

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

November 2009

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1. The purpose of this circular, which applies only in England, is to provide updated policy guidance on the English National Parks and the Broads ('the Parks'). There are currently 13 National Parks and the Broads in the UK, eight of which, together with the Broads and the South Downs are in England.
2. This circular replaces Department of the Environment Circular 12/96¹ and joint Department of Environment, Department of Transport and Welsh Office Circular DoE 125/77, DTp 8/77, WO 182/77.
3. Whilst the National Parks Authorities² and the Broads Authority³ are established under two separate Acts of Parliament, the similarities between them are such that this circular has been produced to apply equally to them all. This document sets out in relation to the Parks:
 - Government view on how key statutory duties of the National Park authorities ('NPAs') and the Broads Authority ('the Authorities') should be taken forward;
 - a vision for the English National Parks and the Broads for 2050 and Government priorities;
 - policy on governance of the Authorities.
4. This document will be reviewed within five years of its date of publication.

1 Environment Act 1995, Part III National Parks; issued 11.09.1996-ISBN 1-11-753314 -9

2 Sections 5 & 7 of the National Parks and Access to the Countryside Act 1949 (as amended) (c. 97)

3 Norfolk and Suffolk Broads Act 1988 (c.4), as amended by Broads Authority Act 2009

2. Introduction

2.1 Timeline of legislation and policy development

5. Within the diversity of the English countryside, the Parks are specially recognised as landscapes of exceptional beauty, fashioned by nature and the communities which live in them. The National Parks and Access to Countryside Act 1949 ('the 1949 Act'), in enabling the creation of the National Parks, ensures that the most beautiful and unique landscapes in the country are protected, and will be protected in the future, for everyone to enjoy. It also lays the foundations for the Government's biodiversity policy by providing for protection of some of our most important wildlife sites.
6. The first National Parks, Dartmoor, the Lake District and the Peak District, were designated in 1951. The designation of the South Downs National Park will take effect from 31st March 2010. Together with the Broads the National Parks combine stunning landscapes, are rich in wildlife, biological diversity, geological diversity, archaeology and heritage, with a myriad of opportunities for outdoor recreation. They are home to 333,000 people and many different species and attract millions of visitors every year.
7. In July 2002 Defra published the findings of the Review of English National Park Authorities⁴ ('the Review') which was carried out approximately five years after the creation of independent NPAs under the Environment Act 1995 ('the 1995 Act')⁵. The Review made fifty-four recommendations concerning issues in respect of policy, governance, sponsorship and resources in relation to the Parks. The Government accepted the majority of the recommendations and has subsequently worked closely with the NPAs and other partners to implement them⁶. A separate follow up study⁷ of the Broads Authority was published in May 2003.
8. Circular 12/96 was issued to coincide with the setting up of NPAs in England (from 1 October 1996) and Wales (from 1 April 1996) and set out advice on the discharge of the NPAs' responsibilities and the actions necessary to implement the provisions of the 1995 Act. Since Circular 12/96 was issued, the UK Parliament has passed new legislation which changes the way in which the authorities set up to manage the Parks need to operate and engage with local authorities and other key delivery partners. The authorities are responsible for identifying their statutory duties and for ensuring compliance. They are encouraged to work together to promote understanding and share best practice in all areas of compliance. This circular summarises some of the key changes in primary legislation affecting the Parks since Circular 12/96 was published.
9. Part 2 of the **Planning and Compulsory Purchase Act 2004**⁸ requires a National Park authority to prepare and maintain: a local development scheme (s.15), local development documents setting out development and land use policies for the area of the National Park (including minerals and waste policies) (s.17), and a statement of community involvement and annual monitoring report (s.18). As a district planning authority, the Broads Authority does not have responsibilities for minerals and waste.

⁴ Review of English National Park Authorities, available on the Defra website and from Defra Publications, Admail 6000, London SW1A 2XX

⁵ Environment Act 1995 c.25

⁶ The final action plan for the Review, showing how the accepted recommendations are being delivered, is available on Defra's website at <http://Defra.gov.uk> under 'National Parks – Review – Action Plan'.

⁷ The Legislative and Financial Structure of the Broads Authority, Defra May 2003

⁸ Planning and Compulsory Purchase Act 2004 (c. 4)

10. The **Natural Environment and Rural Communities Act 2006** ('the 2006 Act 2006')⁹ gives effect to a number of the recommendations made in the 2002 Defra Review including: providing the Secretary of State with more flexibility in setting the balance of membership of the NPAs, the amendment of the first two purposes of the Broads Authority so as to mirror the provisions contained in the 1949 Act and the removal of the spending constraint within the duty to seek to foster economic and social well-being of local communities. Section 72 gives NPAs the power to make their own Traffic Regulation Orders in respect of rights of way and unsealed roads in the Parks.
11. In October 2006 the Government published its white paper 'Strong and Prosperous Communities' (CM 6939), setting out its ambitions for the future of the local government sector, which led to the **Local Government and Public Involvement in Health Act 2007** ('the 2007 Act')¹⁰ and the **Local Democracy, Economic Development and Construction Act 2009**. Part 5 of the 2007 Act (Local Area Agreements) includes National Park Authorities¹¹ in the definition of 'Partner Authorities'.
12. The **Planning Act 2008**¹² makes the Authorities statutory consultees for Nationally Significant Infrastructure Projects (NISPs) (Part 5, section 43(3)). This means they will be consulted on all proposals received by the Infrastructure Planning Commission (IPC) and that the IPC will need to have regard to the views expressed by any relevant Authority. Similarly, the Authorities are statutory consultees in the preparation of National Policy Statements (Part 2, section 8(4)), who will need to have regard to the views expressed.
13. Under the **Local Democracy, Economic Development and Construction Act 2009**, the Authorities are defined together with other local authorities as 'participating authorities' for the purpose of establishing and operating a Leaders Board which – together with the respective Regional Development Agency – is jointly responsible for Regional Strategy.
14. The **European Landscape Convention** (or Florence Convention) was ratified by the UK in November 2006 and came into force on 1st March 2007. The Convention recognises that the landscape is a basic component of the European natural and cultural heritage and requires states party to it to protect, manage and plan for their rural, urban and maritime landscapes.
15. The Secretary of State for Environment, Food and Rural Affairs accounts to Parliament for the Government's policies on the Parks and its sponsorship of the Authorities. Defra is the Government Department with lead responsibility for the Parks. However, it is recognised that the wide-ranging scope of authorities' responsibilities means that in practice they will need to build relationships with other Government Departments and a wide variety of agencies. There is an expectation that NPAs will collectively have considerable contact with other Government departments and individually with their respective Government Offices and Regional Development Agencies on matters that are decided at a regional level.

9 Natural Environment and Rural Communities Act 2006 (c. 16)

10 Local Government and Public Involvement in Health Act 2007 (c. 28)

11 S.104

12 The Planning Act 2008 (c.29)

2. Introduction

2.2 Sustainable Development

16. The Government is strongly committed to the principles of sustainable development, which include living within environmental limits, achieving a sustainable economy and ensuring a strong, healthy and just society.
17. There are wide ranging demands and needs within the Parks, including, for example, conservation, public access, local employment, affordable housing. The Authorities must be guided by the statutory purposes for Parks. In doing so, they should seek to be exemplars in achieving sustainable development and creating thriving rural communities.
18. The Parks, in balancing these requirements, have successfully proven themselves to be models of sustainable development. Through the use of resources such as the Sustainable Development Fund, the Parks have piloted initiatives which have tested new approaches. In doing so, they have become examples of best practice.
19. Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come. What clearly distinguishes sustainable development within the Parks from that in the wider countryside is that it is specifically concerned with helping to deliver the relevant purposes – reflecting the environmental pre-eminence of the designation and the value of the Parks as an environmental resource for their respective regions and the country as a whole. Thus, within these treasured areas, conserving and enhancing the landscape, biodiversity, cultural heritage and natural resources, and promoting public enjoyment of these should lie at the very heart of developing a strong economy and sustaining thriving local communities.
20. The Parks provide some of the best quality ‘green infrastructure’ – the interconnected network of parks, woods, waterways, and other types of green space that acts as the life-support system for our towns, cities and rural areas. This helps create a healthy environment for people, communities and businesses, improving air and water quality, reducing ill-health. Effective management of land in the Parks helps to mitigate and combat the effects of climate change, including flooding.
21. The Parks are, therefore, important as real and visible models of sustainable development and are important in allowing society to experience sustainable development in practice and the impact on our environment and quality of life of non-sustainable approaches.
22. NPAs have been successful in demonstrating models for sustainable rural development through imaginative application of the duties in the 1995 Act, to further National Park purposes and foster social and economic wellbeing of local communities. For example, research indicates that the National Parks in Yorkshire and Humberside support 34,000 local jobs and encourage visitors to spend £660 million in the region overall.

3. Vision for the National Parks and the Broads in England

23. Members of the English National Park Authorities Association have developed a shared vision as set out below. The Government fully endorses this vision and expects the Parks to work towards its achievement, whilst ensuring ongoing compliance with their statutory duties and delivering greater value for money.
24. The Parks also need to be seen in the wider context of Government priorities for the nation as a whole. Since their introduction in the 1998 Comprehensive Spending Review, Public Service Agreements (PSAs) have played an important role in galvanising public service delivery and driving major improvements in outcomes in priority areas. The 2007 Comprehensive Spending Review announced 30 new PSAs setting a vision for continuous and accelerated improvement in the Government's priority outcomes over the CSR07 period 2008/09 to 2010/11.
25. The Parks have a vital role to play in helping to deliver PSAs. Whilst the PSA framework may develop and change over time, Authorities are expected to ensure they understand how their activities contribute to the delivery of Government priorities, to refocus where necessary and to put in place robust systems for measuring and reporting their contribution. Within this context, section 7 sets out the Government's priorities in the short term.
26. The Government expects all relevant bodies with an influence on the management of these special areas to work towards the achievement of this vision and in accordance with the rest of this document. The statutory purposes and duty of the Authorities remain relevant and the changes in legislative context set out in this document offer the opportunity to encapsulate the purpose and duty in a modern vision.

Vision for National Parks

By 2050 English National Parks will be places where:

- everyone can discover the rich variety of England's natural and historic environments. People will value them as places for escape, enjoyment and reflection. National Parks will be loved by everyone and a source of national pride and identity.
- local communities and those who visit will be keenly aware of their special value. They will be outstanding examples of how people can access our finest countryside and coasts, so helping people gain the health and spiritual benefits of being in the great outdoors. All young people will have the opportunity to experience a National Park at first hand, facing the risks and challenges they offer.
- sustainable development is a visible reality, underpinned by sound and well understood environmental limits. National Parks are recognised as exemplars in achieving sustainable development. A diverse and successful economy, in harmony with the Parks' special qualities, will be welcomed and encouraged. Local communities will take an active role in decision making on their future, ensuring their sustainability.
- addressing climate change is central to our thinking and actions. Communities and businesses use only renewable energy, generated close to where it's used. National Parks will be leaders of best practice in a variety of low impact renewable energy technology. Carbon and water resources will be carefully managed. National Parks will lead the way in sustainable, low carbon, transport and travel.
- biodiversity is protected and enhanced and priority habitats restored and created, leading to greater diversity and abundance of species and habitats. Landscapes will be managed to create resilience and enable adaptation to the impacts of unavoidable climate change. Ecological networks will be well connected within parks and reach out to green spaces beyond their boundaries. The landscape has evolved, retaining its cultural richness and respecting the past.

4. National Park Purposes

27. The 1949 Act defines the purposes of the Parks as being: to conserve and enhance the natural beauty (i.e. geological features), wildlife and cultural heritage of the National Parks; and to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public¹³. The Broads Authority shares these two purposes but also has the third purpose of protecting the interests of navigation¹⁴.

4.1 Sandford Principle

28. In 1974, the Sandford Committee concluded 'Good management can protect the Parks and cater for visitors with diverse inclinations by providing opportunities and facilities for differing kinds of public enjoyment in different parts of each Park, according to the varying qualities and circumstances. By developing the capacity of suitable areas to absorb greater numbers of the more gregarious visitors, pressures may be diverted from the wilder and more sensitive areas we have no doubt that where the conflict between the two purposes, which has always been inherent, becomes acute, the first one must prevail in order that the beauty and ecological qualities of the National Parks may be maintained'.
29. This recommendation, subsequently known as the Sandford Principle, was endorsed by the Government in Circular 4/76 and subsequently enshrined in legislation by section 11A(2) of the 1949 Act (inserted by section 62 of the 1995 Act). This requires **any relevant authority** (essentially any public body or statutory undertaker) (see also paragraph 52), when exercising or performing functions which relate to or affect land in a Park, to attach greater weight to the purpose of 'conserving and enhancing' if it appears that there is a conflict between the two National Park purposes.
30. The Sandford Principle does not apply to the Broads, where the three purposes apply rather than two.

4.2 Conserving and enhancing natural beauty, wildlife and cultural heritage of the National Parks

31. The Government regards National Park designation (together with that for Areas of Outstanding Natural Beauty) as conferring the highest status of protection as far as landscape is concerned. The Parks are areas of exceptional natural beauty. They contain important wildlife species, habitats and geodiversity, many of which have been formally recognised as being of national and international importance. The Parks are also living and working landscapes and over the centuries their natural beauty has been moulded by the influence of human activity. Their character is reflected in local traditions which have influenced farming and other land management practices. It is also reflected in the local building materials and vernacular style, monuments and landscape, often of archaeological or historical significance, and in the words, music, customs, crafts and art which mark the individual characteristics of each Park. The Parks represent an important contribution to the cultural and natural heritage of the nation.
32. In developing and implementing policies for the planning and management of their areas, Authorities should document and clearly express the special qualities of the Park and the status and condition of these qualities. This is an essential precursor to winning support for policies and programmes that are necessary for conservation and enhancement. Authorities

¹³ s.5(1) of the 1949 Act

¹⁴ (s.2(1) of the Norfolk and Suffolk Broads Act, 1988

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are expected to continue to seek to ensure the conservation of the individual character of the area for which they are responsible. In meeting the conservation purpose, Authorities are expected to work closely with appropriate bodies including public agencies such as Natural England, Environment Agency, English Heritage, the Forestry Commission, regional bodies and local government and Government Departments.

33. The Parks' assets are affected by many factors which lie outside the direct control of the Authorities, including for example, climate change, farm support payments, local economic growth and housing beyond their boundaries, traffic and transport growth, changes in water quality legislation, changes in leisure habits.
34. Authorities should systematically assess the risks external factors pose to the Parks' assets and seek to minimise the harmful and maximise the beneficial effects. They are expected to put in place measures which capture opportunities, mitigate and/or resist adverse pressures and which restore and/or recover damaged landscapes and sites from historical and/or ongoing damage. These measures, together with plans for conservation and enhancement of the Park environment, should be included in the Park Management Plans (see paragraphs 57-59).

4.3 Promoting opportunities for the understanding and enjoyment of the special qualities of the Parks by the public

35. Large numbers of people visit and learn about the Parks every year, drawn by their landscapes, the chance to escape day to day pressures and above all, to experience the sense of freedom, inspiration, and enrichment which generations have enjoyed since the Parks were first established. No two Parks are the same and the Government looks to individual Authorities to identify the special qualities of their Park, including those associated with their wide open spaces and the sense of relative wildness and tranquillity that Parks offer. Authorities should produce and promote educational and recreational strategies which are best suited to these special qualities.
36. Authorities should continue to develop and encourage others to develop innovative information and education programmes which help people to understand and enjoy what the Parks have to offer. They should continue to work with local education authorities, schools, colleges and other relevant bodies including the voluntary sector. In doing this, they should continue to utilise the possibilities offered by Information and Communication Technologies to reach wider audiences in ways that best meet their needs.
37. The popularity of the Parks is a major success and enduring benefit provided to the nation. However, some population groups visit Parks less often than others. Authorities should recognize their responsibility to promote understanding and enjoyment to all sectors of society. A proactive approach is required to promote a wider understanding of Parks and the opportunities they offer and to overcome the barriers to visiting and experiencing the Parks that may be encountered by under-represented groups. Authorities should continue to provide for those who have already discovered what Parks have to offer and should strengthen links with urban populations, taking steps to attract people from all walks of life including young people, disadvantaged groups, disabled people, and people from ethnic minorities.
38. The Parks contain a variety of landscapes, capable of accepting and absorbing many different types of leisure activity. Authorities should identify and promote new recreational opportunities and ways of delivering them, working proactively with their local access

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forums (see paragraphs 65 – 66) and other bodies including Natural England, Environment Agency, Sport England, Regional Development Agencies, Regional Sports Boards, the Forestry Commission, English Heritage, and the private and voluntary sectors.

39. Research commissioned by the Countryside Agency¹⁵ (Natural England's predecessor) indicates there is very little irreconcilable conflict between fulfilment of NPAs' conservation and recreation functions. However, the report did identify some areas of concern, particularly in connection with motorised recreation and the impact of organised events. The Government therefore accepts that not all forms of outdoor recreation are appropriate in each National Park and that activities which would have an adverse impact on the National Parks' special qualities and other people's enjoyment of them may need to be excluded. However, in most other cases, the Government believes it is possible to reconcile potential conflicts through negotiation and well considered planning and management strategies.
40. The Government has published advice¹⁶ on managing lawful motorised use of public rights of way and on dealing with unlawful use. Sections 66 and 67 of the 2006 Act have curtailed the scope for recording public rights of way for mechanically propelled vehicles on the basis of historic use by horse-drawn carriages or other non-motorised vehicles. The 2006 Act also enables such routes to, in future, be recorded as 'restricted byways', a new category of right of way introduced by the 2000 Act, which carries rights for all users except for users of mechanically propelled vehicles. The Countryside and Rights of Way Act (the 2000 Act).
41. New sections 22BB and 22BC of the Road Traffic Regulations Act 1984¹⁷ inserted by section 72 of the 2006 Act give NPAs (but not the Broads Authority) the power to make their own Traffic Regulation Orders to enable management of traffic where necessary to protect vulnerable tracts. Such orders must be in relation to public rights of way shown in a definitive map and statement, or unsealed carriageways, and may only be made within the National Park boundary.
42. Parks are attractive locations for large-scale community, charitable or other events and festivals such as organised charity walks, cycling events, cultural and musical events and fairs. Events should be encouraged which fully engage local communities, showcase 'greener living', minimise harm to the environment and help to interpret and encourage access to Parks. Such events can be significantly beneficial to achieving Park purposes and deliver economic and social benefits to local communities. Events with the potential to harm the special qualities of a Park, such as caravan and vehicle rallies and large music festivals, may need to be controlled. Authorities should build on their existing experience of working with event organisers to ensure the events programme overall contributes to the sustainable development of Parks and does not harm these special qualities.

4.4 Protecting the interests of Navigation – Broads Authority Only

43. The Broads Authority has a duty under the 1988 Act to protect the interests of navigation, and to maintain the navigation area for the purposes of navigation to such standards as appears to it to be reasonably required; and to take such steps to improve and develop it as it thinks fit.

¹⁵ Demand for Outdoor Recreation in the English National Parks – Countryside Agency October 2004 (updated March 2005 and published alongside a Guide to Good Practice in managing and promoting outdoor recreation in the Parks)

¹⁶ 'Making the Best of Byways' and 'Regulating the Use of Motor Vehicles on Public Rights of Way and Off Road'

¹⁷ Road Traffic Regulations Act 1984 (c.27) (as amended)

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44. The Broads Authority is the third largest inland navigation authority in the UK with the costs of maintaining the navigation and associated facilities being principally financed by tolls on boat owners. With the near-demise of commercial sea-going shipping the navigation area now essentially serves leisure boaters, including canoeists, as well as the holiday hire fleet, and a small number of ferries and workboats.
45. The waterways of the Broads provide opportunities for visitors to enjoy open air, active recreation and are key in supporting the adjacent wetland habitats. Waterway tourism is particularly important in the 200km river-lake system of the Broads where in 2008 there were 11 million visits which generated £413 million for the local economy. Additionally, the local industries which have been developed on and adjacent to water, along with the recreational uses demonstrate the cultural importance of the waterways to visitors, promoting understanding of the unique environment. The waterways also provide wider ecosystem services such as mitigating flood risk, and providing water resources.
46. The open waters are a key component to the landscape, and the Government recognises the difficulty of maintaining these features, given their position as a receptor of diffuse pollution, and the natural succession prompting sedimentation and eventual loss unless dredging is undertaken. Due to the nature of the environment, maintenance costs are very high, with access difficulties, and the need for additional mitigation measures to ensure no deterioration of the important ecological features.
47. The largest cost is the on-going dredging of the navigation area. A hydrographic survey and research by Cranfield University established in 2006 that approximately 24,000 cubic metres of sediment enters the system every year and that there is a backlog of 1.8 million cubic metres of sediment that needs removing, of which 1.3 million is in the navigation area.
48. The costs of maintaining (and especially dredging) the navigable waterways are met by those who benefit. So work carried out in the interests of navigation is separately accounted for out of navigation income (primarily the tolls paid by boaters), whilst work which delivers the broader public goods of general recreation or conservation is carried out from general funds including the grant paid by Defra. In recent years Defra has provided additional grant to support recreational and conservation work on the waterways and will discuss with the Broads Authority and ENPAA whether some additional funding should be incorporated within the Broads Authority's grant baseline for future years. DEFRA also initiated the recent change to the 1988 Act to expressly recognise that dredging can be carried out for purposes other than navigation.
49. Public safety on the water is an important feature of the Broads Authority's work and as a harbour authority it has implemented the requirements under the Port Marine Safety Code including the Formal Safety Assessment of all risks, the development of the Safety Management System and the review of the Authority's legislative framework. The latter led to the promotion of a Private Bill to update the 1988 Act. The Broads Authority Act 2009 provides powers for the introduction of compulsory third party insurance, the licensing of hire craft, the management of water skiing and wakeboarding and other safety measures. The Government agreed with what the Broads Authority was looking to achieve, and supported the Bill in Parliament.

5. Delivery of Park Purposes

5.1 National Park Authorities and the Broads Authority

50. The Government believes the purposes of the Parks are best achieved through the establishment of dedicated bodies to oversee and lead the way in which Parks are managed and conserved. The 1995 Act makes provision for NPAs to be established by order to take on this role (s.63) and the Norfolk and Suffolk Broads Act 1988 (the 1988 Act) (as amended) established the Broads Authority.
51. The Authorities share the administrative responsibility for the Parks with a range of other bodies, such as local authorities, regional development agencies, regeneration and tourism agencies, statutory environmental agencies, third sector bodies and private landowners, communities and businesses. Authorities are expected to show leadership overall in the Park, championing the special qualities and acting as catalysts to others to achieve more working together towards a shared vision. In their own strategic plans, Authorities should have a clear view of the shared vision for the Park and for their own specific contribution alongside that of others. They 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.

5.2 Duty on all public authorities

52. While the lead role in the achievement of Park purposes rests with the Authorities, the active support and co-operation of all government and public bodies and statutory undertakers whose activities affect the Parks is also vital to the achievement of Park purposes. Many of these will be 'relevant authorities' with obligations under section 11A of the 1949 Act¹⁸ and section 17A of the 1988 Act (as amended)¹⁹ which place a statutory duty on all such authorities to have regard to the relevant Park purposes when coming to decisions or carrying out their activities relating to or affecting land within the Parks. Government expects those bodies affected to give due weight to their obligations and as such has published guidance to all relevant authorities on how to discharge these duties and set out how they will be monitored²⁰. Authorities are encouraged to raise awareness of this guidance, and of the statutory duties to which it refers, and to work collaboratively with all 'relevant authorities' on its implementation.

5.3 The economic and social well-being of Park communities

53. The Parks are the homes and workplaces of many thousands of people. Local communities have helped shape our Parks. The Government believes there is no incompatibility between conserving the Parks and them remaining as vibrant, healthy and productive living and working communities. In fact it is such local communities who continue to help shape our Parks.
54. Section 11A(1) of the 1949 Act places on the NPAs a duty 'to seek to foster the economic and social well-being of local communities within the National Park' when pursuing the two purposes. When originally enacted, NPAs were required to achieve the duty 'without incurring significant expenditure'. The 2002 Review of English National Park Authorities²¹,

18 as introduced by section 62 of the 1995 Act

19 as introduced by section 97 of the 2000 Act

20 Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads'. Defra, March 2005

21 Review of English National Park Authorities Defra July 2002

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reported that although the expenditure constraint had not caused serious difficulties, there was some confusion over the meaning of 'significant' and recommended the constraint should be removed. The legislation was subsequently amended by section 62 of the 2006 Act which removed the constraint. Section 2(4)(c) of the 1988 Act (as amended) requires the Broads Authority, in discharging its functions, to have regard to the needs of agriculture and forestry and the economic and social interests of those who live or work in the Broads. Authorities should continue to focus their expenditure on the delivery of their core purposes, whilst seeking to maximise the socio-economic benefits available from such activity.

55. This should be pursued by working closely with agencies with lead responsibility for promoting economic and social development in the Parks. Partnership with other local authorities, and national and regional bodies and agencies, including Regional Development Agencies, has frequently proved to be an effective way of achieving major targets in terms of the twin purposes and of the local economy. Experience shows that by harnessing the economy to environmental ends, tangible economic benefits can be delivered through the statutory purposes and at the same time achievement of the statutory purposes is enhanced.
56. Authorities have developed a range of effective means of engaging with Park communities. This has enabled those communities to highlight their needs and helped Authorities to deliver effective responses. Authorities should continue to explore new ways of engaging with their communities and it is important that other local authorities and national and regional agencies work with Authorities to achieve this in an effective and co-ordinated way.

6. Additional Key Statutory Duties of the Authorities

6.1 National Park Management Plans and the Broads Plan

57. Section 66 of the 1995 Act and section 3 of the 1988 Act (as amended) require Authorities to produce a National Park Management Plan or a Broads Management Plan for their area and to review it at least every five years. The Plans should provide statements of the relevant Authority's policy for managing and carrying out its functions in relation to the Park and should reflect Park purposes, the duties of the Authorities and the need to engage other local authorities, statutory agencies and a wide range of partners, stakeholders and the local community in the preparation and implementation of the Plan. They should set the context for the local development framework coverage of the Parks. They may be supported by State of the Park reports and a range of more detailed documents dealing with specific topics, such as climate change, biodiversity, nature conservation, cultural heritage, forestry or management plans for particular areas.
58. At the request of the Secretary of State, Natural England publishes advisory notes on the production of Plans. Natural England's guidance advises on the process for producing Plans and their content. It emphasises the importance of working closely with appropriate interested bodies and highlights the role of the Plans as strategic documents outlining overall policies.
59. Plans are the over-arching strategic document for the Parks and set the vision and objectives which will guide the future of the Park over the next 10 to 20 years. The Plans are for the Parks and not just for the Authorities. They should be supported by clear strategies with evidence of significant 'buy in' from key partners, stakeholders and communities. The Government expects public agencies and authorities active within or bordering a Park to cooperate in the development of the Plan and the achievement of Management Plan objectives.

6.2 Planning responsibilities of the Authorities

60. The town and country planning system is a key instrument in the achievement of Park purposes. Planning legislation has a major impact on the form and location of development, is a vital tool for managing the impact of development on landscape and biodiversity and a key part of conserving cultural heritage, including the built heritage in Park settlements.
61. NPAs are the sole local planning authorities for their areas under section 4A of the Town and Country Planning Act 1990²². Section 4A confers on a National Park authority the responsibilities of a local planning authority, including minerals and waste planning and development control functions. Section 5 of the Town and Country Planning Act 1990 makes the Broads Authority the planning authority for a slightly more limited range of development control in the Broads. Part 2 of the Planning and Compulsory Purchase Act 2004 places a requirement on the Authorities to prepare and maintain a local development framework and associated documents.
62. At regional level, the Authorities share responsibility with local government and others for revising, implementing and monitoring of regional strategy²³. Where the area of a Park falls within more than one region, the Park falls wholly within a single region for regional strategy purposes.

²² Town and Country Planning Act 1990 (c. 8)(as amended)

²³ Provisions under Part 1 of the Planning and Compulsory Purchase Act 2004 are due to be replaced by Part 5 of the Local Democracy, Economic Development and Construction [Act].

6. Additional Key Statutory Duties of the Authorities

63. When preparing their plans, the Authorities must have regard to policy and advice contained in guidance published by the Secretary of State²⁴. This means the suite of Planning Policy Guidance Notes, Planning Policy Statements, Planning Circulars and the range of supporting guidance documents. National planning policy and guidance may also be material when making decisions on planning applications²⁵. It is not the role of this circular to repeat planning policy and guidance, however, a few key areas are highlighted.
64. Plans and development documents at local and regional level are subject to the European Directive on Strategic Environmental Assessment (SEA)²⁶, and for regional strategy and local development documents the Directive's requirements are incorporated in Sustainability Appraisal (SA) under planning legislation. SEA and SA both involve establishing the current situation and trends and predicting the effects of the plans in relation to many of the purposes and priorities of the Parks, including enhancing biodiversity, mitigating and adapting to climate change, protecting landscapes, promoting health and well-being, and fostering the social and economic sustainability of local communities. The Authorities are encouraged to compile a common evidence base for their plans and SEA or SA work, and to use the SEA and SA processes during the preparation of their plans to clarify and test their environmental and sustainability implications. Further information on SEA can be found in the Government's 'Practical Guide to the SEA Directive'²⁷ and on the Environment Agency website²⁸, and advice on SA of plans is in the Communities and Local Government Plan Making Manual²⁹.

6.3 Working Successfully with Local Access Forums

65. Section 94 of the 2000 CROW Act imposes a duty on a National Park authority (as an appointing authority) to establish a local access forum for the National Park area. Forums exist to evaluate and comment upon wider, strategic access and recreation issues, either relating directly to the 2000 Act or otherwise. They have a key role to play in advising NPAs on matters relating to the all-round improvement of access and recreation in the National Park and advising on 'functional' and 'utility' access, such as access to schools, shops, etc. Local access forums provide independent and informed advice to their appointing authorities, and other 'section 94(4) bodies', including MOD, Natural England and local authorities. Section 94(4) bodies are required to have regard to any relevant advice received from a local access forum.
66. The Local Access Forums (England) Regulations 2007³⁰ set out detailed provisions for the operation of forums. The Secretary of State has issued guidance³¹ which is relevant to forum members, appointing authorities, forum secretaries, section 94(4) bodies and anyone wanting to find out about the role and work of forums. Natural England has commissioned a handbook written specifically for local access forum members. The handbook³² contains key facts and useful aspects of access as well as specific guidance about the general practicalities of running a Local Access Forum.

24 Section 19(2) Planning and Compulsory Purchase Act 2004

25 Paragraph 13, The Planning System: General Principles (2005)

26 Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment', transposed by the Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004 no 1633)

27 <http://www.communities.gov.uk/publications/planningandbuilding/practicalguidesea>

28 <http://www.environment-agency.gov.uk/research/policy/32901.aspx>

29 CLG Plan Making Manual – <http://www.pas.gov.uk/pas/core/page.do?pageld=152450>

30 S.I. 2007/268'

31 The guidance can be found at: <http://www.Defra.gov.uk/rural/documents/countryside/crow/laf-guidance.pdf>

32 Further information about the handbook can be found at: www.naturalengland.gov.uk/ourwork/enjoying/accessforums/laf/default.aspx

6. Additional Key Statutory Duties of the Authorities

6.4 Duty to co-operate in preparation of Local Area Agreements

67. The Authorities should contribute to regional and local plans and strategies which have the potential to impact upon the purposes of the Parks. In particular, Part 5 Chapter 1 of the 2007 Act places the Authorities, where the Secretary of State directs, under a statutory duty to prepare a local area agreement, which involves specifying local improvement targets. The Authority must cooperate with other named organisations in producing relevant local improvement targets; and has to have regard to the relevant targets in carrying out their business. This duty to 'have regard' can be seen as reciprocal to the duty which s11A of the 1949 Act places on other organisations to have regard to National Park purposes (see paragraph 52). The 2007 Act also provides for Authorities that are perceived to be failing in these obligations to be subject to a petition, a Community Call for Action, or to be asked to explain their actions to the overview and scrutiny committee of a local authority in the relevant area.

6.5 Conservation of Biodiversity

68. Section 40 of the 2006 Act imposes a duty on all public authorities when exercising their functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. 'Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. The Authorities are expected to comply with the guidance for Public Authorities on Implementing the Biodiversity Duty³³.
69. The Authorities are expected to lead in the achievement of the vision for biodiversity in the Parks giving equal weight to objectives for conserving and enhancing the landscape and cultural heritage of the Park areas. In undertaking this role, the Authorities are expected to work closely with the statutory agencies with a national remit for the conservation of landscape, biodiversity and cultural heritage including Natural England, the Environment Agency and English Heritage.

³³ The guidance can be found at: <http://www.Defra.gov.uk/environment/quality/biodiversity/documents/pa-guid-english.pdf>

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70. In meeting their statutory duties, the Government expects authorities to focus on delivery of the vision for National Parks and the Broads and securing increasing value-for-money for the taxpayer. In the short-term, the Government recommends that the Authorities focus on increasing their contribution to the efforts to combat and adapt to **climate change, enhance biodiversity, enhance cultural heritage** and **extract the maximum value from their expenditure**. Further details of these, and other areas for concerted action, are set out below.

7.1 Helping people and nature to adapt to climate change

71. Understanding of climate change has grown considerably since circular 12/96 was published. With a better understanding of the science, the action needed and the development of robust policies for adapting to (and tackling) climate change, the Government believes that in delivering their objectives the Parks must now place climate change at the centre of their mission. Climate change and sea-level rise will compound the already significant pressures on finite resources and natural systems. The Government supports the decision by Authorities to choose to report under the Climate Change Act 2008 on how they will plan to manage climate change risks to protect people and the environment. The Parks as rich reserves of recreational opportunities and natural beauty, will therefore provide increasingly important places for people to escape to. They can also help people to understand how and why we must adapt to climate change.
72. The Government believes that effective adaptation of the economy and society will rely on the continued health of the natural environment. We cannot respond effectively and efficiently to projected climate pressures without effective environmental management. The management of Parks has a role here as exemplars of sustainability both in enabling the natural environment to adapt to predicted changes (and be resilient to unpredictable events), and in supporting the delivery of ecosystem services (such as provision of clean water or reducing the risk of flooding) that will be key to our adaptation response. The Parks themselves will be threatened by climate change and the Authorities must ensure that they protect the public assets which the Parks represent. This may involve difficult decisions as the special qualities of the Parks may change. For example, some tree species which are currently valued as part of the landscape may not be viable in future, and assumptions about the value of the traditional appearance of the countryside may have to be challenged as the needs which shape its future may be different from those which have shaped its past. The Parks must be innovative while using the best available research to ensure that they continue to provide healthy, viable and adaptive environments.

7.2 Mitigating climate change: leading the way

73. The Government also urges Authorities to put the fight against climate change as central to their purpose. The management of the Parks can play a key role, in its direct effect and in leading others. The Authorities are custodians of lands rich in woodlands, moors and fens: the 449,000 hectares of peat soils in the Parks contain 119Mt of carbon, equivalent to England's carbon dioxide emissions for a year. The Authorities should lead the way in sustainable land management to prevent further carbon loss from soils and to encourage carbon storage in trees and fens. The deep peat soils which are out of condition should be restored, and woodlands should be managed to increase carbon stores. And the Authorities should use their influence to encourage farming practice which reduces emissions, such as lower fertilizer use.

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74. The Authorities also have a role to play in reducing emissions from sectors other than the land. Renewable energy is key to achieving the UK's emissions reductions targets. The Parks should be exemplars in renewable forms of energy. Authorities need to work with local communities to reach a position where renewable energy is the norm in remote rural areas. While it will be important not to compromise features which are essential to the purpose of the designation, the Parks do offer important opportunities for renewable energy generation which must not be wasted, 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.

7.3 Increasing biodiversity

75. Biodiversity is the variety of life in all its forms and encompasses all species of plants and animals and the complex ecosystems of which they are a part. It plays a key role in underpinning quality of life and providing ecosystem services, and the Government have agreed to international commitments to prevent further loss of biodiversity. The Authorities should ensure that biodiversity is protected and encouraged through proactive, sympathetic management both within recognised protected areas and in the wider landscape. Generally speaking, habitats are less fragmented in the Parks than elsewhere and authorities have an important role in helping to deliver habitat restoration and expansion at a landscape scale, especially against the backdrop of a changing climate. The Authorities should also pay particular attention to habitats and species of principal importance for the conservation of biodiversity in England. The Government expects the following to be addressed in Management Plans and (where appropriate) related strategies such as the Biodiversity Action Plans:
- Recognition of environmental trends resulting from climate change and provision for natural systems, habitats and species to adjust to this;
 - A strategic framework for the protection, restoration and creation of priority habitats and the protection and enhancement of the populations and habitats of priority species;
 - Specific actions to address identified declines in biodiversity or management practices which are causing harm to biodiversity;
 - Managing land use in step with naturally functioning processes and systems and aligning objectives for biodiversity and geological conservation with, for example, River Basin Management Plans;
 - Maintaining, restoring or adding to networks of natural habitats and other landscape features essential for the migration, dispersal and genetic exchange of species (incorporating this into a more broadly functioning 'green infrastructure'); Including consideration of habitat networks beyond the Park boundary where this contributes to improved connectivity and the wider living landscape;
 - Promoting sustainable design standards for the construction and management of development which includes features beneficial to biodiversity or geological conservation;

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- Identifying the role of a hierarchy of internationally, nationally and locally designated sites and supporting its appropriate recognition;
- Promoting and supporting the enhancement and management of local geological sites through the planning process.

7.4 Maximising value-for-money for the taxpayer

76. The Government expects to see an approach to best value that is appropriate and proportionate to the scale and functions of the Authorities. In particular, it wishes to see periodic assessments of performance that incorporate peer review and peer support and lead to effective improvement, learning and exchange of good practice between Authorities. It expects further close cooperation with Natural England to ensure that agri-environment scheme delivery is properly integrated with National Park objectives and activities within the farmed environment.
77. Accompanying the Government's recent additional investment in public services have been substantial reforms to improve the way public services are delivered and to achieve ever greater efficiency savings. It is vital that all opportunities to deliver greater value for money are seized. For the Authorities, this means:
- demonstrating the value for money of the activities that they carry out in pursuit of their purpose;
 - seeking and achieving better for value for money in the procurement of goods and services, through for example, collaborative procurement and embracing the principles of 'sustainable procurement'³⁴;
 - delivering operational efficiency savings, through for example sharing back-office functions, accommodation;
 - improving property and asset management;
 - developing further funding streams, for example taking on additional funded work from local authorities.
78. The Government expects Authorities to develop and publish their plans for achieving greater value for money and to engage fully in any future review of the delivery landscape.
79. The Government will continue to provide appropriate resources for the Authorities to carry out their functions. To help Authorities plan their activities, Government will endeavour to provide them with three-year indications of their financial settlements tied to Government Spending Reviews. Authorities are expected to pursue other sources of funding to enable them to maximise the achievement of Park purposes. As well as seeking funding for specific projects within the Park, Authorities are expected to regularly review opportunities for securing income via fees and charges for services which they deliver.
80. Authorities are responsible for determining how best to utilise the financial resources available to them in pursuit of their priorities for achieving Park purposes. In setting their priorities, however, Authorities should take account of Government priorities for the Parks, as set out here and in an annual statement circulated to all Authorities.

³⁴ see for example Local Government Sustainable Procurement Strategy, 2007, LGA, IDEA, Centre of Excellence North East

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7.5 Landscape, heritage and improving quality of place

81. The Government is committed to ensuring that all places are planned, designed and developed to provide everyone, including future generations, with a decent quality of life and fair chances. Cultural heritage and landscape are fundamental to this ambition and, as they are central to attractiveness, distinctiveness, diversity and quality of place in the Parks, should be protected and enhanced. As the local planning authority for the Parks, the Authorities should apply the principles set out in Planning Policy Statement 15: Planning for the Historic Environment and will be expected to follow and promote with partners and stakeholders the principles of the European Landscape Convention (ELC) in all decisions and discussions concerning planning, management, development and protection. An Implementation Framework has been prepared with Defra, Natural England and English Heritage to encourage and guide the development of Action Plans by organisations, such as the NPAs. To complement this, Natural England have also prepared specific guidelines for integrating the intent of the ELC into plans, policies and documents, as well as for preparing an ELC Action Plan. In addition, the Government expects the following to be addressed in National Park management plans:
- An overview of the state of the historic environment and landscapes
 - A strategic framework promoting the protection, enhancement and public appreciation of and engagement with the historic environment, cultural heritage and landscapes
 - Measures promoting the regeneration of historic places and the sustainable adaptive re-use of the built heritage.

7.6 Protecting and enhancing soils in our most valued landscapes

82. Safeguarding our soils for future generations means managing and protecting them more effectively, tackling degradation and building resilience to increasing pressures, including the direct and indirect impacts of climate change. The new Soil Strategy for England (September 2009) recognises that soil is a fundamental, and essentially non-renewable, natural resource that provides many diverse ecosystem services for society (including water and flood management, climate regulation and support for valuable biodiversity) and that we need to take action now to safeguard their ability to provide these essential services.
83. The Authorities continue to have an important role to play in helping to deliver this strategy in our most valued landscapes and should continue to use their influence to ensure the sustainable management of all soils, including grassland and forest soils and peats. Through their role in the planning process and other development projects, the Authorities should also ensure the sustainable use and protection of soils by promoting the use of the new Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.

7.7 Promoting and delivering agri-environment schemes

84. The Parks provide high quality environments rich in biodiversity and prized for their high quality landscapes and cultural heritage. The Parks will continue to promote and deliver agri-environment schemes and other measures that enable farmers and land managers to continue to deliver a wide range of ecosystem services. NPAs have an important role in the development, promotion and delivery of agri-environment schemes and are expected to work closely with Defra and Natural England to ensure agri-environment policy and delivery

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in Parks is maximised, and best practice is shared and is properly integrated with the Park objectives and activities within the farmed environment.

7.8 Promoting better management of Common Land

85. Common land represents nearly one-fifth of the area of the Parks, and may provide a more diverse range of public benefits than any other comparable area. It is essential to the viability of many farming communities in the Parks, and to maintaining some of our most highly valued landscapes. Because of the unifying features of its history, legislation and management, common land should be considered as a single entity rather than a sequence of subsets of other land categories.
86. Part 2 of the Commons Act 2006³⁵ enables the Secretary of State, in response to local needs, to establish commons councils (which will be similar in structure and functions to the Dartmoor Commoners' Council) to strengthen the role of local communities in improving the management of common land. The Authorities should work with commoning communities to help facilitate new commons councils, and where councils are established, assist in the enforcement of any rules made by them. When Part 1 of the Commons Act 2006 is implemented in their areas, Authorities have an important role in assisting commons registration authorities to raise awareness among the commoning community in their area, and to promote applications to update the registers, whether by facilitating third parties or by making applications themselves in the public interest.
87. The Authorities also have powers to take enforcement action against unlawful works on common land, and to protect commons with no known owner against interference (such as trespass and encroachment). Unclaimed commons are particularly vulnerable to encroachment and abuse, because of the perceived low likelihood of remedial action being taken, yet such land is no less likely to be of value and importance to the local community as any other common land. The Authorities should co-operate with other local authorities in their area, with which enforcement powers are shared, to ensure that lead responsibility for action is clearly assigned and understood. The Authorities may also make a scheme of regulation under Part I of the Commons Act 1899³⁶ for the management of common land, and a scheme may be particularly appropriate where the ownership of common land or a town or village green is unknown or cannot be ascertained, so that the land may be positively managed for public benefit.

7.9 Access to open country

88. The 2000 Act provides a right of access for open-air recreation to open country (mountain, moor, heath, down) and registered common land. About 470,000³⁷ hectares of open country and registered common land are now open to the public within the Parks in England. Authorities are the 'relevant authority' for access land within a national park boundary and responsible for determining applications from landowners for exclusions or restrictions of access for reasons of land management, fire prevention and to avoid danger to the public. Authorities may also restrict access for reasons of fire prevention and danger to the public without an application having been made, and to restrict access for reasons of nature conservation or to protect sites of historical or archaeological importance.

³⁵ Commons Act 2006 (c.26)

³⁶ Commons Act 1899 (c.30)

³⁷ Total is made up as: Dartmoor 47,255.82; Exmoor 17,570.70; Lake District 114,278; New Forest 16,736.8; Norfolk Broads 153.5; North York Moors 47,948; Northumberland 60,043; Peak District 54,738 ;Yorkshire Dales 109,714

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89. Authorities have a vital role under the 2000 Act as ‘access authorities’ in managing public access to land in a National Park. The Act includes powers for authorities to make byelaws; appoint wardens; erect and maintain notices indicating boundaries; and to negotiate agreements with a landowner or occupier to provide means of access and undertake the necessary works themselves if such agreements cannot be reached. These powers are set out respectively in sections 17, 18, 19 and 35 of the Act. The Act also enables landowners voluntarily to dedicate irrevocably any land to public access. Public authorities that own land are encouraged to provide such a designation to enable public enjoyment of these publicly owned assets.

7.10 Coastal access

90. The Marine and Coastal Access Act 2009 aims to improve public access to, and enjoyment of, the English coastline, providing secure and consistent rights for people to enjoy the coast with confidence and certainty. A series of long-distance routes around the coast of England will be proposed under the powers contained in the 1949 Act, as amended by the 2009 Act. An Order under the 2000 Act will give the public a right of access (with a few exceptions) to the route, all land to the seaward of the route and any of the classic coastal land types (including cliffs and dunes) and land to the landward of the route up to a suitable boundary (such as a fence) or other physical feature. The right of access will then come into force for a section of the long-distance route following an Order by the Secretary of State. It is currently planned that the establishment of the coastal route throughout England will be completed after 10 years.
91. Natural England will work closely with the NPAs which have a coastal frontage³⁸ to their areas in achieving much of the detailed proposals for the coastal access margin. Natural England will consult an Authority before it prepares a coastal access report which proposes the line of the long-distance route and other access land. An Authority may make representations to Natural England about the final coastal access report which will include proposals for any restrictions or exclusions of access which will be forwarded in full to the Secretary of State.
92. Once the route has been approved by the Secretary of State for a section of the coast, any necessary work to create new or improved means of access will be undertaken by or on behalf of the Authority, but funded by Natural England.

7.11 Ensuring an Effective Rights of Way Network

93. Comprehensive guidance on public rights of way is available in Defra’s rights of way Circular 1/09³⁹. NPAs and relevant highway authorities should look positively upon their relationship and work closely together in preparing countryside access strategies and rights of way improvement plans. They may enter into agency agreements to delegate rights of way work to the National Park Authorities. These agreements, appropriately resourced, will enable National Park Authorities to maintain, improve and promote footpaths, bridleways, byways open to all traffic and restricted byways to quality standards that reflect National Park status and levels of public use.

³⁸ Lake District, North York Moors, The Broads, New Forest, South Downs and Exmoor

³⁹ Rights of way Circular 1/09 can be found at: <http://www.Defra.gov.uk/rural/documents/countryside/prow/rowcircular1-09.pdf>

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94. The Authorities may collaborate with their local highway authority over the Rights of Way Improvement Plan. Statutory guidance to local authorities in England on preparing, publishing, assessing and reviewing Rights of Way Improvement Plans was issued on 29 November 2002⁴⁰.
95. Between 2005 and 2010 Rights of Way Improvement Plans and Local Transport Plans are gradually being integrated⁴¹. This will help to deliver a more streamlined and integrated approach to sustainable transport in rural and urban areas. It should also open up further opportunities for funding rights of way improvements where the two plans share common aims.

7.12 Major Developments

96. Major development in a National Park can have a significant impact on the qualities for which they were designated. Government planning policy towards the National Parks and The Broads is set out in Planning Policy Statement 7: Sustainable Development in Rural Areas which states that major development should not take place in these areas save in exceptional circumstances. The policy is restated in Minerals Policy Statement 1: Planning and Minerals. Applications for all major developments should be subject to the most rigorous examination and proposals should be demonstrated to be in the public interest before being allowed to proceed. Paragraphs 14 and 22 respectively of Minerals Policy Statement 1 and Planning Policy Statement 7 set out criteria for the assessment of such applications.

7.13 Mineral Working in National Parks

97. Current Government guidance on mineral working in National Parks and The Broads is set out in Minerals Policy Statement 1: Planning and Minerals (MPS1). MPS1 emphasises the protection given to internationally and nationally designated areas and sites of landscape, heritage and nature conservation importance. It also requires Authorities to identify 'Minerals Safeguarding Areas'⁴² However, it is recognised that the Parks are a vital source of some of the minerals that society and the economy needs and that continuing access to certain building stone is required to sustain the character of the local built heritage. It is important therefore that the need for minerals and the impacts of extraction and processing on people and the environment are managed in an integrated way. MPS1 advises that major mineral development should not be permitted in the Parks except in exceptional circumstances, and that applications for such development should be subject to the most rigorous examination and be demonstrated to be in the public interest before being allowed to proceed.

7.14 Old Minerals Permissions

98. In recent years, Government has responded to concerns over the environmental effects of operating old mining and mineral permissions in Parks. The Planning and Compensation Act 1991⁴³ covers the review of old mining planning permissions issued between 1943 and 1948 whilst the 1995 Act (Schedules 13 and 14) covers the initial and periodic (every 15

40 The guidance can be found at: <http://www.Defra.gov.uk/rural/documents/countryside/prow/rowip.pdf>

41 Further guidance on integration can be found at: www.naturalengland.gov.uk/ourwork/enjoying/places/rightsofway/default.aspx

42 see section 13 of MPS 1 and 'A guide to mineral safeguarding in England, Defra/MIRO, October 2007.

43 Planning and Compensation Act 1991 (c.34)

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years) review of old mineral planning permissions issued between 1948 and 1982. Both Acts require schemes of modern working conditions to be submitted for approval. The submitted schemes were deemed approved if the relevant Mineral Planning Authority had not determined the submission within three months of receipt. Further guidance is contained in Minerals Planning Guidance Note 8: Planning Compensation Act 1991: Interim Development Order Permissions (IDOS) – Statutory Provisions and Procedures, Mineral Planning Guidance Note 9: Planning and Compensation Act 1991: Interim Development Order Permissions (IDOS) – Conditions, and Minerals Planning Guidance Note 14: Environment Act 1995: Review of Mineral Planning Permissions.

99. Until recently it was not possible to complete the review process in respect of certain mineral sites in the Parks because the provisions of the Town and Country Planning (Environmental Impact Assessment) (England And Wales) Regulations 1999 (S.I. 1999/293) did not apply to them. The reviews of these sites therefore became 'stalled' as it was not possible to obtain the necessary environmental information to reach proper determinations. To address the problem of 'stalled' reviews, on 22 July 2008 The Town and Country Planning (Environmental Impact Assessment) (Mineral Permissions and Amendment) (England) Regulations 2008 (S.I 2008/1556) came into effect to apply the provisions of the 1999 Regulations to them.

7.15 Contribution to Rural Economies

100. The communities of our Parks are an absolutely critical ingredient to the sustainability of the Parks themselves. The Parks have not been designated as wilderness parks; their communities are a fundamental part of their character. NPAs must actively ensure they give sufficient weight to socio-economic interests in order to fulfil their duties appropriately to sustain strong communities.
101. The Authorities have key statutory responsibilities in geographic areas with some of England's lowest wages and low levels of economic productivity. This is predominantly a feature of the majority of the Parks being upland areas, which are often dependent on traditional sectors with low productivity, low wages and which offer declining levels of employment. It is critical that all strategies developed for such areas are fully informed by their local economic circumstances and that planning and economic development strategies foster improvement in productivity and incomes, through appropriate policy and intervention. Relevant data can be sourced from Regional Observatories and Defra's own Rural Evidence Base.
102. The National Park socio-economic duty has been given added weight and momentum by the Taylor report and Rural Advocate's report on the economic potential of rural England. Both these reports point to the need to accommodate growth and development in all rural areas at appropriate scale and form. This should not be interpreted as meaning that development cannot be accommodated; rather, it means that additional and concerted efforts are required to ensure communities, planners and businesses have clear, consistent advice regarding the acceptable forms development might take, so that Park communities are places where people can live and work, by maintaining sustainable livelihoods.

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103. Authorities need to think carefully about if and how they might use their own resources to this end. Whilst the likely scale of any available funds would be relatively insignificant if used for mainstream support; use of small amounts of seed corn funding for catalytic support can be effective. Overall however, National Park Authorities should be clear that socio-economic development is primarily *fostered* through:
- an appropriate planning regime;
 - private investment (primarily from companies and individuals already established in the area);
 - appropriate support and advice (for instance through Business Link); and
 - funds from other public sources (particularly, from RDAs, HCA and Health & Local Authorities).
104. Authorities therefore need to consider carefully how best to act proactively to support appropriate development and seek to foster economic activity which will strengthen the sustainability of the Park's communities and businesses. In addition to the provision of support for commercial and business development, the critical link with housing provision – particularly affordable housing – needs to be recognised (see paragraphs 113-116).

7.16 Health and wellbeing

105. In the 1930's the first government National Parks Committee identified the benefit of creating national parks in England to improve the health of the nation by encouraging more healthy lifestyles for the physical health of the nation's citizens. This need for the national parks to be the lungs of the nation led in the 1940's to legislation to create several National Parks. This was a solution for an industrialised and largely urban society. In the 21st Century we have become far more urbanised and also post-industrial. Today Parks are even more relevant to the health of this and future generations.
106. The Parks are accessible to many people in the country and provide inspirational places for children to learn about practical and healthy lifestyles. These areas are some of the last remaining tranquil areas where peace of mind can be achieved in an increasingly busy society. Government expects the Authorities and health and welfare providers to work in partnership to provide strategic solutions and local services to foster the physical and mental health of the nation.

7.17 Making tourism sustainable

107. The pursuit of sustainable tourism is a critical objective for the Authorities as a key contributor to the local economy and as a prerequisite for the successful promotion of the wider enjoyment of the Parks without compromising their special qualities. The Authorities should help realise the positive contribution that sustainable tourism can make to the environment of the Parks and to the wellbeing of Park communities. They should develop strategies with regional and local agencies and associations which fully reflect the 2004 Principles for Sustainable Tourism in National Parks and AONBs. They should also take account of the six key challenges for sustainable tourism published by the Government in March 2009 (*Sustainable Tourism in England: A framework for action*. DCMS March 2009). The tourism industry should recognise its responsibilities in respect of the conservation and special qualities of the Parks, and work with the Authorities in the delivery of sustainable tourism objectives.

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108. Promotion of sustainable tourism is not itself a specific purpose or duty of the Authorities, however, sustainable tourism contributes to Parks' purposes, particularly that of promoting opportunities for the understanding and enjoyment of the special qualities of Parks by the public. And since tourism is often one of the main economic drivers of rural economies, it also contributes to the duty on NPAs to seek to foster the economic and social well being of local communities.
109. Sustainable tourism, as defined by The European Charter for Sustainable Tourism, is: "any form of development, management or tourist activity which ensures the long term protection and preservation of natural, cultural and social resources and contributes in a positive and equitable manner to the economic development and well-being of individuals living, working or staying in protected areas." In order to meet this definition, all tourism related travel to and within the Parks must be sustainable. There are some 75 million visits every year to the Parks. Inappropriate tourism development or poorly managed visitor pressure can be damaging, while properly managed tourism can bring a range of benefits and help sustain communities, environments and ways of life.

7.18 Affordable Housing

110. The lack of affordable housing in many rural areas, including the Parks, has important implications for the sustainability of the Parks and their communities. This can have a detrimental effect on the local economy and undermine the social networks that are key components of sustainable rural communities. The Authorities have a key role as planning authorities but are neither housing authorities nor housing providers.
111. The desirability of the Parks as places to live is one outcome of their successful long-term conservation and promotion. Demand for housing in the Parks has consistently driven up the price of housing and development sites. Combined with relatively low wages in the local economy, a declining stock of council housing and only modest additions of new affordable units over the last 20 years, the consequence is that much of the stock is now well beyond the reach of local households. This can affect the social and economic diversity of rural communities and may, in some circumstances, undermine social support networks and the viability of rural businesses, which are key components of sustainable rural communities.
112. The Authorities have an important role to play as planning authorities in the delivery of affordable housing. Through their Local Development Frameworks they should include policies that pro-actively respond to local housing needs. Regional Spatial Strategies recognise that the Parks are not suitable locations for unrestricted housing and do not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable requirements or other internal social and economic needs.
113. Government expects the Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met and that affordable housing remains affordable in the longer term.

7.19 Communications infrastructure

114. For the Parks to be a viable place for businesses and for communities to thrive, the communications infrastructure needs to be fit for purpose. The Digital Britain White Paper outlined the Government's priorities for the current and future communications

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infrastructure of the UK. The Paper put forward plans for a Universal Service Commitment for a broadband connection of at least 2Mbps in virtually every community by 2012, as well as proposals for a Next Generation Fund. The Fund will help incentivise the market to deliver Next Generation Access, or super-fast broadband, to areas of the country that the market would not otherwise deliver to. The Paper also put forward plans for the spectrum modernisation plan, which will improve and future-proof the mobile communications infrastructure across the UK.

115. The restrictions on the deployment of infrastructure imposed on the Parks by the Electronic Communications Code⁴⁴ and Planning Policy Guidance Note 8 will mean that there is a more measured approach to the implementation of these policies in the Parks, but the Government, in conjunction with Ofcom, is committed to working with operators to ensure the best possible outcome within these constraints. As part of this, the Government and Ofcom will encourage early consultation on the part of the operators with the Authorities on proposals that might affect a Park.

7.20 Sustainable transport

116. There should be close liaison with the Authorities as local transport authorities develop Local Transport Plans (LTPs) and the accessibility and transport dimension to the Regional Strategy. Guidance on Local Transport Plans states that local authorities responsible for transport in the Parks will want to consider how their LTP relates to National Park Management Plans.
117. In common with other key stakeholders, the Authorities should be involved in shaping the development of regional transport policies. The Authorities should also consider the role that they might take in supporting an increase in sustainable travel and gaining the full range of benefits from interventions both within and around the Parks. The Authorities, the Highways Agency and local authorities are encouraged to build on the already good record of integrated and sustainable transport measures in the Parks.
118. Accident rates for road users in rural areas are relatively high in relation to urban areas, so safety on rural roads, including those in the Parks, is a key issue. Reasons include the nature of rural roads and excessive speeding. Road transport authorities should design essential road improvements in such a way as not to increase unnecessarily the capacity or speed of the road. 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. Authorities should be consulted early in development of proposals.
119. A hierarchy of roads would form a basis for planning road improvements in a comprehensive way, for traffic management schemes, and for measures such as advisory route signing, designed to discourage certain types of vehicle from using certain roads. The hierarchy would need to reflect not only expert knowledge on highway and traffic matters but also that of the Authority as to the 'character' of the roads in terms of the natural features and recreational aspects of the Park.

44 <http://www.opsi.gov.uk/si/si2003/20032553.htm>

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120. When assessing traffic needs within the Parks, restraint should be exercised in considering improvements to accommodate visitor traffic and improvements to roads leading to or within 'remote' areas should be limited to those essential for local traffic. Authorities should be closely involved in road and traffic management schemes in the Parks. For example, the highway authority should consult the Authority at an early stage in any proposed programme. The Department of Transport has adopted these procedures in relation to alterations or improvements to trunk roads in the Parks.
121. Improvement of main routes through the Parks is governed largely by considerations outside those relating to the Park area itself. Investment in trunk roads should be directed to developing routes for long distance traffic which avoid the Parks. The geographical location of some Parks may, of course, make this policy challenging to apply. Where there is a compelling need for new or expanded infrastructure, this should normally not go ahead unless it is clear that the net benefits clearly override the environmental disbenefits; and all possible alternatives have been considered such as public transport, car sharing schemes or new or improved walking and cycling routes and have been shown to be unavailable. Even then all practicable measures for mitigating impacts on the natural beauty and special qualities of the surrounding landscape should be put in place.
122. Central Government approval must be sought for all transport projects which are expected to cost in excess of £5 million and for which additional funding is sought. The statutory environment bodies such as the Environment Agency and English Heritage must be consulted about such proposals as they are developed and before the interventions are brought to Central Government. There is a statutory duty to consult Natural England when an environmental statement is required for a highway development within a Park. The Authorities should be consulted at the earliest stage and, if they have concerns about proposals, should make sure that the relevant Government Office for the Regions and the Department for Transport are aware of their concerns at the earliest opportunity.
123. Although there are no major airports situated within the Parks, some air traffic will pass over them. Current Government guidance⁴⁵ on environmental objectives to the Civil Aviation Authority (CAA) requires the CAA to pursue policies that will help to preserve tranquillity where this does not increase significantly the environmental burdens on congested areas. While the Parks are afforded certain statutory protection, this does not extend to precluding over-flight by aircraft. In practice it would be impractical to prevent widespread over-flying of the Parks without affecting reasonable levels of access to airports.
124. In July 2009 the House of Commons Transport Committee published a report⁴⁶ on the use of Air Space and made a number of recommendations relating to aviation activity over National Parks and Areas of Outstanding Natural Beauty. The Government's response to these recommendations was published by the Transport Committee on 26 October and this includes an acceptance that the guidance needs to be updated although there is a need first to consider what impact ongoing work towards a new general environmental objective for CAA would have on its content.

⁴⁵ <http://www.dft.gov.uk/pgr/aviation/environmentalissues/ancetothecivilaviationau2879.pdf>

⁴⁶ <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmtran/163/163.pdf>

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7.21 Navigation

125. Inland waterways offer visitors a unique perspective on a number of our Parks, both through boating on the waterways themselves or by walking or cycling along the associated footpaths. For the Broads and the Lake District waterborne recreation is an important part of the enjoyment of the Park.
126. In the same way as rights of way, navigations offer important and valued opportunities for people to understand and enjoy the Parks. They are both a significant part of our cultural heritage, particularly the Broads, and a major recreational and transport resource. They enable people to get away from roads used mainly by motor vehicles and enjoy the special qualities of large parts of the countryside to which they would not otherwise have access. Navigations can provide for various forms of sustainable transport, either through use of unpowered craft (sailing and canoes) or with innovative craft such as solar powered vessels. They can play a significant part in reducing traffic congestion and harmful emissions in local honey pot areas, and provide safe, healthy access to the Parks.
127. Navigations help to boost tourism and contribute to economies in both rural and urban areas. They are important in the daily lives of many people who use them for fresh air and exercise on bicycle or on foot, to walk the dog, to improve their fitness, to get away from the hustle and bustle and stimulate their mental wellbeing or to visit local shops and other facilities. Local Authorities should regard navigations as an integral part of the complex of recreational and transport facilities within their area.
128. The Authorities and relevant local authorities should look positively upon their relationship and work closely together in preparing sustainable transport plans which recognise the possibilities for waterborne transport as an alternative to more traditional modes.
129. A number of other Parks are also traversed by inland waterways that are suitable for navigation. These rivers and canals are controlled by a wide range of navigation authorities including British Waterways, the UK's largest navigation authority.
130. There is scope for the Authorities to work with statutory partners such as the Environment Agency and Natural England in ensuring the management of waterways for their continued use and enjoyment, and the Government expects that opportunities for the promotion of sustainable boating would be facilitated and demonstrated by the Parks
131. Government policy for inland waterways will be set out in the forthcoming Waterways for Everyone which will emphasise the huge public benefits provided beyond just boating in terms of the economy, access and health.

7.22 Defence use of Parks

132. Parts of some of the Parks have a long tradition of defence use which pre-dates their designation of the Parks. Whilst access restrictions, noise and visual intrusion of military range infrastructure may detract from the Parks purposes, defence use of the Parks makes a major contribution to the country's defence capability. It provides essential facilities which could not be readily provided elsewhere. For these reasons, the Parks will continue to be an essential training resource for the foreseeable future. Moreover, such use often makes an important contribution to the economic and social well-being of local communities in and around the Parks.

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133. Following regulations made in 2006, the Ministry of Defence became subject to the general planning regime, including statutory plans, planning policies, development control and the regulations on Environmental Impact Assessment. However, any new, renewed or intensified use of land in the Parks for defence purposes should be subject to formal consultation with the Authorities and Natural England. Such proposals should, as far as possible, take account of, and seek opportunities to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park and, where appropriate, better enable public access. Where proposals are not subject to the statutory planning regime the Ministry of Defence will undertake a non-statutory sustainability appraisal and further assessments as necessary. Any conflict between defence use and Park purposes is best resolved through timely co-operation between the Ministry of Defence and the National Park Authorities. The Ministry of Defence will continue to give a high priority to conservation, public access and wider issues of sustainability.

7.23 State of the Parks report

134. An essential part of the process of review of a Park Management Plan is an assessment of how the Park has changed over the previous period. The Authorities are expected to lead by compiling the State of the Park report which should include information about the current state of the Park and on issues affecting:
- the special qualities of the Park and factors that have direct implications for the special qualities, such as the health of the natural resources of air, biodiversity, soil and water;
 - how these special qualities are enjoyed and by whom;
 - the economic and social well-being of National Park communities insofar as this is connected to the Authority pursuing National Park purposes.
135. Many of the relevant data sets and other information will be held by partner organisations. Under the section 11A of 17A duty, there should be a clear understanding amongst partners that data relevant to Parks should be capable of being collected, analysed and updated by Park area.

7.24 Partnership working

136. Co-ordination between public agencies, not-for-profit and voluntary organisations and the private sector is essential to planning towards and achieving Park purposes and helping the public to enjoy the Parks. More formal partnerships and strategic alliances can also provide a way of achieving aims for the Parks and improvements in service delivery by the Authorities. But effective partnerships need to focus; their purpose and benefits in achieving objectives for the Park must be clear. There should be an action plan with associated monitoring and review, and governance needs to be transparent; providing leadership, managing risk, building trust, reviewing representation, establishing exit strategies and clarifying relationships with other partnerships.

137. The Authorities have developed significantly since they were established as independent bodies in 1996 and 1998 and their effective governance is regarded by the Government as of high importance. It is vital that the Authorities are well led and are accountable to both local and wider communities for their policies and performance. The Authorities need to adopt governance arrangements that reflect both best practice amongst public authorities and also the particular circumstances which they face. There should be a clear distinction, but also close and effective working, between the officers and the members of the Authority. This should include a clear, shared understanding of the distinctive role that members and the executive play and efficient, proportionate and accountable governance structures. There should be clarity over schemes of delegation and generally, members should devote their time to setting and monitoring performance against policies and strategies; decisions of major significance to the Parks; and representing the Authority in the community and with partner bodies.

8.1 Membership

138. The membership arrangements set out in the National Park Authorities (England) Order 1996 (SI 1996 No.1243), made by the Secretary of State under Section 63 of the 1995 Act, have been amended by the National Park Authorities (England) Order 2006 (SI 2006 No. 3165). New Forest membership continues to be provided for by the New Forest National Park Authority (Establishment) Order 2005 (S.I 2005 No 421) The National Park Authorities (Amendment) (England) Order 2009 (SI 2009 No.557) made amendments to the membership of the Northumberland National Park Authority consequent upon unitary local government changes.
139. As a result, the Peak District National Park Authority has 30 members; and all the other NPAs have 22 members.
140. Paragraph 1 of Schedule 7 to the 1995 Act makes provision about the composition of NPAs, and was amended by the 2006 Act to allow the Secretary of State greater freedom, after consulting the local authorities, in setting the membership balance and total membership for individual NPAs. This does not remove the right of each local authority with land in the National Park to appoint at least one member if it chooses.
141. Before making an order to vary the membership of a National Park authority, the Secretary of State is required to consult the principal local authorities about their individual representation on the Authority, and on the overall number of local authority members. The Secretary of State believes that the membership numbers of each National Park authority should be kept as small as possible consistent with effectiveness. Paragraph 2(3) of Schedule 7 to the 1995 Act makes provision for the Secretary of State to exclude a council from membership of the National Park authority only at the request of that council. Mid Devon District Council has been so excluded in respect of Dartmoor.
142. For the Broads Authority, membership is governed by the 1988 Act, as amended by the 1988 Act (Alteration of Constitution of the Broads Authority) Order 2005 (S.I. 2005/1067). It has 21 members which includes two members appointed from the Navigation Committee. In the last round of appointments the Authority followed an open recruitment process including a maximum service of ten years.

8. Governance

8.2 The Role of Authority Members

143. All Authority members, no matter how they are appointed, have a primary responsibility to seek to ensure that the Authority furthers the statutory Park purposes, as set out in the respective Acts. In doing so, they should remember their wider duties such as the socio-economic duty for NPAs and those under section 2(4) of the 1988 Act for the Broads Authority. They should regard themselves first and foremost as members of the Authority, with a duty to act in the best interests of the Authority and of the Park, rather than as representatives of any interest group. Of course, all members will bring different perspectives to their work on the Authority, and ensuring that there is a diverse range of knowledge and outlook is the main reason for having the different types of appointments. Where any member has special knowledge of the views or needs of local people, it is important that they draw attention to those matters when relevant decisions are being taken. However, all members should also acknowledge a corporate responsibility, as part of the Authority, to explain its purposes, procedures and policies. Each Authority should agree the mechanisms by which its members are to speak for it, both locally, regionally and nationally.
144. Authorities should value diversity amongst those who play a role in governance and should strive to ensure that no sector of society is excluded from playing a role as members of an Authority and amongst officers of those Authorities. Employment policies should be consistent with equal opportunities and Authorities should strive to achieve progress on the Equality Standard for Local Government. Defra and the Authorities have jointly drawn up model job descriptions for the members and Chairs of Authorities. Individual Authorities may choose to add to this job description, so long as any additions are consonant with the spirit of the model, and this may help to develop local ownership of the job description, which applies to all members, and will provide guidance for the individuals occupying these positions.

8.3 Local authority appointments

145. Paragraph 2 of Schedule 7 to the 1995 Act and section 1(4) of the 1988 Act require local authority appointees to be serving councillors of their appointing local authority. The 1995 Act also requires local authorities to have regard to the desirability of appointing members who have divisions or wards situated wholly or partly within the relevant National Park (s.2(4)).

8.4 Appointments by the Secretary of State

146. The 'national' members are chosen through an open recruitment exercise run under the oversight of Commissioner for Public Appointments (The Commissioner's guidance on handling public appointments is at http://www.publicappointmentscommissioner.org/Code_of_Practice/). The Secretary of State will take steps to encourage all those with an interest in the Parks to make nominations for appointments to the Authorities. The Secretary of State is required to consult Natural England before making National Park authority appointments (para 4 (1) of Schedule 7 to the 1995 Act), and various interests before making appointments to the Broads Authority (s.1(5) of the 1988 Act). In making appointments the Secretary of State will continue to take account of the purposes for which the Parks have been designated.

147. In selecting persons suitable for appointment as a 'national' member, the Secretary of State will look for a capacity to appreciate and present a national perspective in discussions within the Authority and for experience, preferably in a combination of fields, with direct relevance to the character of the particular Park and to the responsibilities of the Authority. Members are selected for their personal abilities and experience and not as representatives of specific groups or organisations. In some cases preference will be given to those who have a particular expertise which an individual Authority may be lacking.
148. The 2006 Act amended paragraph 4 of Schedule 7 to the 1995 Act, which now enables the Secretary of State to appoint members for between one and four years at a time. Members are eligible for reappointment for up to a maximum of 10 years in total.
149. The Secretary of State does not propose to appoint as a Secretary of State member anyone who is a serving councillor of a local authority appointing members to the Authority.

8.5 Parish members (National Parks only)

150. Paragraph 3 (2) of Schedule 7 to the Environment Act 1995 requires parish members to be either a member of a parish council, or chair of a parish meeting, for a parish with land in the National Park. The choice of parish members is made by the parishes themselves and there is no prescribed procedure – local arrangements have been made in each National Park to enable an electoral process to take place.
151. Parish members are formally appointed to the National Park authority by the Secretary of State. Parish members serve for as long as they are a member of the parish council, or chair of the parish meeting, from which they were appointed – ordinarily this means they will serve for the four years until the next parish elections (or for one year in the case of chairs of parish meetings), after which (if they are re-elected as parish / town councillor / chair of parish meeting) they may be re-appointed to the National Park authority. There is no limit to the number of re-appointments provided only that they remain a parish councillor / chair of a parish meeting.
152. The appointment of parish members helps to ensure that local people have full involvement in the running of the National Park. Parish members are appointed to represent the wider National Park view and not just their own parish or group of parishes. The Secretary of State looks to parish councils in each National Park to continue to maintain the local mechanisms for selecting candidates whom he can appoint to the National Park authority. If a situation ever arose in which local agreement could not be reached, the Secretary of State would select candidates from amongst the local parish council nominees. The Secretary of State does not propose to appoint as a parish member anyone who is a serving councillor of a county or district council appointing members to the National Park authority.

8.6 Member performance

153. Government believes that it is important to monitor and assess the performance of members and the contribution they make to the work of an Authority and the achievement of Park purposes. The Chairs of Authorities will continue to be asked to comment to the Secretary of State each year on the performance of 'national' members, and the Secretary of State expects each Authority to have an appropriate system in place for assessing and developing the talents of their members.

8. Governance

8.7 Standards – Conduct of Members

154. Section 49 of the Local Government Act 2000⁴⁷, as amended by the Local Government and Public Improvement in Health Act 2007, gives the Secretary of State power, by Order, to specify the principles that govern the conduct of members and co-opted members of 'relevant authorities' in England. For these purposes the Authorities are relevant authorities and they are required to adopt a local code which must contain the mandatory provisions of the applicable model code set out in the Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159). All Authority members are required to follow the code and to give a written undertaking that in performing their duties they will observe the Authority's code of conduct. Any member who fails to do so will be excluded from membership of the Authority.

8.8 Standards Committees

155. Section 53 of the Local Government Act 2000 requires an Authority to establish a standards committee to discharge the following functions (as set out in section 54):

- To promote and maintain high standards of conduct by members and co-opted members
- To assist members and co-opted members of the Authority to observe the Authority's code of conduct
- To advise the Authority on the adoption or revision of a code of conduct
- To monitor the operation of the Authority's code of conduct
- To advise, train or arrange to train members and co-opted members on matters relating to the Authority's code of conduct
- To carry out the initial assessment of complaints about breach of members code of conduct, ordering investigations where appropriate, and in many cases determining the complaint and imposing a sanction if a member is found to have breached the code.

156. Standards Committees can also be given a wider role, and there is a benefit to be had from involving the Committee more generally in upholding ethical governance within the Authority.

8.9 Performance Assessment

157. During 2005, the seven National Park Authorities in England and the Broads Authority undertook a comprehensive assessment of their performance using a process developed in consultation with the Audit Commission, DEFRA and the Office of the Deputy Prime Minister. The process was welcomed by the Authorities and provided evidence that they are performing well. As well as identifying aspects of their activities that NPAs could improve, the performance assessments provided opportunities to share best practice and have provided a baseline for future assessments of performance.

158. Each Authority has responded positively to their respective assessment and has put in place a programme for improvement. The Government supports the approach to performance assessment and wishes to see a periodic assessment of each Authority at least every five years retaining an element of peer review and external challenge. An approach for the next round of assessments will begin (on a rolling basis) in 2010.

⁴⁷ Local Government Act 2000 (c.22)

8.10 Annual reports

159. Section 230 of the Local Government Act 1972 provides that the Authorities are to provide such reports, returns, and information in respect of their functions, as the Secretary of State or Parliament may require.

8.11 Natural England's role in the governance of National Park Authorities

160. The 2006 Act retained a residual role for Natural England, in both setting a national framework for protected areas policy and advising Government on some aspects of the governance and performance of NPAs. In particular, Natural England has to be consulted before the Secretary of State pays grants to NPAs or appoints 'national' members and NPAs must consult Natural England before appointing a National Park Officer. Government expects Natural England to adopt an approach in exercising its responsibilities for NPAs, that influences the strategies and policies without excessive bureaucracy and day to day interference.
161. Generally, Natural England will advise Government on strategy, high level governance issues and work together with NPAs on the evidence base and advocacy of policies relating to the work of NPAs. In advising Government on National Park authority appointments, budgets, strategy and other issues it will work with other statutory advisory agencies relevant to the work of National Park Authorities such as English Heritage and the Environment Agency in framing its advice.

9. Delivering in partnership

162. The Authorities have achieved a great deal to fully engage with the wide range of interests which can be affected by their decisions. This includes people who live and work in the Parks, people whose living is derived from the Parks, and those who visit them.
163. NPAs will be expected to work closely with Natural England, which has statutory responsibilities in respect of National Park designation and boundary variation procedures and in advising the Secretary of State on National Park authority financial and membership matters through the 2006 Act. They are also expected to continue to draw on the knowledge and expertise associated with the statutory responsibilities of other national agencies: in particular, English Heritage; the Environment Agency, the Forestry Commission, and appropriate commercial bodies and non-governmental organisations.
164. It is especially important that NPAs work closely with local authorities within whose boundaries their Parks lie and the Government is pleased that NPAs have been effective in developing co-operation which fosters the health and vitality of local communities whilst respecting the special qualities of the Parks.

9.1 Natural England

165. The 2006 Act created a new agency, Natural England, whose general purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England's purpose fits very closely with Park purposes and the Authorities will be important delivery partners, working closely with Natural England and other Government agencies.
166. The Authorities have much to offer in terms of their own expertise, their well-proven abilities to act in partnership and to address local priorities. Natural England will bring together responsibilities for landscape, biodiversity and recreation – all areas in which the Authorities are highly experienced and where they will play a key role in joined-up delivery and helping to provide first stop shops for customers. The Environment Agency, the Forestry Commission and English Heritage will also work very closely in this new relationship.
167. The creation of Natural England thus offers an opportunity to reinvigorate policy delivery. This will be a two way relationship with the Authorities helping to deliver Natural England's objectives and Natural England contributing to the achievement of Park purposes.
168. The Authorities will also be encouraged to continue to benefit from sharing their expertise with the organisations managing other designated landscapes – especially the National Parks elsewhere in the UK and the Areas of Outstanding Natural Beauty in England.

9.2 Forestry Commission

169. The Forestry Commission is a significant land owner and manager within the Parks with a long history of close cooperation with the Authorities in the management of its exceptional Estate. Forestry policy is determined within DEFRA within its Strategy for England's Forests, Woods and Trees (2006 refresh of the previous England Forestry Strategy). The Authorities and the Forestry Commission should maintain close local arrangements for strategic integration of the Commission's operational Estate management within the wider Park area, and for the joint delivery of Government policy for all forests, trees and woodlands within Parks through the Strategy.

9.3 English Heritage

170. English Heritage is the Government's adviser on the historic environment, with a statutory duty to conserve the historic places and to promote public understanding and enjoyment of the heritage, which fits well with Park purposes. English Heritage receives grant in aid from the Department for Culture Media and Sport (DCMS), which has overall responsibility for heritage policy in England, but to acknowledge the heritage responsibilities of DEFRA and CLG, English Heritage's funding agreement is signed by all three Departments. English Heritage distributes some grant funding from DEFRA through the Aggregates Sustainability Levy Fund, some of which has benefited the Parks. DCMS, English Heritage, Natural England and the Authorities will work together closely to ensure that conservation of the Parks' outstanding cultural heritage is secured for future generations. English Heritage has had a joint Statement of Working with the Parks since 1995.
171. The Parks have a statutory purpose to conserve their cultural heritage and English Heritage, along with all other public bodies, has a statutory duty to have regard to Park purposes. This is combined with the Parks' role in sustainable tourism and broadening countryside access. The Parks are important stakeholders as guardians of cultural heritage and the rural historic environment, with 4,200 Scheduled Monuments, over 11,200 listed buildings and 30 registered landscapes.
172. All the Parks have specialist historic environment staff (Conservation Officers and Archaeologists) and support, or have access, to Historic Environment Records. Because the Parks have not seen the intensified farming and economic development of other parts of the countryside, they have a particularly well preserved vernacular building heritage and archaeology. In some Parks, e.g. the Yorkshire Dales, with its landscapes of field barns and walls, the built heritage is a dominant landscape characteristic. The Peak District National Park Authority was awarded a newly created 'Heritage at Risk' award in 2008 by English Heritage, for positive action to conserve its important scheduled monuments, in competition with 400 other authorities and the other Parks.

9.4 Environment Agency

173. Water quality and water management issues are important in all the Parks and climate change will make them all the more critical in the future. NPAs should work closely with the Environment Agency in the delivery of targets for the Water Framework Directive and in tackling point source and diffuse pollution of water courses, lakes and rivers. This will require the Park Authorities to look to influence land management practices throughout their catchments and they will at times need to work beyond their boundaries to deliver improved water quality within the park.

9.5 The National Trust

174. The National Trust owns significant properties and land holdings within all of the Parks, and shares with the Authorities common cultural, environmental, economic and recreational strategic aims and objectives. The National Trust and the Authorities should work closely together to extend their influence in environmental issues and affairs, and to integrate their management operations to maximum advantage in achieving Park purposes.

Annex – ENPAA’s draft long vision for the English National Parks

a) Community Engagement – by 2050:

National Parks will be one of the prime ways in which everyone can discover England’s natural and historic environments and be inspired by them.

The Parks will be held up by everyone as one of the best features of England, a source of pride. Resident communities will be keenly aware of the special value of their own locality. They will take an active role in decision making which will help deliver this vision for National Parks.

Our visitor communities will be able to learn about what makes the Parks special, and make that personal connection to these great places.

b) Health, well-being and enjoyment – by 2050:

All young people living in England will have the opportunity to enjoy an experience of a National Park at first hand. This will help with their emotional development, their confidence in facing challenges, and their ability to assess and take risks.

The Parks will play a role in changing people’s behaviour, helping them adopt healthier lifestyles, find inspiration and engage with the spiritual side to their existence.

National Parks will be the country’s biggest venue for bringing together people from varied communities to experience the wonder of landscapes, wildlife and heritage, to share a range of different activities, and to form new relationships and networks.

c) Climate change – by 2050:

The wildlife and natural systems within the Parks will be managed in ways that creates resilience and allows adaptation. The Parks will also play a critical role in helping species to migrate in response to changing conditions.

The Parks’ special qualities may change as we adapt to a new climate and new ways of life, and where this is inevitable, Parks will be demonstrating successful adaptation strategies to seek to manage the transition for the landscape, for the economy, and for the individual.

The National Parks will be energy neutral. This will have been achieved through cutting energy use (as a result of changing life-styles and greater energy efficiency) and low impact renewable energy supplies, generated close to where it is used. Businesses in National Parks will be implementing appropriate climate change mitigation strategies, which will be seen elsewhere as models of good practice. The National Parks will be carefully managed to act as major carbon stores, and this role will be widely recognised.

National Parks will be delivering a key role in water resource management that sees them supporting water catchments to conserve water supply, provide for improved water quality, and reduce flood risk.

d) Natural environment and cultural heritage – by 2050:

National Parks will be characterised by their rich, distinctive and highly valued landscapes and cultural heritage. Their landscapes and historic environment will be conserved and enhanced to protect their cultural identity and aesthetic value, and to inspire creativity.

Annex – ENPAA’s draft long vision for the English National Parks

There will be much greater diversity and abundance of wildlife living within the Parks. Ecological networks will be well connected within parks and reach out to green spaces beyond their boundaries.

National Parks will continue to be large tracts of countryside and coast that are managed to provide tangible services to the nation including the protection of water resources and improved air quality.

e) Sustainable Development – by 2050:

‘Sustainable Development’ will be a visible reality within the National Parks. Other parts of England – especially rural areas – will see National Parks as models for the way they too might develop.

Careful management will have enabled the incorporation of new developments that are progressive in architectural design, take their inspiration from the Park landscape, whilst respecting distinctive character.

There will be a much better awareness of the links and interdependencies between urban and rural areas, and of the services and products provided by one to the other. Residents and visitors alike will be able to learn how their own consumption of natural resources can affect these special areas.

National Parks will be exemplars in demonstrating sustainable, low carbon, transport and travel in rural areas. This will have been achieved by reducing the need to travel and through provision of quality public transport and cycle infrastructure.

Decision making will be underpinned by sound and clear evidence. Environmental limits to development will be well understood and respected by decision makers and others, and will lead the way the Parks are looked after.

f) Community and economy – by 2050:

Thriving rural communities living within the National Parks will better reflect the diversity of English society as a whole with opportunities for young people, families and those of all ethnic backgrounds to benefit from and contribute to life in National Parks.

There will be a diverse mix of profitable small and medium scale organisations doing business within the National parks, alongside a thriving tourism and land-based economy. Economic activity, in harmony with the Parks’ special qualities, will be welcomed and encouraged.

Rural communities and businesses in National Parks will have good access to technology and other services so their specific needs are met.

Livestock farming continues to play a central role in conserving and enhancing the highly valued landscapes, wildlife, cultural heritage, natural resources, carbon sinks, opportunities for access and enjoyment, and other public benefits provided by England’s National Parks.

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