

Date: 7/4/2022

By email - [Landscapesconsultation@defra.gov.uk](mailto:Landscapesconsultation@defra.gov.uk)

Dear Sir/Madam,

## **Government Consultation on Landscapes Review**

### **Introduction**

The North York Moors National Park Authority welcomes the opportunity to respond to the Government's further consultation on the response to the Landscapes Review which was published on.

For the record, the North York Moors NPA is one of 10 English National Park Authorities charged with the responsibility of furthering the statutory purposes of our National Parks.

The consultation was considered and approved by Authority members at its Board meeting on 21 March 2022. Although responses via the citizen space portal are encouraged we trust that this written response covering the key questions set out in the consultation document will be acceptable.

### **A stronger mission for nature recovery**

The consultation asks whether there should be a strengthened first purpose for Protected Landscapes and whether other priorities such as climate change and cultural heritage should be reflected in a strengthened first purpose.

Overall, our view is that the current statutory purposes have largely stood the test of time and been sufficiently malleable in how they are interpreted to adapt to changing circumstances. Nonetheless we support updating the first purpose to reflect the high level of ambition there should be for National Parks in creating a national nature recovery network. This links closely to the aspirations of the recent Nature Recovery Green Paper that is rather ambiguous about the role of Protected Landscapes in delivering the 30 by 30 commitment to protect 30% of land for nature by 2030. We believe strongly that

*Working together to sustain the landscape and life of the  
North York Moors for both present and future generations to enjoy*

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there should be the highest levels of ambition for National Parks in forming the core of our Nature Recovery Network (NRN).

In terms of other priorities, we think it is really important that the first purpose should maintain reference to conserving and enhancing the cultural heritage of the place. We see less benefit in making reference in the purposes to natural capital. Rather than make an explicit reference to climate change the purpose could be amended to reflect the need to promote the resilience of the landscape (to climate change).

### **Agricultural Transition**

The consultation asks a series of closed questions about the role of protected landscapes in delivering the new Environmental Land Management Schemes (ELMS). The key points that we would wish to make in response to these and the general request for views and supporting evidence are set out below.

The intrinsic importance of ELMS to achieving Government's ambitions in terms of protected landscapes cannot be stressed highly enough. ELMS is likely to be the most influential policy and financial lever in supporting decisions by farmers and land managers that support National Park purposes and deliver Management Plan objectives. In many protected landscapes, achieving high ambition for the landscape relies almost entirely on private farmers and landowners wanting to 'do the right thing' for nature, climate, people and place.

The Landscapes Review (Proposal 5) argued for a central place for national landscapes in ELMS. We fully support this recommendation. Only through working with farmers and landowners as partners can this be achieved and this in turn requires the ability to target and tailor funding in a way that meets local needs and incentivises management and behaviour change. What is more, farmers, land managers and others employed in the wider landscape economy are the bedrock of local communities across most National Parks.

It is important that ELM schemes can be tailored to meet the priorities of each protected landscape and are adaptable to the farming and agronomic circumstances in each area. The Farming in Protected Landscapes programme (FiPL) provides a potential model for this: it already combines national and local priorities with some flexibility for local decision-making and delegated budgets. The link to National Park Management Plans enables funding to be allocated towards bottom-up projects that have the greatest potential to deliver specific local objectives.

The option of building on the FiPL programme has the greatest potential to deliver schemes that work for each protected landscape. The importance of locally-based facilitation through dedicated farming/ FiPL officers cannot be understated in helping to hone the creativity of farmers to develop compelling applications that deliver mutual

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

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

We would argue that a specific delegation of ELM delivery or local deal for ELM should apply in protected landscapes. This builds on the concept of levelling up to be delivered in a bottom-up way that:

- Empowers protected landscapes to deliver key components (landscape and nature recovery) building on their track record of delivery and trust amongst farmers and landowners
- Combines national priorities with local objectives in terms of nature, landscape and people
- Integrates ELM effectively with Government's ambitions for protected landscapes
- Builds on the effectiveness of farming clusters and landscape partnerships to harness the enthusiasm and participation of farmers and landowners at scale

### **A stronger mission for connecting people and places**

The consultation asks whether there should be a strengthened second purpose of protected landscapes to improve connections to all parts of society with our protected landscapes. The consultation also invites views on whether there are any other priorities that should be reflected in a strengthened second purpose.

Whilst we believe the wording of the current second purpose has proved sufficiently flexible, we want to ensure that protected landscapes are seen as inclusive. We therefore welcome updating of the second purpose, particularly to take account of the pivotal role that our landscapes play in improving health and well-being outcomes for both residents and visitors. In the case of the North York Moors, the National Park has a particularly important role as a source of recreation and spiritual inspiration for surrounding communities in Teesside that are among the most diverse and economically disadvantaged in England.

It is important to note that many barriers to access lie in broader socio-economic factors (not least of which are low household incomes and poor public transport links) that are systemic and cannot be addressed by work within the National Park or by National Park Authorities.

Finally, it is vital that the second purpose retains an explicit reference to the 'special qualities' of the National Park. This ensures a specific link in the statutory purposes that gives meaning and weight to the special qualities that are outlined in the National Park Management Plan when considering planning and development within the National Park.

### **Managing visitor pressures**

Government is therefore considering a number of specific and targeted powers that could be made available to National Park Authorities to support the management of visitors.

We're keen to ensure that National Parks are seen as a giving visitors a warm welcome and focus on positive engagement with visitors rather than enforcement of rules. This requires resources on the ground, especially in and around 'honeypot' locations.

In our view existing provisions that are managed with the support of responsible local authorities work reasonably well in the North York Moors. As a result we don't support the extension of certain enforcement powers, notably Fixed Penalty Notices, Public Space Protection Orders and Traffic Regulation Orders to National Park Authorities and would not intend to take these powers up were they available to us. We would be concerned about the expectation that the presence of these powers might create amongst certain user groups, would add to our resource burdens and change the nature of the relationship between the NPA and visitors detrimentally.

We do however cautiously support additional powers to restrict access on unsealed routes. Whilst certain powers already exist, they require a complex and burdensome process on NPAs which could be significantly simplified. The result may improve our ability to reduce the extent of damage to certain unsealed routes caused by illegal activity. In the case of UURs, our preference is to work with the local highways authority to manage them sustainably. Targeted use of restrictions needs to be site specific and linked to environmental impacts and sustainability, recognising the potential legitimate rights of users to access UURs.

### **The role of AONB teams in planning**

The response supports the Landscape Review panel's recommendation that the local planning powers of AONB conservation boards should be strengthened. As a result the consultation asks a number of questions about the role of AONB teams in planning.

The North York Moors NPA has a strong, collaborative relationship with the Howardian Hills AONB which is contiguous to the National Park boundary. We therefore support strengthening the AONB team's planning powers as these are also likely to be beneficial to delivering objectives in the National Park.

### **Local governance**

The consultation seeks respondent's views on a number of options to improve local governance.

Broadly speaking we believe that current governance arrangements, supported as they are by adherence to the Local Government Act 1972, serve National Park Authorities well. We're pleased that, in the main, Government recognises the importance of striking a balance between local democratic accountability, skills, diversity and experience in constituting NPA Boards.

We support the involvement of wider stakeholders in the development and delivery of the National Park Management Plans. The next North York Moors Management Plan is set to be adopted later this spring and has involved stakeholders in its development through three Thematic Working Groups. We are considering how to develop a closer, more formal partnership approach to delivering the Plan with public bodies and other stakeholders.

We oppose the proposal that the chair should be appointed by the Secretary of State. The legitimacy of NPA chairs will be seen as stronger if they remain elected by Authority members who are appointed to serve on the National Park Board. Instead we feel it will be essential that the Secretary of State appoints the Chair of the proposed National Landscapes Partnership to ensure the appointment of a high profile individual able to champion protected landscapes across Government.

### **A clearer role for public bodies**

The response recognises that other public bodies have a significant influence on the protection and management of protected landscapes and should therefore take account of the statutory purposes and relevant management plan objectives of National Parks when making decisions that relate to the landscape. It recognises that the current duty on public bodies to 'have regard' to statutory purposes is too weak and needs to be strengthened to put greater weight and responsibility on other public bodies when exercising their public functions.

We strongly support a strengthening of the duty of regard on public bodies<sup>1</sup>. We believe this proposal will go a considerable way to ensuring that the outcomes and objectives set nationally and locally through National Park Management Plans are implemented by all public bodies that have a responsibility to deliver policies and services in the areas.

It is also right that the role of public bodies in supporting the preparation and delivery of management plans should be made clearer. In the North York Moors we have sought to engage public bodies from the outset in the preparation of the current draft management plan and intend to put in place a more formal partnership arrangement to oversee and monitor its implementation with other public bodies.

### **General power of competence**

The consultation considers whether it would be appropriate to extend the current limited 'power of competence' on NPAs to a more general power of competence similar to other local authorities.

To date, the function specific power of competence has not posed any undue limitations on the scope of the North York Moors NPA to operate, to forge partnerships with organisations operating outside of the National Park or to trade where this is linked to National Park purposes. Nonetheless we recognise the need to grow income and partnerships in order to extend and increase the good work that we do in the National Park. As a result we would welcome the clarification that a broader general power of competence would confer and look forward to further dialogue with Defra as to how this can be best achieved.

### **Other comments**

The consultation provides an opportunity to provide any further comments on any of the proposals set out in the Government's response. In response we would like to draw attention to the following points.

### **Overall Ambition**

We welcome the overall level of ambition set out in the Government's response to the landscape's review and the Minister's foreword. We're really proud of our track record of delivery on the ground, whether that's access improvements to increase opportunities for all people to enjoy the National Park, education and community outreach or landscape-scale improvement works.

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<sup>1</sup> Whilst the consultation does not seek specific views on how the duty on other public bodies might be strengthened, we have previously advocated for wording that requires other public bodies to 'seek to further' the statutory purposes of National Park Authorities.

As National Park Authorities we pride ourselves in our demonstrable track record of being effective delivery bodies, able to harness local communities and stakeholders as partners whilst using core funding to lever significant additional investment to add value to Government core funding. Investing in National Park Authorities will achieve the best outcome that translates Government's ambition into action on the ground.

### **Proposed Landscapes Strategy**

We welcome a new landscapes strategy that provides greater clarity and consistency on the priorities and outcomes that as a family of National Parks and AONBs we're striving for. This should be matched by a consistent but flexible national outcomes framework for protected landscapes. However, it's vital that the strategy recognises the importance and benefit of marrying the need for accountability to a national framework with strong and effective bottom-up engagement and empowerment of local stakeholders and communities. National Park Authorities that are based in and responsive to local circumstances and needs but can understand and translate the bigger picture play should play an integral role in seeking to both forge and translate the strategy.

The high level of ambition for protected landscapes along with the new strategy must feed into wider Government and wider Defra-group policy. Cross-Government recognition and support for the ambitions in areas such as inclusive access and sustainable transport is vital to them happening.

### **National Landscapes Partnership**

At this stage the structure, roles and accountabilities of the proposed National Landscapes Partnership are unclear. Whilst we welcome the desire to build on existing structures and improve co-ordination, these happen within an existing accountability framework both nationally (to Defra through the grant funding agreement) and locally (through local governance) that is generally well understood.

### **Role of Natural England**

The response recommends an enhancing of Natural England's role and responsibilities for landscapes as Government's statutory advisor. This is generally welcome but needs to be backed up with sufficient resources and breadth/ depth of expertise in the organisation to support the wider remit of National Park Authorities.

At an operational level on the ground our relationships with NE are effective where it concerns relatively tactical issues (for example advice implementation of Habitats Regulations in relation to planning applications). However, it's not always clear that the strategic intent and ambition championed nationally by NE is effectively translated locally on the ground. This is partly a question of resource within area teams but also about ensuring that there is internal alignment within the organisation. It's vital that local area teams are therefore empowered to engage in strategic partnership with protected landscapes in their area and have the resources to do so effectively. It's also important

that their expertise is sufficiently broad to contribute to the full range of National Park purposes.

### **Link to Local Nature Recovery Strategies**

The link to the creation and delivery of Local Nature Recovery Strategies (LNRS) is critical. To ensure that the higher ambition that should exist for nature in National Parks is fulfilled, National Park Authorities need to be empowered to take the lead in preparation of LNRS for their areas (working with other organisations). And LNRS need then to inform and influence the management options available locally as part of ELM LNR and landscape recovery components

### **Planning and the NPPF**

The section on planning defers serious consideration of the importance of planning policy in National Parks to future national planning reforms. The stated intention to review the NPPF to further consider how policy for protected landscapes is set out is welcome and we would welcome further involvement in this as a family of National Parks.

Statutory planning powers are an essential, indispensable tool in enabling National Park Authorities to pursue our purposes. The Landscapes Review proposed that the “Major Development Test” (para 177) be strengthened to ensure that such development only took place where the need for it was truly national. As currently worded this is not a requirement. We would support the proposal in the Landscapes Review on this.

In terms of Permitted Development Rights (PDR), the Landscapes Review was clear that the extension of PDR over the past decade in Protected Landscapes should be reviewed and if necessary amended so that they recognised the more sensitive environment – as they originally did. Otherwise there is a conflict with strong national planning policies limiting development in PLs whilst also allowing potentially harmful development to take place out with the planning system. We support this.

### **Housing**

We agree that there is no need for a bespoke Housing Association for Protected Landscapes as the Landscapes Review panel proposed. However, the response states that the issue is a “rural” one in general and so as a problem that is demonstrably acute in Protected Landscapes (higher house prices, higher build costs etc), there is no bespoke response or initiative. Delivering housing (including affordable housing) requires a different policy response in Protected Landscapes.

An area not considered in the response is the increasing pressure on housing availability and affordability caused by second homes in National Parks. This has been exacerbated by the technological shifts and changes to working patterns caused by the pandemic which are enabling greater remote working. We feel that the consultation misses an



opportunity to consider whether second home ownership could be brought more closely into the planning system.

Yours faithfully,



**Tom Hind**  
**Chief Executive**