

**Committee:** AUDIT AND REVIEW

**Date:** 3 August 2007

**Report:** NATURAL ENVIRONMENT AND CULTURAL HERITAGE  
CONSULTATIONS - PERFORMANCE IMPROVEMENT REVIEW

### Purpose of the report

1. To report back the Committee on the conclusions of the review of the Authority's performance in relation to dealing with natural environment and cultural heritage consultations.

### Strategic Planning Framework

2. The information and recommendations contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:
  - **Best Value Performance Plan objectives**  
"Plan and manage all aspects of the Authority's business so as to make the most consistent and effective use of our resources..."

### Background

3. In September 2006, the Audit and Review Committee agreed proposals for a programme of reviews of major projects and of the Authority's performance. The Committee also agreed that the first 'Performance Improvement Review' should cover the Authority's performance in dealing with natural environment and cultural heritage consultations.
4. The review team comprised two Members and four officers:
  - Kevin Lancaster (Member Champion for Corporate & Democratic)
  - Deborah Milward (Member Champion for Natural Environment)
  - Gary Smith (Head of Conservation and Policy)
  - Richard Burnett (Head of Finance and Resources)
  - Adrian Shepherd (Farm Conservation Officer)
  - Cynthia Colley (Conservation Support Officer)
5. The review team's report is attached as an Appendix. Overall, the review has made 12 recommendations for action to maintain and improve performance. These are listed in Annex D of the report.

## **RECOMMENDATION**

6. That members:

- a) note the outcome of the review of the Authority's performance in relation to dealing with natural environment and cultural heritage consultations; and,
- b) approve the action plan at Annex D of the report, subject to funding being secured for item 5.

**Gary Smith**  
**Head of Conservation and Policy**

24 July 2007

Background documents: Nil

# PERFORMANCE IMPROVEMENT REVIEW: NATURAL ENVIRONMENT AND CULTURAL HERITAGE CONSULTATIONS

## THE ISSUE

### In what area are we under-performing?

1. The speed with which the Authority responds to statutory and non-statutory consultations relating to natural environment and cultural heritage issues
2. A full list of the various types of consultation covered by the review is given in **Annex A** The most significant are:
  - planning applications that require specialist advice
  - agri-environment scheme applications
  - applications for works to trees covered by tree preservation orders or in conservation areas
  - woodland planting, felling licences etc

### Why does it matter?

3. The Authority responds to around 600 such consultations each year. Most of these:
  - are part of a service to the public, either directly or through another body;
  - have significant financial implications for, or directly affect the livelihoods of, National Park residents;
  - are linked to decisions that have a major impact on the achievement of the Authority's first statutory purpose;
  - are a statutory requirement.
4. Performance in dealing with nature conservation and cultural heritage consultations is published each year as part of the 'family' of Best Value Performance Indicators collected by all English national park authorities.

### What are we supposed to be achieving?

5. For the 2005/06 financial year, the Authority's targets were to deal with 85% of nature conservation consultations within the agreed period, and 75% of cultural heritage consultations within the agreed period.
6. For 2006/07 onwards, the Authority's targets were to deal with 90% of consultations within the agreed period.

## CURRENT PERFORMANCE

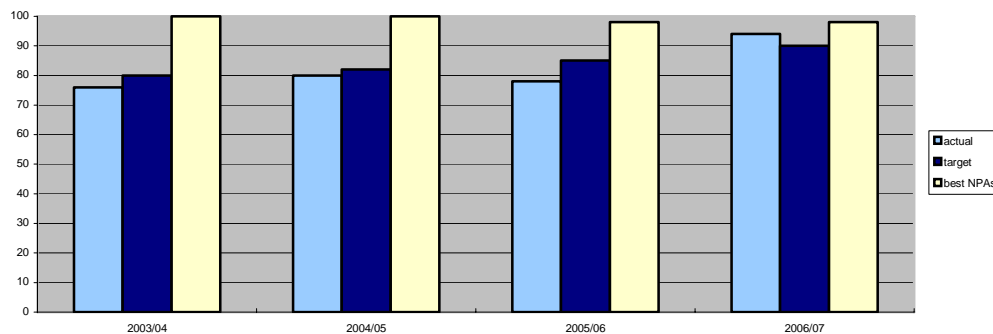
### What are we actually achieving?

7. The Authority's performance over the last 4 years is shown below.

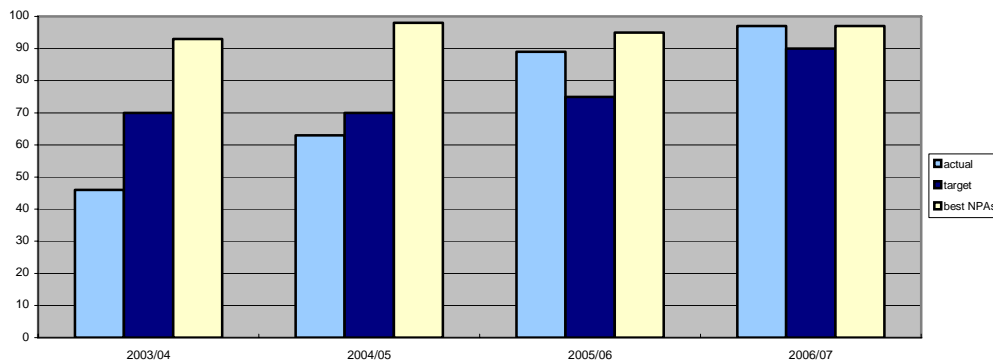
	2003/04	2004/05	2005/06	2006/07
<b><u>Nature conservation</u></b>				
No of consultations	308	230	220	172
% completed on time	76%	80%	77%	94%
<b><u>Cultural heritage</u></b>				
No of consultations	508	377 <sup>1</sup>	388	378
% completed on time	46%	63%	89%	97%

8. **Annex B** provides more information on performance in comparison with the Authority's own targets and with other national park authorities. A graphical summary is set out below:

**% of nature conservation consultations completed within agreed period**



**% of cultural heritage consultations completed within agreed period**



<sup>1</sup> Decrease from previous year reflects removal of previous 'double-counting' of agri-environment application consultations. There was no reduction in the actual number of consultations.

## What resources are we putting in?

9. Dealing with nature conservation and cultural heritage consultations requires approximately 3 full time equivalent (fte) staff. Based on the rate at which we would charge out those staff, that would equate to around £128,000 per year in 2007/08. A summary of the staff resources and equivalent costs for each type of consultation is at **Annex C**.
10. There is very little expenditure that can be attributed directly to dealing with consultations work. Aside from the on-going revenue costs associated with all posts in the Authority (e.g. computers, stationery etc), which are factored into the above staff costs, there are small additional costs associated with travel and subsistence (for site visits etc). A rough estimate of these is £4,000<sup>2</sup>. This gives a total cost for both sets of consultations of £132,000.
11. 0.8 fte relates to planning. Adding this to a workforce of 8 planning officers — and matching it to typical annual planning fee income of around £80k — the 0.8 FTE can be seen as 'earning' approximately £9k worth of the planning fee income. This reduces the notional net cost of the service to £123k.

## How is the service being delivered?

12. All nature conservation and cultural heritage consultations are dealt with in-house. In most cases, the consultation request is received by one section of the Authority. It is then circulated to all the relevant specialist officers for comment before a single authority response is produced. The consultation types, lead officer and the specialist officers consulted in each case are listed in **Annex A**.

## Does it represent value for money?

13. Most of the consultations covered by the review are in areas that are a high priority for the Authority (planning, biodiversity, farm conservation). In seeking to improve performance, this review was not driven by a requirement to cut costs. Nonetheless, it is still appropriate to consider whether the expenditure represents money well spent.
14. Establishing precise value for money is difficult, not least because of the specialist nature of the services involved. Other than National Park Authorities, few planning authorities set the conservation objectives within their planning processes at the level of National Park Authorities (because they don't have the 'first purpose' common to NPAs). Different staffing structures make it difficult to extract comparable staff-based costs from other NPAs. However, certainly in terms of salary costs for like-for-like posts, this Authority is not one of the higher-paying NPAs.
15. That said, several points can be made that would support the argument that value for money is being achieved, and whether the service being provided is 'worth it':
  - There is a mutuality between the 'pure' conservation work (such as projects) that the officers undertake and their consultation input. The statutory

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<sup>2</sup> Based on Finance calculation of average Travel and Subsistence cost per employee.

requirement to participate in some consultations means that part of the costs for the posts concerned are essentially unavoidable. So as a result of the consultancy requirement, we are able to employ specialist officers in full time posts, with the remainder of their time available for delivering projects in support of the Management Plan.

- Beyond the statutory requirements, the reason for participating in consultations to the degree that we do is to achieve better outcomes in the Park (through the funding from our partner organisations). In terms of outcomes, the following gives an indication of what is being achieved:
  - **Planning** – each year specialist advice is provided on around 150-200 applications (£205 per application). Sample analysis showed that many of these consultations had a direct effect on the final planning decision and conditions attached to it.
  - **Agri-environment** – each year the authority deals with around 200 applications (£189 per application). Over 20,000 ha of new land has been brought into agreements in the last 3 years. As well as being the main contributor to the achievement of the Authority's first statutory purpose, these agreements provide over £5,000,000 of support to the farming community each year.
  - **Woodland creation** – in 2006/07, the Authority was actively involved in 15 applications (£580 per application). All eventually resulted in agreements that supported NPMP objectives. This led to £250,000 of expenditure and 80 hectares of native broadleaved woodland.

## THE EVALUATION

### Are the current objectives realistic and practical?

16. In a word, yes. Other national park authorities have consistently achieved performance above the level of this Authority. There is no evidence to suggest that the Authority is now under-resourced in this area.

### Why are we not achieving the desired result?

17. Each of the different types of consultation (see **Annex A**) involves different combinations of staff and departments. There is, therefore, no single universal reason for failing to meet the Authority's targets. However, the following factors have all played a part:

- insufficient staff resources in some areas (now rectified – see para. 18b below).
- big fluctuations in numbers of applications (notably agri-environment schemes)
- IT difficulties (esp. in relation to agri-environment applications);
- insufficient priority being attached to 'routine' consultation work

## **What are the potential options for improvement?**

18. This has been an unusual review in that a number of improvements had been or were already being made before the review started. These included:

### **a) *Planning***

A raft of measures was introduced early in 2006 to help the Authority escape from being a 'standards authority'. In particular, more rigorous validation procedures mean that most applications now have the necessary accompanying material to enable specialist officers to give quicker advice;

More specifically, for conservation staff, specialist officers were all set personal targets to help meet the 8 week deadline, and new procedures were introduced for handling building conservation advice.

As a result of these, and other measures, planning performance has improved from 72% to 89% of minor applications being determined within 8 weeks.

### **b) *Archaeology***

In 2004, the Authority appointed a 'Countryside Archaeological Advisor', with funding from English Heritage. The post was created with the specific intention of improving performance on agri-environment consultations.

### **c) *Agri-environment***

The Authority had been working closely with what was then the Rural Development Service to try to streamline the consultation process.

19. As a result of the significant improvements in performance over the last 18 months, this review has focused primarily on consolidating those improvements. The review team has identified a number of options for doing so:

- a) consultation targets should be set for all relevant staff as part of annual appraisals;
- b) the need for *timely* responses to consultations should be included in the Job Descriptions of all relevant officers;
- c) better use should be made of electronic data – notably the newly acquired aerial photography. This could help to reduce the number and scale of site visits. Priority should be given to completing the digitisation of the whole-Park habitat survey.
- d) the Authority should continue to press Natural England for improvements to the consultation process for agri-environment applications, including enhanced provision of electronic data and remote access from YDNPA offices.
- e) consultation response rates should be monitored regularly by the Head of Conservation and Policy;
- f) in relation to planning applications, the criteria for consultation with specialists should be reviewed annually to ensure that routine natural environment and cultural heritage issues are dealt with by planning officers.

## **Are there any other options?**

20. There are a number of other, more fundamental, changes considered by the review team:

***i) Stop providing the service at all.***

In most cases (planning, TPOs, trees in conservation areas etc) the service is a statutory requirement. Stopping the service is, therefore, not a viable option. For the remainder (notably agri-environment and woodland applications), stopping the service would have a direct effect on the achievement of many of the objectives set in the National Park Management Plan. While the volume of agreements *might* remain unchanged, there is little doubt that their contribution to national park purposes would diminish.

***ii) 'Contract out' some or all of the service***

This is feasible in theory. However, as noted above, consultations take up parts of many posts. Contracting out the work would leave half-time posts filled by full-time staff, with no short term saving. More fundamentally, the most recent evidence suggests that private sector costs are significantly higher than equivalent posts in the Authority. On the basis of quotes received in 2003, employing consultants to deal with all the consultations dealt with by the building conservation team (0.6 fte staff – see Annex C) would almost double the current costs.

***iii) Maintain the current level of service but use fewer resources.***

The review has focused on improving performance rather than cutting costs. Nonetheless, the current financial position requires such options to be considered. The most obvious potential area for saving is in dealing with woodland grants (the most expensive per consultation) and TPOs/Trees in Conservation Areas (the most straightforward and 'routine' consultations). This would free up officer time to devote towards woodland management work, which is currently under-resourced.

***iv) Generate additional income to offset costs***

As noted elsewhere, the Authority's statutory purposes mean that it employs specialist officers that other local authorities may not. The skills and knowledge of these officers may be of use to other authorities as a cost-effective alternative to private sector consultants. Equally, there are some consultation activities that the Authority currently provides for free but for which it might be possible to charge. The potential for generating additional income in this way (without compromising the Authority's own objectives) should be considered as part of the larger review of external funding across the Authority

## **FUTURE ACTION**

21. A recommended action plan is attached at Annex D, together with a timetable, lead officer and costs.

## Natural Environment Consultations

### 1. Hedgerow Notifications

#### Description

Under the relevant legislation, landowners are required to notify the Authority if they want to take a hedgerow out. The Authority has to consider the hedgerow and if deemed important under the Hedgerow Regulations criteria can then serve a Hedgerow Retention Order, protecting the hedge from renewal.

Average no. per year:	2
Timescale for response:	8 weeks
Lead officer:	Conservation Assistant (Trees and Woodlands)
Main contributors:	Trees and Woodlands Officer, Senior Conservation Archaeologist

### 2. Trees Preservation Orders

#### Description

Over the years the Authority has made over 100 Tree Preservation Orders (TPOs) to protect important trees within the Park. NB Some TPOs cover many trees. Anyone wishing to remove such a tree, or carry out works to it, has to seek the Authority's consent.

Average no. per year:	50 - 60
Timescale for response:	8 weeks
Lead officer:	Conservation Assistant (Trees and Woodlands)
Main contributors:	None

### 3. Trees in Conservation Areas

#### Description

The designation of a Conservation Area (CA) gives the Authority greater control over the felling of trees. Anyone wishing to fell a tree in a CA must notify the Authority of their intention to carry out the works. This allows the Authority to inspect the tree(s) concerned and, if appropriate, serve a Tree Preservation Order to protect the tree permanently.

Average no. per year:	60 - 70
Timescale for response:	6 weeks
Lead officer:	Conservation Assistant (Trees and Woodlands)
Main contributors:	Trees and Woodlands Officer

### 4. Woodland Grant Schemes, Felling Licences

#### Description

The Forestry Commission's England Woodland Grant Scheme provides support for woodland creation. Anyone wishing to clear fell trees also needs to get consent from the Forestry Commission.

The Commission consults the Authority on any grant or felling application it receives for projects within the park.

Average no. per year: 10  
 Timescale for response: 28 days  
 Lead Officer: Trees and woodland Officer  
 Main contributors: Senior Conservation Archaeologist, Senior Wildlife Officer, Farm and Countryside Officer, Head of Conservation and Policy, Area Rangers

## 5. Forest Design Plans

### Description

Rather than submit repeated applications to the Forestry Commission for replanting and felling (see Woodland Grants & Felling Licences), some commercial woodland owners choose to develop Forest Design Plans. These set out the felling, thinning, retention, replanting and creation plans for the woodland over the next 25 years (with a retailed plan of action for the next 10 years.) The Forestry Commission consults the Authority on any applications it receives from within the Park that involve clear felling and replanting.

Average no. per year: 4 (although they are number limited, once they are done)  
 Timescale for response: 28 days  
 Lead officer: Trees and Woodlands Officer  
 Main contributors: Senior Conservation Archaeologist, Senior wildlife Officer, Farm & Countryside Officer, Head of Conservation and Policy, Area Rangers, Planning Officers (rare)

## 6. Inheritance tax exemption plans

### Description

Three estates within the Park are in agreements with the Treasury and Natural England that give them exemption from inheritance tax conditional upon their preserving the heritage value of the property and allowing reasonable public access to it. The Authority acts as 'monitoring agent' for these agreements on behalf of Natural England. The estates are required to consult us on any proposals that would affect the scenic quality of the estate, any new buildings or any departures from the agreed estate management plan.

Average no. per year: 5  
 Timescale for response: 28 days  
 Lead officer: Head of Conservation and Policy  
 Main contributors: Senior Wildlife Officer; Countryside Archaeological Adviser; Area Rangers

## 7. Environment Agency Consultations

### Description

Consultation on abstraction licenses and consents for works to watercourses.

Average no. per year: 10  
 Timescale for response: 28 days  
 Lead officer: Senior Wildlife Conservation Officer

## 8. Highways Agency

### Description

We do not currently receive consultation from the Highway Agency. We have occasionally in the past received consultation on bridges with regards to bats.

Average no. per year: 0.25  
 Timescale for response: Varies  
 Lead officer: Senior Wildlife Conservation Officer  
 Main contributors:

## 9. Agri Environment Schemes

### Description

Natural England (previously DEFRA RDS) provides grants to farmers and landowners for environmental management and enhancement.

Grants are provided primarily through the Environmental Stewardship Scheme, which was launched in 2005. The Higher Level Environmental Stewardship Scheme can provide grants for both on-going management and capital works (eg barn restoration or habitat restoration).

The Authority is consulted by Natural England on all Higher Level Scheme applications within the park. These include farmers/landowners transferring out of the old schemes (ESA and Countryside Stewardship) as well as 'brand new' applications. While the total number of applications has dropped, the complexity has increased significantly.

Average no. per year: 200 (but varies wildly from <100 – 400+)  
 Timescale for response: 28 days  
 Lead officer: Farm & Countryside Officer  
 Main contributors: Farm Conservation Advisor, CSO (Farming), Limestone Country Project Officer, Senior Wildlife Officer, Countryside Archaeological Advisor, Trees & Woodland Officer, Area Rangers, Assistant Building Conservation Officer, Planning Officers

## Cultural Heritage Consultations

### 1. a) Planning/Development Control

#### Description

Consultations from planning officers where application has potential heritage conservation impact on Listed Buildings, Re-occupation of former dwellings and within Conservation Areas. Consultations include statutory undertakers submissions where appropriate as these come through the planners. Consultations can also include pre-application advice where formalised by DC.

Average no. per year: 125  
 Timescale for response: 21 Days  
 Lead officer: Building Conservation Officer  
 Main contributors: Assistant Building Conservation Officer; CSO (Historic Environment)

- aa) Formal consultations from development control where DC have identified the possibility of a development having an archaeological impact. The weekly list is also scanned for developments with archaeological potential – ie a rapid assessment of all planning applications - but these are not logged or noted below

Average no. per year: 20  
Timescale for response: 21 Days  
Lead officer: Senior Conservation Archaeologist

**2. Agri Environment Consultations (ESA, Countryside Stewardship, Environmental Stewardship**

Description

See Natural Environment Consultations

**3. Section 156 from Countryside Agency**

See Natural Environment Consultations

**4. Statutory Undertakers**

Description

Statutory consultations from utility companies on proposed works such as overhead line replacement, pipeline construction etc, and statutory consultations from NYCC under the New Roads and Street Works Act.

Average no. per year: 75  
Timescale for response: 14 days  
Lead officer: Robert White

**5. CTTE Heritage Management Plans**

Description

See Natural Environment Consultations

**6. Scheduled Monument**

Description

Scheduled monument consent is granted by the Dept of Culture, Media and sport who are statutorily required to consult English Heritage before making a decision. English Heritage can but very rarely do consult other bodies. No formal consultations on consents have been received by YDNPA.

Average no. per year: 0  
Timescale for response:  
Lead officer: Robert White

## YDNPA PERFORMANCE IN DEALING WITH CONSULTATIONS

	2003/04	2004/05	2005/06	2006/07
<b><u>Nature conservation</u></b>				
No of consultations	308	230	220	172
Target for % completed on time	80%	82%	85%	90%
Actual % completed on time	76%	80%	77%	94%
Best NPAs	100%	100%	98%	98%
YDNPA rank	8	8	7	4
<b><u>Cultural heritage</u></b>				
No of consultations	508	377	388	378
Target for % completed on time	80%	70%	75%	90%
Actual % completed on time	46%	63%	89%	97%
Performance of best NPAs	100%	n/a	100%	100%
YDNPA rank	8	n/a	5	4

## TIME SPENT ON NATURAL ENVIRONMENT AND CULTURAL HERITAGE CONSULTATIONS

<u>By Conservation Team:</u>	<u>Time</u>	<u>Cost</u>
Wildlife team:	0.4 fte	£17,300
Farm conservation team:	0.4 fte	£17,300
Trees and Woodland team	0.9 fte	£36,900
Building conservation	0.6 fte	£26,400
Archaeology	0.6 fte	£25,500
Landscape	0.1 fte	£4,600
<b>Total</b>	<b>3.0 fte</b>	<b>£128,000</b>

### By Consultation Type

Hedgerows/TPOs etc	0.80	£32,800
Woodland Grants etc	0.20	£8,700
Inheritance tax exemption plans	0.10	£4,000
Environment Agency, s156 etc	0.05	£2,000
Highways & Statutory undertakers	0.15	£6,900
Agri-environment	0.90	£37,900
Planning	0.80	£35,700
<b>Total</b>	<b>3.00 fte</b>	<b>£128,000</b>

## ACTION PLAN

	Action	Cost	Lead officer	Date
1	Set consultation targets for all relevant conservation staff as part of annual appraisals.	-	GS	Apr 08
2	Revise Job Descriptions of all relevant conservation officers to include reference to <i>timely</i> responses to consultations	-	GS	Apr 08
3	Ensure all relevant conservation staff are aware of, and using, newly acquired aerial photography.	-	TT	Aug 07
4	Complete digitisation of the whole-Park habitat survey.	£10,000 <sup>34</sup>	TT	Mar 08
5	Complete transfer of habitat and species survey data onto YDNPA systems, and make it available through the National Biodiversity Network	£15,000	TT	Mar 08
6	Acquire up to date aerial photography for the Park	£30,000 <sup>5</sup>	TT	Dec 07
7	Secure remote access to Natural England agri-environment data from YDNPA offices	-	AS	Sep 07
8	Agree arrangements with Natural England for streamlined consultation process for 2008/09	£500 <sup>34</sup>	AS	Mar 08
9	Monitor consultation response rates 6-monthly;	-	GS	Oct 07
10	Review criteria for consulting conservation specialists on planning applications, and agree timetable for future annual reviews	£500	GS/PW	Feb 08
11	Review current procedures for consultations on woodlands, TPOs and trees in Conservation Areas to reduce officer time.	£500	GS/GG	Mar 08
12	Consider scope for charging for conservation consultation advice as part of wider review of charges	£500	GS/PW	Oct 08

GS Gary Smith  
 TT Tim Thom  
 AS Adrian Shepherd  
 PW Peter Watson  
 GG Geoff Garrett

<sup>3</sup> Estimated cost in officer time.

<sup>4</sup> Already included in work programme for 2007/08

<sup>5</sup> Already funded (from 2006/07 budget)