

Future Landscapes Wales

A briefing paper by the Alliance for Welsh Designated Landscapes

The Alliance for Welsh Designated Landscapes¹ brings together key third sector organisations in Wales with active interests in designated landscapes. We have long-standing expertise in the legal and policy framework for designated landscapes, as well as first-hand experience of their management and the challenges that they face. We are committed to working with Welsh Government to help it deliver both the sustainable management of natural resources and a secure future for our designated landscapes. This briefing paper is the product of wide agreement and consultation with our members and other partners.

1. Introduction

Future Landscapes Wales was commissioned in October 2015 by the then Minister for Natural Resources, Carl Sargeant AM, in a Cabinet Written Statement². A Future Landscapes Working Group was convened to consider the recommendations of the 2015 Marsden Report in more detail. The group published a report in May 2017, which included a foreword from Cabinet Secretary for Environment and Rural Affairs Lesley Griffiths AM. A consultation on *Taking Forward Wales's Sustainable Management of Natural Resources*, which includes proposals from the Future Landscapes Wales report, was published in June 2017. The Alliance's response to this consultation will be available in early September.

Appendix 1 of this briefing paper provides background to Future Landscapes Wales and sets out the main findings and recommendations of previous reviews of designated landscapes.

The Future Landscapes Wales working programme represents a welcome commitment by Welsh Government to the principle that Wales's iconic landscapes - including National Parks and AONBs - are national assets which need safeguarding and require specific stewardship.

While we very much welcome the emphasis on partnership working and collaboration in the Future Landscapes Wales report we are concerned that this has not been matched in practice by how the programme has operated, as we highlight in section 4 of this briefing.

We welcome the report's recognition of the importance of all landscapes, regardless of whether they are designated or not.

However, in general, we are disappointed with the quality of the report, which is very poorly written and fails to provide clear and unambiguous recommendations. The wide use of obtuse language means that much of the report is open to multiple interpretations, making it difficult, in our view, to move forward with certainty. The mismatch in tone and direction between the Cabinet Secretary's foreword, the introduction by Lord Elis-Thomas AM and the content of the report adds to the confusion.

¹ The Alliance was formed in 2014. Its membership includes Brecon Beacons Park Society, Friends of Pembrokeshire Coast National Park, Cymdeithas Eryri the Snowdonia Society, CPRW, National Trust Wales, Cymdeithas y Cerddwyr/ Ramblers Wales, RSPB Cymru, YHA, BMC Cymru and Wildlife Trusts Wales.

² <http://gov.wales/about/cabinet/cabinetstatements/previous-administration/2015/designatedlandscape/?lang=en>

There is no traceability to many of the recommendations of the 2015 Marsden report, despite the working group being explicitly tasked with considering these. **The Marsden recommendations were the product of wide consultation, systematic evaluation and structured, logical reporting. We believe they offer a clear way forward on how the sustainable management of natural resources can be taken forward in designated landscapes.**

2. The way forward

The Cabinet Secretary has expressed a welcome commitment to strengthening the collaborative approach in order to facilitate the next steps for the Future Landscapes Wales process. We particularly value her clear commitment to full consultation before enacting any substantive changes.

In addition, we believe that the following changes are needed to the National Partnership that the Cabinet Secretary has said will drive forward action on designated landscapes:

- A sea change in the transparency of how the partnership operates, with meeting agendas, papers and minutes produced in good time and available to all members
- A broadening of the membership of the partnership to adequately reflect both the second purpose and the local, civil society interest in designated landscapes
- A more rigorous, organised process of gathering feedback on and seeking endorsement of proposals and recommendations
- Agreement on how views will be presented where there is no consensus
- An independent secretariat replacing that provided by Welsh Government officials
- A non-political vice chair, who is independent of government and the Assembly
- Redrafting of key sections of the report of the working group to more accurately reflect the views of its members

3. The Future Landscapes Wales report

3.1 Commentary on the Future Landscapes Wales report

Given that the Future Landscapes Wales working group was tasked with considering and advising on the way forward with the recommendations of the Marsden report, we consider there to be a number of baffling omissions. In addition, many of the propositions are not sufficiently clear or developed in order to be able to comment on them in detail.

3.2 The international status of designated landscapes

The UK Assessment Panel of the World Commission on Protected Areas consists of a number of leading UK experts in protected areas. It was set up in 2012 in order to determine which areas in the UK met the IUCN's international standards for a protected area.

The Panel concluded that the Marsden report offered a way forward which other parts of the UK could have learnt from, demonstrating how landscapes of high conservation value could

be conserved, while also meeting social and economic needs in a sustainable way. It welcomed the report's recommendations, which would have confirmed the case for international recognition.

However, the Panel has expressed deep reservations about the Future Landscapes Wales report, including the absence of any mention of the Sandford Principle as well as misrepresentation of or silence on many of the Marsden report's recommendations.

Significantly, the Panel has concluded that, if acted upon, **the recommendations in the Future Landscapes Wales report would make it impossible for the panel to continue to accord international recognition to Wales's National Parks and AONBs as protected areas.** It recommends that if Wales desires to maintain and strengthen the international recognition currently accorded to these areas, Welsh Government should base future policy on the recommendations developed in the Marsden report. **This provides a strong imperative to use the recommendations of the Marsden report as a basis for moving forward.**

3.3 The Sandford Principle (also see appendix 2)

One of the most startling omissions from the Future Landscapes Wales Report is an ultimate safeguard for natural beauty and biodiversity, with a resultant risk that they may be diluted or eroded. This is one reason why some key conservation organisations that have been involved in the Future Landscapes Wales process are unable to support the report as it stands.

The Sandford Principle is a fundamental pillar of National Parks and provides legislative priority for the first National Park purpose in cases of irreconcilable conflict with the second purpose. It was endorsed by Welsh Government as recently as 2013 and was a significant factor in the IUCN's decision to continue to recognise National Parks and AONBs as Category V protected areas.

The Marsden report recommended three interlocking purposes for National Parks and AONBs, and that the Sandford Principle should be applied across all designated landscapes, confirming the primacy of the conservation purpose.

It also concluded that any changes in purposes and accompanying duties should ensure and embody the precedence placed under the Sandford Principle, giving priority to the first purpose if there were clear conflicts. This priority, alongside the interlocking purposes, was called the 'Sandford Plus' approach.

The review concluded that the primacy of the conservation purpose "will continue to be vital and a distinctive element for the current and future development of the National Landscapes of Wales".

It also stated that "this would be the first time in which the Sandford Principle applies to AONBs and by doing so their internationally recognised status as IUCN Category V protected

landscapes [would be] enhanced and strengthened". Currently, the Sandford Principle only applies in AONBs where there is a Conservation Board³.

We are concerned that the lack of mention of the Marsden report's recommendation to reaffirm, strengthen and extend the Sandford Principle, within the context of three interlocking purposes, is a significant oversight.

In the Cabinet Secretary's contributions to the debate on designated landscapes on 6 June, a so-called 'Sandford plus plus' approach emerged, but no detail is provided on how this would work in practice. Similarly, no rationale has been provided as to why there is felt to be no place for the Sandford Principle in a set of principles of natural resource management. In our view, the risks of moving away from a coherent, robust framework with an established policy back-stop to something so undefined are potentially extremely serious.

3.4 The role of NPAs as planning authorities

We are also surprised that the Future Landscapes Wales report makes no commitment to the role of NPAs as planning authorities. NPAs are the sole local planning authority for their area, and have responsibility for setting the overall policy framework through a Local Development Plan and determining all planning applications.

The most recent independent evaluation of NPA planning services⁴ found that the planning system works well in National Parks, with many examples of good practice and good performance in relation to national indicators for planning service delivery. At the local level, National Park local development plans were found to provide a consistent policy context for planning, in line with National Park purposes.

The Marsden report found the case for removing planning powers from the NPAs unpersuasive and largely based upon perception and dated examples that did not reflect contemporary experience. It recognised that planning will serve a key function delivering consistency across the National Parks and recommended that the NPAs should retain their strategic planning policy and planning development control functions. It also recommended that Welsh Government should reinforce and support the provision of pre-application planning advice from the NPAs. Neither recommendation is acknowledged in the Future Landscapes Wales report.

Truly sustainable management of these special areas requires that NPAs have responsibility for both planning and management functions. It is not clear to us why a report which aims to move the debate on designated landscapes forward offers no comment on this important issue.

³ Section 87, Countryside and Rights of Way Act 2000

⁴ Delivery of Planning Services in Statutory Designated Landscapes in Wales. Summary Report from Phase 1. Prepared for Welsh Government by Land Use Consultants. August 2011

3.5 The (Silkin) test for major developments

The status of the long-established test for major development in nationally designated landscapes is similarly unclear under the current Future Landscapes Wales proposition.

The major development test applies to both National Parks and AONBs. It was first conceived by Lewis Silkin, the post-World War II Town and Country Planning Minister and is sometimes referred to as the Silkin Test. It is recognised in the Marsden report.

The test is set out in Planning Policy Wales (Welsh Government, 2014) and asserts that major developments should not take place within designated landscapes unless it is absolutely necessary, especially whether it is in the national interest. It requires a number of factors to be assessed including the need for the development, the cost and scope of alternatives and the environmental impact.

3.6 The model for delivering statutory purposes

The model in National Parks can be traced back to the early 1990s, when an independent panel chaired by Cardiff University Professor Ron Edwards reviewed the operation of the Parks over the past 40 years and set out a vision for their future, culminating in a report known as the Edwards report⁵. One of the review's principal recommendations was for the creation of free-standing, independent NPAs as local government management was not delivering National Park purposes effectively.

The principle of and rationale for free-standing, independent authorities was accepted by the Government, which agreed that a county council, with its wider remit, would not be able to give the same focus and resources to a National Park that an NPA would.

Provision was subsequently made for the establishment of free-standing, independent authorities through the Environment Act 1995 and the NPAs in Wales were set up in 1996.

In 2013, the Commission on Public Service Governance and Delivery⁶ conducted an examination of the way that public services are governed and delivered in Wales, and considered how they might be improved. The Commission recognised the rationale for and importance of NPAs operating independently and concluded that the distinctive focus of NPAs on conserving and promoting sustainable access to National Parks would be at risk if their functions were transferred to local authorities. Instead, the Commission recommended that NPAs build on their existing collaborative efforts.

After careful consideration, the Marsden report recommended that the single purpose local authority model for National Park management should be retained, while AONBS were more suited to a flexible management model. It concluded that "the overwhelming body of evidence cautions against tearing down the current structures". The report also recognised

⁵ Report of the National Parks Review Panel, the Countryside Commission (1991)

⁶ Commission on Public Service Governance and Delivery, Full Report (January 2014)

that the model for National Park and AONB delivery in Wales is recognised internationally for effectively balancing national objectives with local needs and accountability.

On governance, the Future Landscapes Wales report does not set out a clear way forward, calling instead for the current models of governance within a designated landscape to evolve, informed by core principles, to reflect changing needs and opportunities. It says governance should include a wide range of delivery and partnership models, encompassing shared or delegated responsibilities, linked to a common vision. Its general nature means it is difficult to disagree with this proposition, but we feel it lacks clarity and does not relate specifically enough to the Marsden report recommendations on the preferred models for delivering statutory purposes. It introduces an unhelpful degree of uncertainty as it potentially re-opens debate on issues which have been considered and dismissed by subsequent independent reviews of governance models.

3.7 Public funding of designated landscapes

The intent within the Future Landscapes Wales report to extend the reach of NPAs beyond their boundaries is laudable. We support the hub concept to improve capacity to deliver on the Future Generations agenda. **However, the report is not clear on how to ensure sufficient public funding to maintain the integrity and qualities of existing nationally designated landscapes, let alone how they will be resourced to provide additional capacity to assist other areas to move forward.** The Future Landscapes Wales report identifies a need to pilot and develop guidance for a hub concept as a mechanism for working beyond existing boundaries. We are keen to input to the development of the pilot and guidance, but alongside this there must be a dedicated effort on securing the necessary public funding to maintain and enhance the integrity and qualities of existing designations.

4. Concerns about the legitimacy of the Future Landscapes Wales programme

4.1 Welsh Government aspirations for the Future Landscapes Wales programme

The Future Landscapes Wales programme has been described by Welsh Government as “highly collaborative, bringing together a group from diverse and wide-ranging sectors who often hold competing views on what a designated landscape should be about”^{7,8}.

The Cabinet Secretary has recognised that such an approach would be challenging when she said that “...I firmly believe the full involvement of partners is essential in delivering a positive response to the challenges identified, even if this is difficult at times”⁷.

The terms of reference made clear that the working group was accountable and reported to the Minister for Natural Resources and now to the Cabinet Secretary. Despite this, we are unclear how Welsh Government Ministers have satisfied themselves that the process was functioning effectively.

⁷ Written statement - Publication of Future Landscapes: Delivering for Wales, 9 May 2017

⁸ Record of proceedings: debate on the Review of Designated Landscapes in Wales, 6 June 2017

The Cabinet Secretary has also said she believed “...developing the relationships necessary to build trust and achieve consensus provides a firmer foundation for progress”.⁹

In summary, Welsh Government’s aspirations for the Future Landscapes Wales programme were for it to be collaborative, fully involve partners and stakeholders, build trust and consensus and publish a report on behalf of the many contributing organisations.

4.2 Concerns about the process

The Alliance welcomed the commitment to the principles of transparency and broad collaboration set out at the start of the process by the then Minister for Natural Resources and repeated subsequently by the Cabinet Secretary.

However, we have a number of strong reservations about how the Future Landscapes Wales programme has measured up against Welsh Government’s aspirations for collaboration and transparency. These concerns, which we set out below, are shared widely amongst our broad membership, and arise from our experience as members of the working group, members of the project groups and participants in the process more widely.

4.3 Misrepresentation of views and decisions

One of our deepest concerns relates to the misrepresentation of decisions and omission of the views of participants in both draft and final versions of the Report. We are especially concerned that in some instances the report is suggesting a consensus where there was none. For example:

- There was no consensus on the need for legislation as some members of the working group do not consider the current purposes to be a barrier to progress¹⁰
- The current National Park governance model scored highest in performance against the principles of good governance; this is not reflected in the final report
- The necessity to secure financial support for AONBs is not reflected in the final report despite this being discussed and agreed by the working group
- The necessity for financial support for the implementation of a ‘Hub’ is not acknowledged in the report despite this being discussed and agreed

Welsh Government has said that the report has been published on behalf of the many organisations who contributed to its content and proposition but the concerns expressed by some organisations suggest that this is not the case.

4.4 A lack of transparency

The effectiveness of the working group was hindered by a lack of transparency. For example:

⁹ Letter from Lesley Griffiths AM to John Harold, Director of the Snowdonia Society, 13 April 2017

¹⁰ <http://www.rspb.org.uk/community/getinvolved/wales/b/wales-blog/archive/2017/06/02/the-future-landscapes-wales-report-what-it-says-and-why-we-re-concerned.aspx>

- Minutes of meetings were often lacking so there was no record of what was discussed and agreed by participants
- Large sections of the report were produced solely by civil servants with no opportunity for members to amend the text (such as the Action Plan and priorities)
- Several participants experienced a tense and controlling process, which was far from the collaborative, trust-building approach envisaged by ministers

4.5 Ineffectual governance

The governance of the programme was deficient in a number of regards. For example:

- There was no process for agreeing sign off on the report with several participating organisations not signing it off, and many others not asked to sign
- There was no mechanism to present views or decisions on which there was no consensus; instead, the report of the working group appears to present a blanket, unified view whereas in reality discussions and decisions were often much more complex and nuanced
- The relationship between the working group and the project groups was not clear and the views of the project groups were not taken on board in the final report
- There was a substantial time lapse between the final report of the project groups in June 2016, on which there was agreement, and the release of the Future Landscapes Wales Report in May 2017. Significant changes were made during this time period, but no agreement was sought or existed on many of these
- The working group did not represent the full set of stakeholders. For example, there was no representation from recreational user groups or access organisations, a major omission given the second National Park purpose and public interest in access in designated landscapes
- It was unclear to some participants whether they were representing an organisation or acting as individuals

In summary, the Future Landscapes Wales programme purports to promote good governance as one of its underpinning principles, but this has not been borne out in practice.

5. Conclusion

As currently drafted the Future Landscapes Wales report runs the risk of diminishing the international standing of Protected Areas in Wales, in turn undermining the credibility of the sustainable natural resource management agenda.

The report does not engage with the existing purposes and principles under which designated landscapes operate, with no mention at all, for example, of the Sandford Principle, the role of NPAs as planning authorities and the major development test.

There is a need to return to and make proper use of the Marsden report's recommendations, which were the product of wide consultation, systematic evaluation and structured, logical

reporting. We believe that they offer a clear way forward on how the sustainable management of natural resources can be taken forward in designated landscapes.

We believe there is much work to be done, collectively, to build bridges between the well-tested language of established legislation and the opportunities which a new approach based on the sustainable management of natural resources may be able to offer as it develops and matures.

To realise its potential, we believe the 'sustainable management' approach needs to be seen to protect features and characteristics which society values highly, without those features necessarily having a defined monetary value.

We will say more on all of this in our response to Welsh Government's consultation on *Taking Forward Wales's Sustainable Management of Natural Resources*, which will be available in early September.

While we welcome fresh thinking about the landscapes of Wales, we are of the view that greater clarity and precision is needed on much of the content of the Future Landscapes Wales report, accompanied by a reboot of the process to ensure genuine collaboration and transparency, and a commitment to shared outcomes.

We very strongly recommend that the issues raised in this briefing paper be duly considered and rectified in order to move forward with certainty and clarity and to ensure that our designated landscapes can play a leading role in the sustainable management of natural resources.

The Alliance for Welsh Designated Landscapes
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