

PRIVATELY OWNED PUBLIC SPACE: *Note of discussion at the expert seminar on 18/12/2018*

Presentation: Professor Antonia Layard spoke on the 'Privatisation of public space and the call for an urban right to roam' covering legal considerations concerning the privatisation of public space in London and the GLA's commitment to a Public London Charter, 'privately-owned public space', distinctions between private and public landownership, Public Space Protection Orders, trespass and licences to enter, footpaths and public rights of way, the Highway as public space, commercial use of parks and open spaces, and the 'right to roam' introduced through the Countryside and Rights of Way Act (CROW) 2000 and its potential extension to urban and suburban areas. A copy of Antonia's paper is available on request.

The following are the main points arising from the ensuing discussion:

- The motivations behind the Public London Charter and related public realm policies in the draft London Plan were supported as an attempt to address access issues.
- We need to learn lessons from efforts in recent years to protect or extend public access in London, eg. establishing the Thames Path long distance route, protection of common land in Hackney Marshes from development, and cases related to 'town greens'?
- In terms of developing a campaign agenda, should the focus be on establishing existing rights to use land and identifying how these might be extended, or on identifying particular spaces or geographic areas where access issues arise?
- There was general support for exploring the 'right to roam' approach rather than planning reforms such as changes to the Use Classes Order which have tended to be about deregulation in recent years.
- It is important to recognise it is not necessarily the case that private ownership is a problem when it comes to improving public access.
- A distinction should be drawn between places with existing public access, including internal spaces such as museums, libraries, and new types of social space being created, such as Windrush Square and Gillet Square, and new developments which provide greater 'porosity' in terms of access to previously inaccessible space.
- It was suggested that we should first seek to capture the access rights that currently exist; then consider how these can be extended with respect to new development, including through planning controls eg. by providing template planning conditions or legal agreements; then explore how existing developments and open spaces could be 'retrofitted' with increased access provisions.
- There was an important role for local communities with intimate knowledge of their home patch in establishing existing public access and identifying options for improvement. The provisions for neighbourhood planning and the designation of Local Green Space would be worth looking at here.
- The National Park City Campaign should use the 'quiet enjoyment' key purpose in National Park legislation to advance the public access agenda in London.
- It was suggested that a promising approach might be to invert the idea of PSPOs and instead promote Orders which clarify what it is possible to do in particular locations as opposed to what is restricted.

- It was noted that Transport for London's Healthy Streets initiative can help promote greater public use of streets and highways through investment in 'mini-holland' schemes restricting car access and providing space for socialising, planting and 'parklets'.
- The issue should be tackled at a number of levels including devising appropriate national legislation and policy, influencing GLA and other local policies, supporting local authority implementation.
- We need to couch any campaign in appealing terms such as 'the right to the city' or the 'democratic city', and place it in a historical context which tracks the way in which attitudes to urban space have changed since the early nineteenth century.
- It was worth looking more closely at how the rights and responsibilities over land have been shaped in Scotland over recent years, and to see what lessons can be learned from their more radical approach.
- We should also consider promoting more direct access routes between towns and cities, and within cities, perhaps learning from the growing popularity of pilgrimages and other popular cultural movements.
- London's street markets should not be forgotten as important social and 'anarchic' spaces, eg Ridley Road, providing scope for supporting particular communities and developing cultural connections.
- Consideration should be given to the 'drivers' affecting this agenda - increasing urban population, development intensification, need for better urban design solutions (ie not just balconies), costs for managing public space.
- There are potential benefits for landowners in addressing access issues in terms of land value uplift, community support for development, more vibrant neighbourhoods etc
- There is an issue with insurance for public spaces which needs to be addressed as with the CROW legislation which modified liability rules to limit landowner obligations.
- The GLA is commissioning research on what makes public spaces work well which will feed into their work on the Public Land Charter. The Mayor's Design Advocates will have a role in this and it was suggested that a 'sounding board' might be set up to help guide the development of the Charter.
- The current review of the All London Green Grid by the GLA might also present opportunities to advance this agenda.
- We should not forget the important role of the 300 farms within Greater London in terms of providing public access. Current research by CPRE and Shared Assets on the county farm estate may provide some pointers here.
- The National Park City campaign will shortly be looking at large scale maps of London provided by Green Space Information for Greater London (GiGL) to identify the range of access provisions across the city and hopes to use this exercise to provoke public discussion of the issue.
- There was a strong feeling that placing greater restrictions on car use would be beneficial to public access, including by enabling the creation of more 'play-streets' and home zones, and reducing noise and air pollution. Traffic Regulation Orders can already be used for this purpose but perhaps consideration could also be given to using a PSPO to restrict use of cars in defined areas.
- Any campaign on this issue will need to be presented as a positive agenda linked with the open data agenda, the role of Ordnance Survey, reforms to land registry etc. and address potential obstacles such as concerns over privacy, terrorism, anti-social behaviour.
- There was strong support to follow up the discussion in the New Year to keep the issue alive and devise a powerful public campaign to improve public access to land in London, perhaps involving other groups such as the Ramblers Association, Open Spaces Society, and the Land Justice Network.