

Date: 26 January 2010

Report: CONSULTATION ON NEW NATIONAL PARK CIRCULAR

Purpose of the report

1. To agree the key points to make in the Authority's formal response to Defra's consultation on a new draft Circular for National Parks.

Strategic Planning Framework

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework.

Background

3. Members will be aware that the Government (through Defra) has published for consultation a revised Draft Circular on the English National Parks and Broads (attached at **Annex 1**). The Circular is intended to set out:
 - o The Government's view as to how NPAs should meet the two National Park purposes and duty; and our various other statutory duties;
 - o A vision for National Parks in 2050;
 - o The Government's priorities for National Parks
 - o Government policy in relation to the governance of NPAs.

4. According to Defra:

"The new Circular will be policy guidance for all those whose decisions or actions might affect the National Parks and the Broads. This will include, amongst others, government departments, government agencies, local authorities and public bodies of various kinds.

The Circular will set out the Government's views on various issues and will explain how it intends to use powers which have been given to it in legislation. It will be a formal statement of Government policy and may be referred to in, for example, planning inquiries. But it will not be law and public bodies will not be obliged to follow its advice; but they might be seen as acting unreasonably if they ignored it and/or acted differently unless they gave sound reasons for doing so."

5. The existing Circular on National Parks dates from 1996 and followed the 1995 Environment Act, which provided for the establishment of independent National Park Authorities. Much of the existing Circular is out of date and a replacement is needed.
6. As well as Government policy, the Circular also contains a draft 'Vision for National Parks', which has been developed by the Chairs of the English National Park Authorities through ENPAA. The 'long version' of this vision is set out in an Annex to the Circular.
7. ENPAA intends to submit a response on behalf of all the English National Park Authorities. However, individual Authorities are also free to make their own responses to reflect their particular circumstances.
8. Defra has identified 4 specific questions that consultees may wish to consider:
 - i. Are there any aspects of the purposes, governance, and delivery of duties you feel have not been given proper attention in this document? If so, what needs to be changed?
 - ii. Are changes needed to the circular to ensure it affects the activities and decisions of all those who contribute to the delivery of National Park and/or Broads purposes?
 - iii. Are the priorities set out the right ones – will they help to deliver the vision? If not, what should change?
 - iv. Is the vision achievable by 2050 in the current economic climate? How could it be achieved more quickly?
9. The consultation was launched on 13 November and the closing date for responses is 5 February.

Consultation response

10. The consultation draft, and some initial suggestions as to the issues on which the Authority should respond, were considered by Members at the Policy Development Forum on 16 December. At the meeting, Members made a number of additional points, which have been incorporated into the attached draft response. This includes:
 - Developing a more punchy and focused 'vision' for National Parks;
 - Ensuring that Authorities do not take on the legal responsibilities of others in relation to the management of Common land;
 - The need to highlight the responsibilities of other bodies to support sustainable communities (through provision of e.g. broadband, local services etc).
11. All Members were also invited to submit any detailed comments or suggestions for inclusion in the final response. No comments were received.
12. A final draft response to the consultation is now attached at **Annex 2**.

Conclusion

13. While there has been no change to the focus on statutory purposes and the associated duty, the new draft recognises that there are many wider ways in which the national parks can play a (sometimes small) role in providing a range of benefits to society. This broadening of the remit of national parks is welcome. However, it has created two broad issues.

- First, it is highly unlikely that national parks can deliver all these benefits to the level currently envisaged in the draft - especially given the likely constraints on public sector spending in coming years. A clearer steer on the real national priorities is needed.
- Second, the circular itself has, inevitably, become very much longer than the document it is intended to replace. This has resulted in duplication, inconsistencies and a lack of overall coherence. A rigorous editing of the document is, therefore, needed.

14. Subject to Members agreeing the attached response, officers will prepare a revised version of the circular with 'track changes' in to embody the points made. This will be submitted to Defra alongside the attached response.

RECOMMENDATION

15. That the Authority approve the response at Annex 2 as the Authority's formal response to the consultation on the new draft Circular for the English National Parks and the Broads.

Gary Smith
Head of Conservation and Policy

| 13 January 2010

Deleted: 0
-----Section Break (Next Page)-----