes—especially for people facing health inequalities?**
  - a Social prescribing.
  - b Transfer of funds from health budget in recognition of economic benefits of improving people's health by enabling them to enjoy the outdoors.
- 8 What legislative changes could help address barriers for underrepresented groups to accessing green and blue spaces?**
  - a This is not the society's area of expertise. We should want to see all outdoor spaces and paths made welcoming to everyone.
- 9 What legal mechanisms could be used to increase access to sites of public or historic interest?**
  - b This is not the society's area of expertise; we defer to organisations involved with disabilities and heritage groups.
- 10 What statutory duties or legislative measures could enable more people—especially children, young people, and underrepresented groups—regularly to experience and engage with green and blue spaces?**
  - a Better funding in education and a statutory duty for schools to give outdoor/countryside education so that schools must take children to green and blue spaces as part of the curriculum (see response to 3 above).

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