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Taking Forward Wales's Sustainable Management of Natural Resources

The Alliance for Welsh Designated Landscapes welcomes the opportunity to respond to this consultation. The Alliance¹ 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. Our response focuses on the proposals in Chapter 3 on Designated Landscapes, but we also provide some comments on Chapters 1 and 2. We have apportioned the relevant parts of this response to some of the questions in the consultation document, but we do ask that Welsh Government officials read this response in full, as several of our comments do not fit readily within the consultation template. We would be pleased to meet to discuss this response or to provide further details if required.

Chapter 1 – Towards the sustainable management of natural resources

The Environment (Wales) Act 2016 has enabled a joined-up approach to managing our natural resources in a sustainable and more proactive way. The sustainable management of our natural resources is critical to the future success of the Welsh economy and to creating a future for all of our communities. Many of the economic, social and environmental drivers that underpin our natural resources are interdependent and there are strong links, for example, between natural resource management, poverty reduction, wealth creation and improving living standards.

We support Welsh Government's ambitions for the sustainable management of our natural resources. Our designated landscapes are well placed to be natural leaders on this important agenda because of the diversity of natural resources that are found within their boundaries, their experience and expertise in delivering their purposes and stimulating sustainable development and their extensive connections with communities of interest, including people who live and work within their boundaries.

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, Gower Society, CPRW, National Trust Wales, Cymdeithas y Cerddwyr/ Ramblers Wales, RSPB Cymru, YHA Cymru, BMC Cymru and Wildlife Trusts Wales.

A repeated aim of the consultation document is to align existing legislation with the sustainable management of natural resources. However, the consultation document fails to recognise that legislative alignment will not always be necessary or even desirable to achieve the intended outcome.

We suggest that instead of a blanket alignment, a more rigorous analysis is undertaken to inform where alignment would be helpful, and whether there would be any unhelpful or unintended consequences. For example, some specific duties, such as the duty on public authorities to seek to maintain and enhance biodiversity, are already encapsulated within the sustainable management of natural resources.

For these reasons we are therefore cautious about ‘repurposing’ existing legislation for the sake of it, especially where this would mean the loss or dilution of statutory frameworks or duties which have proven to be effective and are well understood. In this regard, **we have significant concerns about the proposal to align the statutory purposes of designated landscapes solely with the sustainable management of natural resources.** We will expand on this concern in our comments on Chapter 3.

Many of the proposals in the consultation document are not exact or detailed enough to be proposed in the form of new legislation. There is a need for further, detailed consultation on any proposals that move forward as a result of this consultation, with pre-legislative scrutiny prior to any bills being tabled. This would allow proposals to be developed with full stakeholder consultation, resulting in better legislation and increasing the chance that the ‘sustainable management’ approach is successfully embedded and adopted across Welsh policy and legislation.

The impending legislative changes as a result of the UK’s withdrawal from the EU add further complexity to the already challenging process of devising and amending legislation to support an ecosystem-based approach. We therefore suggest that an expert, advisory group is established immediately to support Welsh Government and to inform how the sustainable management of natural resources can be most effectively taken forward within this context.

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.

Chapter 2 – Forestry

Whilst other organisations are better placed to comment on the detail of the recommendations in Chapter 2, we wish to take this opportunity to highlight our concerns about some of the recommendations proposed by the Assembly’s Climate Change,

Environment and Rural Affairs Committee in its recent report² on woodland policy. We believe that these are relevant to the current consultation as they relate to the forest and woodland estate, which form a significant part of our natural resources.

The Committee believes that Wales “has a fantastic opportunity tobecome increasingly self-sufficient in timber production and less reliant on imports”. It calls on Welsh Government to address, as a matter of urgency, the regulatory, financial, bureaucratic and cultural barriers to woodland creation, with commercial forests and trees in urban areas being a particular priority.

Welsh Government, it says, must lead by example and increase afforestation on public land, and Natural Resources Wales must be more proactive in seizing opportunities for woodland creation on such land. The Committee recommends that Welsh Government should refresh its woodland strategy with the aim of significantly increasing planting rates and that the refreshed strategy must incorporate commercial forestry.

The Committee suggests that regulatory barriers could be relaxed for areas deemed to be most suitable for woodland creation. It envisages an alignment of regulatory and funding processes, additional guidance and support to applicants and a possible presumption of approval for applications in areas identified by the Woodland Opportunities Map as having a high suitability for woodland.

We strongly recommend that such a deregulatory approach should not be pursued in National Parks or Areas of Outstanding Natural Beauty (AONBs), where large-scale, commercial afforestation is likely to cause significant harm to the statutory purposes of designation due to the mono-cultural nature of planting and impacts arising from the management and extractive processes.

Whilst there will of course be opportunities to create new woodland in designated landscapes, we believe that Welsh Government should provide a clear steer that these should only be pursued where they:

- Are compatible with the statutory purposes
- Reflect the aims and objectives of the management plan
- Seek to enhance the area’s landscape and wildlife, and the public’s enjoyment of it
- Involve full consultation with local communities and other stakeholders

Chapter 3 – Designated Landscapes

Proposal 6 – aligning the statutory purposes of designated landscapes with the sustainable management of natural resources (SMNR)

We do not think that aligning the statutory purposes of designated landscapes solely with the sustainable management of natural resources is the right way forward.

² [Branching out: a new ambition for woodland policies, July 2017](#)

In 2014 the Minister for Natural Resources commissioned an independent panel to conduct a review of designated landscapes in Wales. The review started at the end of 2014 and was conducted in 2 stages. The review panel was chaired by Professor Terry Marsden of Cardiff University with John Lloyd Jones and Dr Ruth Williams as members.

The report, published in October 2015, made 69 recommendations on purposes, principles, vision, governance models, planning and funding. These were the product of wide consultation, systematic evaluation and structured, logical reporting and were widely supported. **We believe the Marsden report offers a clear way forward on how the sustainable management of natural resources can be taken forward in designated landscapes.**

In a designated landscape, or indeed in any particularly special set of circumstances, SMNR will require a set of clear, targeted purposes and tools which are appropriate to those circumstances. We believe that the Marsden report has set out a robust framework for how SMNR can be taken forward in designated landscapes, through its recommendations on three revised, interlocking purposes, a tool to manage irreconcilable conflicts between the purposes (the Sandford plus approach) and a strengthened duty for public bodies. We commend this approach to Welsh Government as a strong basis on which to move forward to deliver SMNR across 25% of the land area of Wales.

As the Marsden report recommends, there may be a case to update the purposes to include an explicit reference to ‘natural resource management’. However, alignment solely with a set of general principles would result in a bland approach in which the purposes of designation are unclear. This would have a number of damaging consequences, including a diminution in the international status and standing of designated landscapes as they would no longer be recognised as protected areas by the IUCN. Such ‘downgrading’ of the status of Wales’s National Parks and AONBs, compared for example to their English and Scottish counterparts, presents a significant reputational risk for Welsh Government, both on the domestic and international stage. This is further complicated by the cross-border nature of the Wye Valley AONB.

The principles set out in section 4 of the Environment (Wales) Act³ are principles for management and not purposes of designation and nor could they be comfortably aligned as such. It is difficult to understand exactly what Welsh Government envisages by the proposed alignment, as the proposals in Future Landscapes Wales are so vague, but the risks of moving away from a coherent framework to something so undefined are potentially very serious.

SMNR will particularly benefit areas where greater co-ordination or emphasis is needed to manage natural resources in a way that maximises benefits and intrinsic value, e.g. where trade-offs currently mean that ecosystem resilience is being compromised and benefits are not being optimised. This approach is therefore appropriate for widespread general application as a mechanism to build ecosystem resilience across Wales. A more bespoke approach is needed in designated landscapes to protect and enhance their special qualities.

³ <http://www.legislation.gov.uk/anaw/2016/3/section/4>

The case for re-alignment of purposes with SMNR is further negated by the fact that designated landscapes are already bound by the Well-being of Future Generations (Wales) Act, 2015 and the Environment (Wales) Act, 2016 to contribute towards the achievement of sustainable development and SMNR. National Park Authorities are defined as both public bodies and public authorities in the legislation. As such these designated landscapes must already work to improve economic, social, environmental and cultural well-being, achieve the well-being goals⁴, and assist NRW in the achievement of SMNR and enhancement of ecosystem resilience⁵. The status of AONBs within this framework is perhaps less clear, however, due to the co-ordinating role of Local Authorities and their status as both public bodies and public authorities under the Acts, this could place AONBs in a similar position as National Parks, and be clarified quite simply by Welsh Government by statutory guidance.

The well-being and SMNR legal and policy frameworks are still in the very early stages of implementation, and as such it is impossible to say now whether any changes to designated landscape purposes or statutory functions are necessary to overcome barriers to its successful delivery. A prudent approach would be to use the first 5-year cycle of Well-being of Future Generations and Environment Acts products (NPA and Local Authority well-being objectives and assessments, Public Services Boards' local well-being plans, State of Natural Resources Reports, National Natural Resources Policy and area statements) between 2016 to 2021 to gather evidence of any successes/ shortcomings of current designated landscape legal provisions in delivering sustainable development and SMNR. In this way, the performance of designated landscape purposes and statutory functions can be carefully evaluated to judge whether legislative amendments are necessary and genuinely helpful.

In conclusion, the current purposes/statutory functions of designated landscapes may not need to change in order to achieve the sustainable management of natural resources – there is simply not enough evidence yet to make that judgement. The case for change would be best informed by monitoring and evaluation though the first cycle of Well-being of Future Generations and Environment Acts products. The recommendations from the Marsden Report of a set of interlocking purposes along with Sandford plus and a strengthened duty on public authorities provides an excellent starting point for such evaluation work.

The transformation of designated landscape purposes/functions to SMNR is wholly unnecessary. It represents not only a duplication of effort and waste of resources, but also a material risk of damaging the distinctiveness and specialness of Wales's National Parks and AONBs by diluting current provisions. It is also a threat to Welsh Government's reputation with regard to its domestic and international commitments/standing.

⁴ Well-being of Future Generation (Wales) Act, 2015 – sections 2, 3, 4, 5 and 6 – sustainable development and principles, well-being goals and duty, and meaning of public body; sections 36, 37, 38 and 39 – duties on PSBs regarding production of Local Well-being Plans and assessments.

⁵ Environment (Wales) Act, 2016, section 14(1) to provide NRW with information, and s.14(2) to exercise functions to assist NRW with its functions to create State of Natural Resources Reports and area statements.

Future Landscapes Wales

As currently drafted the Future Landscapes Wales report runs the risk of diminishing the international standing of Protected Landscapes 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 on the purposes of designation, which were the product of wide consultation, systematic evaluation and structured, logical reporting.

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, whilst 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.

We recognise the significant challenge of developing the concept of the sustainable management of natural resources and how to deliver it in practice. **We believe the Marsden report recommendations are a strong basis on which to move forward to deliver the sustainable management approach across 25% of the land area of Wales.**

The importance of the Sandford Principle is underplayed in the consultation document

Perhaps the most startling omission 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. We are concerned that the consultation document significantly underplays the importance of the Sandford Principle.

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 UK Assessment Panel of the IUCN World Commission on Protected Areas has expressed concern at the absence within the Future Landscapes Wales report of any mention of the Sandford Principle.

The Marsden report's recommendation on the Sandford Principle

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 Board⁶.

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.

'Sandford plus plus'

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 clear 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.

⁶ Section 87, Countryside and Rights of Way Act 2000

It is our view that Sandford is consistent with a precautionary approach and therefore complementary rather than incompatible with the achievement of SMNR. This hypothesis could be tested in the evaluation work suggested as part of the first 5-year cycle of Environment Act products, to establish whether any legal frustrations or incompatibilities exist in practice.

An integrated approach to management

The Future Landscapes Wales report argues for a more integrated, transparent and collaborative approach but makes no reference to how this should be pursued in practice, or what to do when aims or purposes are not capable of being integrated. This is a major omission and implies a lack of understanding of the management approaches that designated landscapes employ and of the origin and significance of the Sandford Principle. Protected landscape managers do not go to work each day thinking “how can I use the Sandford Principle?” But its existence informs authorities’ management approaches and policies and it is an important power of last resort.

In our view, the consultation document fails to appreciate the role of the Sandford Principle as a principle of last resort that only applies in cases of irreconcilable conflict when an integrated approach to management has failed. NPAs have for many years managed the land within their areas in an integrated way and we do not believe that the consultation proposals will improve this integration.

A revised purpose on natural resource management

The landscapes of the National Parks and AONBs are well known for providing breathtaking scenery, diverse wildlife and a range of opportunities for public recreation. However, they are less recognised for the role that they play in providing other vital natural resources for society, such as clean water, natural flood defences and carbon storage.

The Scottish National Parks have an aim ‘to promote sustainable use of the natural resources of the area’. The Marsden report recommended a Sustainable Resource Management Purpose as one of three interlocking purposes.

These are both good starting points for discussion on how designated landscapes can help Welsh Government achieve the step change in the sustainable management of our natural resources that it is seeking.

Incorporating natural resource management into one of their purposes would provide designated landscapes with an impetus to move forward on securing the nationally important goals of resource efficiency, diversity and management, a low carbon and green economy, ecological resilience and healthy, functioning ecosystems. It would also help to raise public awareness about the importance of designated landscapes in providing these vital goods for society.

However, there should be full consultation on any proposed wording before legislation is brought forward.

Proposal 7 – giving greater weight to the special qualities of a designated landscape in decision making

In practice we struggle to understand what is meant by Proposal 7 and what form Welsh Government envisages the “clear formal relationship” between the special qualities and partnerships, powers and policies would take.

We disagree with the suggestion on page 31 of the consultation document that a contemporary interpretation of the special qualities is not explicit within their designation or widely understood. The qualities listed such as biodiversity and cultural heritage are already reflected in the statutory purposes, a wide range of policy documents (including management plans, IUCN statements of compliance and local strategies) and number of public-facing documents. It has long been accepted and understood that designated landscapes provide a wide range of benefits and services in addition to their obvious visual amenity.

Question 12 asks how the special qualities should be given greater weight in order to most effectively add value to governance. We believe that the answer to this is clear and has been identified for a number of years.

At present, public bodies and other relevant authorities have a duty to have regard to the purposes of National Parks and AONBs in their work. Despite these duties having existed for a significant period of time, they are widely regarded as ineffective.

The weak construction of the ‘have regard to’ duty means that it is possible to demonstrate compliance without achieving any meaningful contribution to the purposes. There is very low awareness of the duty amongst relevant authorities, with no monitoring or reporting of implementation. Neither Welsh Government nor Natural Resources Wales has assumed an oversight role on the duty. As a result there is no monitoring of its implementation and no clear mechanism through which to achieve compliance.

Welsh Government has recently taken welcome action to strengthen the duty on public authorities with respect to biodiversity. The Natural Environment and Rural Communities Act 2006 introduced a duty on public authorities to have regard to the purpose of conserving biodiversity. This was strengthened in the Environment (Wales) Act 2016 and a public authority must now seek to maintain and enhance biodiversity.

The Marsden report recommended that there should be a new single 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.

In principle, giving greater weight to the identified special qualities of designated landscapes could be a very positive thing; however, it is unclear specifically what is meant by the proposal put forward by Welsh Government.

A course of action worth exploring if seeking to strengthen the special qualities would be to enhance the duty to have regard to the purposes of designated landscapes, in a similar

way to the changes to the biodiversity duty under the Environment Act⁷. Such an enhanced duty would strengthen the partnership approach which underpins the sustainable management of natural resources.

These provisions could also include linking the new duty to the National Park Management Plan (which in each case includes the special qualities of the designated landscape) and require relevant authorities to report annually on how they have supported the delivery of the Plan. These reports could be laid before the National Assembly for Wales on a five year cycle, allowing for public debate and scrutiny on the extent to which public bodies are supporting the special qualities of designated landscapes.

Special qualities

The Future Landscapes Wales report states that the special qualities of designated landscapes go wider than their visual and amenity value and embrace their vital role as a provider of wider public and private benefit both within and beyond their areas. Whilst we broadly agree with this, we are concerned that the report could be inadvertently confusing special qualities with natural resources, whereas in practice the two are very different.

Special qualities are characteristics which are strongly reflective of or unique to a designated landscape, for example the sweeping grandeur of the Brecon Beacons, the sandy, unspoilt beaches of the Gower and the wildlife-rich oakwoods of Meirionnydd in Snowdonia. Special qualities require special, targeted measures for their management and are in many cases the reasons why people visit these special landscapes.

Natural resources, as defined in the Environment (Wales) Act 2016 are more generic and include animals, plants, air, water, soil and minerals. The sustainable management of natural resources requires a set of general principles, as set out in section 4 of the Act.

Conflating special qualities with natural resources would, in our view, be a severely retrograde step and should be avoided. It risks diluting the special management approaches needed to sustain the special qualities of designated landscapes.

Planning powers

One of the most effective ways to give greater weight to special qualities in decision making would be to issue a renewed 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 services⁸ found that the planning system works well in National Parks, with many examples of good practice and good

⁷ Environment (Wales) Act, 2016, section 6 – new duty where public authorities must seek to maintain and enhance biodiversity in exercise of their functions and in doing so promote the resilience of ecosystems. Public authorities must also produce, report on and review a plan on how they intend to/ have complied with this duty.

⁸ 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

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 or the consultation document.

In our view, sustainable management of these special areas requires that NPAs have responsibility for both planning and management responsibilities.

Proposal 8 – enabling governance arrangements to evolve to reflect local circumstances

Whilst we support the good governance principles listed on page 32 of the consultation document, a convincing case has not been made for the introduction of a wider range of local delivery models for designated landscapes.

Origin of the governance models of protected landscapes

The National Park Authority model 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 report⁹. 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.

In 2013, the Williams Commission¹⁰ 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 in 2015 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”.

⁹ Report of the National Parks Review Panel, the Countryside Commission (1991)

¹⁰ Commission on Public Service Governance and Delivery, Full Report (January 2014)

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

Future Landscapes Wales governance proposals

In general, we are disappointed with the quality of the Future Landscapes Wales 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.

There is no traceability between Future Landscapes Wales and many of the recommendations of the 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 the governance of designated landscapes.**

In contrast, the Future Landscapes Wales report lacks clarity on governance, 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.

Direct elections

We welcome the proposal in the consultation document that it is better to focus efforts on ensuring National Park Authorities are providing effective leadership rather than increasing the cost and complexity of administration, including through direct elections. However, this appears to contradict with proposal 8 that governance arrangements need to evolve. The report on one hand seems to accept the conclusion of all other recent reviews, including the Marsden report, that the governance of designated landscapes is operating effectively, whilst at the same time appearing to suggest that it is not content with governance arrangements, but without providing any evidence on this. We agree very strongly with the recommendation of the Marsden report that the single purpose local authority model for National Park management should be retained. **We recommend that Welsh Government should use this consultation as an opportunity to draw a line under the years of speculation which National Parks in particular have faced on their future powers and governance, allowing them to move forward with renewed certainty.**

Performance management for National Parks

We welcome the proposal to remove National Park Authorities from the improvement regime of the Local Government (Wales) Measure 2009. The consultation document

suggests that if this change proceeds there may be a need to develop a statutory basis for performance management to ensure transparency and accountability.

Whilst we fully acknowledge that all public bodies must be transparent and accountable in all aspects of their work and that effective reporting is an important element of this, the current reporting burden on NPAs is disproportionate in terms of their size, staff complement and financial budgets.

A single unified reporting process, based on the National Park Management Plan, would allow for future Business Improvement Plans and State of the Park Reports to be linked to and measured against the purposes – this would be seamless, transparent, clear and cost-effective and would provide a simpler system for public engagement and scrutiny. It would have the added benefit of not needing legislation to proceed. Introduction of such a reporting process could also help designated landscapes track and make progress under the section 6 biodiversity and ecosystem resilience duty, Well-being of Future Generations Act well-being objectives, and provide support to NRW regarding area statements and State of Natural Resources Reports.

Proposal 9 – refreshing the way new areas can be recognised for their special qualities

Wales's natural resources and landscapes are an undoubted asset for the nation and its people, and also the millions who visit each year. As such we welcome the recognition within the Future Landscapes Wales report of the importance of all landscapes, regardless of whether they are designated or not.

As recognised in the consultation document only Natural Resources Wales can make an order to designate or revise the boundary of a National Park or AONB. We are relieved to see no proposals for this to change, and would like to reiterate our view that the current process is appropriate and fit for purpose for designating landscapes of national significance, including the need for an objective assessment of whether the area in question meets the statutory designation criteria.

We also wish to stress that the designation principles for National Parks and AONBs should be safeguarded, and conserving and enhancing the special qualities should be considered as functionally linked to the achievement of SMNR – maintaining and enhancing the resilience of ecosystems and the benefits they provide. Theoretically the creation of new areas under the existing designation principles is entirely complementary with achieving SMNR, and as such there may be little need to introduce change. Certainly at this point there is no evidence either way to justify a change to the status quo.

It may be useful to explore ways in which new areas might be recognised for their special qualities and their sustainable management to add to the evidence base to help with achievement of SMNR across Wales. The consultation document identifies some of the issues that would need to be addressed in deciding how to take this proposal forward, but is lacking in a number of considerations.

Additionally, we suggest that:

- **Welsh Government needs to revisit what it is seeking to achieve through this proposal.** We believe that new legislation would be both unnecessary and premature. The objective of allowing a variety of different approaches to emerge that recognise the special qualities of different areas can be achieved without new legislation – although fundamentally this proposal may be confusing and counterproductive unless carefully managed. Instead, we consider that a clear policy steer from Welsh Government, as well as addressing the areas listed below, would help to mitigate risks.
- Great care must be taken to **avoid confusing terminology** – for example, the term ‘designation’ has statutory implications, whereas we understand that Welsh Government is seeking approaches that are flexible, locally derived and do not necessarily have a statutory basis.
- More information should be provided on the regional nature park system¹¹ described on page 33 of the consultation document so that **a full assessment can be made of the suitability and cost of this approach.** Regional nature parks are managed by an organisation gathering the elected people of the local communities and which associates local stakeholders in their decision-making. A multi-disciplinary technical team runs it and its financial means are provided by public funds.
- If areas recognised for their special qualities are to contribute to the management of Wales’s natural resources in a more proactive, sustainable and joined-up way, **clarity is needed on how the new areas will feed in to area statements. Are such areas even needed, given the creation of area statements themselves?** Leadership from/ close consultation with NRW is essential to avoid confusion and duplication of effort.
- Thought should be given to **the balance between allowing community-led approaches to evolve and the need to ensure that each model contributes effectively** to the sustainable management approach.
- There should be an **agreed standard for consulting and involving communities** so that, regardless of an area’s special qualities or geographical location, communities can expect any process to be based on and follow a series of good-practice principles designed to support and inform the process of community engagement. Again, is this what NRW will be seeking to capture/ achieve with the area statement process?
- **Best practice is derived from the numerous examples of how communities have been involved within designated landscapes.** For example, NPAs employ a range of techniques to involve people in decisions on service delivery and performance e.g. the Brecon Beacons NPA has worked with Planning Aid Wales to engage communities in the Local Development Plan process – this has been promoted by Planning Aid Wales as best practice on community engagement.

¹¹ <http://www.parcs-naturels-regionaux.tm.fr/en/parc.UK2.pdf>

- **A ‘community’ should not be rigidly defined**, other than as a group of people united by at least one common characteristic, whether that is geography, identity or shared interests. The process of involving a community should be inclusive rather than exclusive.
- **Natural Resources Wales must have a leadership role** as the statutory body with a legal purpose to promote the sustainable management of natural resources. NRW will be able to help communities as they establish themselves to plan the way forward, and again, this must be fully integrated with area statements, and be clear on how useful and complementary these additional approaches are, in order to avoid confusion and duplication of effort.
- Given their wide-ranging experience and expertise, **designated landscape management bodies are well placed to act in a mentoring or advisory role to local partnerships or bodies.**
- In the event that there is significant interest from a large number of communities, some thought will need to be given to whether they should all proceed or whether there needs to be a **degree of prioritisation** and, if so, how this should be undertaken.
- Before any process is committed to for the long-term, **it is piloted in one or two areas.** This would allow for transitional or other issues to be identified and addressed and **pilots to be written up and promoted to stimulate interest from other areas.** It would be akin to the process of establishing a new National Park (although the scale and complexity would be different), where a shadow authority is established one year before the National Park Authority assumes its full range of responsibilities. It is also reflective of an evidence-based approach.
- In any scheme of further ‘designations’, **a degree of national oversight and co-ordination will be needed**, even if these areas are derived from a locally enacted process. This is essential to avoid short term, political issues that sometimes arise when considering future land use and management. We suggest that there may be a role for the National Assembly in overseeing the process.
- Before embarking on any new designation, **clarity is needed on how existing and proposed designations relate to each other** and how they fit into the bigger picture. Overly focusing on new designations without such clarity could prove a distraction from the major challenge of delivering the sustainable management of natural resources across the whole of Wales.