

REPORT OF THE CONSERVATION POLICY OFFICER

SUBJECT: CONSULTATION ON A POLICY STATEMENT FOR PROTECTED LANDSCAPES IN WALES

Purpose of Report

This report seeks Members' approval for a proposed response to Welsh Government's consultation "Taking the Long View: Consultation on the draft Policy Statement for Protected Landscapes in Wales".

Background

The draft Policy Statement sets out Welsh Government's vision for the contribution that National Parks and Areas of Outstanding Natural Beauty in Wales will make to the environment and to society. It will replace the 2007 "Policy Statement for the National Parks and National Park Authorities in Wales". The consultation closes on 20th September 2013.

Attached at Annex 1 is PCNPA's suggested response to the draft Policy Statement. This will also feed into a National Parks Wales response.

Legal Considerations

PCNPA's draft response seeks clarity on whether the guiding principles in the Policy Statement will be useable as evidence by national park authorities/local authorities to support policy development, for example new policies in local development plans.

RECOMMENDATION

That Members APPROVE the draft response (attached at Annex 1 to this report) to the draft Policy Statement on Wales Protected Landscapes, subject to any comments they may wish to make.

Background Documents

National Park Authority Report no. 40/13 (7th August, 2013) – Report of the Chief Executive (Discussion on the Welsh Government consultation on the draft Policy Statement for Protected Landscapes in Wales)

Consultation documents: <http://wales.gov.uk/consultations/cultureandsport/landscape/?lang=en>

(For further information please contact Michel Regelous, Conservation Policy Officer)

Annex 1 to the report of the Conservation Policy Officer

Consultation Response Form

Your name:

Organisation (if applicable): Pembrokeshire Coast
National Park Authority

email / telephone number:

Your address:

Question 1: *Do you think this policy document adequately positions Wales' protected landscapes to play a central role in taking forward a vision for a sustainable Wales?*

- 1 Pembrokeshire Coast National Park Authority (PCNPA) welcomes a policy statement for protected landscapes but believes that the consultation draft needs to be made stronger and clearer if it is to serve its purpose. Our comments are as follows.
- 2 As a general comment, the policy statement should take care to distinguish between references to protected landscapes - i.e. national parks and areas of outstanding natural beauty (AONBs) - and references to their management structures - i.e. National Park Authorities (NPAs) and AONB partnerships.
- 3 Overview: The *Overview* section should clarify that the policy statement sets out aspirations for protected landscapes - it is not actually the entire "strategic policy framework" for protected landscapes, but it can help provide an overview of it, and set out future directions for policy.
- 4 The statement must also be realistic about what NPAs/AONB partnerships can achieve; they are small, responsive and innovative outfits and as such have important 'pathfinder' roles, but the flip side of this is that they have limited resources and tools – they cannot single-handedly change the face of protected landscapes.
- 5 Ministerial Foreword: The placement of the 2nd para in the *Ministerial Foreword* is rather confusing in that it switches rapidly (with no introductory reference to NPAs and AONB partnerships) onto governance themes. This paragraph, wherever it is eventually located, could also clarify whether, how and when the Commission's findings would influence the policy statement.
- 6 Ministerial Foreword: The 3rd paragraph of the *Ministerial Foreword* refers to "...areas that are now greatly valued for their economic and cultural benefits." We believe that this has long been the case; designation of protected landscapes was in the first place due to recognition of the distinctive and diverse values of these landscapes to society and the need to safeguard them.

Purpose

- 7 Para 1: We welcome the scope of the statement, including as it does all Wales' National Parks and AONBs.
- 8 Para 2: We welcome the recognition that Wales' protected landscapes are a target for, and help fulfil, strategic Welsh policy aspirations. We welcome the statement's recognition of the diverse nature of the protected landscapes, and hence of the contributions they make to society, and the recognition that the management plans for these areas are the main vehicle for reflecting this diversity and distinctiveness.
- 9 Para 2: We suggest that management policy and State of the Park/AONB reporting should be integrated in the management plans for the areas, not seen as something separate, and that state of the Park information should be selected on the basis of its management utility. The choice of information should be explained and discussed through the management planning process. This is in keeping with an evidence-based, adaptive and collaborative approach to management.
- 10 Para 6: We welcome the reference in paragraph 6 to the duty that public bodies and statutory undertakers have (namely to have regard to the statutory purposes of protected landscapes) and those organisations' roles in helping to implement the management plans. We note and welcome the role that Natural Resources Wales will have in promoting this duty and monitoring compliance with it. We suggest that Welsh Government has the opportunity in the forthcoming Environment Bill to underline this duty and indeed to strengthen it from "having regard to" to "supporting" the purposes of protected landscapes. Para 6 could also provide a cross-reference to Welsh Government's explanatory memorandum (or an updated version of it) which lists relevant authorities ('List of Bodies to which the Section 62(2) duty appears to apply', 2005).

Context

- 11 Para 8: The last sentence of this paragraph should distinguish between protected landscapes (in this case, the national parks) and their management structures (in this case, the NPAs). We suggest rewording along the following lines: "National Park Authorities have a duty, in their pursuit of national park purposes, to seek to foster the economic and social well-being of local communities within the national park." This would also make the paragraph consistent with the Environment Act 1995.
- 12 Para 9: We suggest that the statement should explicitly recognise that seascapes are an integral part of most of Wales' protected landscapes, for example by including reference here to "...these stunning landscapes and seascapes." The importance of the coastline and sea to people's experiences of Wales' protected landscapes could be elsewhere in the document.
- 13 Para 10: Rephrase to: "Designated landscapes are also appreciated in that they can offer areas of tranquillity and night skies relatively free from light pollution."

Vision

- 14 Para 11: Is “thriving” the best word for use in this context?
- 15 Para 12: We share these sentiments although NPAs and AONB partnerships have relatively little influence over the regulatory burden. In addition we suggest rephrasing here to “reducing *unnecessary* regulation”. Regulation and policy will always be necessary, to ensure protection of both market and non-market aspects of the environment and to facilitate an equitable allocation of natural resources. We welcome the implied recognition that protected landscapes and NPAs/AONB partnerships can incubate and help foster innovation, although protected landscapes are not the only areas in Wales where this takes place and some innovations may not be appropriate in these landscapes in terms of landscape capacity. We also note that there may be trade-offs between policy innovation and affordability which may make some innovations, in the short-term at least, and perhaps especially in rural areas, unworkable and discriminatory (for example against people on low-incomes). Comments on paragraph 27 also apply.
- 16 Para 13: It is not altogether clear what is meant – we suggest deletion of the paragraph.

Guiding principles

- 17 Paras 14 and 20: The integrated approach described is substantially covered by the relevant management plans and local development plans, however protected landscape bodies are also governed by national, UK and EU policy and planning frameworks. We see an important role for Welsh natural resource planning (discussed in more detail below).
- 18 Para 15: We suggest that this paragraph should recognise existing policy successes and the need to continue to improve policy/regulatory congruence and integration across Wales, so that the reconciliation of ‘competing pressures’ takes place well within an envelope of environmental capacity. Designated landscapes have a key role in this, and we suggest that the NPAs/AONB partnerships have long embraced a wider role than scenic amenity. We also consider that greater reference should be made to the importance of the built environment.
- 19 Para 15: “greater recognition”: recognition by whom? It would be worth specifying which groups/audiences are being referred to here.
- 20 Para 16: The *Living Wales* programme sets out an approach to management and regulation of Wales’ landmass and seas in accordance with the principles for ecosystem health and productivity set out in the Convention on Biological Diversity. We welcome this pan-Wales approach, and note that the purposes of protected landscapes are entirely consistent with the emerging principles of the ecosystem approach to management and the *Living Wales* programme.

- 21 In UK protected landscapes, the emphasis is not on managing pristine ecosystems so much as on managing human impacts on what are often heavily-modified environments. While the natural beauty, heritage, access and recreation aspects of National Park purposes are accommodated by the ecosystem approach, we suggest that there should be a stronger, enhanced application of the ecosystem approach in UK protected landscape management. This should reflect the strong, interacting, cultural and social dimensions of the designations and the exceptional nature of these landscapes. In other words we suggest a whole-landscape approach (which includes all the principles of the ecosystem approach) within protected landscapes. We believe that this is what NPAs and AONB partnerships have been pursuing.
- 22 The *Living Wales* programme proposes adoption of natural resource management plans at national and local levels. National Park and AONB management plans can be viewed as part of that and the wider planning system, fulfilling protected landscape purposes, contributing to (and being assisted by) catchment management plans, habitat/species action plans, national woodland strategy, heritage plans, and national health and wellbeing strategy, to give just a few examples.
- 23 Para 16 states that priorities must be set for the competing demands on Wales' natural resources, which implies a rather narrow and utilitarian approach. Within protected landscapes, biodiversity conservation, landscape conservation, conserving natural beauty, wildlife and cultural heritage for their intrinsic value, will continue to be the principal goals, achieved in an integrated, and we hope imaginative, way. Prioritisation does of course occur but this is based on triage processes influenced by available resources, risk assessments etc., rather than by an explicit weighing up of one intrinsic value versus another. In protected landscapes, the purposes dictate the direction of travel; the draft policy statement underlines this by referring to the Sandford Principle (para 22), which we welcome. It must be recognised though that conflict will arise where maximisation of environmental, economic and social opportunities are pursued. A cross reference to how judgements are in National Parks where conflict arises, i.e., to paragraph 22 would be helpful here.
- 24 Designated landscape management plans set out a framework for provision of some of the most important things in life: opportunities to enjoy nature, get fit and healthy, enjoy locally produced food, find satisfying employment, benefit from clean and secure energy sources, become self-reliant and help build friendly, resilient communities. This gives a quick answer to the most important question about protected landscapes: why are they so important? We suggest that these themes could be made much more prominent at the start of the policy statement, setting the scene for the rest of the document.
- 25 Para 16 - last bullet: Implementing an ecosystems approach is complex and it is difficult to see how such an approach can be simplified and explained to those affected by decisions made. Is this an area where additional guidance will be published by Welsh Government particularly where National Park Authorities need to implement their planning function?

- 26 Para 16 bullet points: if these remain, we suggest that they are reworded along the lines of:
- Protect ecosystem health and functioning
 - Lead to simpler, integrated and enforceable regulation
 - Provide greater clarity for decision makers
- 27 Para 17: This paragraph could be made clearer.
- 28 Para 18: We suggest rewording this paragraph along the following lines: “The value of protected landscapes in Wales stems from the recognition that humans are inseparable from the rest of nature, and the reflection of this dynamic relationship in the evolving appearance of the landscape.”
- 29 Para 18: The reference to the European Landscape Convention is useful and introduces the idea of a landscape as a visually distinct area. Perhaps the concept could be developed here; for example it implies that a landscape’s qualities and beauty are in the eye and awareness of the beholder – in which case a landscape may seem dynamic, diverse, resilient, colourful, exciting and alive, or it may appear tamed, subservient to industry, undervalued, silent, uniform and joyless. We are in no doubt about which statement we as a nation wish to make, and the image we wish our contemporaries and our children to see looking back at them from the cultural mirror of the Welsh landscape. The policy statement could benefit from providing a more precise definition of natural beauty.
- 30 Para 19: To be consistent with primary legislation please refer to statutory purposes and duty. The reference to sustainable development could usefully be clarified in terms of its status for National Parks as opposed as many other legislative or government policy measures that are applicable in National Parks.
- 31 Para 22: The phrase here should be “irreconcilable conflict” – an important qualification to be consistent with primary legislation.
- 32 Para 22 (last sentence): It is not clear what the last sentence of paragraph 22 is intended to convey and we suggest it is deleted.

Question 2: Does this policy document enable Wales’ protected landscapes to fully deliver on their respective statutory purposes?

- 33 The statement does not add new powers to NPAs/local authorities, although the clarity it can bring, subject to the comments above, is welcome. We seek clarification on whether in future the guiding principles in the policy statement will be useable as evidence by NPAs/local authorities to support policy development, for example new policies in local development plans.
- 34 Ultimately, protected landscapes need managing, and it is the land management economies (farming, conservation, forestry, water management) that achieve this and therefore exert a direct influence on their special qualities. A major component of protected landscape management therefore comes from implementation of measures in the Rural Development Plan, forestry policy, water resource management policy, conservation policy and Common

Agricultural Policy and Common Fisheries Policy reform for example. The statement could be more illustrative of how national delivery mechanisms might achieve added value by having explicit targets set for them within national parks and AONBs. Existing mechanisms include Rural Development Plan, Glastir, national planning policy, highways policy and policy guidance; proposed mechanisms include natural resource planning.

This would provide the protected landscapes with more bespoke tools to “*be areas where new solutions to environmental and rural issues are tried, tested and shared,*” (para 12). In short, given the importance placed on Wales’ protected landscapes by the policy statement, the Welsh Government’s most effective land management tools should include measures designed explicitly for them.

- 35 For paragraphs 8 and 29, we recommend reproducing the duties for NPAs/AONB partnerships in full, supporting the policy statement’s welcome emphasis on strategic partnerships.

Outcomes

- 36 It is our view that the “Outcomes” section needs extensive reworking for clarity, consistency and grammar (there are several incomplete sentences for example). The italicised sections in particular are a mixture of high-level aspiration and rather more detailed prescription and the latter can detract from the former. It may be worth considering restructuring the section along the lines of e.g. (i) headline outcome; (ii) illustration of outcome; (iii) examples of means to achieve the outcome (noting that the latter will not necessarily be applicable to all protected landscapes and may have limited currency).

“The National Parks and AONBs are places where people can and want to live and work, now and in the future.”

- 37 Outcomes listed here such as access to services (including health services such as hospitals), community cohesion, social justice, equality of opportunity, provision for achieving fluency in the Welsh language within communities, providing rural transport, are primarily served by other lead public sector providers rather than NPAs/AONB partnerships, although the latter have significant supporting roles, and a major contribution to make in terms of health and wellbeing: designated landscapes are health assets with key roles to play in public health and in addressing health inequalities.
- 38 We query how it will be possible, barring positive discrimination and incentives, to achieve populations that are “*representative of the demographic structure of Wales*”. To a considerable extent, people self-select their home location according to age, life stage, interests, skills, experience etc. In addition in this National Park new build only accounts for a 1% increase in households annually.
- 39 We also query reference to housing provision for ‘local people’ in the italicised paragraph below the outcome yet the outcome itself refers to ‘just’ people. Within this National Park there are issues of environmental capacity and the headline outcome fails to acknowledge the possibility that all demands cannot

necessarily be accommodated. We recommend that the outcome recognises the limited capacity within protected landscapes for additional built development.

- 40 Para 21: Does this imply a role for protected area management authorities on local service boards?
- 41 Para 23: Delete “architectural”.
- 42 Para 23: The NPA welcomes and has long supported community collaboration and capacity building initiatives. Residents and visitors are major agents of change in protected landscapes. It is important that this valuable and often voluntary effort contributes to safeguarding protected landscapes, as national assets, into the long term.
- 43 Para 24: NPAs/AONB partnerships can support the work of others in line with e.g. organisational Welsh Language schemes, development policy and, more widely, celebrating the links between culture and landscape and conserving cultural heritage through the planning system. However NPAs/AONBs partnerships are not the sole or lead actors.
- 44 Para 25: Suggest amending to add: “...all sectors of society, and particularly those for whom barriers to participation exist.”
- 45 Paras 26 and 27: These are poorly-worded and it is not at all clear what para 26 in particular is intended to convey. If the socio-economic benefits that can accrue from careful management of natural and cultural resources are illustrated earlier in the statement (as we suggest in relation to paras 16 and 20 above) then paras 26 and 27 are largely redundant. If it remains as a principle, the phrase in para 27 “*adhering to conservative principles may not always be desirable*” should be reworded for clarity; does “conservative” in this context mean “traditional”?
- 46 Para 27: From day to day operation of the supplementary planning guidance this is not seen as an issue. NPAs have requirements set out in national planning policy and technical advice which sets out standards for design to be met. The current design guidance seeks to embrace innovative design which is sympathetic to the National Park context. An affordability issue was raised through PCNPA’s affordable housing scrutiny committee, namely that the requirements for use of material lower in embodied energy (such as wood or slate) can be costly. Comments on para 12 also apply.
- 47 Para 28: We recommend that the statement recognises the limited capacity within protected landscapes for additional built development. We suggest also that different scales of networking might be indicated – e.g. community level for rural housing enabler/local needs and exceptions sites, county level for working with social housing providers and the housing authority. Welsh Government may also wish to explore other options, such as increasing council tax on second homes.

A strong local economy enables business to innovate and provides the skills, expertise and support to create sustainable jobs.

- 48 We suggest that the italicised section for this outcome needs considerable revision. We recommend that, if the text remains, the aim should be to “*encourage relevant new businesses whose activities avoid damaging and wherever possible contribute to the conservation and enhancement of the protected landscape.*” This would be in line with Planning Policy Wales and Technical Advice Note 5. We also recommend that the aim should be to “*boost the environmental performance...*” rather than the “*sustainability*” of existing businesses. Sustainability is a vague term and boosting the use of “*new technologies*” may lead to fewer people being employed as technology tends to replace labour. We suggest that other stakeholders will have the lead role, rather than NPAs/AONB partnerships, in “*sharing effective business practices*”.
- 49 Para 29: We suggest replacing ‘In fulfilling their remit’ with ‘In pursuance of National Park purposes’. This sentence would then comply with the 1995 Environment Act.
- 50 Para 30: We suggest that this pathfinder role is one aspect of the management plans and local development plans applying to protected landscapes. This would need explicit reference as the current reference does advise as to how these rural visions should manifest themselves.
- 51 Para 31: We welcome the commitment to the highest possible protection of these landscapes from inappropriate development.
- 52 Para 32: Welsh Government ‘policy’ rather than ‘guidance’. Please check the paraphrasing as it is inconsistent with Planning Policy Wales, paragraph 5.5.6. Also the test is known as the ‘Silkin Test’.
- 53 Para 33: This paragraph could be rephrased more broadly in terms of rural enterprise and local produce (not just food).

A clean and green environment which enhances the life experiences of people, who in turn conserve the resource for future generations.

- 54 While we welcome the tenor of this outcome, it is disappointing that Wales’ national treasures (which include extensive coastline) are referred to as “*clean and green*”. We suggest that the italicised section needs complete reworking for clarity, strategic pitch and consistency of style.
- 55 Paras 34 and 35: We suggest this is reworded along the lines of ‘management of carbon’ (rather than ‘accommodating carbon storage’).
- 56 While protected landscapes can potentially provide renewable energy, this should be compatible with the nature and form of the landscape and its capacity to accommodate renewable heat and electricity generation, in line with management plans, local development plans and capacity studies. Reference to Planning Policy Wales paragraph 12.10 and to Technical Advice Note 8 Annex D8.4 would be helpful.

- 57 Para 37: We welcome reference to management of the wider countryside. Designated landscapes are largely privately-owned, and we look also to national agri-environment schemes and policy to help restore biodiversity across Wales, i.e. including the wider countryside beyond designated sites and nature reserves.

People, businesses and communities are well connected within and beyond the boundaries

- 58 Para 39: While the italicised text refers to sustainable travel, the following paragraphs seem to be focussing on information technology and visitor transport; while protected landscape bodies can contribute to the location/provision of these and the eradication of issues such as “not-spots”, they are not lead bodies. NPAs/AONB partnerships will continue to work with Welsh Government, county councils, regional transport groups and transport providers to achieve these aims. Here (as with the other subheadings) it would be helpful to know the timescale for these aspirations.
- 59 Para 39: The shift towards active travel in Wales (relatively simple to achieve in urban areas, where travel distances are shorter, the population density higher and where public transport can be cheaper and more convenient than a private car) risks undermining the management and maintenance of the rural rights of way network. Firstly, active travel plans may not include rural settlements because their populations are too small; secondly, the shift of funding towards active travel may mean that funds previously allocated for rural rights of way (through Rights of Way Improvement Plan grants) will decline. This will compromise the second purpose of protected landscapes. While the planning system can control where new developments are located (e.g. mix of uses in all locations) this is often contrary to market demands and does not address the majority existing development.
- 60 Para 39: suggest replace “gateways into...” with “gateways and hubs within national parks and AONBs can tempt (delete “many”) visitors....”

Residents, tourists and visitors enjoy and appreciate the special qualities of the National Parks and AONBs

- 61 Italicised section: The statement should recognise and perhaps briefly discuss the potential tensions between maximising stay and spend and broadening inclusivity. Lower income groups already tend to be under-represented in the visitor profile. We recommend replacing the phrase “Welsh residents and tourists” with “residents and visitors”.
- 62 We recommend that given the close fit of this outcome to the second purpose, the policy statement should include an outcome that fits the first purpose closely, otherwise it risks undermining the Sandford Principle; on a related note, ‘maximised’ is not necessarily the most appropriate word here.
- 63 Para 41: The second sentence is unclear and needs rewording. The meaning and value of the third and fourth sentences is not clear. (For example, the

second purpose is a purpose precisely because it is important; the final sentence therefore appears to be redundant.)

- 64 Para 42: Replace “centres” with “opportunities”. We suggest rewording as follows: “it is necessary to work with providers and participants to manage recreation and broaden involvement, subject to conservation goals.” The comment to increase participation rates across the full spectrum of activities needs qualification, since by no means all recreation is appropriate. The Pembrokeshire Coast Recreation Plan and Supplementary Planning Guidance use landscape sensitivities to advise which activities are appropriate in which locations. We suggest deleting the last three sentences of para 42.
- 65 Para 43: This implies that the given examples are not already occurring: they are, and furthermore are only a small part of the spectrum of education/engagement provision. This seems to be a rather odd foray into detail.
- 66 Para 44 is welcomed. (Typo “experiences”.)
- 67 Para 45: Agreed, however the second sentence (in relation to socio-economic wellbeing) seems out of place here. Our comments at para 8 also apply.
- 68 Para 46: typos: 3rd bullet “and supporting”; 4th bullet “service users”.
- 69 Para 46: NPAs/AONB partnerships are mindful of equalities responsibilities, including with regard to people with protected characteristics.

Delivering

- 70 Para 49: There is confusion here between protected landscapes and NPAs/AONB partnerships.
- 71 Para 50: The last sentence seems odd, and implies that this is not currently happening. Para 51 also carries this implication.
- 72 Para 51: To innovate, regulatory provisions may need to be relaxed. For example the 8-week planning application requirement favours speed over quality.
- 73 Para 52: Needs rewording for clarity.
- 74 Para 53: Are the closing paragraphs of the statement the best place for introduction of this theme? Also, this seems somewhat speculative and premature given the early days of Natural Resources Wales. In any case, is the policy statement itself not the place to provide the strategic statement of significance and intent?
- 75 Para 53 should read “...approaches to protected landscape management.”

Question 3: *If you have any related issues which we have not specifically addressed, please use this space to report them:*

- 76 We believe that it would be helpful where primary legislation and policy guidance is alluded to in the text, to provide a reference footnote for this. This is how such information is provided in technical advice notes and Planning Policy Wales for example.
- 77 Closing section: a closing section could be added which gathers the statement together with an inspiring look to the future of protected landscapes, their communities, and the wider Welsh countryside and seas.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept anonymous, please tick here: