

Pembrokeshire Coast National Park Management Plan (2020-2024)

Background Paper 8:
Legislation and policy

Pembrokeshire Coast National Park Authority
September 2018

About the UK's national parks

The purposes of UK National Park are set out in the Environment Act 1995. They are:

- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the area
- (b) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public

In the event of an irreconcilable conflict between the purposes, conservation has greater weight (the 'Sandford principle').

Pembrokeshire Coast National Park Authority is charged with delivering the purposes in Pembrokeshire Coast National Park and has a duty to seek to foster the social and economic wellbeing of National Park communities in its pursuit of the purposes.

Management Plan 2020-2024

Each National Park Authority is required to prepare a five-yearly National Park Management Plan "which formulates its policy for the management of the relevant Park and for the carrying out of its functions in relation to that Park" (Environment Act 1995, section 66). The Environment Act 1995 gives relevant authorities a legal duty to have regard to Park purposes and to the Sandford Principle¹.

A number of background papers have been compiled in preparation for the Pembrokeshire Coast National Park Management Plan 2020-2024. They cover:

1. Landscape, seascape, tranquillity and dark skies
2. Well-being, equality and livelihoods
3. Outdoor recreation and learning
4. Nature conservation
5. Culture and heritage
6. Climate and energy
7. Natural resources
8. Legislation and policy

The Well-being of Future Generations (Wales) Act 2015 and The Environment (Wales) Act 2016 add further statutory backing to National Park purposes and the need for participation and collaboration to achieve them. However there is a two-way relationship between National Park purposes and the legislation. The topic areas are intended to reflect this complementarity, to demonstrate the alignment of National Park policy with Wales' well-being, climate, natural resource and ecosystem resilience goals, and to help identify opportunities to add value between national and local policy areas. The South-west and Marine area statements prepared by Natural Resources Wales will also be an important component of management.

¹ "In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes [...] and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park." (Environment Act 1995, s.62)

The background papers set out the state of the National Park and provide a context for identifying opportunities and challenges that the Management Plan will need to address. The opportunities and challenges, and accompanying maps, are set out in an informal document for early engagement with partners and public.

The background papers are technical in nature. Where use of technical terms is unavoidable, they are explained in the text and/or in a glossary.

A place-based approach

While many natural resource issues are best considered at a landscape-scale, action locally should take account of local circumstances. It is proposed that the Management Plan 2020-2024 adopts a place-based approach to policy implementation, with five areas identified as follows:

- Preseli Hills and North Coast
- North-west Coast
- West Coast
- Daugleddau
- South Coast

Next steps

An outline timetable for Management Plan preparation was approved in the Authority's Corporate and Resources Plan 2018/19 (page 33). A more detailed timetable is given below. This was approved by the National Park Authority at its meeting of 20th June 2018.

Milestone	By whom/when
Draft preparation timetable, and methods of engagement	Leadership Team, external bodies. May 2018
Approve timetable and engagement proposals	National Park Authority. June 2018
Engage with key stakeholders: <ul style="list-style-type: none"> • Collate evidence (outcomes, issues, policy impact) • Draft / revise Plan and associated assessments (see "Requirements for impact assessments" below) • Prepare an action planning framework 	July to December 2018
Member Workshops to discuss draft reports and assessments	Spring 2019
Authority approval of consultation draft documents (Management Plan, Sustainability Appraisal / Strategic Environmental Assessment, Habitats Regulations Assessment, Equality Impact Assessment)	National Park Authority June 2019
Translation and formatting	June/July 2019
Public consultation (12 weeks)	Park Direction Team August 2019 - October 2019
Report of consultations to Authority.	National Park Authority

Milestone	By whom/when
Authority approval of amended documents.	December 2019
Translation and formatting	Park Direction/Graphics Team December 2019/ January 2020
Feedback to consultees	December 2019
Publication of approved Management Plan and assessments; formal notification / adoption statements.	January 2020

**Opportunities and challenges identified from this background paper
(not covered by other topic areas)**

Achieving meaningful collaborative working in planning and plan implementation.

Implementing the proposed requirement on national park authorities to pursue sustainable management of natural resources.

Contributing to the economic and social resilience of communities within the context of National Park designation.

Supporting appropriate renewable energy development, including community schemes.

Improving public awareness of farming welfare standards and promoting local produce.

Realising the social, cultural and sustainable economic value of landscapes.

This background paper lists some of the main legislation and policy affecting national parks and national park authorities in Wales.

1. The Environment Act 1995

- 1.1 This sets out National Park purposes:
- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the area
 - (b) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public
- 1.2 In the event of an irreconcilable conflict between the purposes, conservation has greater weight (the ‘Sandford principle’).
- 1.3 Pembrokeshire Coast National Park Authority is charged with delivering the purposes in Pembrokeshire Coast National Park and has a duty to seek to foster the social and economic wellbeing of National Park communities in its pursuit of the purposes.
- 1.4 Each National Park Authority is required to prepare a five-yearly Management Plan "which formulates its policy for the management of the relevant Park and for the carrying out of its functions in relation to that Park" (Environment Act 1995, section 66). The Environment Act 1995 gives relevant authorities a legal duty to have regard to Park purposes and to the Sandford Principle². The Well-being of Future Generations (Wales) Act 2015 and The Environment (Wales) Act 2016 add further statutory backing to National Park purposes and the need for participation and collaboration to achieve them.

2. The Environment (Wales) Act 2016

- 2.1 The Act includes provision for planning and managing Wales’ natural resources and for maintaining and enhancing biodiversity. It identifies examples of natural resources and sets out principles of sustainable natural resource management, to ensure that natural resources are used in a way and at a rate that maintains and enhances the resilience of ecosystems and the benefits they provide³.
- 2.2 The principles of sustainable management of natural resources are to:
- (a) manage adaptively, by planning, monitoring, reviewing and, where appropriate, changing action
 - (b) consider the appropriate spatial scale for action
 - (c) promote and engage in collaboration and co-operation
 - (d) make appropriate arrangements for public participation in decision-making
 - (e) take account of all relevant evidence and gather evidence in respect of uncertainties

² “In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes [...] and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.” (Environment Act 1995, s.62)

³ Environment (Wales) Act 2016, Sections 3 and 4

- (f) take account of the benefits and intrinsic value of natural resources and ecosystems
- (g) take account of the short, medium and long term consequences of actions
- (h) take action to prevent significant damage to ecosystems
- (i) take account of the resilience of ecosystems, in particular the following aspects:
 - (i) diversity between and within ecosystems
 - (ii) the connections between and within ecosystems
 - (iii) the scale of ecosystems
 - (iv) the condition of ecosystems (including their structure and functioning)
 - (v) the adaptability of ecosystems

2.3 Based on evidence in the State of Natural Resources Report (2016), Welsh Government's Natural Resources Policy (2017) identifies three national priorities: delivering nature-based solutions; increasing renewable energy and resource efficiency, and taking a place-based approach. This provides the context for Area Statements, which will identify the public bodies which Natural Resources Wales considers may help address regional priorities, risks and opportunities for sustainable management of natural resources in those areas.

2.4 Public authorities must have regard to the Area Statements relevant to them. National Park management is aligned with the principles of sustainable management of natural resources; this helps achieve National Park purposes and will assist in delivery of Area Statements. Two Area Statements apply particularly to the National Park: the South West Area Statement and the Marine Area Statement.

3. The Historic Environment (Wales) Act 2016

3.1 The Act amends the two pieces of UK legislation that currently provide the framework for the protection and management of the Welsh historic environment: the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and includes new stand-alone provisions.

3.2 It has three main aims:

- To give more effective protection to listed buildings and scheduled monuments
- To improve the sustainable management of the historic environment
- To introduce greater transparency and accountability into decisions taken on the historic environment.

4. National Park Management Plan guidance and advice (2007 and 2014)

4.1 Guidance on preparing National Park Management Plans in Wales was published by the Countryside Council for Wales in 2007. That guidance still stands, and has been supplemented with advice commissioned by Natural Resources Wales on incorporating ecosystem conservation into protected landscape management (advice issued in 2014).

4.2 Ecosystem management principles include the recognition that change is inevitable, and that everyone should be involved in decision-making. The advice includes case studies and the key messages which can be taken from them. These and the principles of the Convention on Biological Diversity have been taken into account in reviewing this Management Plan.

5. Nature Recovery Plan for Wales (2015)

5.1 The Nature Recovery Plan for Wales (2015) is the National Biodiversity Strategy and Action Plan for Wales. It sets out a commitment to biodiversity in Wales, issues to address, and objectives for action. It sets out how current and proposed action, particularly through the Well-being of Future Generations (Wales) Act 2015, and Sustainable Management of Natural Resources will contribute to reversing the loss of biodiversity in Wales.

5.2 An Action Plan sets out those actions which have been specifically identified to meet our objectives to reverse the decline of biodiversity. A Nature Recovery Framework, in development, shows the governance structure for the Nature Recovery Plan, and the roles and responsibilities of everybody involved in the delivery of action for biodiversity in Wales. It will also define the accountability measures in place to ensure delivery.

6. Pembrokeshire Nature Recovery Plan (February 2018 position statement)

6.1 A Pembrokeshire Nature Recovery Plan will replace the current Local Biodiversity Action Plan for Pembrokeshire, and is expected to closely follow the format of the Wales Nature Recovery Plan. It will provide the framework for local biodiversity action that will contribute to the delivery of national targets for key habitats and species, and raise awareness and understanding of the relevance of biodiversity.

7. Pembrokeshire Well-being Plan

7.1 Pembrokeshire's Wellbeing Assessment was approved by the Pembrokeshire Public Services Board in April 2017 with the Well-being Plan for Pembrokeshire itself published in May 2018. The Well-being Plan for Pembrokeshire sets out how the Pembrokeshire Public Services Board can add value to existing programmes and partnerships, in support of two well-being objectives and four priorities through eight integrated projects.

- We want to help our people, communities and organisations so that we can support ourselves and each other (priorities: living and working; resourceful communities)
- We want to protect and enhance our natural assets whilst optimising economic prospects, accessibility and health for all (priorities: tackling rurality; protecting our environment)

7.2 The eight integrated projects are:

- Recruitment and Employment Transformation Framework
- Environmental and Climate Change Risk Assessment
- Becoming a Carbon Neutral County
- Doing things Differently

- Celebrating the Great outdoors
- Community Participation
- Understanding our Communities
- Meaningful Community Engagement

8. Vital nature: Making the connections between biodiversity and the people and places of Wales

8.1 *Vital Nature* (July 2018) is Natural Resources Wales' strategic steer for biodiversity to 2022. It establishes a high-level framework for actions for biodiversity in line with the Nature Recovery Action Plan for Wales and sets out a series of goals and high-level commitments regarding collaborative delivery of biodiversity and ecosystem resilience duties. The goals include the following:

- Everyone values the species and habitats, landscapes and seascapes of Wales and has opportunities for access to nature. There is wide appreciation and understanding of the value of the natural world and its importance for people's well-being and for the economy, helping to align the choices that we make with the capacity of ecosystems to support us.
- Protected sites on land and sea in Wales are an integrated network, ecologically connected with the wider landscape and seascape, resilient to climate change, and where a dynamic approach to site designation and management enables habitats and species to thrive and expand, providing ecosystem services well beyond the site boundaries. Maintaining and enhancing biodiversity and building ecosystem resilience are a routine requirement of new development and the regulation and management of natural resource use across all sectors in Wales.

9. Wales National Marine Plan

9.1 In December 2017, Welsh Government published a consultation draft Wales National Marine Plan, which will guide decisions on the sustainable use of Welsh seas. Specifically, the Plan is intended to: integrate policy with the rest of the UK, guided by the UK Marine Policy Statement; support the vision for clean, healthy, safe and biologically diverse seas; guide future sustainable development and direct decisions on the use of marine space and natural resources.

9.2 The consultation draft Plan identifies indicative Strategic Resource Areas. Relevant authorities are expected to guide sectors towards these areas and ensure their sustainable use (in accordance with the principles of sustainable development and sustainable management of natural resources).

10. The Well-being of Future Generations (Wales) Act 2015

10.1 This requires the National Park Authority to set and publish objectives designed to maximise its contribution to achieving each of the well-being goals described in the Act, and to take all reasonable steps to meet those objectives in exercising its functions. The Future Generations Commissioner for Wales has identified six priority areas which address the root causes of problems facing future generations and help achieve the best multiple outcomes. They relate to two broad themes:

- (1) Creating the right infrastructure for future generations, focussing on housing stock, energy generation and efficiency, and transport planning
- (2) Equipping people for the future, focussing on skills, adverse childhood experiences, and alternative models for improving health and well-being ('social prescribing')

10.2 The Act places a legal requirement on the Welsh Ministers to set national indicators, to be “applied for the purpose of measuring progress towards the achievement of the well-being goals”. The indicators are set by Welsh Ministers but reflect the whole of Wales and will enable all partners to evaluate their contributions towards the well-being goals.

11. Welsh Government Natural Resources Policy (2017)

11.1 The Policy sets out three national priorities for the management of Wales’ natural resources:

- Delivering nature-based solutions
- Increasing renewable energy and resource efficiency
- Taking a place-based approach

11.2 Welsh Government policies will be aligned to the delivery of these priorities, and the legislative framework will drive action. Working closely with partners in the National Parks, Local Authorities, the National Trust and Natural Resources Wales will be essential to realise the economic and wider benefits of Wales’ built and natural environments.

11.3 The Natural Resources Policy provides the context for Area Statements (prepared by Natural Resources Wales). These will identify the public bodies which may help address regional priorities, risks and opportunities for sustainable management of natural resources. The statements will help fulfil Natural Resources Wales’ general purpose to pursue and apply the principles of sustainable natural resources management. Public authorities must have regard to the Area Statements relevant to them.

12. Welsh Government policy on protected landscapes in Wales

12.1 *Working Together for Wales: Policy Statement for the National Parks and National Park Authorities in Wales* was issued by Welsh Government in March 2007. An Independent Review of Designated Landscapes in Wales, commissioned by the Welsh Government led to a report, *National Landscapes: Realising their Potential. The Review of Designated Landscapes in Wales (2015)*, which made many recommendations covering proposals and observations on purposes, principles, vision, governance models, planning and funding. A Future Landscapes Wales Working Group was established to explore the Review recommendations and the case for change. *Future Landscapes: Delivering for Wales* was published in 2017. The proposals set the designated landscapes on a path to drive the sustainable management of natural resources in their areas and working beyond their current boundaries. It draws on the strengths and opportunities of genuine partnership and collaboration. In doing so, it advocates greater flexibility in structures in order to meet the needs of places and communities.

12.2 In March 2018, the Minister for Environment confirmed that the designated landscapes review process would draw to a close with the publication of a policy statement in coming months. The Minister gave a firm commitment that all Wales' existing protected landscapes will be retained and their current purpose of conserving and enhancing natural beauty will not be weakened. The Minister also underlined the importance of a more diverse cross-section of Welsh society feeling they have a stake in protected landscapes and recognising the benefits that derive from them.

12.3 *Valued and Resilient: The Welsh Government's Priorities for the Areas of Outstanding Natural Beauty and National Parks* was issued by Welsh Government in July 2018. It replaces the previous 2007 guidance.

12.4 *Valued and Resilient* outlines key priority areas following consideration of the outcomes from the Review of Designated Landscapes, Future Landscapes Wales Programme and responses to the *Taking forward Wales' sustainable management of natural resources* consultation. It provides clarity of purpose for the National Parks and Areas of Outstanding Natural Beauty in the context of the UK's exit from the European Union and at the close of a period of review. Themes and priorities include the following (emphasis added):

1. Valued Places

(i) Landscapes for everyone

- **...broad partnerships should be formally established or maintained, which are enabled and empowered by the managing body to provide meaningful opportunities to participate in the preparation of plans and decision-making** of these designated landscapes.
- While it is important for all sectors of society to experience these designated landscapes, particular focus should be given to children and young families from deprived areas. Action must be taken to **help to tackle the inequalities that exist in health, education and economic outcomes amongst the poorest in society**. This work will include enhanced outdoor education programmes and volunteering opportunities.

2. Resilient Environments

(ii) Exemplars of the sustainable management of natural resources

- **AONBs and National Parks, which contain a socio-economic dimension, should exemplify approaches to reconciling tensions around competing demands for natural resources.** They have established governance and accountability structures and should utilise mechanisms such as the Management Plan and Local Development Plan in this endeavour. The emerging Area Statements offer the opportunity to inform and enhance further the role of landscape scale action. To support this ambition The Welsh Government will introduce legislation at the earliest opportunity to **require a National Park Authority to pursue the sustainable**

management of natural resources in the exercise of its functions.

- (iii) Halting the loss of biodiversity
- The health of designated landscapes will be inextricably linked with the improvement of neighbouring landscapes and sites. The extensive nature of ***landscape designation provides a mechanism to secure healthy, resilient and productive ecosystems that are managed sustainably and contribute to connectivity between habitats.***
 - Creating both new native and new mixed woodlands that can deliver multiple benefits, and to use planting and natural processes to do so, is a challenge which applies equally to the designated landscapes as to the rest of Wales. It is possible to ***increase woodland cover whilst respecting the special qualities of these landscapes.***
- (iv) Green energy and decarbonisation
- Designated landscapes must ***contribute to a sustainable low carbon economy for Wales***, for example, ***through enabling the generation of renewable energy at an appropriate scale, water management and carbon sequestration.***
 - Through careful planning and management these landscapes can play a key role in meeting the challenges of adaptation and mitigation of climate change, achieving energy security whilst creating resilient communities and supporting the environment. ***Communities should be supported to bring forward appropriate renewable energy schemes*** which have the potential to reduce dependence on carbon based energy and be a source of revenue for the community.
 - ...this Government has an ambition for the Welsh Public Sector to be carbon neutral by 2030. The National Park Authorities, in particular, can demonstrate leadership on achieving a carbon neutral public sector.
3. Resilient Communities
- (v) Realising the economic potential of landscape
- National Park Authorities have a duty to 'foster the economic and social well-being of local communities within their national park' and AONB local authorities also have a similar responsibility across the whole of their authority areas. To reflect their national importance the planning system will continue to afford them the highest possible protection from inappropriate development. This does not prevent the designations from playing a key role in facilitating appropriate development whilst maintaining the integrity of landscape quality.
 - ***Designated landscape management organisations need to further develop and refine their own understanding of local economic resilience and economic opportunities***, and continue to collaborate with other economic development agencies, including local authorities. They should draw on their power to convene local

- bodies, businesses and groups in order to support and create opportunities for employment.
- (vi) Growing tourism and outdoor recreation
- To **encourage, provide for and manage responsible outdoor recreation opportunities** is an important role for AONBs and a key remit for Park Authorities. Efforts need to focus on working towards the provision of fit for purpose places and facilities which are consistent in standard with the spectacular landscapes they serve. Programmes must encourage participation and strong links across the sector to ensure harmonious use of the areas and their special qualities.
- (vii) Thriving Welsh language
- Cymraeg 2050 is the ambition of the Welsh Government to see the number of people able to enjoy speaking and using Welsh reach a million by 2050. The designated landscapes will have **an important role to play to increase public awareness of the value of the Welsh language, both as part of our national heritage and as an important skill in modern life.**
4. Resilient Ways of Working
- (viii) All landscapes matter
- The bodies and partnerships with responsibility for the designated landscapes should together **promote the social, cultural and economic value and sustainable use of all landscapes, working across boundaries** with Natural Resources Wales and with local partnerships.
 - This means closer operational arrangements between existing designated areas on a regional and national basis, but also between the designated landscapes and areas without a statutory designation.
 - The Welsh Government wishes to see the designated landscapes taking confident strides in managing positive landscape change for the benefit of people and the landscape. This attitude should be evident in all plans, activities, and communication.
- (ix) Collaboration
- Welsh Government believes a helping hand is needed to assist at a strategic level and intends to **establish a National Partnership to develop a robust culture of collaboration whilst also providing scrutiny and challenge on designated landscapes' priorities and delivery.**
 - A collaborative approach in support of an area's special qualities may be achieved more effectively through building relationships and trust, rather than reliance on compliance on a duty to have regard. Both approaches will require parties to understand and appreciate the aspiration for an area and their own impacts and contribution. The designated landscape bodies exist to facilitate the necessary joint endeavour for the management of the landscapes which includes, but extends beyond, those who are caught by the duty to 'have regard'.