

To:
Landscapes consultation
Defra
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Landscapes Review: government response - consultation

This response is submitted on behalf of ADEPT by David Dale, Policy Officer, email address daviddale2401@gmail.com mobile 07772 513812. It is not confidential.

ADEPT is a professional membership association representing Place Directors from county, unitary and combined authorities, along with Local Enterprise Partnerships (LEPs), sub-national transport boards and corporate partners drawn from key service sectors throughout England.

General comments

We welcome the opportunity to comment on these proposals, and we very much value our ongoing informal discussions with Defra officials on this and other matters relating to the local delivery of the ambitions of the 25 Year Environment Plan and the requirements of the Environment Act 2021.

In relation to protected landscapes, we were pleased to take part in informal workshops with Defra colleagues in the summer and autumn of 2021, and again in January 2022. These were constructive discussions, the engagement of Defra colleagues was open and positive. We hope that they valued the comments and contributions made by our members, including ecology and planning professionals, many of whom have protected landscapes in their local areas.

As we said in our evidence to the Landscapes Review in December 2018 ([here](#)), we fully support the government's ambition and commitment set out in the 25 Year Environment Plan to have a comprehensive and long-term approach to protecting and enhancing our varied natural environments and habitats. The legislation governing protected landscapes in England has been successful, delivering an important and much-valued national achievement. The need to preserve the beauty and biodiversity – together with the crucial economic and social value – of our natural environment is even more important now that it was 70 years ago.

We noted then that the scale and complexity of the challenges we face has increased since the protected landscapes first came into being, and will continue to do so. Since then, of course, the Coronavirus pandemic has shown how important the national – and local – landscapes and

green spaces are for the health and wellbeing of our communities. The pressures and management challenges created by big increases in visitor numbers to the protected landscapes has been mirrored for our members locally. Public rights of way, parks and countryside sites have seen similar increases in numbers and the challenges this can bring, including tensions between different groups of stakeholders.

The government response to the Landscapes Review is a clear and accessible document, and the four themed chapters are very helpful. We welcome the emphasis on the need for a more coherent national framework: however, this needs to extend beyond protected landscapes to include greater coherence across government policy more generally.

We note the reference to the importance of Local Nature Recovery Strategies (LNRSs) in underpinning the Nature Recovery Network, and the role that protected landscapes will have in aligning neighbouring LNRSs across their areas. We would have liked to see more about the implementation of Biodiversity Net Gain (BNG), both in relation to developments within protected landscapes and also opportunities for 'habitat banking' to invest in nature enhancement where this cannot be achieved in developments elsewhere. We would also have expected to see the government response address the issues and recommendations set out in the Economics of Biodiversity Review by Professor Dasgupta.

In terms of policy coherence more widely, it is disappointing that the Nature Green Paper says very little about the Landscapes Review: protected landscapes offer opportunities for a landscape-level approach to nature recovery. It is also disappointing that the Levelling Up White Paper did not include natural capital among its 'six capitals', and was generally light on environmental and climate issues.

The other general issue is resourcing for protected landscape bodies and councils. To be effective in meeting their purposes, protected landscape bodies must work in partnership with the local councils whose areas they operate in and are adjacent to. This is particularly the case with the place-based services covered by ADEPT's members, including planning, transport, economic development, public rights of way, countryside, ecology and heritage services.

Funding for councils' environmental services has decreased significantly in recent years due to severe pressures on council budgets and the increasing levels of need among vulnerable children and adults. This has had a serious negative impact on councils' capacity to help deliver the aims of protected landscapes. The Environment Act 2021 has brought new duties for councils in relation to nature, planning, air quality and waste and recycling: it is essential that these new burdens are fully funded over the long term if councils are to be effective partners on landscape matters.

A stronger mission for nature recovery

6. Should a strengthened first purpose of protected landscapes follow the proposals set out in Chapter 2?

Yes. We agree with the Landscapes Review and the government response that the current statutory purpose to 'conserve and enhance' is not strong enough. Landscapes have been degraded over the last 70 years, nature and wildlife have declined dramatically, we have the Climate Change Act and the Net Zero Strategy. Most councils have declared a climate emergency (and many of them an ecological emergency too) and have developed plans to address this. The purpose of protected landscapes should be strengthened to reflect these changes and challenges.

We support the proposed amendment that the statutory purpose of protected landscapes should include a requirement to drive nature recovery and increase biodiversity. We support the principle of natural capital, and the wider social and economic value of nature in our protected landscapes.

7. Which other priorities should be reflected in a strengthened first purpose e.g. climate, cultural heritage?

Climate change, both mitigation and adaptation. Protected landscapes should contribute to achieving the 2050 net zero target by looking to reduce carbon emissions across their activities; capture and store carbon where possible; and build resilient landscapes that will better adapt to the impact of climate change and help neighbouring areas to do so too.

Agricultural transition

8. Do you support any of the following options as we develop the role of protected landscapes in the new environmental land management schemes? Tick all that apply.

- Designing the environmental land management schemes in a way that works for all farmers and land managers, including the specific circumstances for those in protected landscapes, recognising that farmers in these areas are well-placed to deliver on our environmental priorities. ✓
- Using Local Nature Recovery Strategies to identify projects or habitats within protected landscapes. ✓
- Monitoring the effectiveness and uptake of the new environmental land management schemes in protected landscapes. Using this to inform whether further interventions are needed to ensure we are on track for wider nature recovery ambitions. ✓
- Creating a clear role for protected landscape organisations in the preparation of Local Nature Recovery Strategies. Our recent LNRS consultation specifically asks for views on the role of different organisations in the preparation of LNRSs, including protected landscapes. ✓
- Building on FiPL, empowering protected landscapes to support decision-making and delivery against agreed priorities, including through dedicated project coordinators and advisers. ✓

9. Do you have any views or supporting evidence you would like to input as we develop the role of protected landscapes in the new environmental land management schemes?

The agricultural transition is essential not just for landscape protection but climate and nature objectives too. Protected landscape bodies have built effective working relationships with farmers and land managers locally, making them uniquely well-placed to influence and effect changes positively in terms of sustainable land use, innovation, and new sources of funding. We expect that other consultation responses will give excellent examples of where this is already happening and how this can be rolled out elsewhere.

A stronger mission for connecting people and places

10. Should AONBs have a second purpose relating to connecting people and places, equivalent to that of National Parks?

Yes.

11. Should a strengthened second purpose of protected landscapes follow the proposals set out in Chapter 3 to improve connections to all parts of society with our protected landscapes?

Yes. We support the objectives of improving opportunities and removing barriers for all sections of society, of promoting public health and wellbeing, and actively supporting access.

12. Are there any other priorities that should be reflected in a strengthened second purpose?

Improving opportunities must include investment in green skills and jobs – ADEPT supported and contributed to this recent report [Council action on green skills and jobs](#) commissioned by Ashden and Friends of the Earth, which sets out what councils can do: many of these recommendations should also apply to protected landscapes bodies. The public health objective should reference mental as well as physical health, and should include reducing health disparities within and between places. As noted above, we were disappointed that the Levelling Up White Paper did not have more on landscape and natural capital.

Managing visitor pressures

13. Do you support any of the following options to grant National Park Authorities and the Broads Authority greater enforcement powers to manage visitor pressures? Tick all that apply.

- Issue Fixed Penalty Notices for byelaw infringements ✓
- Make Public Space Protection Orders (PSPOs) ✓
- Issue Traffic Regulation Orders (TROs) to control the amount and type of traffic on roads. ✓

In principle, we support the extension of enforcement powers to National Parks Authorities although in practice their use will be determined locally.

14. Should we give National Park Authorities and the Broads Authority and local highway authorities additional powers to restrict recreational motor vehicle use on unsealed routes?

Unsure. This is a contentious area where enforcement may be difficult. It is important that existing powers are clear and simple to use, where this is not the case then they should be reformed.

15. For which reasons should National Park Authorities, the Broads Authority and local authorities exercise this power?

These are all important considerations.

16. Should we legislate to restrict the use of motor vehicles on unsealed unclassified roads for recreational use, subject to appropriate exemptions?

No comment. Some of our members feel that existing powers are sufficient, although they could be simplified.

17. What exemptions do you think would be required to protect the rights and enjoyment of other users e.g., residents, businesses etc?

No comment.

The role of AONB teams in planning

18. What roles should AONBs teams play in the plan-making process to achieve better outcomes?

AONBs are key stakeholders in the production of local plans, they can contribute to the formulation of policy and proposals for site allocations. We support the proposal that AONBs should be properly resourced to make a more effective contribution to planning.

19. Should AONB teams be made statutory consultees for development management?

Yes.

20. If yes, what type of planning applications should AONB teams be consulted on?

- AONB teams should formally agree with local planning authorities (LPAs) which planning applications should be consulted on. ✓
- AONB teams should be consulted on all planning applications that require an Environmental Impact Assessment and are categorised as 'major development' as well as Nationally Significant Infrastructure Projects. ✓
- Other – there needs to be a flexible and proportionate approach so that AONBs and LPAs can prioritise those applications that are important locally and agree exemptions otherwise.

Local governance

21. Which of the following measures would you support to improve local governance? Tick all that apply.

- Improved training and materials ✓
- Streamlined process for removing underperforming members ✓ Yes, as a last resort, however it is more important to focus on effective recruitment of members with the right skills and training, and a robust governance framework with clear terms of reference and a code of conduct.
- Greater use of advisory panels ✓
- Greater flexibility over the proportion of national, parish and local appointments ✓
- Merit-based criteria for local authority appointments ✓ Board membership should include a range of relevant skills including financial, legal, environmental, and so on. Recruitment should ensure that individuals are appointed on the basis of the skills and experience that they can offer, and that the Board should have the full range of relevant skills.
- Reduced board size. Possibly – the size of the Board is less important than it being skilled, diverse, and representative.
- Secretary of State appointed chair ×
- Other ✓ As above – skills and diversity.

A clearer role for public bodies

22. Should statutory duties be strengthened so that they are given greater weight when exercising public functions?

Yes.

23. Should statutory duties be made clearer with regards to the role of public bodies in preparing and implementing management plans?

Yes.

General power of competence

24. Should National Parks Authorities and the Broads Authority have a general power of competence?

Yes. We agree that this would give flexibility in relation to green finance and investment opportunities. As councils already have a general power of competence, it would be necessary to consider how the two would interface.

Overall

25. If you have any further comments on any of the proposals in this document, please include them here.

There are no consultation questions about the issues covered in chapter 1 of the government response. We support the ambition to make action on Areas of Outstanding Natural Beauty (AONBs) a priority. AONB purposes should be strengthened to reflect nature recovery, climate change and heritage. They should have increased powers and resources, significantly more core funding, and stronger management plans. Renaming them as National Landscapes would be a positive step forward. We support the proposal for a new national landscapes partnership with the objectives set out in chapter 1, but there should be more emphasis on green skills and jobs – building a strong, diverse workforce to support protected landscapes and the other elements of the 25 Year Environment Plan.

There is no consultation question about financing. We support the statement in the government response that the ambitious new vision for protected landscapes must be matched by effective resources to ensure effective delivery. While we agree that private investment and other innovative methods of increasing 'green finance' should be explored, this should not be at the expense of sufficient core grant funding to deliver the statutory purposes. There should be further assessment of, and consultation on, the level of core grant funding for the protected landscape bodies. In addition, as noted in our general comments above (page 2), councils must be adequately funded to deliver the transport, access and planning services required for them to be effective partners in helping to achieve the ambition of protected landscapes. They must also be fully funded to deliver their new duties under the Environment Act 2021 including those in relation to LNRs and BNG.

We welcome the principle of creating new protected landscapes and extending some of the existing ones. It is important that in every case councils are involved in developing the proposals for doing so, and are formally consulted as part of the process. There needs to be timely and effective communication between Defra, Natural England and councils to ensure that the latter are fully-sighted from an early stage.