

Report to: **Strategic Planning Committee**

Date of Meeting: Tuesday 27 November 2018

Public Document: Yes

Exemption: None



Review date for release It is envisaged that the Government will offer further opportunity to comment on matters relating to designated landscapes.

Agenda item: **13**

Subject: **Glover Review of Designated Landscapes - Call for Evidence Response**

Purpose of report: This report advises that the Government has asked for an independent review of England's National Parks and Areas of Outstanding Natural Beauty (AONBs). This report sets out the Council's proposed response to the call for evidence. Committee are asked to endorse the response.

Recommendation: **Members to endorse the proposed response to the Glover Review of Designated Landscapes**

Reason for recommendation: To gain endorsement for the proposed response to the Glover Review of Designated Landscapes - Call for Evidence to ensure it accurately reflects the Committee's views.

Officer: Ed Freeman, Service Lead – Strategic Planning and Development Management

Financial implications: No specific financial implications at this stage

Legal implications: There are no legal implications other than as set out in the report

Equalities impact: Low Impact

Risk: Low Risk

As endorsement is sought for a response to an external consultation there is a low identified risk associated with this report.

Links to background information:

- Related previous Cttee report <http://eastdevon.gov.uk/media/1183869/cabinet-agenda-120613-public-version.pdf>.
- https://consult.defra.gov.uk/land-use/landscapes-review-call-for-evidence/supporting_documents/landscapesreviewevidencedocument.pdf

Link to Council Plan: The proposed response has particular links to the council priority of *“Developing an outstanding local environment”* it does though address wider issues than ‘just’ the environment.

1. Introduction

- 1.1 As part of the 25 year plan to improve the environment, the Government have commissioned a review into whether the protections for National Parks and AONBs are still fit for purpose. The review’s purpose is to ask what might be done better, what changes could assist these areas and whether definitions and systems - which in many cases date back to their original creation - are still sufficient. Weakening or undermining existing protections or geographic scope are not considered. Led by Julian Glover and supported by an experienced advisory team, the review started in June 2018 and will report in 2019.
- 1.2 The review will consider:
- the existing statutory purposes for National Parks and AONBs and how effectively they are being met
 - the alignment of these purposes with the goals set out in the 25-Year Environment Plan
 - the case for extension or creation of new designated areas
 - how to improve individual and collective governance of National Parks and AONBs, and how that governance interacts with other national assets
 - the financing of National Parks and AONBs
 - how to enhance the environment and biodiversity in existing designations
 - how to build on the existing eight-point plan for National Parks and to connect more people with the natural environment from all sections of society and improve health and wellbeing
 - how well National Parks and AONBs support communities
 - the process of designating National Parks and AONBs and extending boundary areas, with a view to improving and expediting the process
- 1.3 Members may recall that Cabinet considered a proposal for the establishment of a new East Devon and Dorset National Park back in 2013. A campaign group promoted the idea but were not known to EDDC and had not previously consulted this council.
- 1.4 AONBs are designated for the quality of their landscape and in landscape terms they enjoy the same highest tier of landscape importance as National Parks. A very significant consideration, however, is that National Park authorities are the planning authority for the designated park area; they produce policy documents and determine planning applications (this is their key statutory role). In National Parks the vast majority of local government functions are not, however, undertaken by the park authority, they are undertaken by the constituent district/city/borough council and/or county council that the park falls within. National Park authorities are made up of appointed members drawn from constituent local authorities and other representatives. In contrast AONBs typically have management boards but these boards are not the Planning Authority for their area, though they may give comment and advice on planning matters; in this respect AONBs function very differently from the National Park authorities.

- 1.5 AONB boards and the management teams they are responsible for undertake a considerable amount of partnership work conserving and enhancing the landscape and environments of the AONBs and promoting the public understanding and enjoyment of these areas. There are over 30 AONBs in England and also AONBs in Wales and Northern Ireland. Whilst both are of great scenic beauty a difference between AONBs and National Parks is that AONBs offer more limited opportunities for extensive outdoor recreation that is typified in the wide open spaces with public access found in many National Parks.

2. Evidence responses

- 2.1 The Government web site that sets out the consultation questions, and more supporting and explanatory text can be viewed at:
<https://consult.defra.gov.uk/land-use/landscapes-review-call-for-evidence/>
Responses are sought, by the 18th December 2018, through an on-line questionnaire. This report reproduces the questions in the questionnaire and provides a proposed response to each one. Subject to committee consideration (including any amendments) and endorsement the responses given will be submitted on-line. Initial questions (1 to 6) relate to details of the responding organisation, so the questions to be considered in this report commence at Question 7 (the consultation questions are in bold text and the proposed response by this council in normal (non-bold) text). The proposed answers are written in the context of East Devon as a District with two significant AONB's (plus a very small area of Dorset AONB) but no National Parks.

2.2 **Question 7. What do you think works overall about the present system of National Parks and AONBs in England? Add any points that apply specifically to only National Parks or AONBs.**

National Parks and AONBs provide significant scope, specifically through planning processes though also through wider powers, to afford opportunities for landscape and wider general environmental protection and enhancement. This is of significant importance and should remain so in the future. A perception (if not measurable consideration) is, however, that the 'protection' afforded in National Parks is greater than that in AONBs. This no doubt is related to the comparative remoteness, sparsity of population and rugged character that will frequently typify National Parks in comparison with AONBs. In the context of Devon it is notable, for example, that the upland moorland that forms much of Dartmoor National Park, is a very different landscape from the more settled, more intensively farmed and less rugged landscapes of the East Devon AONB and the Blackdown Hills AONB. With a higher population density (this is more so for the East Devon AONB rather than the Blackdown Hills AONB) the pressures for further development and demands on land are often greater in AONBs than National Parks and it can be more challenging to reconcile what can be competing planning and development demands.

Notwithstanding the challenges that are faced in planning and managing AONB's the current systems do work and local authorities, in undertaking their duties - specifically

as planning authorities, are effective authorities. It is notable that the present system affords AONB's a visibly greater degree of landscape protection than undesignated areas, particularly noticeable in terms of scope to promote and secure high quality new design and settlement containment and also through opportunities for funding and subsidies to support environmental quality, especially in respect of farming and the wider management of land.

It would be desirable to see AONBs having a higher public recognition as areas of landscape and environmental worth and importance, in this respect National Parks clearly have greater public recognition. We would actively support further efforts to highlight the value and importance of AONBs, with this needing to be wider than just their landscape significance. We would, for example, highlight the lack of recent evidence and understanding relating specifically to the economic benefits that AONB status can generate for an area.

2.3 Question 8. What do you think does not work overall about the system and might be changed? Add any points that apply specifically to National Parks or AONBs.

We would identify a specific concern that National Park authorities have greater powers in respect of landscape protection than planning authorities covering AONB areas. Specifically Section 85 of the Countryside and Rights of Way Act (Crow Act and specifically the duty of due regard) should be strengthened to give parity across protected landscapes. This would enable AONB teams and partnerships to direct positive change in the countryside through enhancement.

Consideration should be given to whether the policies and implementation strategies in the AONB Management Plans should be afforded statutory weight and, provided they are in conformity, potentially form part of the Local Development Plan. At the present time AONB Management Plans may be seen to have peripheral importance in some decision making; however if they are to be afforded greater weight and importance, specifically if done so as a product of legislative changes, then they may need to be more rigorously produced.

Because AONB teams act in an advisory rather than statutory role in respect of planning activities it can mean that the specialist skills that AONB teams can potentially offer may be overlooked and the importance of the designations is not afforded the prominence that is appropriate. We would welcome investigation into whether and how the work of AONB teams can be put on a stronger statutory footing.

We would highlight the potential for production of more guidance explaining how to interpret and apply weight to the AONB designation, particularly in light of other competing interests and variation between authorities (leading to inconsistency, particularly across AONB's which straddle local authority boundaries).

As a potential quirk of AONB (or national park) designation, however, in rural areas which have significant AONB coverage there can be considerable pressure placed on

limited 'undesigned' countryside areas. Uses which may be deemed unacceptable within the AONB, most specifically urbanisation and development, are likely to be concentrated in relatively small areas to the possible detriment of those areas and the wider landscape and possible AONB setting.

2.4 Question 9. What views do you have about the role National Parks and AONBs play in nature conservation and biodiversity?

On a very simple level we would advocate AONBs (designated areas and people with responsibility for or over them) taking a more specific and active role in respect of promoting nature conservation and biodiversity interests. We add more comment to the sub-question 9 a) below.

a) Could they do more to enhance our wildlife and support the recovery of our natural habitats?

The position with regard to AONB's is not as clear cut as for National Parks which are legally required to conserve and enhance wildlife. Wildlife considerations are not included in the primary purpose of AONB's or the 'natural beauty criterion' upon which they are designated. The AONB Management Plan is expected to cross-refer to existing plans, including biodiversity action plans, but their status is not prioritised over other plans.

In our experience the East Devon AONB and the Blackdown Hills AONB Management Plans do specifically promote the conservation of wildlife, for its own sake but also because wildlife plays a fundamental part in the management of the landscape and the economic benefits brought by tourism and recreation. But taking wildlife considerations into account is not a requirement in legislation. It is also highlighted that policy documents can seek certain outcomes but to be effective they need real powers and to be taken appropriately into account by decision makers.

If natural habitats are to fully recover, protection needs to be further reaching. At present 'natural heritage features' are considered to be a factor in considering 'natural beauty criterion' but this is too vague. Small, specific areas of habitat are designated as 'protected areas' e.g. as National Nature Reserves (NNR's), Special Areas of Conservation (SAC's), Special Protection Areas (SPA's) or Sites of Special Scientific Interest (SSSI's), which protects the best wildlife habitats. But this doesn't protect the wider environment and their contribution to the overall landscape is localised and minimal. The AONB designation should convey greater protection to wildlife and specific habitat types within it, if they are to contribute to their conservation and enhancement and meet the objectives of the Governments 25 year Environment Plan.

2.5 Question 10. What views do you have about the role National Parks and AONBs play in shaping landscape and beauty, or protecting cultural heritage?

National Parks and AONBs are of intrinsic importance in showcasing and affording the means to conserve and enhance many of the best and most attractive landscape areas. Though sight should not be lost that many non-designated areas can be of real importance and far more readily accessible to many people.

The potential negative associated with having designated landscapes that are treated separately from the wider landscape, which makes up most of the country, is that protection of the designated area might be read as or inferred to mean that other areas should not be seen as important and not protected. What is evident is that in some parts of the country, with increasing and competing pressures for developable land the protection conveyed by National Parks and AONB's is considerable, but this can result in significant pressure falling to non-designated areas that may struggle to reasonably accommodate the growth.

In designated areas (and in many non-designated areas) there is an inherent link between the shape and form of the landscape, and features within and which help define it, and matters of cultural heritage. The landscape of England has been shaped by centuries of human activity and therefore protected landscapes form a cultural heritage asset in their own right.

2.6 Question 11. What views do you have about the role National Parks and AONBs play in working with farmers and land managers and how might this change as the current system of farm payments is reformed?

It is clear that National Parks and AONBs have been shaped by farming and land management over the years with next to none of England's protected landscapes (or any landscapes) being wilderness or even close to wildernesses. On the assumption that land will continue to be managed and farmed there will continue to be a need for close working with land managers and farmers.

If the system of farm payments is reformed in line with the Government's 25 year Environment Plan then farmers and landowners should receive financial support for measures which bring a 'public benefit' through environmental enhancement. If these measures are to transform broader landscapes into connecting habitats and larger corridors for wildlife (as recommended by Sir John Lawton in his review) there will need to be a strategic overview of proposals in an area and a comprehensive plan for implementation. Any such plan, in order to give this statutory weight, could become part of the Development Plan or be background material to inform and justify plan policy.

Under future funding or subsidy changes there are very real opportunities for the current role of National Park Authorities and AONB Partnerships to transform in a very positive manner though becoming bodies to manage large scale environmental improvement schemes. Such schemes which require the co-operation of private

individuals whose funding may have significantly changed. Under such a scenario it is likely that the park authority and AONB managers will need to work very closely, and sensitively, with farmers whose primary activity, in many cases, has previously been geared around heavily subsidised food production.

It is unclear whether the new payment scheme will differ outside the protected landscapes. However there could be increased pressure on these 'unprotected' countryside areas to intensify, and presumably industrialise, food production to compensate for the lower yields within the protected landscapes where priority is given to environmental improvement rather than productivity.

2.7 Question 12. What views do you have about the role National Parks and AONBs play in supporting and managing access and recreation?

Both National Parks and AONBs play very important roles in enabling the public to access the countryside, but AONBs offer more limited opportunities for extensive outdoor recreation than is typified by the wide open spaces with public access found in National Parks.

In AONBs the recreation role and efforts are often limited to maintaining existing access arrangements (especially keeping footpaths open and fit for purpose) and negotiating access across privately owned land to improve links between public footpaths and pockets of public open space. If the proposed changes to access legislation are brought in (consulted on in Summer 2018), making trespass a criminal offence rather than a civil matter, access to the countryside will be further limited.

Moving forward, there is scope to incorporate the requirement for public access to the countryside into the new programme of grants, so that those landowners who allow access over their land are given enhanced payments. Otherwise, apart from designated public footpaths, access to the countryside may require AONB managers to negotiate permissive or informal access on a more ad-hoc basis.

In the light of changes to subsidy regimes, and more widely review on National Parks and AONBs, there would appear to be very real and significant opportunities for further promoting the recreation role and potential that AONBs, in particular, have to offer and efforts should be made to comprehensively evaluate potential options for change. It is important, however, that the protected landscape remain a place for quiet activities based around and informed by the rural and peaceful areas that justify the designations in the first instance.

2.8 Question 13. What views do you have about the way National Park and AONB authorities affect people who live and work in their areas?

Those people that are most affected (sometimes negatively and sometimes positively – or perhaps at least their perceptions of impact) by the designations will be those that work on or manage the land – primarily farmers and foresters. To most

residents, leaving aside possible limitations over development they may be able to undertake, will be largely unaffected by the designations. It is difficult to see significant changes in the future to this position.

a) Are they properly supporting them and what could be done differently?

Given that it is the use and management of land that is and will be most affected by any changes in the protected landscapes it is suggested that greatest attention, to support provided, should be targeted towards those in land management, farming and forestry and any other sectors where use is made of land.

2.9 Question 14. What views do you have on the role National Park and AONB authorities play on housing and transport in their areas?

The pressure of development is increasing nationally and this is polarised in a District like East Devon which has a high level of 'objectively assessed need' for housing but only one third of the land is outside the AONB. In the case of East Devon there is a partnership approach to planning, through the Greater Exeter Strategic Plan, which may increase the pressure on the land outside the AONB to meet wider strategic development need. This urbanises the landscape around the AONB, may impact upon the setting and potentially create a stark barrier rather than a gradual transition between urban and rural areas.

In terms of planning for more local growth, most East Devon towns are wholly or substantially bounded by AONB's (and one town is entirely within one) which constrains their potential for future development. This leads to increasing pressure to allow development within the AONB's, increasingly dense urban areas and competition as to the relative value of important features e.g. which is more 'valued' and should not be developed - local open spaces within an urban area or the AONB which closely surrounds it. There is a lack of guidance on how to interpret and apply weight to the AONB designation, particularly given these other competing interests, and the value attributed may be subjective and varies greatly between authorities (leading to inconsistency across AONB's which straddle authority boundaries).

In East Devon, in the relatively small rural areas outside but abutting AONB's, development requiring a countryside location, but that would be unacceptable in the AONB's, is now concentrated. Whilst the planning authority accepts that there is an economic need for these types of development but rather than dispersing across the wider District, there are now large areas of solar panels, intensive farms in industrial scale buildings, holiday parks and other substantial users of land which cumulatively detract from the landscape as a whole.

In terms of transport, the rural road network is under strain from a lack of strategic investment, increased maintenance costs from flooding, drain and surface damage and an overall increase in vehicle numbers. Farm diversification has led to more and larger vehicles, particularly where industrial uses now occupy farm buildings. In considering planning applications, the planning authority take account of the access

arrangements in the immediate vicinity of a site but cumulative impacts on the wider road network have to be severe to justify refusing planning permission.

2.10 Question 15. What views do you have on the way they are governed individually at the moment? Is it effective or does it need to change, if so, how?

In East Devon, the AONB's are managed efficiently and the partnership structure combining a mix of expert Officers, locally accountable elected members and local interest groups provides an effective structure for managing priorities and co-ordinating projects. This is despite the complexities associated with the Blackdown Hills AONB straddling 2 County Councils, 3 Districts and a Borough Council.

If the 25 year Environment Plan objectives are to be met a suitable framework is needed (preferably a strengthened AONB Management Plan). Despite significant partnership effort, the condition of the natural capital stock (e.g. biodiversity declines, failing water quality, poor soil health leading to downstream flooding, lack of climate change adaptation and resilience) and a fragile rural economy are examples of factors impacting the ability to conserve and enhance in the AONB. AONB Management Plans should be locally accountable and managed and delivered by a broad partnership of interested parties who are trusted by local communities.

The new Environmental Land Management Scheme (ELMS) should be provided through the AONB Partnership to make best use of public money.

In order to deliver the new initiatives: Baselines and evidence would need to be strengthened to inform sound decision making. A resource plan would be needed to ascertain additional resources required. Existing governance systems of the AONB and other agencies would need to be reviewed.

AONB Partnerships could take on a more formal role such as overseeing the future rural support scheme delivery, as well as a lead role in delivering new ways of working. Additional funding will be required to assist farmers to adapt to new working practices

2.11 Question 16. What views do you have on whether they work collectively at the moment, for instance to share goals, encourage interest and involvement by the public and other organisations?

Whilst resources are tight current means of working in the two AONB's in East Devon are generally good and there would need to be a strong case for how things might work better in respect of any proposed changes. Partnership involvement, public, private companies, charities and interest groups that are involved in the AONB work will invariably be from those with a commitment and interest in the designated areas, where such parties have the time to spare.

2.12 Question 17. What views do you have on their efforts to involve people from all parts of society, to encourage volunteering and improve health and well-being?

Engaging meaningfully with local communities requires high quality, sustained approaches that builds trust, understanding and raises awareness, to build a sense of place and encourage on-going engagement. To avoid a 'boom and bust' time-limited project approach, a base level of engagement is required. Within our AONB's experience has demonstrated that targeted, time limited, externally funded engagement projects are highly successful in terms of engaging local communities, but suffer from a lack of continuity as funding runs out. Examples are nature & wellbeing projects helping/ aiding those most in need in and around the AONB and habitat/ species recovery projects.

Engagement with young people, through local associations such as Young Farmers and through schools and youth groups, is essential if the 25 year Environment Plan is to be delivered (as many of these young people will be directly involved in implementing it). Funding limits the work which is currently undertaken in these areas.

Health & wellbeing is a developing area of work that requires more investment if the link is to be strengthened between landscape management and public health. In terms of mental health specifically, rural workers are amongst the highest suicide rates and have higher rates of depression than the general population - this may be exacerbated in the short term as the changes in subsidies are introduced and working practices shift to meet the requirements of the 25 year Environmental Plan.

2.13 Question 18. What views do you have on the way they are funded and how this might change?

The present funding system isn't straightforward and may lead to uncertainty in the long term, particularly in implementing the 25 year Environmental Plan. AONB partnerships receive much of their funding from DEFRA, along with contributions from local district, county and borough councils and other organisations, whilst specific project funding and support is also obtained from other sources. None of this funding is permanently guaranteed and can fluctuate depending on the budgets of individual organisations year on year. For example, the Blackdown Hills AONB Partnership is funded by DEFRA, 2 County Councils, 1 Borough Council and 3 District Councils and one project - the Blackdown Hills Natural Futures Project - alone received a Heritage Lottery grant, funding from 3 specific local authority grants, 3 infrastructure providers and a charitable trust.

Going forward, the system needs to be reformed so that it is simpler, guaranteed in the longer term and is able to deliver the policies, actions and priorities in the Management Plan, particularly if these become statutory. It may be more resource efficient if AONB partnerships effectively operate as part of a Local Authority (although this is obviously more complicated where the AONB straddles several Districts), with directly employed staff.

2.14 Question 19. What views do you have on the process of designation - which means the way boundaries are defined and changed?

Natural England are the appropriate body to designate and amend AONB's. In terms of prioritising proposals, the first two criteria are supported: "if evidence suggests the land might meet the natural beauty criterion" and "there's local authority agreement that designation is appropriate" however the further criteria are too vague: "it has the available resource to evaluate the proposal" and "it's more important than other corporate priorities". If a consistent approach is to be applied to outstanding landscapes across England, then any landscape which meets the first two criteria should be prioritised and resources ring-fenced for this purpose. Designation should not be deferred for other, potentially completely unrelated and undefined, corporate priorities.

It is considered that Natural England do meet their responsibilities within existing AONB's and regularly "give advice to local planning authorities on development proposals" and "consider the conservation and enhancement of AONBs in its work, for example when carrying out land management activities or giving permission for statutory bodies to carry out works in an AONB". We would highlight, however, that staffing and resource levels at natural England are stretched and this has an impact on the service they can provide. It also leads to them charging for non-statutory areas of their work even though they may be vital to the protection and enhancement of AONB's and National Parks.

2.15 Question 20. What views do you have on whether areas should be given new designations? For instance, the creation of new National Parks or AONBs, or new types of designations for marine areas, urban landscapes or those near built-up areas

The principle of creating new National Parks and AONBs and extending protection to other areas through new designations is supported. It is not considered that East Devon warrants these types of additional protection (particularly given that two thirds of the District is already located within AONBs). However there is scope to review the AONB boundaries to potentially incorporate the high quality landscapes abutting some of the AONB's. Particularly, in the case of East Devon those boundaries between Seaton and Colyton and to the East of the District around Hawkchurch. These rural areas between AONB's were previously identified in the Devon Structure Plan as 'Areas of Great Landscape Value' but were not given any alternative protection when that Plan expired.

There have been suggestions in the past of creating a National Park incorporating the East Devon AONB. Concerns included the extensive time taken to establish a National Park, the economic uncertainty caused to local businesses and investors, and fundamental impacts on service provision and future development and use of land. The Council considers that the existing AONB status in East Devon combined

with emerging Local Plan and operational planning functions of the Development Management service of the Council provide the best mechanisms to meet and serve the balanced and sustainable development needs of the whole of East Devon.

The Council would also be concerned that the experience seen in the New Forest and the South Downs of rapidly increasing house prices would exacerbate the existing problem of providing affordable housing in our rural areas. In addition, the designation of a National Park incorporating the Dorset AONB would see a large part of East Devon administered and controlled from Dorset and notwithstanding the world heritage Jurassic coast designation it is generally considered that there is little commonality between the two areas and their administrative counties.

2.16 Question 21. Are there lessons that might be learnt from the way designated landscapes work in other parts of the United Kingdom, or abroad?

We would not identify any specific lessons to be learnt from elsewhere but would encourage the review work to fully consider the approaches applied and adopted by others.

2.17 Question 22. Do you think the terms currently used are the right ones? Would you suggest an alternative title for AONBs, for instance and if so what?

Whilst the 'AONB' term does not have full public recognition, and certainly much less so than 'National Park' it does have long standing and reasonable public recognition and it is a good descriptor of designated areas. The terminology is appropriate and we would question whether there would be any merit in a name change.

2.18 Question 23. The review has been asked to consider how designated landscapes work with other designations such as National Trails, Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), National Nature Reserves (NNRs) and Special Protected Areas (SPAs). Do you have any thoughts on how these relationships work and whether they could be improved?

The nature conservation designations are based on the presence of particular species, habitats or other special qualities and their fundamental purpose is separate from that of the National Parks and AONBs, which are designated for their outstanding landscape quality. Whilst the designations may complement each other and, for example, a particular protected habitat may contribute to the natural beauty criterion on which say an AONB is based, they are not dependent and can and should exist separately.

There is scope to improve public and landowner understanding of the importance of these designations but the actual legislation relating to them is usually more restrictive than the CROW Act responsibilities for AONB's.

With respect to national trails and other recreation or similar designation there would be more scope to promote positive links and synergies.

3. Conclusion

- 3.1 Members are asked to endorse the proposed response to the Glover Review of Designated Landscapes.