



Historic England

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Dear Sir,

DCLG's RUNNING FREE consultation on preserving the use of public parks

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Many of our public parks are of historic interest and are valued and important features of our towns and cities.

Before addressing the three questions in the consultation paper, we offer some context about the role of public parks that we think needs to be considered in formulating Government's decision about the next steps.

Preserving free access and generating income

The consultation paper opens up a much needed discussion on the contradictions between preserving public rights to free and uninhibited access to parks and the pressure to generate alternative income to cover park costs. We also need to consider the important and long-standing role of local authorities in providing public parks and meeting their community's needs and how this is safeguarded if parks are transferred to alternative management models. Our own research on the history of public park funding models can be downloaded at <http://research.historicengland.org.uk/Report.aspx?i=15442&ru=%2fResults.aspx%3fp%3d1%26n%3d10%26a%3d4782%26ns%3d1>



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The specific needs of parkrun are just one example of community use of our public parks. The rapid growth in popularity of parkrun is fascinating but if there is scope for new legislation it should look at all the needs of protecting and sustaining our public parks, not just legislation to benefit parkrun.

Relationship with the Select Committee's recommendations

The consultation paper (April 2017) has been issued ahead of the Government's response to the House of Commons Select Committee report on public parks (11 February 2017). The tension between groups like parkrun using parks and other park users, and the associated maintenance costs of parkrun type uses, was aired at the inquiry. The Committee recommends (<https://www.publications.parliament.uk/pa/cm201617/cmselect/cmcomloc/45/45.pdf> pages 67-68) that local authorities need to work with communities to plan the management of parks and events. It is unclear how this consultation paper relates to the Committee's report.

The Chief Executive of parkrun has pointed out that that parkrun has not lobbied for legislation and whilst there was a 'breakdown of (parkrun's) relationship with Stoke Gifford Parish Council, situations like that are extremely rare and across the UK (parkrun is) proud of our many hundreds of productive relationships with a wide range of landowners' and many parkrun members support his comments <http://blog.parkrun.com/uk/2017/04/21/running-free/> .

Resolving the ambiguity about what is a public park

We need to define what is a public park. We also need to work out how to safeguard free and uninhibited access in perpetuity.

Public parks are very diverse and the degree of free access is also varied. Some recent public realm developments offer public access by permission rather than right. For example London's City Hall sits entirely on a private estate owned by a Kuwaiti investment company and set their own rules about the use of the space. Protesters are not allowed to gather without corporate permission. The Sky Garden at 20 Fenchurch Street is described as a public park but visits have to be booked and visitors need to bring identification. Historically these issues were resolved by the creation of municipal public parks and the right of access secured in perpetuity. Plans to transfer local authority public park ownership and management to other bodies needs to ensure public access is not undermined now or in the long term.

The definition of a public park came up in the 1999 Select Committee. Curiously although public parks date from Victorian times it was not until 1988 that parks were defined in statute (Open Spaces Society's evidence to the 1999 Select Committee <https://www.publications.parliament.uk/pa/cm199899/cmselect/cmenvtra/477/477mem23.htm>). This Act stated that parks were available for free and unrestricted use by members of the public however this section (15) of the Local Government Finance Act 1988 has since been repealed. Any new legislation about park uses will surely need to define what makes a park public.





Regulation

The governance and regulation of public parks has a long history too. Bye-laws have been an important part of park management and used to prohibit a range of activities. It has always been seen as a local authority matter to make and enforce regulations e.g. Recreation Grounds Act 1859. As discussed in the Select Committee report park uses needs to be negotiated with communities and decisions need to be transparent, and decision-makers accountable. The consultation paper proposal seems to be counter to a long tradition of local regulation. Also the paper only considers parks managed by local authorities whereas some parks are being transferred or sold to other organisations and it unclear whether similar free community use could be imposed too.

Sports provision, and income generation

Sports provision is one of the many important roles of public parks and has been for more than a hundred years. However it should be noted that sporting activities and their popularity have always fluctuated. Roller skating (1890-1914), cycling (1980s and 1990s, and recent revival post-2012), miniature golf (interwar years), skateboarding and roller blading are a few examples of changing interests (Jan Woudstra and Ken Fieldhouse 2000 *The Regeneration of Public Parks*). Over the years local authorities have responded by adapting parks and providing new facilities, and defining which activities incur charges and which are free. Fees are often charged to use football pitches, tennis courts, bowling greens but other provision like bike trails and ping pong tables are often free.

Public parks have always been venues for events. Sometimes the history of the park has its roots as the location for community gatherings (Mark Bowden et al 2009 *An Archaeology of Town Commons in England: 'A very fair field indeed'*). Fees and charges for events, even community events such as a local church fair and commercial activities are now standard across most local authorities and other public park providers. Where parks are free to use for events managers still need to ensure there is a reparation/make good clause in agreements to ensure that any damage to land or facilities is to be paid for by event/activity organiser.

Concessions and special activities have always provided a valuable revenue stream to help subsidise maintenance (Katy Layton-Jones 2016 *History of Public Park Funding and Management (1820-2010)*). Over the last decade local authorities have had to consider increasing income generation (CABESpace 2006 *Paying for Parks*) and the pressure has only intensified. This is also true for other public park providers like the English Heritage Trust. The parkrun routes go beyond local parks and heavy use of paths and rights of way must have impacts for others too like landowners and other path users; and parkrun is clearly proactive about its relationships with landowners.





Model	Income-generating opportunities
Strengths	<ul style="list-style-type: none">– Development of green space land and inclusion of facilities brings additional private finance and spreads risks– Retaining ownership of the land provides the local authority with a long-term investment– Additional facilities (such as restaurants, festivals and alternative energy facilities) add to usage of green space and become attractions in their own right– Private gift donations provide a contribution to capital projects and can encourage outreach and involvement of the local business community.
Weaknesses	<ul style="list-style-type: none">– Local authorities in England often face difficulties in ring-fencing any income that is generated from business developments in green spaces– The required commercial uses may not be appropriate for development in green spaces. Business development can lead to over-commercialisation of public parks– Paying for attractions and major events is contrary to the traditional concept that public green spaces are free– Events and festivals in themselves may cause additional and costly management burdens and repair works– Private sector involvement in fundraising initiatives depends on levels of corporate social responsibility.

From CABESpace 2006 *Paying for Parks*

Resolving varying expectations

Specific uses, even if not exclusive, can be divisive as witnessed at Stoke Gifford. Recent research by University of Leeds charts the long and on-going history of conflicts between different park uses and variance in ideas about appropriate uses amongst the Woodhouse Moor public park community (The Future Prospects of Urban Parks <http://futureofparks.leeds.ac.uk/>). One example was barbecuing. The council had responded to the popularity of barbecuing with a trial designated area however residents opposed it as it contravened the byelaws which banned fires and spoilt their own enjoyment of the public park. People were split and the issue was debated at the city council's scrutiny committee. Similar issues have been raised with parkrun and other park users. At least in local authority-run public parks there is a democratic means of resolving conflicting interests.





DCLG's consultation questions

Question 1: Do you agree that local authorities should not be able to charge parkrun or parkrun junior for the use of public parks?

The above comments explain that charges for park facilities have been and should be locally determined.

Question 2: Is there any specific activity, in addition to parkrun or junior parkrun, that takes place in a public park, that does not require exclusive use of the park or a part of the park, that should be considered for inclusion in provisions to prevent local authorities charging for that activity, and if so why?

The above comments illustrate the range of uses and activities taking place in parks and why charging needs to be locally determined.

Question 3: Are there any activities that involve a financial charge to a client or clients by a professional or business, but do not involve exclusive use of a public park or part of the park, that should be considered for inclusion in provisions to prevent local authorities charging for that activity, and if so why?

The above comments illustrate the range of uses and activities taking place in parks and why charging needs to be locally determined.

Yours faithfully

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