

## **Campaign for National Parks' Response to Key Landscapes Review Proposals (March 2020)**

### **1. Introduction**

This paper sets out our response to some of the key proposals in the Landscapes Review led by Julian Glover. It builds on discussions with our Board and with key stakeholders. In general there is much in the review that we support and which is in line with what we called for in our own submission. We support Glover's ambition for the proposals to be introduced as a package of measures and it is essential that more substantial changes are implemented as well as 'quick wins'. This note starts with an overview of the proposals we particularly support.

However, as set out below, there are a number of Glover's proposals which we believe need refining, or which should only be introduced with certain caveats, if they are to deliver their intended aims. We are keen to work with Government to help achieve this and have provided this note as a first step in the process. Our comments primarily focus on National Parks but in some cases they are relevant to designated landscapes more generally.

### **2. Proposals we particularly support**

There is much in the report that we support and which is in line with what we called for in our own submission to the review in 2018, including:

- Strengthened Management Plans should set clear priorities and actions for responding to climate change and nature recovery such as tree-planting, peatland restoration and the establishment of wilder areas.
- Management Plans should also provide the guiding framework for the new Environmental Land Management scheme.
- Stronger statutory requirements on other bodies to help protect and enhance designated landscapes more effectively through strengthening the duties of regard.
- New long-term programmes to increase the ethnic diversity of visitors.
- The need for NPA Board members to be more representative of wider society.
- A new role for national landscapes in improving health and well-being, working with the NHS.
- Support for increased resources and multi-year funding agreements for designated landscapes.

#### **The importance of the Sandford Principle**

In January 2018, the Planning Inspectorate dismissed an appeal against refusal of planning permission for a grass runway on a farm in the North York Moors on the grounds that the development was not in accordance with National Park purposes. Citing the Sandford Principle that the first purpose should have priority over the second purpose where there was a conflict between them, the Inspector argued that the harm the proposal would do to wildlife in the area outweighed any potential benefit that such facility might provide in terms of increased opportunities to enjoy the Park. This was the fourth time the applicant had put forward proposals for an airfield on this site and each of the previous applications had been refused on appeal. There have been no further applications since.

For further information: Appeal Ref: APP/W9500/W/17/3178824; South Moor Farm, Langdale End, Scarborough YO13 0LW.

We are working in coalition with a range of other organisations to call on the Government to commit to taking forward these measures.

### **3. Proposals which need refining**

#### **3.1 Amending the existing purposes**

We support the principle of amending the first two National Park purposes to ensure that they give stronger support for natural beauty, nature recovery and connecting people to nature and would like to be involved in the process of agreeing the revised wording. However, it is essential that the implications of any changes are properly understood in order to avoid unintended consequences and that the final wording agreed for the amended purposes does not result in any reduction in the status and standing of the Parks, including at an international level. For that reason, there are a number of principles which we would like to see adopted with regard to the language and definitions to be used when amending the existing purposes. These are as follows:

- There should be a specific reference to landscape in the first (conservation) purpose. Although landscape protection and enhancement has always been an important role for designated landscapes this has not previously been referred to as part of their statutory purposes. However, the UK became a signatory to the European Landscape Convention (ELC) in 2007 which commits the Government to take action to protect landscape of heritage quality. The ELC also provides an internationally agreed definition of landscape<sup>1</sup> which can be incorporated into legislation, thus overcoming previous concerns about the term being too vague. Importantly, the UK's commitments under the ELC will not be affected by Brexit as it is a Council of Europe convention.
- The word(s) used to strengthen support for nature recovery in the conservation purpose must also take account of existing national and international definitions and commitments. The current purpose refers to 'wildlife' and Glover proposes using the word 'biodiversity'. However, the IUCN's internationally-agreed definition of a protected area places a strong emphasis on 'nature conservation' which is defined more broadly than 'biodiversity'.<sup>2</sup>
- There should continue to be a reference to 'cultural heritage'.
- 'Nature' and 'landscape' should be clearly defined in the legislation drawing on internationally agreed definitions.
- There should be a specific reference to health and well-being in the second (recreation) purpose.
- The first purpose must have precedence if there is a conflict between the purposes so the Sandford Principle or an appropriately updated version of it must continue to apply. Further consideration is needed in order to address the situation in the Broads where the Sandford Principle does not apply. Currently, the Broads has a third purpose to address the interests of navigation and all three purposes carry the same weight.

---

<sup>1</sup> The ELC defines "landscape" as "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors" (Article 1a).

<sup>2</sup> The IUCN defines "nature" in the context of protected areas thus as follows: "nature always refers to biodiversity, at genetic, species and ecosystem level, and often also refers to geodiversity, landform and broader natural values".

### **Strengthening the ‘duty of regard’**

Highways England (HE) are currently developing proposals for a bypass of Arundel on the A27 on the edge of the South Downs. Despite repeatedly being reminded of their duty to have regard to National Park purposes, all the options put forward in the latest round of consultation in Autumn 2019 would potentially damage the National Park or its setting. If there was a duty on relevant public bodies to further National Park purposes, Highways England would need to ensure that proposals for addressing the traffic problems on the A27 at Arundel were helping to conserve and enhance the wildlife, cultural heritage and natural beauty of the Park and supporting people’s enjoyment of this area. This means that they would have to put forward options which were less damaging to the National Park.

### **3.2 Changing the socio-economic duty to a purpose**

We are not entirely convinced of the need to change the National Park duty to a purpose and believe that such a change should only be introduced in combination with a number of the report’s other proposals in order to ensure that it is implemented effectively. A third, socio-economic purpose, should only be introduced alongside the following measures:

- The wording of the new third purpose should make it absolutely clear that this purpose should only be pursued ‘in support of the first two purposes’.
- Where there is a conflict between any of the three purposes, then the first purpose must take precedence under an updated Sandford Principle or ‘Sandford-plus’. Again further consideration is needed in order to address the situation in the Broads where there are already three purposes and the Sandford Principle does not currently apply.
- Strengthening the ‘duty of regard’ by changing it to a duty to ‘further the purposes’. (This will help achieve more meaningful partnership working between NPAs and their constituent local authorities in order to tackle some of the socio-economic challenges.)

### **The need for clear guidance on implementation of a socio-economic purpose**

The world’s largest (by volume) potash mine was approved in the North York Moors National Park in summer 2015. NPA planning officers made an open recommendation to the NPA Board, but they had concluded that there were conflicts with both local and national policy and that the proposal did not meet ‘exceptional circumstances’ – the highest bar that planning policy requires. The officers advised that the economic benefits and extent of the mitigation and compensation offered through planning obligations did not outweigh the extent of damage and clear conflict with the local development plan. They summarised that ‘the greater public interest is considered to be that of the statutory National Park purposes which protect the North York Moors for the benefit of the nation.’ Despite the clear conflict with National Park purposes, the proposal was approved by a single vote, on the grounds that the economic benefits outweighed the environmental damage.

For further information: <https://www.northyorkmoors.org.uk/planning/Sirius-Minerals-Polyhalite-Mine-Woodsmith-Mine> ; <https://www.cnp.org.uk/campaign-against-potash-mine-north-york-moors>

- Changes to the National Planning Policy Framework (NPPF) and associated guidance which ensure that the proposed new third purpose is implemented effectively and which

place greater emphasis on 'great weight' being given to designated landscapes in planning decisions. Our 2016 research on planning<sup>3</sup> identified that it is not the wording of the major development test but the way it is interpreted that results in inappropriate development in the Parks. This highlights the importance of having strong messages coming from Central Government about National Park protection. Anecdotal evidence from Scotland suggests that there is a similar situation there with regard to the way in which the wording of the purposes is interpreted. Hence the importance of having clear guidance on these issues.

### **3.3 A new national body**

It is clear that there is a need for a body which has a clear remit to champion the family of designated landscapes at the national level as well as providing oversight across all of the areas at the local level in order to ensure that these areas are being managed and run effectively. However, we believe that a national landscape service should focus on a more limited range of strategic functions than Glover proposes, as there are other ways that the income generation and operational management functions could be addressed.

The following principles should apply to any national landscape body in order to ensure that it delivers specific outcomes that are currently not being addressed by existing structures:

- A remit to set out a clear vision and strong ambitions for the role that designated landscapes should play in addressing the climate and ecological emergencies, including ensuring all relevant organisations are helping to develop and deliver effective Management Plans.
- The ability to take a strategic overview of both nature and landscape to ensure that designated landscapes are delivering more for landscape, nature and people.
- Providing the same level of priority to landscape and nature to ensure that both are addressed effectively. This would mean that the new body should have clear statutory responsibilities for landscape protection and enhancement.
- Sufficient resources and access to the appropriate skills and expertise to ensure the full range of responsibilities can be delivered effectively.
- Sufficient independence from Government to be able to act as a national champion for designated landscapes, both within and outside Government.

These principles could be met either by creating a small new national body focused specifically on designated landscapes, as Glover proposes, or by ensuring that Natural England has the appropriate resources and remit to deliver these functions. For example, one of the main reasons that Natural England has failed to give sufficient priority to landscape is that it does not currently have the same level of statutory responsibility for this area as it does for its nature-related responsibilities. Consideration will also need to be given to the relationship between the new landscape service, whatever form it takes, and the proposed Office for Environmental Protection.

### **3.4 Governance**

We agree that National Park governance needs to change and support the proposal to reduce the size of NPA Boards. We also support the principles of ensuring that NPA governance is more effective, more focused on delivering National Park purposes and more representative of the

---

<sup>3</sup>[National Parks: Planninr the Future](#)

population. However, we do not believe that some of the proposals put forward by Glover will address these issues effectively. In particular, we have significant concerns about the proposals to change the composition of the main NPA Board and set up a separate planning sub-committee.

We are keen to work with Government to agree what should be done to improve governance and believe that any changes must take account of the following principles:

- There should be no reduction in the proportion of nationally appointed members on NPA Boards or any separate sub-committees. As well as being home to local communities, National Parks are national assets, nationally funded and with a national 'customer base'. They have been designated for the benefit and enjoyment of the nation. Those responsible for National Parks must balance the needs of local people and businesses with these aspects. This can only be done effectively if they have the right balance of locally and nationally appointed members on all relevant committees, including those involved in planning decisions.
- NPAs continue to have planning powers – both plan-making and development management – and continue to be treated in the same way as other local planning authorities. This means that only members of the NPA should sit on any planning sub-committee.
- Any changes introduced must lead to a reduction in bureaucracy and no increase in costs.
- Concerted effort should be made to secure greater diversity on NPA Boards as part of wider efforts to increase diversity across local government, and in conjunction with measures to ensure that more people from under-represented groups have an opportunity to get to know the Parks.
- Simpler and more cost-effective ways of improving the quality of governance should be implemented quickly and their impacts assessed before any more radical reforms to governance are taken forward. Such measures should include fixed terms, maximum lengths of service, compulsory training, role descriptions and appraisal for all members. These improvements would increase the turnover of members and ensure that all members take full account of the specific responsibilities of their NPA role when making decisions.

### 3.5 Transport

#### **The benefits of improving car-free access**

Increasing the options available for travelling to and around National Parks sustainably would provide many benefits including:

- For individuals - improved physical and mental health through opportunities to engage with nature.
- For local economies – there is evidence that visitors by public transport spend more than those arriving by car.
- For the environment and local communities – by reducing the number of people who travel to National Parks by car and the associated impacts in terms of carbon emissions, noise pollution, road danger, blight and severance.

For further information: <https://www.cnp.org.uk/transport-research-fullreport>

We are pleased that the report recognises the importance of securing more sustainable access to National Parks as this is something that we have been promoting for some time. We support the transport measures in the report including the proposal to pilot a new approach to coordinating public transport in the Lake District with the NPA becoming the Strategic Transport Authority for the Park. However, we would like to see the pilot expanded to incorporate a wider range of measures along the lines of the 'smarter travel National Park' pilot we recommended in our car-free travel report<sup>4</sup>. In particular, it should incorporate some form of demand management such as road pricing.

### **3.6 Funding**

Despite increasing expectations of what our National Parks should be achieving, government funding has been repeatedly cut over the last ten years. In 2011/12, the NPAs in England received a total of £55 million. By 2015/16 this had been cut by £10 million, followed by small annual increases resulting in a total budget of £49 million by 2019/20. It should be noted that these figures also include the costs of a new National Park, the South Downs, established in 2010, and extensions to the Yorkshire Dales and the Lake District National Parks. Earlier this year Defra announced that National Park budgets would remain flat for 2020/21 – representing a real terms cut.

We welcome the *Landscape Review's* analysis that funding for designated landscapes is a not significant sum and that change is needed. We welcome the support for multi-year funding as this would allow NPAs to plan ahead more effectively and ensure they are better able to deliver the National Park purposes and benefits to the public. There is a need for continuity of funding in order to be able to leverage additional resources from other sources, as well as maximising the support they are able to secure from engaging volunteers. Research for our 'Stop the Cuts' campaign in 2015 found that many NPAs had cut or reduced activities, such as rights of way maintenance, biodiversity enhancement and visitor information.

We will be working as part of a coalition of organisations to secure increased resources for designated landscapes. We would not want to see any proposals for alternative forms of fundraising to be used as a justification for cutting the public funding provided for designated landscapes.

### **3.7 New National Parks**

We are open to the idea of new National Parks being designated but we believe that any new National Parks must be created under the same model as existing ones and must be accompanied by appropriate increases in funding which do not reduce the resources available to the existing National Parks. We do not want the creation of any new National Park to introduce changes to elements of the existing legislation which are central to delivering the National Park purposes, such as NPAs' planning powers.

For further information about anything in this paper or other aspects of our response to the Glover Report, please contact: Ruth Bradshaw, Policy and Research Manager, Campaign for National Parks, email: [ruthb@cnp.org.uk](mailto:ruthb@cnp.org.uk), tel: 020 7981 0896

---

<sup>4</sup>[https://www.cnp.org.uk/sites/default/files/uploadsfiles/National\\_Parks\\_car-free\\_travel\\_HIRES DPS.pdf](https://www.cnp.org.uk/sites/default/files/uploadsfiles/National_Parks_car-free_travel_HIRES DPS.pdf)