

North York Moors National Park Authority

27 July 2020

National Parks and a Devolution Deal in York and North Yorkshire

1. Purpose of the Report

- 1.1 To update Members on the progress towards a Devolution Deal in York and North Yorkshire, the prospects for unitarisation of local government and the position of National Parks and their Authorities. To agree a way forward.

2. Background

- 2.1 Members will recall the Devolution paper they approved at the March NPA which provided details on a “Devolution Ask” for York and North Yorkshire, the headlines of which were an ambition to be the first carbon negative area of the country. This paper focuses on the potential governance arrangements and their implications for National Parks.
- 2.2 As described in the March paper, Local Authorities within North Yorkshire and York have been engaged in preliminary discussions with Government around a possible Devolution deal. Devolution is the transfer of power and funding from national to local government, probably involving the creation of a directly elected Mayor. A Mayor would then also have powers transferred up to her/him from local councils. It is understood that Government’s view is that every area within England should be part of a devolution deal to provide more funding for the area and it is expected that a Devolution White Paper published later this year will endorse this view.
- 2.3 Government has stated that devolution will provide greater freedoms and flexibilities at a local level, meaning Councils have the ability to work more effectively to improve public services for their area. The aim is for more funding and powers to be devolved from Westminster to the sub-region and more power and accountability to be given to politicians involved in the new arrangements.
- 2.4 The March NPA paper explained the latest steps towards the development of local ‘Asks’ from central government and the continuing issue of how the NPAs would fit into the governance of the new arrangements. The Authority welcomed many aspects of the ‘Asks’ from central government, to which the NPAs had contributed. Concern was however expressed that the special status of the National Park should not be jeopardised by undermining the planning powers of the NPA. It was agreed that the Authority would press for statutory protection for its spatial planning role and special status for the NP Management Plan.

3. Recent Developments

- 3.1 At a recent meeting of the Leaders of the principal local authorities in York and North Yorkshire, attended by the NPAs, it was agreed in principle that the NPAs should be treated in the same manner as other planning authorities in terms of governance. There are also words in the proposed submission to government that state the development management powers of the NPAs would not be transferred without the NPAs’ consent.

Progress has therefore been made, but is a long way short of statutory protection and meanwhile it seems the status of the likely new Mayor's Spatial Plan is increasing.

- 3.2 The overall situation, and the likelihood of swift progress on the deal as a whole, is complicated by the issue of potential Unitarisation of the North Yorkshire authorities. It is reported that the Minister responsible for the Devolution process has recently stated to the York and North Yorkshire principal local authorities that Unitarisation is a prerequisite of a Devolution Deal. Previously it has not been possible to agree a way forward on this between the local authorities in North Yorkshire. Officers are not clear if the intent is to impose a restructuring if there is not agreement, but it does seem to be the intention not to allow Devolution without restructuring. As officers understand it, under current guidance one of the current requirements of restructuring is 'a good deal of' local support.
- 3.3 Without restructuring there would be at least five layers of local government across North Yorkshire if a Mayor and Combined Authority were added to the existing mix (which is not to assert that the restructured model would *necessarily* be more efficient). It would seem to imply the inevitable end to the existence of the District Councils and Boroughs as we know them now, though there may be an option which would allow the County Council to continue with its current boundaries. There would of course be additional relatively local structures with the creation of a 'Combined Authority' from the smaller number (probably two, possibly three) of unitary councils and presumably the addition of a Mayor covering the entire area.
- 3.4 In any event it seems likely that the principal authorities will proceed with the Devolution Asks as these carry significant financial advantages for the sub-region even if the governance of the area is not clear but may well become focused on larger units.
- 3.5 The rest of this paper concentrates on the potential impacts on all of the above for the National Park. The wider geographic, and especially economic, aspects will no doubt be exhaustively dealt with elsewhere

4. **Consequences for National Parks and their Authorities**

a) The current Asks

- 4.1 The full 170 pages of the Asks were a background document to the March paper and the current version is shown at **Appendix 1 (displayed separately on the website and Members' Extranet)**. A summary of the Asks is in the **Appendix 2** to this document.
- 4.2 There are two aspects to the Asks, financial and governance. The financial asks are very similar to those supported by Members in March, with their place based ambitions and are likely to be beneficial to the National Park in terms of eg carbon sequestration and indirectly via support for affordable housing across the sub-region. They seem likely to be supported by most if not all of the principal authorities and are not discussed further here.
- 4.3 The issues over governance, including in relation to the National Park Authorities' planning powers are however essentially unresolved.
- 4.4 The position for the NPAs is different to that of the other local authorities because the latter will continue to have a central input to the Devolution process, at least for the time being, whereas for the NPAs participation is by invitation only. Principal authorities will in some form be members of any Combined Authority but as things

stand, NPAs cannot be. If the NPAs are to have ready purchase on the decision making process that needs to happen now, as, once established, the new body would likely be able to make changes that affect the NPAs eg by putting an informal Spatial Plan onto a statutory footing which the NPAs could not prevent.

- 4.5 As explained above, some steps have been made to protect the National Parks' position. The latest twist is that the Spatial Plan is now being described as non-statutory (though this is not shown in the attached summary), which would not present a significant problem if it was guaranteed that this would remain the case. It seems quite probable however that there will be pressure to reverse this at some point. Officers believe it is essential that the issue is clarified and the National Park's position protected in statute. Officers will give an update at the meeting.

a) Unitarisation

- 4.6 If a single unitary were to be established across the current area of Ryedale, Scarborough and Hambleton and the same number of appointees were to be made by the new authority as had previously been made by these three authorities and the County Council, that would give the NPA 9 appointees from one Council. There are several reasons to believe that such a high proportion of members from one source would be unhelpful for the Authority and less than optimal for the National Park. Where unitarisation has affected a NPA's composition previously (Northumberland) changes have been made to the membership to address these issues. These have ensured that one Council does not have a potentially controlling majority and have maintained a greater continuity in membership. Changes to NNPA's membership were strongly supported by the other NPAs at the time.
- 4.7 Officers recommend that this issue is flagged as one that is likely to need to be addressed under any unitarisation process. As to the question of which model of unitary division is best for the wider area, officers recommend that, at least at this stage, the Authority does not attempt to support one potential proposal against another. There may well be strong advocates of different solutions or indeed opposition to the principle or advocates for different minimum sizes. It should be possible for officers to advise members on how different solutions would be likely to impact on the achievement of Park purposes when more is known about different options, but that is not an easy task and certainly not possible at this stage when the parameters for the ultimate decision are not clear (it is believed a White Paper may be published in the autumn). Dealing with just the NP specific issues identified above is likely to occupy significant officer time. It may prove best not to support one option or another but agree some principles which should apply to all.

5. Implications of a Mayor for the National Park

- 5.1 In the longer term, if a proposal for a Mayor is progressed, the relationship of this post to the National Park is likely to be very important. This is because of the large land mass of this National Park and the Yorkshire Dales (and indeed the AoNBs) as a percentage of the Mayor's area. At a national or regional level it is relatively easy to give some environmental priority to National Parks both in policy in terms of spatial planning and in practice. If however a sub-regional Mayor with an almost entirely rural landscape is given the task of economic development the pressure to see the Protected Landscapes as part of a single undifferentiated economic opportunity area could be irresistible. And even if the Mayor was given the role of protecting for the nation these special places, with their special economies and internationally prized

conservation assets, it would be unsurprising if local pressure for inappropriate development also proved irresistible. So the place of the NPAs in the new arrangements is more than just about governance but relates to the *national* status and specialness of the National Parks themselves. It was this issue that led to the Edwards' Review of National Parks in the 90s recommending stand-alone National Park Authorities with planning powers. It may be that the style and nature of economic development changes to be more environmentally sustainable and that this becomes less of an issue (and the Asks document is a step in that direction) – but that is a task that is still in its infancy.

6. **Financial and Staffing Implications**

- 6.1 There are no immediate financial implications. Whereas staff are finding time to deal with this issue and there are clear advantages to a good deal, preventing a bad one is diverting time from other tasks at a time when resources are already stretched.

7. **Contribution to National Park Management Plan**

- 7.1 There are no direct implications. The content of the paper is designed to protect the integrity of the NPMP in the long term.

8. **Legal Implications**

- 8.1 NPAs are currently the sole planning authority for the area of the National Park and as such have planning powers equivalent to a Unitary Authority. The twin National Park purposes are used to develop the National Park Management Plan and these and the NPPF (with its reference to the National Park Circular) form the basis for the delivery of Town and Country planning. The creation of a statutory sub-regional plan would introduce a new layer of planning which might force policies on the NP which are based on narrowly economic rather than environmental criteria. There are other areas where the proposed Devolution Deal could impact adversely on NP planning prerogatives.

9. **Recommendation**

- 9.1 The Authority continues to support the financial asks and wider environmental ambitions but withholds its support from the overall Deal unless it specifies that one of the Asks is for statutory protection for the NPAs' planning powers.

Members ask officers to continue to press the case at a local and national level for statutory protection of the NPAs planning powers and the primacy within the NP of the twin purposes.

Officers are asked to raise the issue of NPA membership in any discussions over unitarisation with the aim of avoiding too large a representation from any one authority.

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Background papers to this Report

File ref

- 1.

As indicated at 4.1 of the report this Appendix is (displayed separately on the website and Members' Extranet.

- £750m (£25m p.a. over 30 years) Mayoral Gainshare Allocation
- Devolved Local Growth Fund
- Devolved Shared Prosperity Fund

Transport	Digital	Town Centres	Housing & Planning	Skills	Business and Innovation	Energy	Natural Capital
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Funding Proposals

<ul style="list-style-type: none"> • £250m devolved 5-Yearly Integrated Transport Settlement for the YNY region • £50m funding to deploy ultra-low emission public transport across the region • £11m Passenger transport funding settlement • Devolved and consolidated mayoral transport settlement 	<ul style="list-style-type: none"> • Devolution of £508m DCMS funding for fibre connectivity • £20m Mayoral Smart Investment Fund 	<ul style="list-style-type: none"> • £100m devolved Mayoral Towns Fund • £65m York Place Fund 	<ul style="list-style-type: none"> • £96m Strategic Housing Investment Package: <ul style="list-style-type: none"> ○ £1m matched funding to scale up YNY’s strategic planning and delivery capacity ○ £45m funding and Government commitment to increase the supply of high quality affordable housing ○ £50m funding to address viability challenges 	<ul style="list-style-type: none"> • £10m Low Carbon Skills Programme • Devolved AEB 	<ul style="list-style-type: none"> • £215m Phase 1 Bio-Yorkshire Programme: <ul style="list-style-type: none"> ○ £175m Bio-Yorkshire Innovation Central ○ £25m Bio-Yorkshire District Incubator Hubs ○ £15m Bio-Yorkshire Innovation Accelerator 	<ul style="list-style-type: none"> • Funding for a 5-year place-based Low Carbon Housing Retrofit Programme • £8m of development for strategic low carbon energy generation projects • £42m Low Carbon Energy Generation Demonstrator 	<ul style="list-style-type: none"> • £2m funding for the development of a Natural Capital Investment Plan working with national partners • £10m Natural Capital Innovation Challenge Fund
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Wider Proposals

<ul style="list-style-type: none"> • Local flexibility over English National Concessionary Travel Scheme statutory requirements • Statutory transport plan powers • Bus franchising powers • Enhanced joint working with Highways England and Network Rail 	<ul style="list-style-type: none"> • Co-design of the roll-out of the Shared Rural Network in the YNY region 		<ul style="list-style-type: none"> • Statutory spatial plan powers • Land assembly and CPO powers • Mayoral Development Corporation powers • Strategic Partnership with the MoD 	<ul style="list-style-type: none"> • Joint working with Government to establish a Centre of Excellence for Low Carbon Technology Skills • Enhanced joint working with Government: <ul style="list-style-type: none"> ○ Joint working with the Careers Enterprise Company and National Careers Service ○ Influence spend on unutilised apprenticeship levy funding ○ Stronger links with DWP ○ Joint working with 	<ul style="list-style-type: none"> • Co-development of a Yorkshire Tourism Plan between YNY and Visit Britain to increase high value tourism • Support for AMRC Scarborough • Enhanced joint working with UKRI and DIT 	<ul style="list-style-type: none"> • Joint working with Government to develop and deliver YNY’s roadmap to become a carbon negative region • Working with Government to develop and implement a pan-Northern Regional Green Bond • Joint working with Government to accelerate the roll-out of CCUS technology in our region 	<ul style="list-style-type: none"> • Tier 2 and Tier 3 ELMs trials and joint working with DEFRA to co-design how ELMs will operate locally
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York & North Yorkshire Deal Overview
c.£2.14bn

Gainshare
£750m (£25m per annum for 30 years)

Devolved Local Growth Fund and Shared Prosperity Fund

Quality Places

Transport
£311m

Digital
£528m

Town Centres
£165m

Housing
£96m

Thriving Businesses and People

Skills
£10m

Devolved AEB

Bio-Yorkshire
£215m

Green Future

Energy
£50m

Low Carbon Housing
Retrofit Programme

Natural Capital
£12m

Supporting our ambition to be a carbon negative, high value, circular economy