

## REPORT OF CHIEF EXECUTIVE

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### **SUBJECT: REVIEW OF DESIGNATED LANDSCAPES**

#### Purpose of Report

The report provides information for Members on the Welsh Government's Review of Designated Landscapes.

#### Introduction/Background

In April 2014, the Minister for Natural Resources of the Welsh Government announced an intention to undertake a Review of Designated Landscapes. This Review focused on both National Parks and Areas of Outstanding Natural Beauty (AONBs). This was proposed as a two part Review with the first part focusing on reviewing the benefits of creating one designation for National Parks and AONBs and the need to review the purposes of both designations, while the second part would consider issues of governance and accountability. The Review is being undertaken by a Panel under the Chairmanship of Professor Terry Marsden.

The Pembrokeshire Coast National Park Authority (PCNPA) presented evidence on Part 1 in partnership with the other two National Park Authorities in Wales. The Chairman and Chief Executive also presented evidence directly to the Panel.

#### Part 1

The report of Part 1 of the Review was published on 5<sup>th</sup> March 2015. A copy is included as Annex A. The report makes six recommendations:

#### **Recommendation 1**

We recommend that there should not be a single designation.

#### **Recommendation 2**

We recommend that there is ONE set of statutory Purposes and an associated single statutory Duty for both designations.

#### **Recommendation 3**

We recommend changing the name of "Areas of Outstanding Natural Beauty" (AONBs) to "National Landscapes of Wales".

#### **Recommendation 4**

We recommend the establishment of a consistent and resilient nomenclature as well as structure, including:

"The National Designated Landscapes of Wales";

"National Parks" and "National Landscapes" which are "The Equivalent Designations".

The Equivalent Designations would possess Identical Statutory Purposes and Duties.

## **Recommendation 5**

We recommend there should be THREE interlocking statutory purposes for both the National Parks *and* National Landscapes. These are:

- “To conserve and enhance the distinctive landscape and seascape qualities of the area,” (*the Conservation Purpose*)
- “To promote physical and mental well-being through the enjoyment and understanding of the landscape of the area,” (*the Human Well-being Purpose*)
- “To promote sustainable forms of natural resource management and economic and community development which support the cultural heritage of the area” (*the Sustainable Resource Management Purpose*).

## **Recommendation 6**

We recommend a new single Statutory Duty that removes the weak “have regard to” prefixes in the current duties on relevant public bodies, and replaces them with a single and clear duty:

“To contribute to the delivery of the three Purposes of the National Designated Landscapes.”

Recommendations 1, 5 and 6 are likely to have the most significant impact on National Park Authorities and these recommendations are consistent with the evidence submitted by the Authority.

To accompany the publication of the Report the Minister published a statement which is included at Annex B.

We do not believe that the Welsh Government will take any action to implement the recommendations until Part 2 of the Review has been completed.

## Next Stages

The Panel will now move onto to Stage Two of the Review. At the time of writing this report we have not received any correspondence from the Panel outlining the issues they will consider. However, informal discussions suggest that the Panel will consider the following questions:

1. In light of the Stage One Report and Recommendations what is your vision, ambition and direction for Wales’ designated landscapes (in the medium to long term)?
2. From a governance perspective what factors are preventing/are likely to prevent designated landscapes from achieving the vision, ambition and direction you set out in response to question one?
3. From a governance perspective what factors will allow designated landscapes to achieve the vision, ambition and direction you set out in response to question one?

These questions are subject to change and an update will be provided at the meeting.

It is proposed that the Authority takes a similar approach to responding to Part 2 as it did with Part 1, which is to work with the other two National Park Authorities as part of National Parks Wales.

To gather the view of PCNPA Members it is proposed to hold a Workshop on this issue on 25<sup>th</sup> March.

We also expect that the Chairman and Deputy Chairman, as well as the Chief Executive will have an opportunity of representing the views of Members at a meeting of National Parks Wales to be held during April or early May.

The Chief Executive will also participate in a Workshop organised for officers of National Park Authorities, AONBs, Welsh Government, Natural Resources Wales and the Panel to be held on 16<sup>th</sup> April 2015.

The views of officers will also be sought to feed into the process.

#### Timescale

We are unclear on the timescale for this Review, however, we understand that it will be completed by 24<sup>th</sup> July 2015. This is a very tight timescale with little opportunity to involve all Members in formal meetings.

#### Financial considerations

In terms of responding to the Review there is a limited financial impact on the Authority. Some provision has been made in the National Parks Wales budget to procure advice and support if required. In the longer term the outcome of the Review is likely to have a significant impact on the Authority in a number of ways, including in relation to finance.

#### Risk considerations

The future of how the National Park is managed is likely to be determined by the outcome of this Review, therefore from a Risk management point of view it is important to devote time and resources to engaging with this Review.

#### Compliance

There are no compliance issues in relation to how we respond to this Review, however, our response will focus on issues of accountability.

#### Human Rights/Equality issues

In terms of responding to the Review there should be no Human Rights / Equality Issues to consider for the Authority. However, we understand that the Panel will consider equality in terms of issues such as representation as part of the Review.

#### Biodiversity implications/Sustainability appraisal

In terms of responding to the Review there should be no Biodiversity or Sustainability Issues to consider for the Authority. However, these are issues that will be considered in any response presented.

### Welsh Language statement

Any written evidence will be presented bilingually. The impact of any changes on the Welsh Language within the National Parks will be considered as part of any evidence presented to the Panel.

### Recommendation

**Members are asked to:**

- **Note and comment on the Report of the Review of Designated Landscapes – Part 1;**
- **Endorse the approach set out in the report and delegate responsibility for responding to Part 2 of the Review to the Chairman and Chief Executive.**

### Background Documents

Review of Designated Landscapes:

<http://gov.wales/topics/environmentcountryside/consmanagement/countrysidecoastalaccess/landscapes/?lang=en>

National Parks Wales Response to Part 1 of the Review:

<http://pcnpa.org.uk/Files/files/Corporate%20Docs/NPW%20response%20RDA%20Part%201.pdf>

*(For further information, please contact Tegryn Jones, Chief Executive  
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*Author: Tegryn Jones*

*Consultees:*

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# The Review of Designated Landscapes in Wales

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## Stage One Report

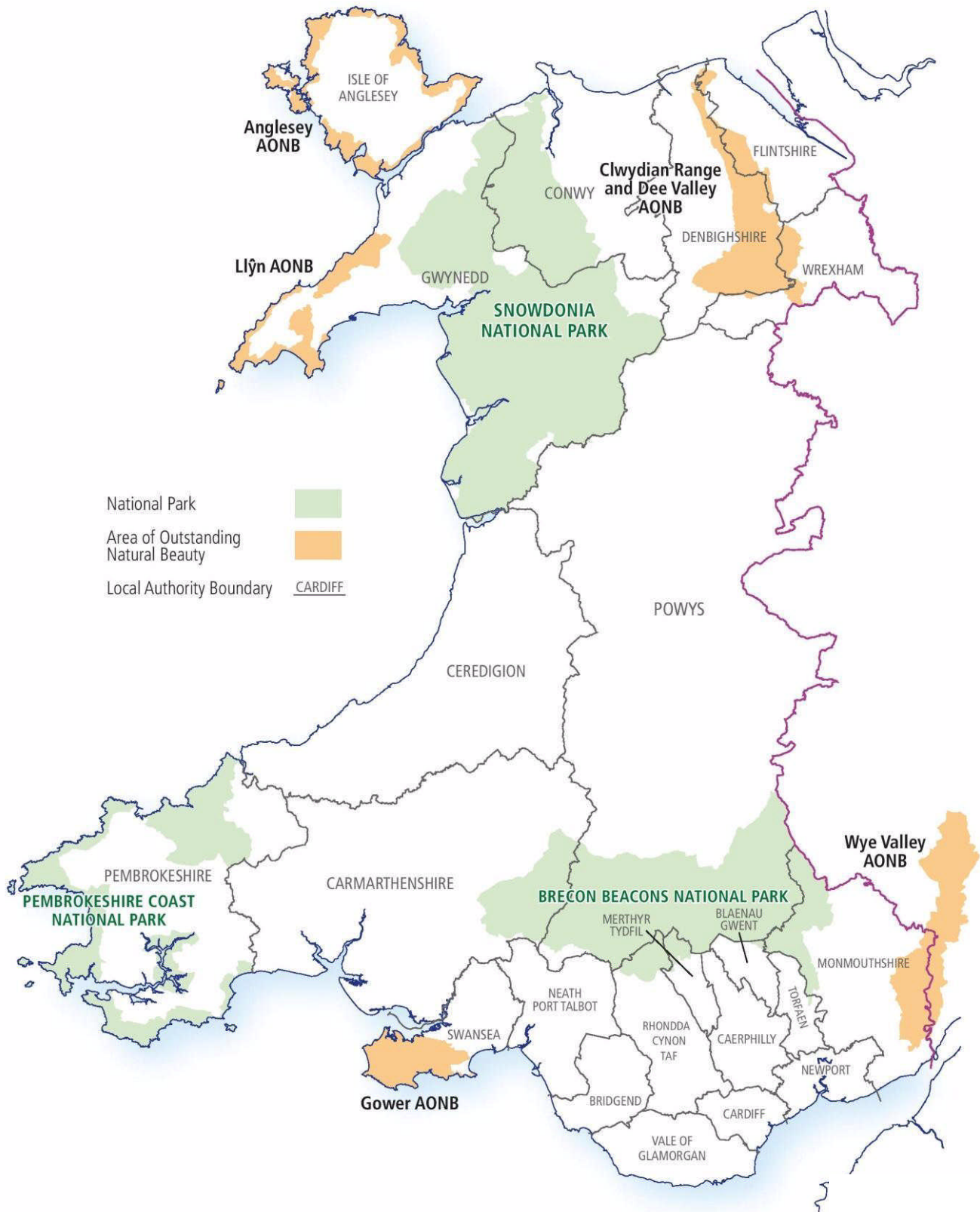
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Professor Terry Marsden  
John Lloyd-Jones  
Dr Ruth Williams

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30<sup>th</sup> January 2015

# Map: The Statutory Designated Landscapes of Wales



## Contents

Map: <a href="#">The Statutory Designated Landscapes of Wales</a>	2
<a href="#">1. Panel Chairman's Foreword</a>	4
<a href="#">2. Executive Summary and Recommendations</a>	6
<a href="#">3. Introduction</a>	10
<a href="#">4. Context</a>	12
<a href="#">5. Stage One Methodology</a>	21
<a href="#">6. Analysis of the Responses</a>	23
<a href="#">7. Stage One Conclusions</a>	25
<a href="#">8. Stage One Recommendations</a>	28
<a href="#">9. The Advantages of this Approach</a>	34

## Annexes

Annex i: Contributors of Written Responses to Stage One	36
Annex ii: Timetables of Public Workshops and Stakeholder Evidence Sessions	38
Annex iii: Bibliography	39

## **1. Panel Chairman's Foreword**

### **1.1 Creating and Realising a Vision for the National Designated Landscapes of Wales**

1.1.1 In September 2014 the Minister for Natural Resources, Carl Sargeant AM, appointed this panel comprising Dr Ruth Williams, John Lloyd Jones and me, to undertake a review of the designated landscapes of Wales. The Minister wanted to “ensure that our designated landscapes are best equipped to meet current and future challenges while building upon their internationally recognised status”. As such we have been tasked and encouraged to create a visionary and lasting approach which will enable the designated areas to meet the radically different challenges and conditions they face now, and in the future, compared to when they were first established in the immediate post-war era.

1.1.2 The very fact that these designated landscapes remain so highly valued by the general public is indeed testament to the vision and innovation displayed by their founders in a period of post-war reconstruction and financial austerity. Whilst there have been some technical modifications regarding their status over subsequent decades it is important to respect the enduring success of the designations since their creation.

1.1.3 Despite their success, and indeed partly because of it, we agreed to assist the Minister to undertake this important and timely review. Our independent review gives a long term and visionary approach to their purposes, their status as designated landscapes, and their overall governance at this particular juncture. Their original twin national objectives of preserving their natural beauty and encouraging public access to them are even more important now than they were than in the immediate post-war period; a time when it was clearly recognised that it was necessary to extend and protect public rights of access to our most cherished and distinctive landscapes. These public rights and demands have not diminished in significance, but now the designated landscapes face new, additional, and more complex challenges.

1.1.4 The challenges and opportunities faced by these special places are highlighted in our report, based on the wide range of evidence presented to us. They clearly encompass the wider role of these places as internationally important environmental and natural landscape assets, their living and vibrant cultural and socio-economic significance, and their potential role to continue to meet the public and well-being needs of future generations, who will indeed be part of a significantly increased and more diverse population than that which existed in 1949. Recognising the Welsh Government's clear commitment to sustainable development and well-being, we need to ensure our most cherished landscapes have the tools to maintain and enhance their roles for the benefit of future generations.



- 1.1.5 It is in this spirit and with enthusiasm that the panel is working. This report represents the first stage of a two stage review which first considers and reviews the basis of the statutory purposes and duties of the eight National Parks and Areas of Outstanding Beauty of Wales (covering 25% of its land area); and considers whether a case to amalgamate the two separate statutory designations into one can be made. Having considered and recommended their functional roles the panel will proceed, after further consultation with the Minister, to consider and review whether changes to the governance of the designated landscapes is required in order to achieve the ambitions and purposes which have been set.
- 1.1.6 Throughout the course of the first stage of the review we have been struck by the enthusiasm for this endeavour from a wide variety of stakeholders. They have also echoed the unique and distinctive position that the designated landscapes hold in the cultural life of Wales and the UK.

## **1.2 Acknowledgements**

- 1.2.1 I would particularly like to commend and acknowledge the collegiate spirit, work commitment and experienced judgement displayed by my two colleagues, Dr Ruth Williams and John Lloyd Jones in arriving at the collectively agreed recommendations and on the principles upon which they were based and outlined in the report.
- 1.2.2 The review has benefitted greatly from the 73 written responses it received in its call for evidence and the contributions it gathered from members of the public who gave up their free time to attend the public engagement workshops in November. The panel wish to thank all of those contributors for their knowledge, experience and passion for the designated landscapes.
- 1.2.3 The panel also wishes to acknowledge the excellent secretariat support it has received from the Welsh Government's Designated Landscapes team, consisting of Greg Pycroft, Ieuan Llŷr Jones and Emily Kennedy. We also wish to thank Irene Everson and Cerys Thomas from Resources for Change who facilitated our public engagement workshops and the Sustainable Places Research Institute (PLACE) at Cardiff University which supported our work through hosting a number of our meetings.

## 2. Executive Summary and Recommendations

2.1.1 The current purposes of the two statutory designated landscapes, the National Parks and Areas of Outstanding Natural Beauty in Wales, are as follows:

<b>The National Park Purposes</b>
“conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas...”
“promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.”
<b>The AONB Purpose</b>
“conserving and enhancing the natural beauty of the area.”

2.1.2 The panel now reports all of its recommendations with regard to the question of a single designation and upon the considerations with regard to the statutory purposes. These have been arrived at after extensive evidence gathering from members of the public, stakeholders; agencies and organisations from inside and outside of Wales. We have undertaken a careful and detailed examination and independent assessment of this evidence.

2.1.3 The panel makes six recommendations:

### **Recommendation 1**

**We recommend that there should not be a single designation.**

### **Recommendation 2**

**We recommend that there is ONE set of statutory Purposes and an associated single statutory Duty for both designations.**

### **Recommendation 3**

**We recommend changing the name of “Areas of Outstanding Natural Beauty” (AONBs) to “National Landscapes of Wales”**

### **Recommendation 4**

**We recommend the establishment of a consistent and resilient nomenclature as well as structure, including:**

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**“National Parks” and “National Landscapes” which are “The Equivalent Designations”**

**The Equivalent Designations would possess Identical Statutory Purposes & Duties**

### **Recommendation 5**

**We recommend there should be THREE interlocking statutory purposes for both the National Parks *and* National Landscapes.**

**These are:**

**“To conserve and enhance the distinctive landscape and seascape qualities of the area<sup>1</sup>,”**

***(the Conservation Purpose)***

**“To promote physical and mental well-being through the enjoyment and understanding of the landscape of the area,”**

***(the Human Well-being Purpose)***

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<sup>1</sup> Where ‘landscape’ incorporates the total natural environment of the area, together with its biodiversity, human settlements and cultural aspects. It is particularly important to stress the significance of progressing bio-diversity protection and restoration in the conservation Purpose and to promote progress towards international standards relating to the International Biodiversity Convention so far unattained in Wales. This also incorporates the European Landscape Convention (2007) definition as ‘ an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’. And it assumes the enhancement of ‘actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity’ (article 1d).

**“To promote sustainable forms of natural resource management and economic and community development which support the cultural heritage of the area.”**

*(the Sustainable Resource Management Purpose)*

### **Recommendation 6**

**We recommend a new single Statutory Duty that removes the weak “have regard to” prefixes in the current duties on relevant public bodies, and replaces them with a single and clear duty:**

**“To contribute to the delivery of the three Purposes of the National Designated Landscapes.”**

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2.1.4 The potential advantages and added value of the visionary and composite approach in our recommendations are:

- Provides the designated landscapes with a strengthened and more focussed remit which develops, but is consistent with their current direction of travel.
- Provides a sound basis for now reviewing their governance arrangements such that they have the means to maximise the medium to long term opportunities and reduce significantly the barriers we have identified.
- Facilitates a more cohesive and really integrated approach to sustainable land management which is essential to resolve the more complex issues currently facing rural areas of Wales.
- Provides a greater impetus for current interconnections between management plans and other planning activities which are being proposed; most notably with regard to NRW, the Welsh Government; and the proposed public sector service boards and the proposals for well-being planning.
- Places the designations and their managing authorities in potentially more proactive leadership roles associated with the wider networked family of designated landscapes in Wales, across the UK and internationally.
- Provides the basis for more partnership working with the private and community sectors who manage most of the land resources of these national designated landscapes, not least in coordinating effective management of the full range of ecosystem services at a variety of scales.
- Potentially energises the designated landscape community to deliver even more exemplary sustainable landscape management which catalyse good

practice across Wales and beyond.

**This package of recommendations will provide a sustainable foundation for more creative, adaptable and resilient designated landscapes which encourage more consistency, clarity and diversity.**

## **2.2 Next steps for Stage 2**

2.2.1 This report provides a sound basis for proceeding to the planned stage two of the review as set out in our original terms of reference. Subject to discussions with the Minister about the recommendations contained in this report (stage 1), the plan is to proceed to stage 2 during March 2015. Stage 2 is currently based on the following remit:

- (i) Review the governance and management arrangements of the designated landscapes;
- (ii) Review and examine how any governing body/bodies would best promote collaboration and joint working while avoiding duplication; and
- (iii) Review and examine how any future governing body would best reinforce local accountability and decision making.

### **3. Introduction**

- 3.1.1 We were commissioned to undertake this review by the Minister for Natural Resources, Carl Sargeant AM in a written cabinet statement dated the 25<sup>th</sup> September 2014<sup>2</sup>. The Minister stressed within that statement that he wanted “to ensure that our designated landscapes are best equipped to meet current and future challenges while building upon their internationally recognised status”.
- 3.1.2 The review panel comprises Professor Terry Marsden (the Chairman), Dr Ruth Williams and John Lloyd Jones.

### **3.2 Terms of Reference for the Review of Designated Landscapes in Wales**

- 3.2.1 The statutory designated landscapes of Wales: the National Parks and Areas of Outstanding Beauty (AONBs) were created by the National Parks and Access to the Countryside Act 1949. The Minister believes that the economic, social and environmental context has changed over the decades since the original Act. Change has occurred to such a degree that it is timely, in the context of other policy developments in Wales, to;

*“Appraise and better understand whether the designations, purposes, management arrangements and governance of Wales’ designated landscapes are best-placed to meet the challenges of today, as well as those in the future.”*

- 3.2.2 The Minister also indicated that he wants the designated landscapes to become

*“International exemplars for sustainability, living landscapes with vibrant, resilient rural communities; extensive outdoor recreational opportunities; thriving ecosystems and rich biodiversity.”*

He also expressed his belief that Wales’ designated landscapes have the potential to test new solutions to deliver sustainability in fragile rural communities.

- 3.2.3 The review has been divided into two stages that first examine the function of designated landscapes before considering their governance. The first stage examines the purposes of the designations as well as the merits of classifying Wales’ designated landscapes under one designation; and the second stage examines the governance arrangements of designated landscapes in light of the first stage recommendations. This is therefore a report detailing the recommendations of the first stage of the review only.

### **3.3 Stage One**

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<sup>2</sup> <http://wales.gov.uk/about/cabinet/cabinetstatements/2014/designatedlandscapes>

- 3.3.1 Stage one of our review has covered two areas of enquiry. The first concerns the statutory purposes of designated landscapes and whether they remain capable of addressing contemporary challenges and opportunities. The second concerns whether the existing two statutory landscapes designations should be classified under a single statutory landscape designation.
- 3.3.2 The review engaged with the public and designated landscapes stakeholders in order to collate, examine and assess evidence. The chapter entitled “methodology” sets out our approach in more detail.

## 4. Context

Table i: The existing National Park Purposes - s62(1) The Environment Act 1995, and the AONB Purpose - s82(1) The Countryside and Rights of Way Act (CROWA) 2000

<b>The National Park Purposes</b>
<b>“conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas...”</b>
<b>“promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.”</b>
<b>The AONB Purpose</b>
<b>“conserving and enhancing the natural beauty of the area.”</b>

- 4.1.1 The designated landscapes in Wales exist within a multi-layered governance and policy context representing a range of considerations. Contextual factors have influenced the development of the designated landscapes since their founding legislation in 1949 and will continue to influence their development in the future. These factors have informed and shaped our response.
- 4.1.2 The context for stage one has been informed by a range of sources, which include the remit and terms of reference set by the Minister; advice from Welsh Government officials; our background reading around the subject and evidence provided by stakeholders and members of the public during the call for evidence period.

### 4.2 Historical Context

- 4.2.1 The statutory designated landscapes: the National Parks and AONBs are a product of the same post World War Two political era that led to the creation of the National Health Service and the Town and Country planning system.
- 4.2.2 The founding legislation for statutory designated landscapes in England and Wales is the National Parks and Access to the Countryside Act which received royal assent in 1949. The first National Park in Wales: Snowdonia was designated in 1951 – amongst the first tranche of three national park designations in England and Wales. The first AONB designated in Wales or England was the Gower peninsula in 1956.
- 4.2.3 Though it has since been amended, the 1949 Act remains the foundation on which the structure of National Park purposes and duties are laid, and



endured. Amendments to the legislation, of which there have been several, have usually followed in the wake of “milestone” reviews and their recommendations. Two such reviews applied to the National Parks of England and Wales. Lord Sandford’s review of 1974 led to the establishment of the “Sandford Principle”, which asserted the primacy of the first National Park purpose. The principle was given statutory effect via s.11A(2) the Environment Act 1995.

4.2.4 “Fit for the Future: Report of the National Parks Review Panel” is regarded as the second milestone review and was chaired by Professor Ron Edwards in 1992. This review reconsidered the appropriateness of the National Parks’ purposes in a context that had changed from 1949. Environmental issues were much better understood and a lack of commitment to National Park purposes from public bodies was evident at that time. The Edwards Review informed amendments to the National Park purposes, introducing the concept of cultural heritage to the first purpose and amending the second purpose to include “understanding” (see Table i). The review also led to the creation of the economic and social wellbeing duty, s.62(1) in the 1995 Act and the establishment of National Park Authorities as independent, free-standing authorities.

4.2.5 Since the 1997 devolution settlement and the creation of the National Assembly for Wales, there has been one review of National Park Authorities. This reported in February 2004. The review, prepared for the Welsh Assembly Government had four objectives;

- i. assess the overall role of the Parks in undertaking their two main statutory purposes and the effectiveness of their duty,
- ii. consider how the Parks’ contribution to the delivery and promotion of sustainable development may be maximised
- iii. consider what further steps the Park Authorities might usefully take to reach out to communities beyond their boundaries in support of social inclusion
- iv. examine what steps the Park Authorities might take to engage more effectively with their local communities

4.2.6 Of particular relevance to Stage One of our review is recommendations 5.15 and 6.1 of the 2004 review (pages 42 and 46 respectively) which favoured a third sustainable development purpose for National Parks and amending the s.62(2) of the Environment Act 1995 to strengthen the duty. These two recommendations were not adopted by the Welsh Assembly Government at the time.

4.2.7 AONBs, once designated under the 1949 Act are now designated under s.82 of the Countryside and Rights of Way Act (CROW Act) 2000. Unlike National Parks they are designated for a single purpose: to conserve and enhance the natural beauty of the area. They have no statutory recreation purpose (see Table i). There have been fewer reviews and fewer changes to the legislative framework underpinning AONBs since 1949, making their inclusion within this review, in our opinion, an important milestone.

## 4.3 Policy Context

- 4.3.1 As far as the current policy context for designated landscapes is concerned, the terms of reference given to us by the Minister provides a clear steer that we have expanded upon and evidenced through discussions with officials and stakeholders.
- 4.3.2 It is clear the Welsh Government want the designated landscapes to develop and enhance their strategic, policy making and operational delivery abilities across a range of areas. These include:
- Deliver on designated landscape purposes.
  - Ensure the special qualities of designated landscape are protected.
  - Maximise the potential of these areas.
  - Support the application of Natural Resource Management.
  - Be exemplars particularly in landscape management and sustainability.
  - Develop clear and consistent ways of collaborating
  - Secure national leadership and yield the most effective use of resources.
  - Avoid duplication and maximise the use of scarce expertise.
  - Reinforce local accountability and decision making.
- 4.3.3 Prior to this review, the short to medium term strategic guidance for National Parks, though not AONBs, was derived from the then Welsh Assembly Government “Policy Statement for the National Parks and National Park Authorities in Wales: Working together for Wales” published in 2007. This replaced the Welsh Office Circular 13/99, published in 1999, and updated guidance to take into account and better integrate the National Parks into the strategic agenda of the Welsh Government. Importantly, “Working Together for Wales” set a vision for National Parks in Wales (page 3) that made clear their place in 21<sup>st</sup> Century Wales and provided clear goals for the NPAs:

*“The Welsh National Parks are protected landscapes of international importance which capture much of what is distinct and special about rural Wales, environmentally and culturally. Although predominantly rural in nature, the Parks contain a resident population of over 80,000, are close to important urban communities and have significant potential to enrich the lives of the people of, and visitors to, Wales and to contribute positively to public health and well-being and to the Welsh economy. They are living landscapes, moulded by their communities over thousands of years. They are places where sustainable development is promoted for the benefit of the environment, the economy and for Park communities. They are places that experiment with new approaches in sustainable development and environmental conservation, providing exemplars of best practice for wider Wales, and helping to shape and lead future rural policy and practice. They are also places where all who can influence the future of the Parks work together to conserve and enhance their natural beauty, biodiversity and cultural identity, in line with sustainable development principles. Guided by the Park Authorities, these special areas are becoming progressively richer and more diverse in terms of landscape, wildlife and heritage and are enjoyed and cherished by a full cross-section of society.”*

4.3.4 Publication of an updated, second Policy Statement by Welsh Government has been paused to be informed by our review. Rather than focus on one statutory landscape designation this policy statement relates, for the first time, to both National Parks and AONBs. Like the 2007 policy statement it seeks to further integrate the designated landscapes to enable them to deliver on their purposes and Welsh Government outcomes.

4.3.5 Other current policy developments are also relevant to this Review.

#### 4.3.6 *The Commission for Public Service Delivery*

4.3.7 The 2014 Commission for Public Service Delivery, the Williams Commission, made several recommendations concerning the National Park Authorities, though not the AONBs. These are set out in Table ii, below.

Table ii: 2014 Commission for Public Service Delivery recommendations concerning the National Park Authorities

NPAs must develop clear and consistent ways of collaborating with each other / Local Authorities/ Natural Resources Wales / Visit Wales on the ground to avoid duplication and maximise the use of resources and scarce expertise.

Welsh Government and NPAs should secure national leadership and co-ordination and the most effective use of resources and expertise.

Welsh Government should consider doing so through a single authority whilst retaining the distinctive identities of the three Parks.

Accountability and membership of NPAs requires reform. To reinforce local accountability and decision-making, recommend that local authority-nominated NPA members must represent wards which fall wholly within the Park area, or if that is impossible, partly within the Park areas.

Welsh Government should also consider whether directly electing NPA members would strengthen such accountability.

4.3.7 While these recommendations are clearly relevant to the NPAs, and are due for consideration within the second stage, the main principles endorsed by the Commission conceptually transcend both statutory designations and have guided our thoughts during the first stage:

- Leadership
- Collaboration and partnership
- Operating at an appropriate scales
- Improved performance, process and procedure
- Communication and engagement
- Governance, accountability and scrutiny

#### 4.3.8 *Public Finance*

4.3.9 This review is taking place during a period of public finance constraint. This poses a significant challenge to the organisations responsible for the

management of both designations.

#### 4.4 Legislative Context

4.4.1 As a panel we are well aware that designated landscapes face significant change as a consequence of the primary legislation either currently progressing through the National Assembly for Wales, or due to be tabled by the Welsh Government.

4.4.2 Through meetings with the Welsh Government officials responsible we sought to understand the potential impacts on Wales' designated landscapes, of the strategic positions and policy intentions behind each Bill, and the linkages between them.

##### 4.4.3 *The Well-being of Future Generations (Wales) Bill*

4.4.4 The Bill has four key purposes which are found within the policy intent publication, published by the Welsh Government in July 2014 and are set out below in Table iii.

Table iii: The Well-being of Future Generations (Wales) Bill key purposes

To strengthen existing governance arrangements for improving the well-being of Wales in order to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (the sustainable development principle). It identifies well-being goals which specified public authorities are to seek to achieve in order to improve the well-being of Wales both now and in the future;

To set out how those authorities are to show that they are working towards the well-being goals. It also, through the introduction of national indicators, ensures that the difference being made to the well-being of Wales will be evaluated and measured;

To establish a Future Generations Commissioner for Wales to be an advocate for future generations who will advise and support Welsh public bodies in carrying out their duties under the Bill;

To put Local Service Boards (to be known as Public Services Boards) and well-being plans on a statutory basis and simplify current requirements as regards integrated community planning;

4.4.5 The National Assembly for Wales debated and approved the principle of the Bill on the 9<sup>th</sup> December 2014. While parts of the Bill may face amendment in subsequent stages the overarching principles will significantly influence the Welsh public sector over the medium to long term.

##### 4.4.6 *The Environment (Wales) Bill*

4.4.7 At the time of writing, the text of the Bill is yet to be published, though we

understand from officials that it is due to be introduced to the National Assembly around the second quarter of 2015. This legislation intends to lay out the framework for managing Wales' natural resources in an integrated way that delivers sustainable lasting benefits. Natural Resources Wales will have its functions and duties set out, and it is anticipated that the relevant public bodies will be expected to contribute to natural resource management planning, especially an area based approach to management planning.

#### 4.4.8 *The Planning (Wales) Bill*

4.4.9 This Bill was introduced to the National Assembly for Wales in autumn 2014. The changes it introduces are contained within the explanatory memorandum and set out within Table iv:

Table iv: The changes introduced by the Planning (Wales) Bill.

Provides a modern delivery framework for the preparation of development plans and planning decisions, including allowing Welsh Ministers to decide a limited number of planning applications.
Reaffirm Welsh Government commitment to the plan led system. Addressing identified deficiencies at national and strategic levels by replacing the Wales Spatial Plan by (sic) a National Development Framework and introducing provisions which would allow the preparation of Strategic Development Plans where needed.
Ensure that Local Development Plans are delivered and reviewed regularly so that they remain relevant to the planning decisions.
Improve the operation of the development management system so it complements the implementation of Local Development Plans including the introduction of provisions to promote greater consistency and availability of pre application advice.
Further enhance engagement by making it easier for citizens to influence the future of their communities through the introduction of statutory pre application consultation for significant planning applications.
Overhaul arrangements under which planning decisions are made including introducing provisions which would allow for the standardisation of planning committee arrangements and procedures and delegation to officers across Wales.
Modernise the planning enforcement system to ensure that breaches of planning control can be remedied efficiently.
Streamline the planning appeal process.

#### 4.4.10 *The Heritage (Wales) Bill*

4.4.11 This piece of legislation, which is due to be introduced in the National

Assembly for Wales in spring 2015, seeks to improve protection; increase transparency and accountability; and promote sustainable management of the historic environment.

## 4.5 International Context

4.5.1 The Minister has expressed his wish to see the designated landscapes of Wales become international exemplars for sustainability. In order to do so, an appreciation of the international context has been incorporated into this review. The international recognition of protected and designated status, overseen by the International Union for the Conservation of Nature (IUCN), and the European Union set important benchmarks for the continued status of Welsh designated landscapes, especially but not exclusively in the areas of conservation, landscape and biodiversity.

### 4.5.2 *Scotland*

4.5.3 Wales' designated landscapes sit within a UK-wide family of designated landscapes and, as set out above, England and Wales' designated landscapes share the same founding legislation and many of the subsequent amendments. Scotland took a different path to designate and protect its landscapes. They have an equivalent to AONBs, called National Scenic Areas and their National Parks were an early creation of the Scottish Parliament: the National Parks (Scotland) Act 2000. While the National Parks in Wales and England have two purposes, the Scottish National Parks have four purposes, called "aims" – these are listed within Table v below. These two additional purposes promote the sustainable use of natural resources and promote the sustainable economic and social development of the area.

Table v: The 4 Scottish National Park Aims, National Parks (Scotland) Act 2000

To conserve and enhance the natural and cultural heritage of the area;
To promote sustainable use of the natural resources of the area;
To promote understanding and enjoyment, including enjoyment in the form of recreation, of the special qualities of the area by the public;
To promote sustainable economic and social development of the area's communities.

### 4.5.4 *Further Afield*

4.5.5 Wales' designated landscapes exist within a developing global and European context. In their report "Putting Nature on the Map" (2014) the IUCN explains that international obligations have more recently, influenced the development of protected areas. Some derive from UK Government membership of United Nations (UN) Conventions and other agreements; notably the Convention on Biological Diversity, the UNESCO World Heritage Convention, the UNESCO

Man and the Biosphere Programme, the Ramsar Wetland Convention and the UNESCO Geoparks programme. International obligations concerning the identification, designation and protection of sites also derive from membership of the EU. Many of the Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) designated under the Birds Directive, and the Habitats and Species Directive are found within the designated landscapes.

- 4.5.6 As recently as 2014 the designated landscapes of Wales were formally classified by the IUCN as category 5 protected areas, ensuring their place within a global system of lands and waters managed for conservation. The IUCN has identified six benefits from this system of classification set out within Table vi, and may offer a means of measuring and reporting on whether the designated landscapes meet the Minister’s challenge to become international exemplars for sustainability.

Table vi – The benefits of the IUCN Protected Area Management Categories system. Source: IUCN.

Provides a framework for data collection and handling, leading to better data, more credible reporting and more reliable measurement of progress towards international targets.
Helps in delivering nature conservation at the national level in many ways, such as supporting national strategies for wildlife protection, designing landscape-scale approaches to conservation, and integrating nature into development plans.
Helps to reveal the variety of approaches to protected areas management and how they can complement each other within a national protected areas system.
Provides a globally consistent approach to the protection of land and sea based on management objectives.
Helps identify the full range of stakeholders involved in protected areas ownership and management, including state protected areas and other forms of ownership and governance.
Improves communication and understanding between all those involved in conservation.

- 4.5.7 The European Landscape Convention (ELC) is another international development which the UK Government ratified in 2007. The significance of the ELC is its definition of “landscape” as:

*“An area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.”*

The ELC recognises the importance of all landscapes, but it also provides an international framework for promoting landscape protection, management and planning of nationally important landscapes as well as the exchange of information and mutual assistance across Europe. It offers a people-centred

means of reconciling environmental management with contemporary socio-economic challenges, helping people and communities to reconnect with place.

## **4.6 Other Contextual Issues**

4.6.1 We include here additional contextual issues which are of particular significance in reviewing the Welsh designated landscapes and which have featured in deliberations with stakeholders; with members of the public, and between panel members.

### *4.6.2 Coastal issues*

4.6.3 The majority (5 of the 8) of Wales' designated landscapes contain coastal areas and the interaction of land and sea create and enhance many of their special qualities. However, the designation of landscape and seascape remains a terrestrial affair. Depending upon where you are in Wales this may end at either the mean high water or mean low water level. Thus the management of coastal pressures relating to the designated landscapes is a key issue.

### *4.6.4 "Unfinished Business"*

4.6.5 While the remit of the panel does not extend to the designation of new, or the modification of current boundaries, several stakeholders have asked how the panel's review relates to what they regard as "unfinished business". This phrase implies that the process of landscape designation in Wales is by no means settled and that instances remain which still need to reach a satisfactory conclusion.

### *4.6.6 Cross-border issues*

4.6.7 A reflection of their original nature as England *and* Wales designations, one of the designated landscapes, the Wye Valley AONB straddles the border. Approximately one third is designated within Wales, while a separate designation order applies to the English side of River Wye between Hereford and Chepstow.

### *4.6.8 Technology*

4.6.9 Technological trends and the growing accessibility of relatively sophisticated communications equipment have removed the remoteness of the designated landscapes to the people of Wales. Technology will have an expanding role in the areas of rural development; environmental monitoring; promotion and access. Its also likely to influence the development of the designated landscapes in ways that we are unable to predict.



## **5. Stage One Methodology**

- 5.1.1 Stage one of the review was conducted between late September 2014 and January 2015. Information and evidence gathering took place between October and November. The remaining time was spent on analysis, agreeing conclusions and recommendations and compiling the report. During this four month period we received a large amount of background reading. A comprehensive bibliography has been compiled and is presented as Annex iii.
- 5.1.2 Stakeholders representing a range of interests in the designated landscapes were given an opportunity to provide written submissions to the review panel. Submitting evidence prior to the 5<sup>th</sup> November deadline meant that stakeholders were considered for the stakeholder evidence sessions scheduled for mid-November. Written submissions continued to be welcomed from stakeholders and members of the public up until the 27<sup>th</sup> November.
- 5.1.3 We also visited the designated landscapes in order to learn from people living within and experiencing them. We wanted to reflect the Minister's expectation of the review to engage with "communities within the designated landscapes and the public in general". Eight evening workshops, one for each of the designated landscapes, were held during the week commencing the 10<sup>th</sup> November and a panel member hosted each workshop. Annex ii provides an overview of the week.
- 5.1.4 Stakeholder evidence sessions were held on the 20<sup>th</sup> and 21<sup>st</sup> November in Cardiff. Representatives of the National Park Authorities, AONBs, private, agricultural and third sectors were invited to one of six sessions, details of which are within Annex ii. These sessions allowed us to question the representatives and to better understand the proposals and evidence contained within their written submissions.
- 5.1.5 Meetings were also held during November with Welsh Government officials and the Sustainable Futures Commissioner, Peter Davies. These meetings provided us with policy and contextual information concerning the up and coming suite of legislation concerning the Well-being of Future Generations, Heritage, Planning and the Environment. We also met with Adrian Phillips, formerly Director General of the Countryside Commission for England and Wales; Chair of the IUCN World Commission on Protected Areas and Professor of Countryside and Environmental Planning at Cardiff University. He gave his expert, informed views in a personal capacity drawing upon his broad working knowledge and experience of designated landscapes across the UK and further afield.

## **5.2 Questions to Contributors**

- 5.2.1 We called on contributors to respond to two questions in their written submissions, thereby providing a level of consistency between submissions. Contributors were also invited to respond to, but by no means limit

themselves to, several prompts. All of this information is within Table vii.

Table vii: Questions and prompts for written submissions

**1 Are designated landscapes equipped to meet the current and future needs of Wales?**

*In responding to this question you may want to think about and cover:*

The strengths and weaknesses of the existing system of designated landscape statutory purposes and statutory duties.

Potential challenges and opportunities facing Wales' designated landscapes.

Whether the current statutory purposes of designated landscapes and statutory duties on management bodies are capable of addressing the present and future challenges facing them.

Whether new or revised purposes are necessary to improve the innovative potential of designated landscapes.

Examples of innovative statutory/legislative purposes and/or aims of designated landscapes outside Wales.

**2 Should there be a single designation of protected landscape in Wales?**

*In responding to this question you may want to think about and cover:*

The specific merits, advantages and disadvantages in the current “two tier” system of statutory landscape designation since in certain respects the two existing designations are virtually indistinguishable.

Whether a single designation could optimise the use of resources and scarce expertise; contribute to greater efficiencies and improve collaboration and coordination across Wales whilst maintaining the protection currently afforded to these landscapes.

The implications for national and international standards concerning landscape and conservation of a single designation.

The experience you or your organisation has had with one or both designations.

Examples of designation alignment outside Wales and lessons to be learned.

5.2.2 Within the public workshops these two questions formed the core around which the workshop exercises and feedback sessions were built.

## 6. Analysis of the Responses

6.1.1 By the end of the call for evidence period we had received 73 written responses in total and had engaged members of the public in eight public engagement workshops across Wales. The full list of written contributors can be found in Annex i while the list of public engagement workshops is within Annex ii. Written responses and the contributions captured during the workshops can be accessed on the internet via <http://wales.gov.uk/topics/environmentcountryside/consmanagement/countrysidecoastalaccess/landscapes>

6.1.2 The proportion of written responses from different sectors is displayed in Table viii.

Table viii: The proportion of written consultation responses from different sectors

<b>Public Sector</b>	<b>12</b>
<b>3rd/Charitable Sector</b>	<b>17</b>
<b>Agricultural/Private Sector</b>	<b>5</b>
<b>Private Individuals</b>	<b>8</b>
<b>Local Government</b>	<b>21</b>
<b>Other</b>	<b>10</b>
<b>Total</b>	<b>73</b>

6.1.3 “Local government” denotes responses from the constituent local authorities, town and community councils and the Welsh Local Government Association. “Other” includes professional associations and the archaeological trusts.

6.1.4 The table illustrates the wide range of sectoral interests that responded to our call for evidence. This spread allowed us to engage with a similarly broad spectrum of organisations at the stakeholder engagement sessions on the 20<sup>th</sup> and 21<sup>st</sup> November.

## 6.2 Stage One – Purposes

6.2.1 Fewer than half of contributors either referred to or advocated a specific number of purposes for designated landscapes. Some preferred to identify values and principles while some chose not to share an opinion.

6.2.2 Where an opinion was expressed we were interested in the number of purposes contributors believed were necessary. These were noted and Table ix illustrates the tally. Where favour for the status quo was expressed we interpreted this as supporting two purposes for National Parks and one purpose for AONBs.

6.2.3 No one called for more than 4 purposes. There therefore appears to be an upper limit on the number of purposes in the minds of contributors.

Table ix: Views of contributors on the number of purposes for designated landscapes

### **National Parks**

<b>One Purpose</b>	<b>Two Purposes</b>	<b>Three Purposes</b>	<b>Four Purposes</b>
3	10	6	6

### AONBs

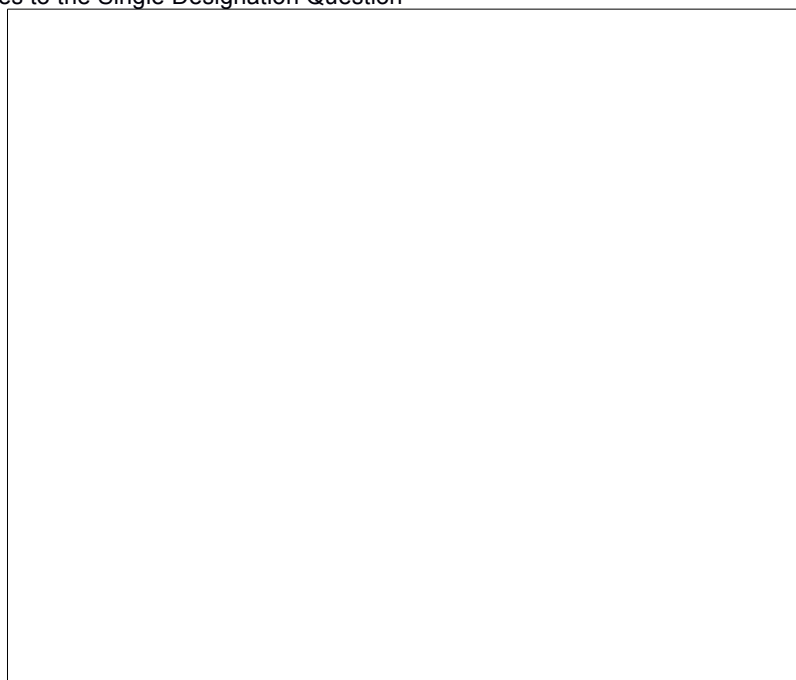
<b>One Purpose</b>	<b>Two Purposes</b>	<b>Three Purposes</b>	<b>Four Purposes</b>
9	11	4	3

6.2.4 The Sandford Principle and the s62(2)/s85(1) duties (on relevant public bodies) feature in only a handful of responses (possibly since we did not refer to these directly within the call for evidence). When they are referred to by contributors, it is in the context of the purposes. It appears that in the minds of contributors, at least those with a view on the matter, for the purposes to remain meaningful and achieve positive outcomes the duty on relevant public bodies and the Sandford principle must remain associated with designated landscapes.

## 6.3 Stage One – Single Designation

6.3.1 There was clear opposition to the question “Should there be a single designation of protected landscape in Wales?”

Figure i: Responses to the Single Designation Question



6.3.2 Supporters heavily qualified their response to the question. They wanted AONBs to receive more management resource and an elevated status while strongly warning against a diminution of National Park status and resource.

6.3.3 Where response was *No* a broad range of reasons were given. These included the size/scale/status/historical background of National Parks versus AONBs and the unknown costs at a time of financial restraint. Many respondents felt the 'National Park' brand is internationally recognised and should not be lost. Greater collaboration was a preferred alternative to

merging the two designations into one.

## **7. Stage One Conclusions**

### **7.1 Building on Strengths**

- 7.1.1 It has been made very clear throughout stage one that the two designations are regarded as representing extremely precious, irreplaceable, unique and highly distinctive landscapes and natural assets of and for Wales, the UK, and internationally. This is a widespread and shared view across the public, private, civic and community sectors.
- 7.1.2 It is important to emphasise at the outset that the current dual system of statutory designated landscapes have considerable strengths. We have witnessed and read about many examples of good practice. It should be particularly stressed that the designated landscapes already contribute significantly to the Welsh economy in terms of gross value added and employment. They are especially relevant as important attractors of rural economic development as well as more widely contributing to people's quality of life and well-being.
- 7.1.3 Indeed the value of economic activity which is dependent upon the high quality of their landscapes greatly outweighs the value and costs of the activities needed to protect and manage these environments. They are because of their natural distinctiveness and management net economic and social revenue earners for Wales as a whole. In addition they display some very positive innovations in sustainable land and resource management; climate change adaptation and mitigation; progressing social inclusion and effective partnership working.
- 7.1.4 Whilst they clearly represent unique national, cultural as well as physical assets which have international appeal and recognition. There is also a consensus that their protection, conservation and especially governance, needs to be made more "fit for purpose" for the next sixty year period of their existence.
- 7.1.5 This requires: (i) ensuring they have the capacity to deliver as the leading landscape designations amongst a wider "family" of designations in Wales; (ii) providing the means by which they can more effectively take the lead in delivering the environmental goods and services demanded of them from the wider public, as well as the Welsh Government, over the medium and long term; and (iii) ensuring they are successful, vibrant places which can attract and retain balanced demographic populations through their effective and long-term management.
- 7.1.6 These strengths are shared across the two statutory designations despite the differences clearly in size and scale, and in their particular management arrangements.

### **7.2 Challenges and Barriers: Creating Opportunities for the Future**

- 7.2.1 During our review we have also been struck by the wide recognition of a

number of challenges and institutional barriers which are limiting the two sets of designations from realising their high level of potential in delivering benefits for future generations.

#### 7.2.2 These include:

- The need for a clearer and collectively-shared national Welsh vision for the designated landscapes;
- A need to find mechanisms which enable and foster more effective leadership on the part of the designated landscapes. So as to grasp a collective vision for themselves, and to take on the responsibilities for more effectively contributing to the sustainable development, and future generations, ambitions of Wales;
- The potential and need for this leadership and vision to be championed;
- A disproportionate and often unsubstantiated public perception of protectionism, especially relating to land use planning issues;
- The need for greater buy-in from public bodies, plus responsibility and accountability for decisions that impact upon the designated landscapes;
- A reliance on an outdated system of designation that is unnecessarily complex and has contributed to uneven levels of branding between National Parks and AONBs;
- Different sets of purposes and duties for the two 'equal' designations, and an accreted set of different duties for both;
- A need for a clear, proactive and integrated approach which can enhance the international recognition of the designated areas as hubs for innovation;
- An enhanced need for clear evidence and monitoring of progress or otherwise set against their statutory purposes, and especially with regard to aspects of biodiversity decline;
- An uneven approach to overall sustainable and integrated land management across the designated landscapes;
- Opportunities being missed or delayed in creating more effective and positive synergies between effective conservation and economic and community development in designated landscapes;

- The perceived need to “revisit” the statutory purposes of both National Parks and AONBs, as well as addressing the related and specific weaknesses of the implementation and wording of the associated duties;
- The need to consider the integration of coastal and marine seascapes as part of current designated landscapes responsibilities;

7.2.3 In view of the long time horizon of our review we were mindful not to be overly swayed by the current raft of policy and legislative changes occurring in Wales. However, we received a widespread sense that the concurrence of the Well-being of Future Generations, Planning, Environment, and Heritage Bills, as well as the Williams Commission recommendations, gave even more urgency to the questions of leadership of, and innovation in, the designated landscapes and how they should be best expressed and positioned. We were shown that there are opportunities, given the parallel timing of legislation, to ensure that synergies could be attained in ensuring that the designated landscapes play a lead role in more effective public policy and service delivery as embodied in the related legislation.

7.2.4 None of these areas of concern above should detract from the overall very positive and historically embedded role in which the statutory designated landscapes play in the economic, social and cultural life of Wales and beyond. Moreover, many of these issues relate to the wider question of effective governance which the panel has been tasked to focus upon in the second stage of this review. There was both broad consensus amongst stakeholders, and indeed in the panel, that it was necessary before dealing with these governance questions, to first tackle the more basic questions of their purposes and the question of one designation.



## 8. Stage One Recommendations

### 8.1 The Guiding Principles Underpinning the Purposes

8.1.1 In the course of the panel's evidence gathering and our related deliberations it became clear that there was a series of important principles emerging with which we were in agreement. These provide a firm foundation and justification for our specific recommendations regarding both the purposes and the questions surrounding a single designation. They are also important in that they lay a basis for making what we regard as long lasting and durable changes which are resilient and adapt to existing and future challenges.

8.1.2 Our guiding principles are:

- We need to examine the purposes within a medium to long term time frame, so as to give equivalent continuity in the future to that achieved over the past sixty years.
- It is important, however, not to be too reliant on the past in formulating a new and refreshed vision for the designated landscapes which recognises the significant challenges they face in the future.
- To ensure any impending and related governance changes are considered *after* these purposes have been agreed.
- To align the purposes to recognise that both designations have over some considerable time been operating de-facto and to varying degrees beyond their original remits.
- That any changes in purposes should be lasting, clear and likely to ensure and embody the precedence placed under 'the Sandford Principle', giving priority to the first purpose. It also became clear that if there were to be an increase in the actual number of purposes then the others would (a) need to give priority to the first if there were clear conflicts; and, as importantly, (b) the rest would be mutually reinforcing and binding on delivering the first. This "Sandford Plus" approach links and integrates any additional purposes.
- There was also a strong argument for revisiting the statutory duties on related bodies, to clarify and strengthen them.

- To realise the importance of international obligations; lessons and the opportunities they provide for Wales.
- To ensure the purposes can continue to meet and encourage their relevant bodies to maintain, and exceed, international obligations and standards of nature conservation and landscape protection e.g. IUCN categories and the European Landscape Convention.
- To strive for purposes which are both enduring and have the ability to be applied to other areas, including marine areas, at some future date.
- Any recommended changes made to the direction and/or wording of the purposes should be made in the context of them being: (a) clear, precise, unambiguous and consistent; (b) able to be clearly understood and convey clarity of direction; and (c) legally and technically robust.
- Any changes recommended should strike a judicious balance between providing overall consistency of purpose, and encouraging and celebrating the natural and cultural diversity of the family of protected landscapes themselves.
- To remain mindful of the strength and value of the National Park brand, and not to undermine their benefits across Wales.
- Avoid compromising these places through any unnecessary additional burden on the public purse; and enhance the efficiency of public funding where possible.

## **8.2 A Single Designation?**

8.2.1 It has been made very clear to us by the vast majority of stakeholders that there is little appetite, and indeed considerable opposition to the idea of a single designation for both National Parks and Areas of Outstanding Natural Beauty. Taking account of these representations and applying our guiding principles has led us to agree with this position.

### **Recommendation 1**

**We recommend that there should not be a single designation.**

8.2.2 However, we do feel there are grounds for, and future strengths in, recommending the same set of statutory Purposes and an associated single statutory Duty for the two designations. This is particularly in view of their equal international and national legal status and the need to foster more consistent national status for the two designations. At the same time this will provide consistency of purpose while celebrating the distinctive diversity of these landscapes.

## **Recommendation 2**

**We recommend that there is ONE set of statutory Purposes and an associated single statutory Duty for both designations.**

### **8.3 The Nationally Designated Landscapes of Wales**

8.3.1 It is our view that the distinctive character and value of the two statutory designated landscapes can best be achieved by: (i) having a single and clear set of statutory purposes, and (ii) by seeing both designations as the leading, statutory protected **National Designated Landscapes of Wales**, amongst a more connected and networked family of designations.

8.3.2 We believe it is, however, necessary to refresh and enhance the status and coherent branding and identity of AONBs so that they can be properly recognised for what they are: significant national landscape assets.

## **Recommendation 3**

**We recommend changing the name of “Areas of Outstanding Natural Beauty” (AONBs) to “National Landscapes of Wales”**

8.3.3 This name change is timely so that designated landscapes gain equivalent national and international status and progress the same purposes as National Parks, albeit in their different landscape contexts. This will not simply be an issue of a change in name. We will be considering the governance implications of these changes in branding and purposes for the existing AONBs and National Parks in stage two of the review. To summarise:

## **Recommendation 4**

**We recommend the establishment of a consistent and resilient nomenclature**

as well as structure, including:

**“The National Designated Landscapes of Wales”**

**“National Parks” and “National Landscapes” which are “The Equivalent Designations”**

**The Equivalent Designations would possess Identical Statutory Purposes & Duties**

8.3.4 Whilst it might be more challenging, at least under current governance circumstances, to achieve all of these goals and aims in the smaller scale National Landscapes (formerly AONBs), we feel that they have much to learn and to gain by being far more effectively networked with the current National Parks. Indeed we wish to encourage more connections between the wider family of designations to celebrate, collaborate and to promote their diverse landscapes to the public. We will cover the leadership and governance of this networked, “family” approach in the stage two of the review.

#### **8.4 New Statutory Purposes and a Single Statutory Duty for the National Designated Landscapes of Wales**

##### **Recommendation 5**

**We recommend there should be THREE interlocking statutory purposes for both the National Parks *and* National Landscapes.**

**These are:**

**“To conserve and enhance the distinctive landscape and seascape qualities of the area<sup>3</sup>,”**

***(the Conservation Purpose)***

**“To promote physical and mental well-being through the enjoyment and understanding of the landscape of the area,”**

***(the Human Well-being Purpose)***

**“To promote sustainable forms of natural resource management and economic and community development which support the cultural heritage of**

<sup>3</sup> Where ‘landscape’ incorporates the total natural environment of the area, together with its biodiversity, human settlements and cultural aspects. It is particularly important to stress the significance of progressing bio-diversity protection and restoration in the conservation Purpose and to promote progress towards international standards relating to the International Biodiversity Convention so far unattained in Wales. This also incorporates the European Landscape Convention (2007) definition as ‘ an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’. And it assumes the enhancement of ‘actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity’ (article 1d).

the area.”

***(the Sustainable Resource Management Purpose)***

8.4.1 Currently all relevant public sector bodies (including local authorities, Natural Resources Wales, and the Welsh Government) and statutory undertakers (i.e. the utilities companies) have legal duties to take full account of the purposes of National Parks and AONBs in the conduct of their business (s. 62(2) of the Environment Act 1995 for National Parks and s.85(1) of the CROW Act 2000 for AONBs).

**Recommendation 6**

**We recommend a new single Statutory Duty that removes the weak “have regard to” prefixes in the current duties on relevant public bodies, and replaces them with a single and clear duty:**

**“To contribute to the delivery of the three Purposes of the National Designated Landscapes.”**

8.4.2 This has the advantage of creating consistency, clarity and simplicity, while also strengthening the statutory duty, which emanates from the single set of purposes.

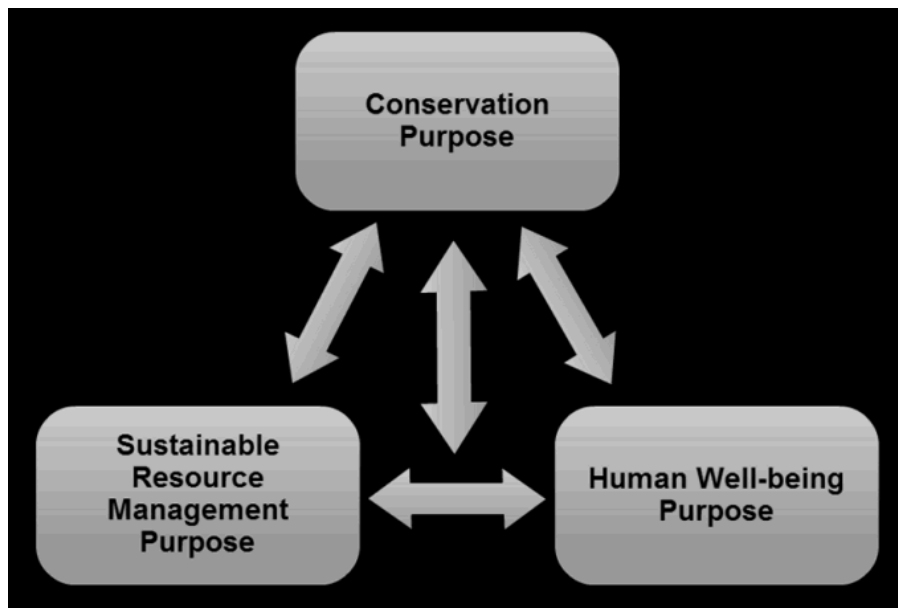
**8.5 Our Rationale for the Reformed Package of Purposes**

8.5.1 The primacy of the conservation purpose (purpose 1) will continue to be vital for the current and future development of the National Designated Landscapes of Wales. This purpose *must* have primacy over the others, when they appear to be in conflict. This is a renewed application of the ‘Sandford Principle’.

8.5.2 The second and third purposes have been specifically designed to bind into and interlock with the delivery of the first purpose, the ‘Sandford Plus’ approach.

8.5.3 We have specifically designed this interlocking mechanism (see Figure ii) to place a stronger emphasis upon binding the three purposes together, so that they become mutually reinforcing. When conflicting issues arise, the first purpose will have primacy.

Figure ii: The Three New Interlocking Statutory Purposes.



- 8.5.4 In the first purpose, the panel prefer the wording: “**distinctive landscape and seascape**” to “natural beauty, wildlife and cultural heritage” as this embodies these dimensions as well as overall nature and biodiversity.
- 8.5.5 We include the word “**seascape**” as well as landscape since the majority (5 of the 8) of the National Designated Landscapes of Wales contain coastal areas and the interaction of land and sea create and enhance many of their special qualities.
- 8.5.6 We recommend a stronger and clearer focus upon **physical and mental wellbeing, linked to enjoyment and understanding**, as we conclude that it is important to link directly to the Welsh Government legislative agenda regarding well-being and future generations. We see the National Designated Landscapes of Wales as having a unique, creative and more proactive role in delivering on the well-being agenda in the future given changing societal needs – for instance, the alleviation of poverty.
- 8.5.7 This is not only associated with the question of access, but also links to the role played by the National Designated Landscapes of Wales in continuing to attract wide and diverse groups of visitors and in playing a more proactive educative and life-enhancing function both formally and informally. They will face wider and more intense public demands in the future, and it is important that these demands are managed in ways which enhance, overall, the public utility and welfare benefits for a more diverse and increasing population.
- 8.5.8 We propose a new, **distinctive and inter-locking** third purpose which promotes **integrated natural resource management with economic and community development, and which supports the overall cultural heritage of the area**. We strongly believe that the National Designated Landscapes of Wales need to be vibrant economic and community places. Given their geography and other purposes they are uniquely placed in Wales to deliver and promote the landscape-led green economy by harnessing their distinctive natural and landscape assets. This includes expanding the

provision of national and regional, multifunctional and ecologically based services from their different water, agriculture, tourism and forestry land and biosphere resources. Hence it is important to link these components in a third and distinctive purpose.

- 8.5.9 It should be also noted that the set of purposes recommended are designed to align the distinctive role of the designations to the delivery of the six goals of the current Well-being of Future Generations (Wales) Bill, in that they provide a basis for delivering distinctive contributions to these wider goals (i.e. **prosperity, resilience, health, equality, cohesion and culture**) for the benefit of the people and future generations of Wales as a whole.

## 9. The Advantages of this Approach

9.1.1 The potential advantages and added value of the visionary and composite approach in our recommendations are:

- Provides the designated landscapes with a strengthened and more focussed remit which develops, but is consistent with their current direction of travel.
- Provides a sound basis for now reviewing their governance arrangements such that they have the means to maximise the medium to long term opportunities and reduce significantly the barriers we have identified.
- Facilitates a more cohesive and really integrated approach to sustainable land management which is essential to resolve the more complex issues currently facing rural areas of Wales.
- Provides a greater impetus for current interconnections between management plans and other planning activities which are being proposed; most notably with regard to NRW, the Welsh Government; and the proposed public sector service boards and the proposals for well-being planning.

- Places the designations and their managing authorities in potentially more proactive leadership roles associated with the wider networked family of designated landscapes in Wales, across the UK and internationally.
- Provides the basis for more partnership working with the private and community sectors who manage most of the land resources of these national designated landscapes, not least in coordinating effective management of the full range of ecosystem services at a variety of scales.
- Potentially energises the designated landscape community to deliver even more exemplary sustainable landscape management which catalyse good practice across Wales and beyond.

**9.1.2 This package of recommendations will provide a sustainable foundation for more creative, adaptable and resilient designated landscapes which encourage more consistency, clarity and diversity.**



## Annexes

## Contributors of Written Responses to Stage One

Ken Richards  
Welsh Sports Association  
Rhosddu Community Council  
Maesteg Town Council  
Mitchel Troy Community Council  
Mike Scott Archer  
Trellech Unite Community Council  
Powys Local Access Forum  
Valleys Regional Park  
Ian Rowat  
Monmouth Town Council  
Tiers Cross Community Council  
Ofgem  
Conwy Town Council  
Flintshire, Denbighshire and Wrexham Local Access Forums  
The Federation of Small Businesses  
Ray Woolmore  
Association of Local Government Archaeological Officers Cymru  
St Arvans Community Council  
CLA Cymru  
Tremeirchion, Cwm & Waen Community Council  
Monmouthshire County Council  
Ramblers Cymru  
Brecon Beacons National Park Local Access Forum  
CPRW Montgomeryshire Branch  
Campaign for National Parks  
RTPI Cymru  
Royal Commission on the Ancient and Historical Monuments of Wales  
Michael Skuse  
Wye Valley AONB  
Anglesey AONB Joint Advisory Committee  
Corwen Town Council  
Adrian Phillips  
Brecon & Radnorshire branch of the Campaign for the Protection of Rural Wales  
Alliance for National Parks Cymru  
Cambrian Mountain Society  
Brecon Beacons Park Society  
Clywdian Range and Dee Valley AONB  
CPRW  
Cwmllynfell Community Council  
Dr Michael C Dunn  
Cymdeithas Eyrri  
Farmers Union of Wales  
Llanover Community Council  
National Parks Wales  
National Association for Areas of Outstanding Natural Beauty

Cllr. Rosemarie Harris – Powys County Council  
Friends of Pembrokeshire Coast National Park  
Gomisiynydd y Gymraeg – The Welsh Language Commissioner  
Glamorgan-Gwent Archaeological Trust  
Glandwr Cymru – Canal and River Trust in Wales  
Gower AONB  
Mochdre with Penstrowed Community Council  
Myrddin Roberts  
Powys County Council Officer  
National Parks Reform Group  
National Trust Wales  
Natural Resources Wales  
NFU Cymru  
Open Spaces Society  
Pembrokeshire County Council  
RSPB Cymru  
Anglesey Branch CPRW  
The Gower Society  
UK Environmental Law Association  
Wales Environment Link  
Wye Valley & Forest of Dean Tourism Association  
Ashley Thomas  
Marloes & St Brides Community Council  
Gwynedd Archaeological Trust  
Wales Local Government Association  
Visit Wales  
Llyn AONB

Written submissions can be accessed online via:  
<http://wales.gov.uk/topics/environmentcountryside/consmanagement/countrysidecoastalaccess/landscapes>

## Timetables of Public Workshops and Stakeholder Evidence Sessions

### Public Workshops

Date	North Wales	South Wales
10 <sup>th</sup> November	Anglesey - Llangefni	Gower - Parkmill
11 <sup>th</sup> November	Llŷn - Llithfaen.	Pembrokeshire Coast - Haverfordwest
12 <sup>th</sup> November	Snowdonia - Maentwrog	Brecon Beacons - Brecon
13 <sup>th</sup> November	Clwydian and Dee Valley - Loggerheads	Wye Valley - Tintern

### Stakeholder Evidence Sessions

Thursday 20 <sup>th</sup> November 2014	Friday 21 <sup>st</sup> November 2014
<i>Session 1</i> National Parks Wales (representing the National Park Authorities of Wales)	<i>Session 4</i> CLA Cymru Farmers Union of Wales FSB Cymru National Farmers Union
<i>Session 2</i> Natural Resources Wales	<i>Session 5</i> Representatives of the AONBs in Wales National Association of AONBs
<i>Session 3</i> Council for National Parks National Trust Wales RSPB Cymru	<i>Session 6</i> Alliance for National Parks Cymru Wales Tourism Alliance

Sessions were held at the National Museum, Cardiff.

Notes of the events can be accessed online via:

<http://wales.gov.uk/topics/environmentcountryside/consmanagement/countrysidecoalaccess/landscapes>

Meetings with the Sustainable Futures Commissioner, Peter Davies and Adrian

Phillips were held on the 27<sup>th</sup> November 2014 in Cardiff.

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Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**        **Update on the Review of Designated Landscapes in Wales**

**DATE**        **4 March 2015**

**BY**            **Carl Sargeant Minister for Natural Resources**

On 25 September 2014 I announced an independent review into the purpose and governance of the designated landscapes in Wales, the three National Parks and five Areas of Outstanding Natural Beauty. This two stage review would firstly examine the designations themselves looking at their purposes and the merits of classifying Wales' designated landscapes under one type of designation, before then considering the associated governance arrangements.

When I launched this Review I set out my own commitment to the National Parks and Areas of Outstanding Natural Beauty. These areas are highly valued. They are integral to Wales' national identity and are recognised internationally as part of a global family of protected areas. I am proud that a quarter of Wales is recognised in this way. They are assets that we should celebrate and protect, but also continue to harness to tackle the environmental and economic challenges that we face. They have a valuable contribution to make to the green growth and natural resource management agenda.

I want to see our designated landscapes become international exemplars of sustainability. They should be living landscapes with vibrant, resilient communities, with extensive outdoor recreation opportunities, thriving ecosystems and rich biodiversity. With the right leadership they have the potential to be areas where new innovative solutions to the challenges of sustainability in fragile rural areas are tried and tested, understood and publicised.

The purpose of the Review is to gather and analyse evidence in support of a comprehensive set of recommendations which should ensure that our designated landscapes are best equipped to realise their ambition, while building upon their internationally recognised status and brand.

As we move forward in Wales to develop our own ways of delivering public services associated with planning, regulating land use and managing our natural resources, it's vital

that the National Parks and AONBs are not left behind. Reform will be necessary to ensure that these areas prosper through their continued protection while maximizing the benefits they provide to the people of Wales.

So far the Review has considered whether the purpose and identity of the designated landscapes should be changed. Between late September and late November 2014 the Panel involved a wide range of designated landscape interests including constituent local authorities, community councils and the WLGA; the farming unions; the Federation of Small Businesses and Wales Tourism Alliance; The Welsh Language Commissioner; Natural Resources Wales and RTPI Cymru. Eight workshops (geographically within or near each designated area) were held with members of the public. Finally, meetings were held with officials from the Welsh Government and the Sustainable Futures Commissioner, Peter Davies.

The Panel has made six recommendations which are a modest package of amendments to the designations, see Annex 1. I expect that as the Panel expands its evidence base it will need to reflect on and amend these initial recommendations.

The report of Stage one will now provide the basis for proceeding to Stage two of the review as set out in the original terms of reference. This includes:

- i. Review the governance and management arrangements of the designated landscapes;
- ii. Review and examine how any governing body/bodies would best promote collaboration and joint working while avoiding duplication; and
- iii. Review and examine the best way for any future governing body to reinforce local accountability and decision making.

Both designations currently have different governance arrangements.

The Environment Act 1995 led to the creation of independent National Park Authorities for each of the National Parks in Wales. Each Park is governed by a board comprising two thirds local councillors appointed by constituent local authorities, and one third appointed by The Welsh Ministers. Their approved revenue expenditure is set each year by The Welsh Ministers, and the authorities levy their constituent authorities for the balance of their operational budget. National Park Authorities are the planning authorities for their areas.

Areas of Outstanding Natural Beauty are overseen by a Joint Advisory Committee (JAC), with any services embedded within constituent local authorities. There is no central funding. The JAC is a statutory consultee on planning applications for the area.

I look forward to the second phase of the review, and to working with the Parks and AONBs to develop their ambition and to secure for them a future which builds on the special nature of these areas. I will respond to the Panel's recommendations when the review is completed.

The Panel's first stage report is available at  
(<http://gov.wales/topics/environmentcountryside/consmanagement/countrysidecoastalaccess/landscapes/?lang=en>).

The final report will be available in July.

## **Annex 1: Recommendations from the first report of the Review of Designated Landscapes in Wales**

### Recommendation 1

We recommend that there should not be a single designation.

### Recommendation 2

We recommend that there is ONE set of statutory Purposes and an associated single statutory Duty for both designations.

### Recommendation 3

We recommend changing the name of “Areas of Outstanding Natural Beauty” (AONBs) to “National Landscapes of Wales”

### Recommendation 4

We recommend the establishment of a consistent and resilient nomenclature as well as structure, including:

“The National Designated Landscapes of Wales”

“National Parks” and “National Landscapes” which are “The Equivalent Designations”

The Equivalent Designations would possess Identical Statutory Purposes & Duties

### Recommendation 5

We recommend there should be THREE interlocking statutory purposes for both the National Parks *and* National Landscapes.

These are:

“To conserve and enhance the distinctive landscape and seascape qualities of the area,”  
*(the Conservation Purpose)*

“To promote physical and mental well-being through the enjoyment and understanding of the landscape of the area,”  
*(the Human Well-being Purpose)*

“To promote sustainable forms of natural resource management and economic and community development which support the cultural heritage of the area.”

*(the Sustainable Resource Management Purpose)*

### Recommendation 6

We recommend a new single Statutory Duty that removes the weak “have regard to” prefixes in the current duties on relevant public bodies, and replaces them with a single and clear duty:

“To contribute to the delivery of the three Purposes of the National Designated Landscapes.”