



Government Response to the Landscapes Review: Consultation

Response by National Parks England [08 April 2022]

Questions

1. **Do you want your responses to be confidential? If yes, please give your reason.** No
2. **What is your name?** National Parks England
3. **What is your email address?** Enquiries@nationalparksengland.org.uk
4. **Where are you located?** We represent National Park Authorities across England
5. **Which of the following do you identify yourself as?** National Park Authority grouping*

*National Parks England (NPE) was established to provide a collective voice for the nine English National Park Authorities and the Broads Authority. It is governed by the Chairs of the ten Authorities. Please note that individual National Park Authorities and the Broads Authority may submit separate responses, which will draw on the specific issues for their area.

6. **Should a strengthened first purpose of protected landscapes follow the proposals set out in chapter 2? Yes/No/Unsure** Yes.
7. **Which other priorities should be reflected in a strengthened first purpose?**

We welcome the proposed strengthening of the statutory purposes. It is important that the purposes remain concise and easily understood. In particular, recognition of the 'special qualities' of National Parks should be part of any renewed purpose. They are the reason why a National Park is designated and is an important policy and planning tool. It would strengthen and focus National Park Management Plans (NPMP) if the link to the special qualities was made explicit. The phrase is also used in the major development test, cited in appeal decisions, and is clearly relevant to work on landscape character and design.

The first purpose should retain reference to conserving and enhancing the cultural heritage of the National Park – this includes intangible heritage (such as dialects and traditional skills) as well as the built environment. This should also be echoed in the proposed vision for Protected Landscapes. National Parks and AONBs do and should do more than conserve nature: they are places of unique and rich cultural heritage and they should be supported to do more for nature whilst carefully managing change in ways which conserve and enhance this rich cultural inheritance. National Parks and strengthened AONB Partnerships are uniquely placed to manage the balance between natural and historic environments, through delivering the statutory purposes and through robust, well-resourced planning and legislative functions. The existing reference to conserving and enhancing the cultural heritage of our National Parks recognises that they are living-working landscapes, home to active communities and hundreds of thousands of people.

Whether the statutory purpose is amended or not, it is critical that achieving the aspirations of Government is supported by sufficient resource and appropriate powers. Whilst there is a drive for NPAs to do more, we understand that by 2026, NPAs will have received a Government grant that has reduced circa 50% in real terms over the last decade and a half. Changing purposes alone will not result in achieving aspirations. – Improved resources and enhanced powers are key if we are to meet the challenges of the nature and climate emergency.

While we need to retain the requirement to conserve and enhance, we would caution the use of the word "restore" as this implies physical intervention, and putting something back 'as it was' whereas 'conserve' is more nuanced, and can mean the conservation of significance, not necessarily physical intervention and certainly not rebuilding etc. For example, restoring a ruin would mean rebuilding it - conserving it might mean consolidating it as it is.

Above all, NPAs and NPE should be involved in the drafting of the new purposes to ensure they are 'fit for purpose'.

Agricultural transition

- 8. Do you support any of the following options as we develop the role of protected landscapes in the new environmental land management schemes. Tick all that apply.**

The Landscapes Review (Proposal 5) argued for a central place for national landscapes in the new environmental land management schemes. We fully support this recommendation and would like to see this reflected in the design of the new schemes.

Designing the environmental land management schemes in a way that works for all farmers and land managers, including the specific circumstances for those in protected landscapes, recognising that farmers in these areas are well-placed to deliver on our environmental priorities.

This option implies a universal scheme. It is important that ELM schemes can be tailored to meet the circumstances of each protected landscape. Farming in Protected Landscapes (FiPL) provides a potential model for this: it already combines national and local priorities with some flexibility for local decision-making and delegated budgets.

Using Local Nature Recovery Strategies (LNRS) to identify projects or habitats within protected landscapes.

This option as worded implies that ELM funding would only be targeted towards nature recovery. Some key considerations as follows:

- It is important that ELM delivery in Protected Landscapes allows for an integrated approach that incentivises farmers and landowners to do the right thing for cultural heritage and access for example.
- Under any approach, it's vital to build on the proposals in the Landscapes Review for a 'central role in ELMS' based around facilitation and advice and role for Management Plans in setting local priorities.

Monitoring the effectiveness and uptake of the new environmental land management schemes in protected landscapes. Using this to inform whether further interventions are needed to ensure we are on track for wider nature recovery ambitions.

Monitoring is essential and it would be helpful if data sets can be cut to a protected landscape boundary. Statistics on uptake are important but more important is the actual impact of schemes. We would like to see an approach that empowers land managers, creates incentives for innovation and 'stretch targets' and involves land managers in monitoring, with public sector or third-party organisations providing quality assurance. This approach will require investment in facilitation and skills development but has the potential for long-term benefits and more cost effective delivery.

Creating a clear role for protected landscape organisations in the preparation of Local Nature Recovery Strategies. Our recent LNRS consultation specifically asks for views on the role of different organisations in the preparation of LNRSs, including protected landscapes.

This is essential as LNRS and ELM will be key vehicles in identifying nature recovery priorities within protected landscapes and providing the incentives to encourage farmers and landowners to do the right thing in terms of land management.

Building on FiPL, empowering protected landscapes to support decision-making and delivery against agreed priorities, including through dedicated project coordinators and advisers.

This option has the greatest potential to deliver schemes that work for each protected landscape. We see some key ingredients or a skeleton for this approach that includes:

- Delegated funding
- Resources for local advice and facilitation
- Role for National Park (and AONB) Management Plans in setting local and spatial priorities
- An integrated approach that combines environment (public benefits in their widest sense) with the farm business
- An environmental broker role for NPAs in blending public and private finance

The importance of locally based facilitation through dedicated farming/FiPL officers cannot be overstated in helping to harness the creativity of farmers to develop

compelling applications that deliver benefits for the landscape and the businesses themselves. Local facilitation will be essential if ELM local nature recovery and landscape recovery components are going to achieve the maximum benefit as they are likely to require a degree of ingenuity as well as collaboration amongst individual farmers and land holders.

The role of local facilitators' funding through the scheme will be vital to making the most of the ELM. Through the FiPL programme we have demonstrated that by having officers employed through the National Park Authority, we have been able to mobilise interest from farmers quickly in the scheme and have trusted, knowledgeable staff on the ground working with farmers to develop their ideas into workable proposals. This builds on long-standing relationships we have fostered with the farming community as well as a track record of delivering a previous farms scheme and grant funding.

9. Do you have any views of supporting evidence you would like to input as we develop the role of protected landscapes in the new environmental land management schemes?

Priority areas for ELM spend

Protected landscapes need to be priority areas for ELM in order to both manage the existing landscape and to enhance it, in pursuit of the aspirations set out in the Nature Green Paper and to achieve the highest levels of ambition for protected landscapes. The National Parks alone have the potential to deliver 20% of the government's nature recovery target on 10% of the land, saving/sequestering an estimated 330,000 tonnes of CO₂e per year. Prioritising ELM spend in protected landscapes enables us to achieve this. This investment would be a step change in delivery of the 30 x 30 target.

The potential is not just limited to nature and climate. An ELM scheme that delivers access management and improvements will help open-up our protected landscapes for more to enjoy in sustainable ways. It would also provide funding for heritage assets that are essential to the character and special qualities of our protected landscapes: approximately 20% of England's designated heritage assets are within National Parks.

Farming and forestry are significant sectors in the economy of protected landscapes. In the National Parks, agriculture, forestry and fishing account for around 24% of all businesses and nearly 10% of total employment in the National Parks, around 13,500 Full Time Equivalent (FTE) jobs. Reduced funding will disproportionately impact on the economies of our protected landscapes (especially those in upland areas and with traditional forms of grazing). Basic Payment Scheme and agri-environment agreement payments equate to over 90% of farm business income in Less Favoured Area grazing livestock farms and on average 70% for lowland grazing livestock.

Sensitive farming and forestry activities help manage the high-quality environment that attracts visitors, supports the tourism and creative industries and delivers wider public benefits. The National Parks and surrounding areas attract 94 million visitors per annum, support a tourism economy worth £5bn per annum and employ circa 75,000 FTEs. ELM will be essential to management of this environmental and economic resource.

Farming and forestry are important contributors to the socio-economic well-being of the local community and often at the heart of cultural traditions that contribute to the sense of place: for example, the tradition and practice of commoning in many National Parks.

As well as these direct contributions to the local community and economy, farmers and foresters are the primary managers of our protected landscapes.

The design of ELM – what can we learn from FiPL?

FiPL provides:

- an integrated approach that reflects the statutory purposes of our protected landscapes with four priority themes: nature, climate, people and place
- embeds local advice and facilitation at the heart of the programme and thus plays to the strength of protected landscape teams in terms of their role as ‘place shapers and convenors’
- revenue and capital funding
- local priority setting through AONB and National Park Management Plans

FiPL does not provide a sustained revenue income to replace the Basic Payment Scheme (BPS) however and we know that without increased income many farmers in marginal areas will struggle to survive.

From a protected landscape perspective, it is really important that ELM addresses the full suite of public benefits and does not just focus on ‘nature’ and ‘climate’. We should be seeking to deliver multiple environmental benefits from a parcel of land (ideally a whole farm approach) rather than a narrow focus on one or two.

As well as a focus on environmental benefits and public access, ELM needs to link to farm productivity and wider rural development. FiPL starts to address this but not in a wholly integrated way.

A formal role for Protected Landscape Teams as project coordinators and advisers.

NPAs have considerable experience and skills in working with the farming and land management communities: relationships developed over decades. Relationships are important to delivery of outcomes. These relationships provide a potential firm foundation for ELM delivery. Using Defra parlance, we would like to see a local convenor role for protected landscapes as well as resources for advice and facilitation. The envisaged local convenor role for ELM has a close correlation to the work that many protected landscapes already do in terms of advice and facilitation of clusters/landscape action, securing funding and identifying priorities.

Protected Landscape Deals/Delegation

The principles of a deal have been established in the context of levelling-up and governance of major cities. Delegation of ELM, or an ELM ‘deal’, could extend this to other rural areas.

It offers the potential to:

- Empower protected landscapes to deliver ELM, building upon their track record of engaging with the farming/land management community and FiPL delivery
- Combine national priorities with local objectives and priorities – with the value of greater understanding and engagement

- Provide for private sector investment (e.g., opportunities to blend private and public money as is already happening on peatland restoration/catchment management) and in the future through Biodiversity Net Gain and investment in social capital (social impact bonds to reduce sickness absence through access to greenspace and co-ordinated volunteering activity)
- Deliver a focused approach cognisant of the status of protected landscapes but combined with a wider 'universal' offer
- Provide an integrated approach that links environmental land management with business and wider rural development (i.e., meets some of the objectives of the National Food Strategy and the wider levelling-up agenda)
- Enhance public involvement in nature and landscape recovery education, understanding and actual involvement in environmental land management
- Build on the cluster and catchment-scale work already being led by many protected landscapes
- Deliver against 30 x 30 target at scale (see above)

This 'deal' or 'delegation' could operate for Landscape Recovery but ideally needs to combine Landscape Recovery and Local Nature Recovery elements of ELM with wider rural development.

The role of Commoning

It is unclear how the new environmental land management system will work within the context of the commoning systems that sustain many National Parks. The 'test & trial' work in the New Forest will help inform how the new system may work when it is implemented in 2024.

A stronger mission for connecting people and places

10. Should AONBs have a second purpose relating to connecting people and places, equivalent to that of National Parks? Yes.

Areas of Outstanding Natural Beauty could play a greater role in providing opportunities for the public to enjoy their special qualities through a second purpose equivalent to that of National Parks. The *Countryside and Rights of Way Act 2000* brought in new duties for the Conservation Boards set up to look after AONBs to increase public understanding and enjoyment of the special qualities of AONBs, with greater weight on conservation if there is a conflict. This could potentially be expanded.

11. Should a strengthened second purpose of protected landscapes follow the proposals set out in Chapter 3 to improve connections to all parts of society with our protected landscapes? Yes/No/Unsure Yes.

12. Are there other priorities that should be reflected in a strengthened second purpose?

To achieve this, it is important that Protected Landscape bodies have the agency and resource to fulfill a strengthened purpose and that we have the active engagement and support of others, as fulfilling this requires partnership across many bodies. Further, any amendments to wording of the purposes will need to ensure the balance between encouraging diversity and landscapes for all, with the need to manage visitor impacts. Any conflict between the two statutory National Park purposes has been managed since the 1970s through the 'Sandford Principle' and any amendments to the statutory

purposes will need to consider how they inter-relate. Sandford remains a valid and necessary last resort, but National Park Authorities, with the correct powers and resources, have the expertise to continue to manage and deliver on both purposes.

Critical to achieving the second purpose is removing barriers for all parts of society and being able to take a more active role in supporting access. This is being delivered by projects underway now by protected landscape bodies working in partnership, such as the test and learn pilots and work around green social prescribing where partnerships are forming and growing to support delivery – but it will always be limited without resources.

Aspirations need to include investment in audience understanding and social listening across all Protected Landscapes to allow NPAs to better understand motivations and routes to engagement with landscapes by our audiences – e.g., digitally.

We welcome updating the second purpose to take into account the pivotal role that our landscapes play in improving health and well-being outcomes for both residents and visitors. For example, In the case of the North York Moors, the National Park has a particularly important role as a source of recreation and spiritual inspiration for surrounding communities in Teesside that are among the most diverse and economically disadvantaged in England. It is important to note that many barriers to access lie in broader socio-economic factors (not least of which are low household incomes and poor public transport links) that are systemic and cannot be addressed by work within the National Park or by National Park Authorities alone.

Any changes suggested to purposes should always ensure they retain the link and language of ‘Special Qualities’. This should not be lost as it is the key connecting language between the purposes and is also very important to our work on planning policy and delivery, as well as giving meaning and weight to the special qualities that are outlined in National Park Management Plans. Further, any changes made to purposes need to be relevant to the future – Defra will need to consider whether certain terms carry weight and meaning in various contexts.

We have some concern regarding the suggestion that the National Landscapes Partnership will have a role in “promoting tourism” (Strategic direction section), as this does not reflect the current statutory framework.

Managing visitor pressure

13. Do you support any of the following options to grant National Park Authorities and the Broads Authority greater enforcement powers to manage visitor pressures?

There is a spectrum of views on this issue and on this question, but all National Park Authorities share a view that the primary focus should be on engagement rather than enforcement. We are keen to ensure that National Parks are seen as giving visitors a warm welcome. To do so effectively requires sufficient resources to bolster our Ranger and Visitor Services teams to ensure that visitors have the information to make the most of their visits to National Parks without causing harm to the sensitive environments, landscapes, heritage and communities.

The Glover review emphasises the role of Rangers on the ground in managing visitor pressure, to engage with the public around the ‘Engage, Explain, Encourage’ premise –

we know this is effective and a physical presence in hot spot areas can decrease unwanted visitor behaviours. The Government's vision for protected landscapes is to ensure our finest landscapes are available for all in society, yet the response is silent on how this will be achieved jumping from positive ambition to proposed new enforcement powers. Extra resource, such as Glover's suggestion of funding for 1000 Rangers or a 'Night out under the Stars' should be put into this area to support positive, engagement focused behaviour change.

In terms of the specific questions, National Park Authorities will be responding individually setting out their views. Under any circumstances, National Park Authorities have made clear that the extension of any powers listed above should be optional and at the discretion of the NPA depending on local circumstances.

14. Should we give National Park Authorities and the Broads Authority and local highway authorities additional powers to restrict recreational motoring?

Individual National Park Authorities will be responding to this question, but we observe that there is a range of viewpoints; with some NPAs welcoming the provision of such powers in certain circumstances and others who are opposed. These views reflect their local circumstances.

15. For which reasons should National Park Authorities, the Broads Authority and local authorities exercise this power?

Environmental protection
Prevention of damage
Nuisance
Amenity
Other [PLEASE STATE]

N/A – please see Q14

**16. Should we legislate to restrict the use of motor vehicles on unsealed unclassified roads for recreational use, subject to appropriate exemptions?
Yes – everywhere/ Yes – in National Parks and Areas of Outstanding Natural Beauty only/Yes – in National Parks only/No/Unsure**

Again, there is a range of views from NPAs on this issue, with some expressing support for wider action through legislation, but all continue to work with local highway authorities to manage UURs sustainably and in a local context. The time and resources required to manage this complex issue is substantial. NPAs would welcome any changes to legislation that would make it simpler to achieve good environmental objectives.

17. What exemptions do you think would be required to protect the rights and enjoyment of other users e.g., residents, businesses etc?

OPEN.

Please see Question 16.

The role of AONB teams in planning (p18)

18. What roles should AONBs teams play in the plan-making process to achieve better outcomes? [OPEN](#).

19. Should AONB teams be made statutory consultees for development management? [OPEN](#).

20. If yes, what type of planning applications should AONB teams be consulted on?

Local governance

21. Which of the following measures would you support to improve local governance?

NPAs will be putting in their own responses to this question: the Directors of NPE agree that:

- National Park Authorities (NPAs) recognise the case for governance reform and all agree that our Boards need to be representative, strategic and appropriately skilled.
- The diverse nature of England's 10 NPAs (including the Broads Authority) in terms of size and complexity means that any governance changes must be flexible enough to take account of local circumstances and therefore one size is unlikely to fit all.
- The process of appointing and managing the membership of NPA Boards should be made easier and quicker, for instance where an NPA seeks to streamline its Board.
- Local representation and accountability remains an important feature of Board composition and we are pleased to see this recognised in the Government's response. It is vital to ensure democratic accountability to the place, as well as a mechanism that fosters the active support and trust of all partners.
- NPAs are keen to see greater diversity and inclusion on their Boards, but in order to properly influence this they need greater involvement in the process of appointing members. They perceive the risk that significantly smaller Boards may even serve to reduce opportunities for increased diversity.
- Effective and consistent performance management, skills audits and mandatory training should be coordinated and properly resourced across all NPAs to improve the performance of all Members.
- NPAs should remain robustly non-political and should continue to elect their chairs through an open and transparent local process.
- NPAs will be providing their own responses to this question, specific to their local circumstances, however, the majority of Members are opposed to centrally appointed Chairs. Chairs need to have the confidence of the Membership (and local stakeholders) and if the Chair is not directly accountable to the Board there is a risk of a serious disconnect that will undermine NPA leadership. We also do not support this proposal as it could lead to the politicisation of NPAs and confuses NPAs with QUANGOs – we are special purpose local authorities. It is therefore more

appropriate for Chairs to be appointed locally via election by the other Members of an Authority.

Clearer role for public bodies

22. Should statutory duties be strengthened so that they are given greater weight when exercising public function?

Yes.

We assume this question pertains to Section 11A of the National Parks and Access to the Countryside Act 1949, as amended by Section 62 of the Environment Act 1995. The duty as currently worded represents a minimalist approach:

- It requires a process but not a positive outcome (an organisation could have regard to National Park purposes but still determine to carry out an action detrimental to them); and
- It lacks the ambition inherent in the Government's 25 Year Environment Plan, namely, to enhance the environment.

We would support a legal duty on relevant bodies to 'further National Park purposes'. This would address the weaknesses highlighted above and is stronger, focused on adding value and delivering positive outcomes.

This duty needs to be strengthened to ensure public bodies further National Park purposes and are explicit about the importance of each National Park's special qualities.

If these are not considered in the early stages of a development or strategy development then it will take some "un-picking" later and will take more time, both from the public body and the protected landscape body. Examples range from the simple installation of a roadside curb or roadside verge mowing to a substantial fencing scheme or development requiring planning permission.

Consideration could also be given to the definition or list of relevant authorities. These have traditionally been public sector organisations but with the blurring of public/community/private boundaries (e.g. Local Enterprise Partnerships) it will be important for the Secretary of State to have the power to up-date the list of relevant authorities in terms of any amendments to Section 11A/Section 62.

23. Should statutory duties be made clearer with regards to the role of public bodies in preparing and implementing plans? Yes/No/Unsure

Yes, this needs to include an active participation in the development and delivery of the NP management Plan. The role of National Park Management/Partnership Plans remains key to the work of all bodies operating in National Parks. For Management Plans to be truly effective they need to have the collective commitment from relevant bodies to contribute to their preparation and implementation. We support a stronger legal framework that assists in the delivery of the agreed Management Plan actions and priorities.

In relation to the role of National Park Management Plans, it will also be important for management plans to highlight the need for climate adaptation, as well as carbon sequestration.

General power of competence

24. Should National Park Authorities and the Broads Authority have a general power of competence?

Yes.

Individual NPAs will be providing their own responses to this question, specific to their local circumstances but in general we would support this in principle and further examination of the issue, and discussion with Defra about what might be possible with this new power. Whilst some Authorities do not see the need for change, others argue that the extension of the power of competence would provide NPAs with a clearer legal framework for commercial operations. These Authorities feel a broadened power of competence would enable the substantial skills and experience developed within NPA teams to be shared more easily with those outside the National Parks and provide them with an improved ability to be more innovative. Whilst we do not therefore see this new power as essential to generate significant commercial income, it would avoid the uncertainty, challenge and legal costs that can arise from the current legal framework. We would also note that any new powers should not be regarded as a replacement for public investment.

Overall

25. If you have any further comments on any of the proposals in this document, please include them here.

We welcome the ambition and vision of the Landscapes Review and the overall direction set out in the Government's response to this.

Our aspirations: We, therefore, support the direction of travel set out in the Consultation in terms of the mission of protected landscapes to be beacons in nature recovery, climate action, as places for all and in working with the communities who live and work in these landscapes. England's nine National Park Authorities and the Broads Authority published a set of joint ambitions in December 2020 which outline how we will work as family of National Parks, and in partnership with many others, to protect and enhance the natural environment; become leaders in tackling the climate emergency; support thriving communities where sustainable farming and land management deliver a wide range of public goods; and set out their vision to support the health and wellbeing of the whole nation. Each of the Plans has a key theme - Landscapes for Everyone, Sustainable Farming & Land Management, Climate Leadership and Nature Recovery – and each plan defines key targets and how these will be achieved. We wish to work with Government and partners to ensure that we are equipped with the tools and resources to make a true 'Green Recovery'. Our Delivery Plans are ambitions and set out how we hope to achieve our aims through stronger legislation, investment, and political leadership and we look to Government to support this vision.

Partnership to deliver: As a convenor for the place, it is also as important for partners to embrace this renewed vision and mission for protected landscapes and be willing and able to work with us as the landscape bodies to realise that mission. There is an overriding need for plans and strategies to be integrated and for there to be a requirement for this to be implemented by all public sector bodies who have a stake in or work in protected landscapes.

The need for resources: We especially see that it is important that we act now rather than wait for legislative changes to take effect but would note there are a handful of specific recommendations we disagree with and that we need to be pragmatic about what we can achieve based on what we are resourced to do. Whilst we are supportive of greater ambition, as outlined in our recent report *National Parks: supporting people, places, climate and nature*, and have the relationships and ability to deliver more against Julian's Glover's vision, such as a night out under the stars for all young people, and increased engagement through Rangers – we cannot do this without appropriate funding. It is therefore important that we are adequately resourced for the tasks Government wishes us to carry out – recovering nature and ensuring all parts of society can enjoy our National Parks requires investment. There is a distinct lack of reference to finance for National Park Authorities within the consultation document. Over the 2010 – 2020 period National Park Authorities saw their funding from central Government cut by around 40%. Indeed, the Glover Review itself notes that “at the very least we want to see existing budgets for National Parks secured in real terms” (Landscapes Review, 2019, p.22). The proposals set out by the Government for greater engagement with people and additional legal powers are welcomed, but without adequate resources National Park Authorities will have limited capacity to perform to their potential.

Natural England's future role: We welcome the proposal to increase the profile and reinvigorate the role of landscape in Natural England's future responsibilities. Landscape matters have often seemed secondary to nature conservation and are currently significantly under-resourced. It is important to emphasise that although National Park designation is landscape-led, National Park Authorities have a wider competency in bringing together cultural heritage, landscape and nature conservation. The role of our protected landscapes is therefore broader than Natural England's remit and it will be necessary for Natural England, in providing oversight, to work effectively with other bodies and Government departments (e.g., health, housing, communities, culture) relevant to the wider remit of National Parks. This includes areas such as built heritage matters and the socio-economic well-being of local communities that are key to the work of National Park Authorities, but currently outside Natural England's core expertise. The proposals relating to Natural England's broadened role are supported in principle, but delivery may be difficult.

For Questions or More Information, please contact National Parks England at enquiries@nationalparksengland.org.uk