

APPENDIX 1

Peak District National Park Authority

Response to Defra Consultation on the English National Parks and the Broads: Draft Circular – revised version combining Circular 12/96 and Circular 125/77. Vision for National Parks: Government Priorities.

A. General Comments from the Peak District National Park Authority

1. We welcome the Circular and especially we welcome the inclusion of an ambitious and all-encompassing Vision for the English National Parks; the comprehensive way in which legislation, purposes, relationship with outcomes of other agencies and governance are all addressed in a coherent whole; and the concise strategic nature of the document.

2. We accept that the focus of the Circular is on National Park Authorities, but we think that more should have been said about the contribution of others to the achievement of National Park purposes.

3. We welcome that the ambition for National Park Authorities in areas relating to our socio-economic duties goes somewhat wider and further than our specific legislative duties (seeking us to be pro-active at striking up productive partnerships) and in many ways NPAs already put high weight on this. But, it is disappointing that the obligations on other parties to National Park purposes are restricted to a minimal compliance with legislation. We would like to see local government, regional and national agencies take a more pro-active approach to National Parks.

4. We welcome the ambition of this document and believe that this reflects the ambition within the staff and memberships of NPAs. However, we need to be clear that in a period of financial constraint, not all NPAs can be fully compliant or achieve on all matters to the standards implied in this Circular, particularly where these exceed our statutory role or legislative requirements. There has to be recognition of local prioritisation and local decisions rather than a 'one size fits all' approach.

5. In considering the application of this Circular to our circumstances, we will put particular emphasis on matters that relate to our circumstances (such as minerals, transport and visitor management) and we will pay less or no reference to matters that are unimportant in our circumstances (such as for Common Land, defence use and coastal access).

6. Whilst we applaud the intention to produce a document which is short, strategic and readable, this has led to a number of anomalies between language in this document and language in statute or official policy. Wherever possible, and to avoid confusion, one specific form of words should be used.

7. We welcome the integration of the ENPAA Vision in the document and would welcome some clarity on whether the Government (by including the summary in the Circular) specifically endorses the summary version. We strongly support the ENPAA Vision, but we do not believe that it is one that is fit for purpose for the period to 2050. We have confidence in this being a rather more realistic Vision for timescale of up to 15 years.

8. We welcome the reference to the Sandford Principle and, even in the busiest of national parks, we agree that in most cases it need only apply in the event of irreconcilable conflict. However, this is such an important principle, it should pervade the planning and early discussions on matters and should be a principle which applies to all agencies as well as NPAs and therefore we would welcome an unequivocal statement on its importance in this Circular.

B. Specific Comments [Note, this is an early officer draft dated 20 November and further detailed comments are expected prior to submission to Defra]

The Peak District National Park Authority supports all statements in the Draft Circular other than where we make specific comments below:

Paragraph 13 fails to refer to the requirement within the *Local Democracy, Economic Development and Construction Act 2009* for principal local authorities to promote to the public the work of National Park Authorities.

Paragraph 18 includes a welcome reference to the success of Sustainable Development Fund and we look forward to continuation of that funding stream even in these straitened economic times, because of the initiatives that have been, and still can be developed, to enable us to continue to be 'real and visible models' (Para 21) and continue to contribute to local and regional economies (Para 22).

Paragraph 22 refers to one study relating to the economic benefits of National Parks, but does not refer to a more recent study in the East Midlands part of the Peak District which identifies significant economic and employment benefits from the sustainable part of the economy generated by the high quality of the national park landscape. The Environment Act (section 62) refers to the 1949 Act and its use (at 11.A – (1) of the phrase “in pursuing Purposes.” Dictionary definitions read: “further” = “promote or favour”; “pursue” = (in its most relevant forms in relation to legislation as contrasted with hunting or the pursuit of knowledge): “follow or engage in”; “proceed in compliance with (plan etc)”; “seek after, aim at”; these are not the same and pursue contains important elements of compliance. A circular should be as precise as possible and should therefore use “pursue” at this and any other similar points in the text.

Paragraph 25 asks National Park Authorities to ‘put in place robust systems for measuring and reporting their contribution to PSA targets (and by implication National Indicators) but it does not (in paragraph 26) request other agencies to do so for their duties towards National Parks.

Paragraph 27 refers to natural beauty as geological features: this is too narrow a definition and this should be expanded to reflect: geological and landform, including geological processes; the interrelationship between wildlife and habitats with land form; the ‘animation’ of landscape with people and wildlife as ‘live’ elements within it; land use including contemporary and also the relicts and impacts of former land uses; and the myriad of cultural associations of people and landscapes. In the same way that ‘Natural Environment’ is defined in the NERC Act of 2006, we believe there is a case for an inclusive definition of natural beauty in National Parks legislation.

Paragraph 31 says little about the particularly distinctive character and contribution of National parks and currently reads like a description of much of the English landscape: they do more than ‘contain important wildlife, habitats and geodiversity’: for example, national parks contain more extensive tracts of semi-natural vegetation than undesignated landscape with realistic prospects for restoration and management across entire landscapes; a very high concentration of undisturbed historic landscape and cultural heritage compared with undesignated landscapes; a higher proportion of designated wildlife areas compared with the rest of England; and uniquely strong opportunities for people to engage with and learn about these landscapes. National park landscapes make a disproportionately high contribution as strongholds of wildlife, habitats and cultural heritage and their designation means that, over time, this contribution will increase relative to other areas.

Paragraphs 35-37 are particularly important to the Peak District, surrounded as we are within a short distance by half of England's population. The scale of the tasks described in these paragraphs is markedly greater for the Peak District than other national parks. We would like to see stronger reference to the responsibilities of agencies working in urban areas (local authorities, Passenger Transport Authorities, Children and Young People's Boards) so that they too see this as an important part of their roles. The sentiments expressed generally in this section are welcome but it is unfortunate that the three key elements of landscape, biodiversity and cultural heritage are not referred to specifically as elements to be used to enhance enjoyment and understanding whilst engaging in recreational and other activities.

Paragraph 41 should refer to the existence of these powers already within principal local authorities and the need for good partnerships between NPAs and those authorities in jointly exercising these powers.

Paragraph 52 relating to the responsibilities of other local authorities and agencies is weaker in its ambition for the role these agencies can play in comparison with the (reasonable) ambition expressed for NPAs in paragraph 51. Paragraph 51 says *[NPAs] should strike up and maintain productive relationships with others, seeking to influence the resources of others and carefully contribute to the most effective and enduring partnerships for delivery. These are of equal importance to the effective execution of statutory powers by the Authorities themselves.* We support this, but paragraph 52 uses a more minimalist form of language based on a strict interpretation of Section 62 which implies a much lower ambition to support national parks by other agencies.

Paragraph 52 also uses the word 'relevant' in relation to national park purposes. This word is unnecessary and could confuse since all purposes are relevant in all national parks. We would welcome the intention, however, if it is trying to say that in each Park the authority will have expanded on these in its description of character and through its NPMP, development plan and other strategies. In that case it could say: ... have regard to National Park purposes and the way in which each National Park Authority interprets them when coming to decisions or"

Paragraph 53 includes a welcome indirect reference to the importance of communities and their activities in shaping National Parks. We would press for a more explicit reference to the ways in which that place-shaping (past and present) can be used as a basis - through their cultural heritage, biodiversity and landscape - to enhance the social and economic well-being of communities.

Paragraph 57 lists the parties to be engaged in National Park Management Plans with reference to 'local communities'. Whilst local resident communities are important, we would prefer this to refer to 'communities' implying the wider range of resident and non-resident communities who have an interest in national parks.

Paragraph 60 is a rather limiting description of planning and should include reference to the positive impact over achieving societal goals, including national park purposes and duties.

Paragraphs 68-69: While we recognise that this is a particular reference to Sec 40 of the 2006 Act, the title of the section is misleading and should be altered to 'Conservation of Biodiversity, Cultural Heritage and Landscape', the better to reflect the content of these two paragraphs, particularly the expectation of equal weight being given to the latter two in fulfilling biodiversity objectives, as stated in paragraph 69.

In Paragraph 70, given national park purposes and the ratification of the European Landscape Convention, we would also encourage consideration of 'contributing to implementation of the European Landscape Convention and the England Implementation Framework' being added to the recommended issues for NPAs to focus on.

Paragraphs 70-74: there is a missed opportunity to include cultural heritage here in the definition of environment. There are things we can learn from the past, about land management (particularly in reducing flood risk), about building design and location, that can and should contribute to mitigating and adapting to climate change and should be included in consideration of ecosystem services. A short reference is required here to reflect this - the cultural heritage or historic environment can help people and nature adapt to climate change.

Paragraphs 70-142 Section 7 Generally biodiversity, landscape, geodiversity, cultural heritage, soils and water are all covered, but there is nothing about air quality. Whilst it may be an area where we have very limited effect, it is nevertheless of particular importance and relevance to the Peak District as probably all our moorlands exceed the internationally acknowledged "critical loads" for nitrogen at least. Inclusion of a statement on air quality here would help strengthen our hand in seeking future improvements.

Paragraph 74 should stress the energy hierarchy more which could be changed to read as follows:

"National Parks have a particular role to play in achieving the UK's emissions reductions targets by using less energy, in particular by encouraging sustainable design and construction methods and by supplying energy efficiently through decentralised and renewable or low carbon energy. National Parks should be exemplars in maximising reductions through use of the energy hierarchy and in decentralised and renewable or low carbon energy. Authorities need to work with local communities in order to achieve this. While under the Environment Act 1995 National Parks have an overriding duty not to compromise features which are essential to the purpose of the designation, National Parks offer important opportunities for renewable energy generation which should be harnessed wherever possible, including woodfuels, and micro-hydro, anaerobic digestion (which will also reduce waste) and wind and solar power installations appropriate to the national value of the landscape. The Authorities should promote energy efficiency within the Parks, reduce the emissions from their own operations and associated with visits, including through sustainable low carbon transport use. The Parks can be educators and in the area of climate change they have a vital role to play. They should make the most of visitors they receive, particularly schoolchildren, to spread important messages about the impacts of climate change and how individuals can play their part in tackling it."

Paragraph 75 refers to 'increasing biodiversity' and whilst we support the principle that the extent of habitats can be increased and the quality of these and viability of populations enhanced, we are concerned that this statement takes insufficient regard to the potential conflict with maintaining cultural landscapes and also practicability. By definition, 're-creating' habitat means withdrawing land from other uses and this in practice often requires high levels of compensation, long times scales for re-creation and high levels of technical expertise in doing so. We are concerned that this statement appears unrelated to any realistic instrument for achieving it.

Paragraph 76 refers to closer working with Natural England and, whilst we work closely already, we would like to see the practical expression of this developed further with sharing of data and ICT information, practical delegation of powers and as close a meshing of back office functions as possible.

Paragraph 77 raises the prospect of taking on additional funded work from local authorities. We do not understand what this relates to and, whilst we are willing to collaborate with local authorities, we are sceptical that this is a way of ensuring overall efficiency for public spending.

Paragraph 80 refers to the Government's priorities for National Parks and, whilst we do seek wherever possible to reflect these and give extra weight to this when setting our priorities, we are concerned that this guidance is often rather vague and usually emphasises Defra areas of responsibility with poor reflection of the priorities we need to reflect in relation to our purposes from other government departments, especially CLG (planning) and DCMS (heritage and tourism).

Paragraph 81 relates to the European Landscape Convention and we confirm that the Peak District National Park Authority is one of only 4 agencies in England whose strategic approach to landscape is entirely compliant with the Convention. There is a need to press for mention of PPG 16 Archaeology and Planning, as well as the reference to PPG15.

Paragraph 97 The current draft consultation document contains some changes from the wording in the earlier document, which we understand have been incorporated at the request of English Heritage. The changes incorporated include reference at para 97 line 4, to 'It also requires Authorities to identify Mineral Safeguarding Areas', and at line 6 "...and that continuing access to certain building stone is required to sustain the character of the local heritage'. We consider these changes have been inappropriately inserted into the document. I would suggest the following changes.

Delete the inserts and at the end of paragraph 97 insert the following wording:

MPS1 advises that proposals which are not considered to be major should be carefully assessed with great weight being given to the conservation of the national park and the need to avoid adverse impacts on recreational opportunities. At the same time it recognising the important role that small quarries have in providing building materials to maintain the character of the local built heritage. MPS1 also requires authorities to identify minerals safeguarding areas.

Paragraphs 105 and 106 are welcome, but in comparison with similar paragraphs elsewhere in the Circular this is a rather unspecific treatment of an important area. There is potential to differentiate different elements of the national park experience such that these correspond more closely with the Government's stated public health concerns, for example addressing specifically targets for volunteering, elderly and children and young people; considering different ways in which national parks can address coronary health, mental well-being and general fitness; and the specific sorts of partnerships that can be developed with health agencies to maximise the benefits of this work.

Paragraphs 107-109 are welcome and we subscribe fully to the principles of sustainable tourism, indeed our own work has been recognised internationally as achieving this in practice. It must be noted, however, that successive national tourism agendas and those of the regional development agencies have been driven often by only one of the components of sustainable development (financial return) and it has been disappointing that sustainability in its widest sense – reflecting socially beneficial and equitable and responsible tourism and tourism which reflects and reinforces the character of national parks has been marginalised to a degree by mainstream tourism bodies. This is another area where greater responsibility for achieving national park purposes needs to be directed towards local authorities and regional and national agencies.

Paragraph 107 should read "...in respect of the conservation and enhancement of the special qualities...". This would better reflect the aims of sustainable development set out in paragraph 19.

Paragraph 116- 124 has some important omissions that appear to have been taken out of the Circular and which need to be put back in, but not necessarily using the wording below, but this was how the points were originally expressed:

1. Paragraph 116 – This paragraph is missing this important sentence / point "As the guidance to local authorities on local transport plans makes clear, these plans should take into account both the statutory purposes and particular transport needs of National Parks and the requirement for design standards to take account of environmental concerns."
2. Paragraph 118 - This paragraph is missing this important sentence / point "In National Parks, subject always to the reasonable needs of road safety and the highway authority's

statutory duty in this regard, environmental quality should be the primary criterion in the planning of road systems, the design of road alterations, the management of traffic and signage.”

3. Paragraph 122 - paragraph is missing this important sentence / point – “The policy on major developments in National Parks applies to transport developments. There continues to be a strong presumption against new or expanded transport infrastructure, including that beyond the National Park boundary, that would significantly affect National Parks.”

We strongly support paragraph 118, in particular the sentence ‘Traffic calming and other traffic management and signage measures should be designed so that they are the minimum required and sympathetic to their settings. Measures should be supplemented in a way that can be formally monitored.’ .

Paragraph 134 relates to the need to base our work, wherever we can, on evidence collected through the State of the Park report. It would be considerably easier to do this if more agencies that collect data were required to ‘cut’ the data on the basis of national park boundaries.

Paragraph 144 relates to the selection of National Park Authority members and the reasonable desire that this should reflect better the diversity of the whole of society. However, the appointment of members is entirely a matter for parties other than NPAs and therefore this section should, more properly, be targeted at local authorities (including parish councils), Defra and Natural England. NPAs are prepared to support this, but it is not our primary responsibility to appoint members. It is reasonable to expect NPAs to encourage and facilitate a culture of performance and collegiate responsibility once appointed, as reflected in paragraph 143.

Paragraphs 150-152 are disappointing in that they state the existing way in which parish members are appointed and serve but there is no reference to matters covered in the recent Ministerial statement on the role of parish members, especially in relation to developing their role as ambassadors to engage communities and ensuring as wide a range of people have the opportunity to serve and to be appointed in a reliable and consistent process.

**Peak District National Park Authority
January 2010**