

Questions

1. *Do you want your responses to be confidential? If yes, please give your reason*
No
2. *What is your name?*
New Forest National Park Authority
3. *What is your email address?*
policy@newforestnpa.gov.uk
4. *Where are you located?*
South East/South West
5. *Which of the following do you identify yourself as?*
National Park Authority

A stronger mission for nature recovery (p10)

6. *Should a strengthened first purpose of protected landscapes follow the proposals set out in Chapter 2?*

~~YES/NO/UNSURE~~

7. *Which other priorities should be reflected in a strengthened first purpose e.g. climate, cultural heritage?*

We welcome the proposed strengthening of the legal purposes and it is important that the purposes remain concise and easily understood. We are supportive of reinforcing nature recovery and giving it more impetus through a strengthened first purpose.

In revising the first statutory purpose, it is important that the existing references to both 'natural beauty' and 'cultural heritage' are not lost. National Parks are landscape designations (rather than nature conservation designations) and the built environment is an important component of the nationally protected landscapes. The existing reference to conserving and enhancing the built heritage of our National Parks recognises that they are living landscapes, home to active communities and hundreds of thousands of people. This should not be lost in any strengthened first purpose.

'Cultural heritage' is currently listed in Section 5 of the *National Parks & Access to the Countryside Act 1949* as part of the first statutory purpose (and retained in Section 61 of the *Environment Act 1995*). The current sole statutory purpose for

AONBs is set out in the *Countryside and Rights of Way Act 2000* and relates to the conservation and enhancement of the natural beauty of the area. Although cultural heritage is not explicitly written into the current statutory purposes for AONBs, in practice they do take an active delivery role in relation to the historic environment. Including cultural heritage in any potential unified set of purposes for National Parks and AONBs would recognise the reality of their current mission. We therefore strongly call for any amalgamation of the legal purposes for National Parks and AONBs to retain the reference to 'cultural heritage' that has existed for National Parks for over 70 years.

The Government's review of national landscapes provides an opportunity to more explicitly recognise intangible cultural heritage within the statutory purposes. It would be helpful if it was made clear (either in new primary legislation or in accompanying guidance) that references to 'cultural heritage' in the first purpose relate to both tangible and intangible heritage. The latter includes traditional rural skills, practices (such as commoning), dialect and local knowledge. The special qualities of the New Forest National Park include its 'strong and distinctive local communities', who have a real pride and sense of cultural identity with the New Forest. Many local people have a strong sense of New Forest history and are deeply committed to the protection of the area. Any revisions to the first statutory purpose could recognise this intangible heritage more explicitly.

With 'nature' and 'heritage' currently dealt with by separate ministries (Defra and DCMS/DLUHC) and agencies (Historic England and Natural England), it is only at the local authority level that there is properly integrated practical delivery. National Parks are the flagships and exemplars of best practice in this delivery. This is a critical function because in real life heritage and nature are seamless and it is important this is reflected in any revisions to the wording of the purposes.

Overall we are supportive of measures to promote nature recovery in National Parks. We consider the wording of the first statutory purpose to have been effective – it currently has a clear and equal emphasis on natural beauty, wildlife and cultural heritage and this should not be lost in any revisions.

Agricultural transition (p12)

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.*
- *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.*
 - *Using Local Nature Recovery Strategies to identify projects or habitats within protected landscapes.*
 - *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.

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

The Farming in Protected Landscapes funding scheme has been well-received in the New Forest and there is support for the continuation of dedicated project coordinators / advisors.

It is important that National Parks play a clear role in relation to Local Nature Recovery Strategy development and implementation, both within their designated boundary and also buffer zone areas around them. This will be particularly important for National Parks that may be covered by several Local Nature Recovery Strategies.

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

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

Locally, the 'Forest Farming Group' (whose membership comprises the Verderers of the New Forest, the National Park Authority, New Forest Commoners' Defence Association, Natural England, Forestry England, National Trust and the National Farmers Union) has identified a series of principles that future land management schemes should fulfil to be effective. These include the need for flexibility and allowing for bespoke solutions. It is vital that future land management schemes in landscapes like the New Forest recognise the scale of the public goods being delivered and the unique way in which landscapes are managed.

A stronger mission for connecting people and places (p14)

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 the AONB, with greater weight on conservation if there is a conflict. This could potentially be expanded through this Landscapes Review.

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

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

The current wording of the second statutory purpose is very specific – “to promote opportunities for the public understanding and enjoyment of the special qualities of the Parks.” The special qualities of each National Park are unique and are typically defined following public consultation. The focus is on the ‘understanding and enjoyment’ of these special qualities. 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. We therefore are concerned at the suggestion that the National Landscapes Partnership will have a role in “promoting tourism” (Strategic direction section Page 8), as this does not reflect the current statutory framework.

National Park Authorities and their partners have long balanced effectively the second and first purpose so that they don’t result in harmful conflicts. Care will need to be taken to ensure that any amendments to the statutory purposes do not inadvertently create greater risk of conflicts. National Parks are and should be places where both nature and people can thrive. This needs careful management and measures such as increased ranger provision within protected landscapes, increased digital and other forms of communication and improvement of accessible greenspace in and around National Parks, all of which will help both manage demand while continuing to provide benefits to those who visit these special places. No coverage is given to increased ranger provision within protected landscapes, despite this being a key recommendation of the National Landscapes Review (2019).

Any irreconcilable conflict between the two statutory National Park purposes has been managed since the 1970s through the application of 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 appropriate resources, have the expertise to continue to manage and deliver on both purposes.

For the last 70 years National Parks have been inspiring places that people come to for health and wellbeing, and a recognition of this has been present ever since

they were first formed. The challenge today is to increase the diversity of audiences so that new people can experience and benefit from National Parks. This process is a long term one and requires new partnerships and schemes to reduce inequalities in access. A strengthened second purpose that is more explicit about benefiting those who currently miss out should be considered. Enabling a greater diversity of people to appreciate and enjoy our protected landscapes is supported and reflects the origins of the National Parks movement.

References in the Government's response to the national landscapes review to the importance of data and monitoring should focus on how people use National Parks (linked to the second purpose) as much as nature and biodiversity (the first purpose). The current proposals focus quite narrowly on nature. We also suggest that any targets and monitoring requirements should reflect appropriate local issues, rather than solely relying on a suite of national data.

Managing visitor pressures (p16)

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? Tick all that apply.*

- *Issue Fixed Penalty Notices for byelaw infringements*
- *Make Public Space Protection Orders (PSPOs)*
- *Issue Traffic Regulation Orders (TROs) to control the amount and type of traffic on roads*

Visitor pressure on our nationally protected landscapes has been a major issue in the last couple of years and pressure was building prior to the Covid pandemic. We therefore cautiously welcome the proposals set out to manage visitor pressures through greater enforcement powers, but these powers must be accompanied by the necessary budget and staff resources. There is no commitment made within the Government's response to the additional budget required to implement these powers effectively.

It is understood that the proposed new enforcement powers to enable National Park Authorities to manage visitor pressures would be discretionary (and in the case of Public Space Protection Orders could only be used following consultation with constituent local authorities). We consider it to be appropriate that these greater enforcement powers are available as a further 'tool in the box' to manage pressures where necessary; and that their use is at the discretion of the relevant national park authority, based on their specific local circumstances.

14. *Should we give National Park Authorities and the Broads Authority and local highway authorities additional powers to restrict recreational motor vehicle use on unsealed routes? **YES/NO/UNSURE***

Where this is a demonstrable issue, yes.

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]*

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*

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

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*

We feel the AONBs are best placed to assess this. However, it is observable that coordinated management of protected landscapes is best effected at the landscape scale. It may be that separate local plan is advisable for an AONB.

19. *Should AONB teams be made statutory consultees for development management?
YES/NO/UNSURE*

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

- *AONB teams should formally agree with local planning authorities which planning applications should be consulted on.*
- *AONB teams should be consulted on all planning applications that require an Environmental Impact Assessment and are categorised as ‘major development’ as well as Nationally Significant Infrastructure Projects.*

- *Other [Please state]*

Local governance (p20)

21. *Which of the following measures would you support to improve local governance? Tick all that apply.*

- *Improved training and materials*
- *Streamlined process for removing underperforming members*
- *Greater use of advisory panels*
- *Greater flexibility over the proportion of national, parish and local appointments*
- *Merit-based criteria for local authority appointments*
- *Reduced board size*
- *Secretary of State appointed chair*
- *Other [Please state]*

We agree with the first five measures listed to improve local governance. Our view is that if these five measures were implemented there would be no need for the final two measures (reduced board size and a Secretary of State-appointed chair).

We do not agree with the option of reducing board sizes, and certainly not to the extent recommended by the national Landscapes Review (2019) to 12 members. This would significantly increase the time commitment required from Authority members, potentially reducing the pool of people available to fulfil the role. The New Forest National Park Authority currently has 22 members and we do not consider this to be unduly large. There are a number of key roles and committees to be serviced by members. For example, our Planning Committee currently comprises 13 members. Should there be a reduced board it follows that should there be a Planning Committee meeting that some members cannot make, important planning decisions could be made by less than half a dozen members. This would result in a democratic deficit in the delivery of our statutory planning function, undermining the confidence of local communities in planning decisions made by national park authorities. We also see merit in retaining larger board size in order to aid the objective of enhancing the diversity of boards.

We are unclear how the Secretary of State appointing the Chair will improve local governance. In the 17 years since the New Forest National Park Authority has been established, 4 of the 5 chairs have been Secretary of State appointed members, but this should remain a decision for the Authority itself, rather than being imposed. Nearly half of the National Park Authority members are already

appointed or confirmed by the Secretary of State and this proposal would appear to conflict with the Government's recognition of the importance of local delivery in their response to the review recommendations. For example, National Park Authorities are legally the local planning authorities for their respective areas and this local role is key to our work in delivering the Park purposes. We therefore support the existing process whereby the chair of the National Park Authority is appointed by the National Park Authority members themselves.

Finally, we would also highlight that the Government undertook a review of the governance of National Parks in 2010 - 2011 (under the Conservative – Liberal Democrat coalition administration). This review highlighted the value placed on the range of National Park Authority members – we are the only planning authorities in the country with parish-appointed members; the local authority appointments ensure all constituent councils are represented; and the national (Secretary of State) appointees reflect that they are nationally protected landscapes, funded by the nation. Any changes proposed a decade later should retain this spread of expertise within the membership. While there is certainly an opportunity for review the system to ensure it reflects the scope of interests in National Parks, it will be important to retain the range of expertise the current membership model delivers.

A clearer role for public bodies (p22)

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

YES – the principles behind the existing Section 62(2) 'duty of regard' are sound and we would welcome their strengthening. A 'duty of regard' does set a fairly low bar and therefore changes in primary legislation to introduce a duty to 'further' or 'deliver' would be welcomed. The current duty is very weak and leads to a situation where some bodies feel the National Park purposes relate solely to the work of the respective National Park Authorities, rather than to the National Park itself and all bodies working within it and impacting on it.

It is important that an enhanced duty covers all relevant activities undertaken by 'relevant bodies' within National Parks, as there is a risk that some perceive it to only apply to a narrow field of environmental activities.

23. Should statutory duties be made clearer with regards to the role of public bodies in preparing and implementing management plans?

YES – the role of National Park Management/Partnership Plans remains key to the work of public bodies in National Parks. For Management Plans to be truly effective they need to collective commitment from relevant public bodies to contribute to the preparation of Management Plans; and their 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 (p24)

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

YES – we would welcome a wider ‘general power of competence’. The functionally specific power of competence that National Park Authorities currently have is not adequate to allow us to respond both to the changing policy imperatives and opportunities. Given the substantial reduction in grant funding in real terms over the last decade, and the need to be more entrepreneurial, it is vitally important that we have a general power of competence in line with that of other local government bodies. For example, this would enable national park authorities to engage with green finance initiatives; fully engage with businesses and LEPs; lead health and wellbeing initiatives; and work beyond our boundaries to reach out to communities in surrounding areas where appropriate. We would be happy to discuss these matters further with the Government to illustrate the benefits a wider general power of competence would bring for the delivery of the Government’s priorities for National Parks.

Overall

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

- (i) 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 role in bringing together built 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 in partnership 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 it is important that this is both delivered in partnership with other bodies, while at the same time ensuring Natural England’s future remit does not duplicate the work of existing bodies.

- (ii) **Sustainable Transport:** The Government response to the national Landscapes Review make several references to sustainable transport, but does not prompt a specific question on the topic. It appears that work on promoting sustainable transport is being delegated to Local Transport Plans, without additional measures to address the issues.
- (iii) **Potential Third Purpose:** We support the Government's intention not to elevate the existing socio-economic duty (Section 62(1) of the *Environment Act 1995*) to a third purpose. It is noted that a similar purpose exists in the Scottish National Parks, but our view is that such a change would further blur the distinction between nationally protected landscapes and 'other' rural areas in the country that do not have the same legal framework. National Park designation itself brings significant benefits to local communities and the economy of areas and we do not feel the case has been made for raising the duty to a third purpose. From our experience the wording of the existing duty causes issues and it is important the work for national park authorities focuses on the two statutory purposes, rather than straying into the remit of local authorities.

The statutory framework for National Parks encourages development that actively supports the first and second purposes and remains fit for purpose. The National Parks Circular (2010) states, "*The principles of sustainable development include living within environmental limits, achieving a sustainable economy and ensuring a strong, healthy and just society...The Authorities' primary responsibility is to deliver their statutory purposes. In doing so, they should ensure they are exemplars in achieving sustainable development, helping rural communities in particular to thrive...The Parks are important as models of sustainable development and are important in allowing society to experience sustainable development in practice.*" (paragraphs 28 – 30).

- (iv) **Finance:** 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%. 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.

In terms of other sources of finance, the New Forest National Park Authority received £100,000 of funding from the Natural Environment Investment Readiness Fund in 2021 to develop a project that will drive private investment in nature and help tackle the climate crisis. This involves working with three landowners (Forestry England and two private Estates) and demonstrates how we are already working to explore the role of private finance in delivering nature-based solutions. National landscapes would benefit from being able to influence the targeting of funds from private markets.

- (v) **Planning responsibilities:** National Park Authority's statutory role as the sole planning authorities for their areas is key to the delivery of the National Park purposes and related duty. Our planning function is one of the main ways through which local communities engage with national park authorities and it is important that our decisions are accountable, reflecting the make-up of our membership (with national, local authority and parish appointees). It is also important that this vital function is properly resourced, including the role of robust planning enforcement in our nationally protected landscapes.

The national Landscapes Review (2019) was clear in stating, "*The current Permitted Development Rights (PDR) system should also be reviewed and, if necessary, further PDRs should be added to the list of those currently withdrawn within national landscapes to ensure that the full application process applies before determining planning approval.*" More than 2 years later the Government's response states, "*We will continue to monitor the use of permitted development rights in protected landscapes, and identify future opportunities to review their use.*"

While we acknowledge that national permitted development rights fall within the remit of the Department for Levelling Up, Housing and Communities, it should also be highlighted that in the intervening 2 years since these recommendations were made further harmful development has taken place within our National Parks under national permitted development rights. Since the National Landscapes Review was published in October 2019 additional national Permitted Development Rights have been introduced in National Parks. In the case of the New Forest National Park, these further permitted development rights have had the effect of undermining local planning policies found 'sound' by the Planning Inspectorate at independent examination in July 2019. We therefore urge the Government to commit to reviewing permitted development rights in nationally protected landscapes as a priority to address the current problems they create.

- (vi) **Relationship between National Parks and AONBs/National Landscapes:** We welcome the principle of nationally protected landscapes working together. The New Forest National Park Authority and Cranborne Chase & West Wiltshire Downs AONB for example have recently jointly funded farmer cluster working in the Avon Valley using Farming in Protected Landscape funding. There may be opportunities in the future for specialist staff to work across protected landscapes and joint projects, potentially coordinated by Natural England and the new National Landscape Partnership.