

# Review of English National Park Authorities

Department for Environment, Food and Rural Affairs

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Department for Environment, Food and Rural Affairs  
Nobel House  
17 Smith Square  
London SW1P 3JR  
Telephone 020 7238 6000  
Website: [www.defra.gov.uk](http://www.defra.gov.uk)

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## **Acknowledgement**

We wish to thank the Association of National Park Authorities for its kind permission to use the photographs on the cover of this report.

Front cover: Buttermere in the Lake District National Park.

Back cover: A village in the North York Moors National Park.

## Ministerial statement

Our National Parks are national assets. The way we value them must show to the full that we are serious about sustainable development – achieving a balance of environment, social and economic values.

The first National Parks were designated over 50 years ago. In many ways, their establishment represented Government putting sustainable development into practice long before the term came into use.

The good news in the United Nations' 2002 Global Environment Outlook is that about 10% of the Earth is now protected in areas like National Park – five times as much as 30 years ago.

The formation of the Department for Environment, Food and Rural Affairs last year marked an increased focus by Ministers on the contribution of the English National Parks to the sustainable development and rural agendas. This year's funding agreement – which saw an increase of almost 13% – was the best for 10 years.

We endorse the review's conclusions and the guiding principles underpinning it:

- **evolution not revolution:** recognising that there is a long history to National Parks and their management;
- **one size may not fit all:** Parks have different characteristics, cultures and challenges;
- **National Park Authorities are not large, or all purpose:** their activities and decision-making structures should reflect this;
- **clear Government priorities for Park Authorities:** they will never be able to do all that some people might want; and
- **outward looking Authorities:** acting as exemplars in tackling the challenges facing rural areas generally.

We intend to set out a new vision – one rooted in the primary purposes, but recognising the new challenges facing Parks and their communities. The principles of sustainable development and social inclusion will underpin that vision.

We expect good progress to be made straight away on many of the recommendations, including:

- the Government's new vision for National Parks (recommendation 1);
- clarifying the Park Authorities' role in promoting sustainable development (recommendation 4);
- promoting understanding of Parks (recommendation 15) and sustainable tourism more vigorously (recommendation 16);

- clarifying the roles of central government, the Countryside Agency and others (recommendation 33); and
- setting out new principles for budget allocations (recommendation 42).

However, we recognise that some of the recommendations require more work before being implemented. That is why we would welcome further views on the practicalities of a few recommendations affecting the role, structure and membership of Park Authorities:

- the appropriate level of delegation of planning cases to officers in National Park Authorities (recommendation 11);
- whether Park Authorities should have statutory responsibility for rights of way, and if so, where the line should be drawn (recommendation 14);
- reforming the membership to limit the size and change the mix of national, local authority and parish appointees (recommendation 22);
- the practicalities of introducing an independent chair (recommendation 24);
- continuity of parish and local authority appointees (recommendation 29);
- amending the members' code of conduct (recommendation 32);
- Park Authorities being wholly funded by direct grant from DEFRA (recommendation 46).

We invite comments on those seven issues by 11 October (to the address shown in the introduction). In light of further representations, we will issue an implementation plan towards the end of the year.

Many recommendations are about what more Government can do to help National Park Authorities fulfil their purposes. We will ensure that our Department delivers its part of the bargain. Equally, we look to Park Authorities and others to do their bit.

We have a clear purpose: to make the most of our National Parks as a national asset, now and for the future, while ensuring that they form part of a living countryside – sustainable in social, economic and environmental terms.



Rt Hon Alun Michael MP  
Minister of State, Rural Affairs



Rt Hon Michael Meacher MP  
Minister of State, Environment

## **Introduction**

It is Government policy that non-departmental public bodies should be reviewed every five years or so by their sponsor Department. Although the National Park Authorities<sup>1</sup> are not non-departmental public bodies, they are sponsored in a similar way by the Department for Environment, Food and Rural Affairs (DEFRA).

The Government decided that, in the light of their establishment under the 1995 Environment Act, a review of English National Park Authorities should be undertaken to assess what, if any, improvements might be made to present arrangements. Chris Mullin, the then Parliamentary Under-Secretary in the former Department of the Environment, Transport and the Regions, announced the review at the Association of National Park Authorities' conference in September 2000.

### **Purpose of review**

The purpose of this review is set out in the terms of reference (annex A). The overall objective was “to make recommendations to DEFRA Ministers on any improvements that could usefully be made to the workings of the National Park Authorities, the framework within which they operate and their relationships with partners and other key stakeholders”. The map at annex B shows the boundaries of the National Park Authorities.

### **Nature and scope of review**

This review has been carried out by a small team of DEFRA officials. It has been guided by the approach to Departmental financial management and policy reviews. It has not, however, included a “prior options” stage, which would have considered whether management of National Parks is needed at all, and whether another body, including the private sector, could carry it out. The Government made clear that it wishes to see National Parks continue to be managed by independent National Park Authorities.

The option of replacing Authorities has not, therefore, been considered. Instead the review team has focused on changes that might be made within the current broad framework. Consistent with a relatively light touch, many of the review's recommendations can be taken forward without legislation, though others will require amendment to the statutory framework.

The review has examined issues under four main headings – policy, governance, sponsorship and resources. It has looked not only at what National Park Authorities might do to help fulfil their purposes, but also at whether there are constraints on them which should be removed or reduced.

This has been a review of eight bodies, not one. It is inevitable, therefore, that certain issues may be more applicable to some Authorities than to others. A particular difficulty has been how to accommodate the Broads Authority which,

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<sup>1</sup> Unless otherwise indicated references to National Park Authorities should be taken to include the Broads Authority.

whilst a member of the National Parks' family, has a different structure to other Park Authorities and is subject to different legislation.

The review has not been concerned with how individual Authorities perform at the micro level, as this is a matter for Best Value reviews. It has, however, looked at how Best Value operates across Park Authorities and whether improvements could be made.

With the time and resources available, the review team has had to be selective about the issues examined, focusing on areas of most interest or concern, and where improvements might most readily be made.

We are conscious that some people would have liked the review to go wider than its remit; for example, to address in detail issues such as housing, transport or military use. We acknowledge the impact of those issues and we make a number of recommendations to help ensure that Park Authorities are able to engage effectively in the development of wider national and regional policies.

Many of the review's conclusions will be seen as uncontroversial improvements to current arrangements, but we recognise there is a divergence of views on some key issues, such as governance. We are conscious that some people may wish to see more radical and more rapid change, whilst others would urge caution.

The report does not highlight specific examples of action or initiatives by individual Park Authorities. Citing real-life examples can be helpful in supporting conclusions, but there would have been a risk of drawing too much attention to particular circumstances in particular Parks. The overriding aim has been to draw out general issues and recommendations.

The review has been about existing Parks, not potential new ones, though action taken as a result of this review will have implications for the way in which any new Park Authorities operate. In Wales, the National Assembly may review their National Park Authorities next year.

### **Role of the Association of National Park Authorities**

The National Park Authorities have increased their level of corporate activity during the last few years. We feel that there is considerable benefit to be gained from Park Authorities sharing expertise and learning from each other's good practice. The actions proposed in the review, in some cases, may most appropriately be taken forward co-operatively through the Association of National Park Authorities. It is for the National Park Authorities to consider what role they wish the Association to play.

### **The work programme**

The review started with the publication of the terms of reference on 7 August 2001. Comments on the review were invited by 2 November from a wide range of organisations including the National Park Authorities, local authorities, statutory agencies, land management organisations, recreational and conservation interests.



Those organisations and individuals who responded to the consultation are listed at annex C. As well as the formal public consultation exercise, the review team visited each of the National Park Authorities, meeting members, staff, and a range of local and regional stakeholders, and had discussions with other key bodies.

An analysis of responses was undertaken: a summary is at annex D. In the light of the analysis, visits and other discussions, the review team developed preliminary conclusions and recommendations on which the views of an advisory panel were sought. The advisory panel was jointly chaired by Alun Michael, Minister for Rural Affairs, and Michael Meacher, Minister for the Environment. It comprised people from a variety of backgrounds with expertise of key areas covered by the review; the members are listed at Annex E.

### **Context for review**

The review has been undertaken against the backdrop of important issues and developments affecting National Parks. For example, foot and mouth disease hit most of the Parks hard. How Park Authorities handled the outbreak is likely to have coloured some people's perceptions of National Parks.

Other developments, though less obvious and dramatic, also need to be borne in mind. For example, the review was announced before the creation of DEFRA, bringing together central government responsibilities for agriculture and rural affairs, and with promotion of sustainable development at its heart. DEFRA's creation – and the links between it and the Office of the Deputy Prime Minister – will have an increasingly important influence on the policy framework within which National Park Authorities operate.

Shifts in agricultural policy towards environmental objectives – reflected in the Policy Commission's recent report, *Farming and Food: A Sustainable Future* – are likely to have a real impact on land management in National Parks. Other contextual changes will be just as important; for example, the Government's proposals for reforming the planning system and implementation of the Countryside and Rights of Way Act 2000.

Regional chambers, and the prospect of more powerful elected regional assemblies in some places, will bring new challenges for the way Parks are managed. And the conclusions of this review need to be seen against developments in other parts of the United Kingdom. The first two National Parks in Scotland are in the process of being created. Whilst their management arrangements will be similar to the English model, there are important differences.

We acknowledge the importance of these wider issues, but in the time available, it would have been a tall order to examine these in any detail. As indicated above, the review team has had to be selective about the issues considered.

### **Status of the report**

This report contains the review team's recommendations and a ministerial statement endorsing them. The statement highlights Ministers' views on particular issues and invites further comment on a small number of recommendations. The

recommendations have been the subject of consultation within Government and with the advisory panel. They do not necessarily reflect the views of advisory panel members or of others consulted.

### **Address for comments**

The ministerial statement asks for comments on seven issues by 11 October. Comments should be sent to: Lucy Thomas, Countryside (Recreation and Landscape) Division, DEFRA, 1st Floor, Temple Quay House, 2 The Square, Bristol, BS2 6EB or by sending an e-mail to [nationalparksreview@defra.gsi.gov.uk](mailto:nationalparksreview@defra.gsi.gov.uk).

### **Acknowledgements**

The review team wishes to thank the many people who gave their time and provided expertise – including all those who responded to the consultation or participated in the team’s visits. Particular thanks go to members and staff of the National Park Authorities and the Broads Authority; members of the advisory panel; and to colleagues in DEFRA and other government departments, as well as those in statutory agencies and non-governmental organisations.

## General observations

From the public consultation, visits and discussions with national, regional and local stakeholders, we made a number of observations which informed our thinking.

### National Park Authorities:

- vary considerably in size, culture and policy priorities;
- can face distinctly different challenges from one Park to the next. This diversity will increase further if the suite of National Parks is expanded;
- are unlikely ever to be able to do all that some people want;
- are not well understood by the public and are mistakenly believed to have greater powers than they have;
- have to balance tensions between local and national interests attracting criticism, broadly in equal measure, of being either anti-local or too parochial;
- as independent bodies, are relatively young and are still evolving;
- are, because of their hybrid status, subject to rules applying to local authorities and to non-departmental public bodies; and
- can, again partly because of their hybrid status and small number, be overlooked by national and regional policy-makers.

### Authorities:

- are generally, though not universally, felt to be doing a good job most of the time;
- are seen by most people as an improvement over previous arrangements;
- have a track record of developing and implementing innovative initiatives, often in constructive partnership with others;
- are generally well focused on primary purposes;
- are becoming more outward looking – developing links at regional level and making efforts to develop a stronger corporate approach at national level;
- have a relatively high profile compared with their size;
- have staff with expertise, commitment and local knowledge;
- are well placed to help take advantage of shifts in agricultural policy;

- have well developed and constructive links at grassroots level, particularly with farmers and other land managers; and
- are taking action to address social inclusion issues.

**But:**

- have tended to punch below their weight, partly due to difficulties agreeing corporate action, limited resources and relatively weak links with the Countryside Agency;
- can sometimes seem too focused on matters of detail and not sufficiently engaged with more strategic policy development;
- lack, largely due to their hybrid status, clear lines of accountability – either to national government or to local communities;
- have not developed sufficient or consistent information in monitoring the state of National Parks, or in support of resource bids;
- are not generally seen to be at the forefront of modernising government;
- could do more to encourage social inclusion, particularly through the second purpose of promoting enjoyment and understanding; and
- could be more pro-active and ambitious in bidding for external sources of funding, though they are improving in this area.

**From these generalised observations, we derived a few guiding principles:**

- avoid change for change's sake: recognising that most Authorities seem to work well most of the time and that it is only five years since their creation;
- be wary about trying to devise a “one size fits all” solution: a national framework is needed, but should take account of local diversity;
- notwithstanding the need for flexibility, promote greater coordination between Parks, including greater consistency and quality of information;
- recognise that Authorities are not large or all-purpose: the scope of their activities, reporting and decision-making structures should reflect this;
- be clear about what Government expects of Authorities;
- encourage Authorities to become more outward-looking and more visionary; to act as exemplars in tackling challenges facing rural areas generally;
- encourage Authorities to review their policies to ensure they promote social inclusion in the wider population as well as local communities.

## Policy

**Recommendation 1:** *The Government should set out in a new public statement its vision for National Parks: this should form part of wider advice to replace Department of the Environment circular 12/96.*

Two fundamental questions need to be kept in mind when contemplating changes to the policy framework. What are National Parks for and who are they for? The public consultation exercise, and views expressed during the review team's visits to the National Park Authorities, exposed a wide range of opinion about these questions. We believe the time is right to revisit these questions and to set out clearly an up-to-date Government vision for National Parks.

The new policy statement would replace the advice currently in the Department of the Environment circular 12/96. Much of that still holds good, but may not now sufficiently reflect recent developments in national policy and the new challenges facing National Parks. The statement should emphasise the value of continuing to develop partnerships between Park Authorities and the wide range of national, regional and local stakeholders.

We would expect the statement to take account of a number of other recommendations contained in this report, including those relating to Park purposes, governance of National Park Authorities, the role of National Park Management Plans and improving awareness of Park purposes. Key elements of the current national policy framework are summarised at Annex F.

The positive role of National Park Authorities should be emphasised in the new statement. They are still perceived by some as essentially regulatory bodies. Yet each Authority can point to positive examples of action they have taken – often in partnership with others – which bring clear benefits to the Parks and their communities. The statement might draw attention to the potential of National Parks to act as test beds for practical action to secure rural revival, including action to improve their wildlife and landscape character.

To facilitate collective ownership of the new statement among the wide range of national, regional and local stakeholders, we would encourage DEFRA to consult widely when preparing the draft.

### **National Park purposes, sustainable development & the socio-economic duty**

**Recommendation 2:** *The statutory purposes of National Parks should remain as set out in the Environment Act 1995, but the Government should consider removing the expenditure constraint relating to the socio-economic duty.*

We agree with most respondents to the public consultation that the twin purposes of National Park Authorities – conservation and the promotion of understanding and enjoyment of National Parks – still hold good. National Parks are designated for reasons of their natural beauty and the opportunities they afford for open-air recreation. The activities of National Park Authorities should continue to support

these overriding purposes. These key messages should be re-affirmed in the new policy statement (recommendation 1).

Some respondents to the public consultation suggested that the duty to foster the social and economic well being of communities should be elevated to a third purpose. Many of those are among the most critical of Park Authorities and believe they focus too heavily on conservation. Yet, in some, possibly most, Parks, business interests appear relatively content with the way the Authorities operate.

We take the view, as the Government did in circular 12/96, that “it is not appropriate for the National Park Authorities to assume the role of promoting economic and social development in the Parks, nor to compete with those agencies which have the power to do so”. We are not persuaded that promoting the well being of local communities, or of sustainable development, should be made a new statutory purpose for National Park Authorities.

The Park Authorities do not fall under sections 1, 2 and 3 of the Local Government Act 2000, which enable local authorities to promote the economic, social and environmental well being of their area. But this is a power rather than a duty. Arguably the Environment Act 1995 already goes further by placing a duty on each National Park Authority “to seek to foster the economic and social well-being of local communities..”, albeit in support of National Park purposes.

Bearing in mind that the first purpose of Park Authorities is about promoting environmental well being, the three key strands of sustainable development – social, economic and environmental progress – would appear adequately covered in the legislation. Moreover, the promotion of the well being of local communities or of sustainable development are not relevant factors in the designation of Parks. Promoting environmental, social and economic well being should, we believe, underpin the purposes of Parks, rather than be treated as additional to them. This should be reflected in the new Government statement (recommendation 1).

Making National Park Authorities responsible for promoting the well being of communities could also create confusion between the functions of National Park Authorities and other bodies, particularly regional development agencies and local authorities. It is sensible that National Park Authorities should continue to work closely with such bodies in undertaking their socio-economic duty.

The 1995 Act places a constraint on National Park Authorities that, in seeking to foster the social and economic well being of local communities, they should not incur “significant expenditure”. Although this does not appear to have presented serious difficulties, there is some confusion about what is meant by “significant”. Provided the socio-economic duty continues to be in support of the primary purposes, and that National Park Authorities continue to work in partnership with other agencies, there would be benefit in removing this constraint when parliamentary time allows.

**Recommendation 3:** *The Norfolk and Suffolk Broads Act 1988 should be amended – when parliamentary time allows – so that the first two purposes of the Broads Authority are made consistent with those of National Parks.*

The Environment Act 1995 amended the two purposes of the National Parks to give them a wider definition; for example, by making explicit reference to wildlife and cultural heritage. The Broads is an area of international significance both for flora and fauna, and is of historic importance. We therefore propose that the first two purposes of the Broads Authority should be brought into line explicitly to include:

- i) conservation of the Broads' wildlife, as part of conservation of the Broads' natural beauty;
- ii) conservation of the Broads' cultural heritage, including built heritage and local traditions; and
- iii) promoting understanding, as well as enjoyment, of the Broads.

We envisage the third purpose “to protect the interests of navigation” remaining unchanged. Implementation of this recommendation would require primary legislation. This could be done either before or in association with action arising from the separate study for the Broads (recommendation 53).

**Recommendation 4:** *Government should include in its new policy statement (recommendation 1) advice on the role of Park Authorities in promoting sustainable rural development and fostering the social, and economic, well being of local communities. This should draw on the outcome of the Rural Affairs Minister's seminar on rural revival.*

The role of National Park Authorities in promoting sustainable development goes to the heart of the debate about balancing Park purposes and the interests of local business and communities.

The advice in circular 12/96 about sustainable development was written at a time when debate tended to focus exclusively on reconciling economic development with the need to protect the environment, rather than a more holistic approach giving due weight to social issues. It also predates the Local Government Act 2000 which:

- placed a duty on local authorities (but not National Park Authorities) to prepare community strategies, aimed at improving long-term quality of life, through partnership working with a wide range of local agencies;
- gave local authorities a new power to promote social, economic and environmental well-being of local areas and their communities.

As discussed above, we are not persuaded that the statutory purposes of National Park Authorities should be expanded. But we are receptive to arguments that new policy advice from Government would be helpful. This should reflect recent progress on Government policy towards local sustainable development and help to clarify the role of Park Authorities in promoting appropriate development that meets the needs of Park communities and furthers the twin purposes.

It would also be useful to emphasise the importance of local authorities working closely with National Park Authorities in developing community strategies. This would offer reassurance that National Park interests will be taken fully into account in community strategies for their areas.

***Recommendation 5:*** National Park Authorities should, with the Countryside Agency and DEFRA, identify and promote good practice examples of sustainable development appropriate to National Parks. This should include projects supported by DEFRA's new Sustainable Development Fund for National Parks.

Some of those critical of Park Authorities see them as regulatory bodies, more concerned with stifling development than promoting the right kind. Yet we are aware that most, if not all, Park Authorities are working on various initiatives to promote appropriate development.

We believe there is potential to promote sustainable development in support of public enjoyment and understanding of Parks. Authorities already promote good practice examples of sustainable development but, with help from the Countryside Agency, there is scope for this work to become more widely known and for the outcomes to inform good practice. We would expect good practice examples to emerge from the new Sustainable Development Fund for National Parks being developed by DEFRA.

### **Integrating landscape protection, biodiversity and land management**

***Recommendation 6:*** National Park Authorities should act as facilitators and advisers for different funding streams within their area relevant to their purposes, including agri-environment schemes, Environmentally Sensitive Areas and Countryside Stewardship, and any possible successor arising from recommendations of the Policy Commission for Food and Farming.

Responses to the public consultation reflected a real enthusiasm by National Park Authorities to take on an enhanced role in facilitating and coordinating a range of funding agencies' schemes. We believe National Park Authorities are well placed to take on this work and become "first-stop shops".

National Park staff have a valuable combination of expertise, local knowledge and good working relations with land managers, which may not always be used to maximum effect. We therefore support the idea of Authorities acting as facilitators, enablers and advisers on other agencies' schemes relevant to National Park purposes. That could include DEFRA's agri-environment schemes and funding from Regional Development Agencies.

A number of Park Authorities already provide advice and assistance to farmers, land managers and others. Local business and communities value that work. We would wish to see Park Authorities continuing to help agencies develop their schemes to derive maximum benefit for National Parks and their communities.

We are more cautious about Park Authorities assuming responsibility for the full administration of other agencies' funding schemes: becoming "one-stop shops".



Resource-intensive executive functions could increase the risk of duplication of effort and could be less cost-effective. In some cases, it might breach EU rules. National Park Authorities were not set up, and may not have the capacity, to run large executive and sometimes complex functions.

Inevitably there is some blurring between “one-stop” and “first-stop” functions. We would not wish automatically to rule out Park Authorities taking on executive functions where there are clear benefits in doing so; this should be considered on a case-by-case basis. Ideally this should be done by mutual agreement between a Park Authority and a relevant agency.

In some Parks, close and effective liaison has developed with Environmentally Sensitive Area project officers, but less so in others. DEFRA should factor liaison arrangements into their monitoring and evaluation process. Effective partnership working can help speed up the process by improving the quality of applications. As a minimum, regular liaison meetings should be held and, in some cases, it might be sensible to co-locate a project officer with the National Park Authority.

The management of woodland in National Parks attracted few comments in the public consultation. That may reflect action by the Forestry Commission to address earlier concerns about native woodland resources and coniferous afforestation. For example, the Commission, with National Park Authorities and English Nature, has operated a New Native Woodland Challenge scheme in the Parks to create native woodlands.

There are local accords between the Commission and each National Park Authority agreeing local targets for woodland creation and management. The Commission has also introduced forest design plans for its own holdings in the Parks and similar plans for private sector woodland. Working relations between the Commission and National Park Authorities have become closer; in some cases, Park Authority staff are effectively acting as first stop facilitators for the Woodland Grant Scheme. The Commission is receptive to developing this approach further and we would endorse this.

An enhanced facilitation function is likely to require extra funding. Part of that may be available under the England Rural Development Programme but, if that is not possible, the role should be funded from Park Authorities' grant.

***Recommendation 7:*** *As part of its review of agri-environment schemes, DEFRA should seek to ensure that all National Park Authorities have comparable opportunities to make use of agri-environment schemes to deliver their objectives.*

Most National Parks have substantial overlaps with Environmentally Sensitive Areas, although two do not: see the map at annex B. Those Parks without Environmentally Sensitive Areas, or complete coverage, have access to the Countryside Stewardship scheme, which is available nationally. But there is concern that this may not be sufficient to protect highly valued landscapes from agricultural intensification.

As part of its review of agri-environment schemes, DEFRA is looking at the Policy Commission recommendation that Environmentally Sensitive Areas and Countryside Stewardship should be rationalised into a single scheme. In doing that, the Government will consider how resources can best be allocated to obtain the greatest environmental benefits across the country as a whole: this should include the balance among National Parks.

***Recommendation 8:*** *National Park Authorities should consider how the England Rural Development Programme, the Heritage Lottery Fund and other programmes might be used to support pilot schemes to integrate land management, landscape protection and the promotion of biodiversity. DEFRA, Countryside Agency, Forestry Commission and English Nature should involve the Park Authorities where appropriate.*

National Park Authorities have sought to be test-beds for rural revival by running pilot schemes. To ensure that best use is made of public money, these schemes need to be tied into existing programmes as far as possible and evaluated rigorously to see how far they could or should be replicated.

As part of that process, we see a need to test ways of better integrating land management with protecting and enhancing the landscape and biodiversity. We are aware of some initiatives and we would like to see others coming forward. The Parks might, for example, consider with others whether there are more effective ways of tackling both over and under-grazing. English Nature would welcome such initiatives, including pilot schemes to enable some areas to revert to a more wild state.

The Forestry Commission would similarly be keen to test how facilitation and advisory aspects for delivering Woodland Grant Scheme targets in the Parks might be incorporated into a pilot integrated scheme for land management.

Such initiatives by National Park Authorities and others could be used to lead the way in the wider countryside. The Park Authorities should review not only the success of schemes in their areas, but also how the lessons learnt might apply elsewhere. We would hope that Park Authorities, farmers, conservation interests and the Countryside Agency would all help to promote good practice.

A seminar was held in June by DEFRA with National Park Authorities, Areas of Outstanding Natural Beauty and other key stakeholders to discuss ideas for promoting rural revival in protected areas.

***Recommendation 9:*** *English Nature should consider, in consultation with DEFRA, what further cost-effective action needs to be taken to secure accurate, up-to-date and consistent monitoring of trends in habitats and species within National Parks – and advise Park Authorities accordingly.*

There is concern about the level, quality and consistency of information currently being recorded for habitats and species. This concern is not confined to National Parks but, in view of their first purpose, we would expect National Park Authorities to be exemplars in this field.

It would be helpful for English Nature to assess current monitoring systems in place in National Parks and, in the light of that assessment, consider with DEFRA and Park Authorities what cost-effective improvements should be made.

**Recommendation 10:** *English Nature and National Park Authorities should work together to improve biodiversity action plans and develop effective arrangements for monitoring progress.*

Concern has been expressed by conservation interests that National Parks' record of achievement on biodiversity is not as good as might be expected, for example, the state of Sites of Special Scientific Interest. National Park Authorities are seen by some as better at protecting existing landscape than at re-creating or restoring habitats.

A number of Park Authorities are working hard to develop and improve Biodiversity Action Plans. To ensure these plans are effectively underpinned and that progress can be assessed, adequate recording and monitoring systems are needed. This might involve the sharing of experience and practice between Parks, and with other bodies, in order to develop best practice.

English Nature has indicated its willingness to provide advice on how best to monitor the state of biodiversity in Parks, and to support action on the ground to help deliver biodiversity targets.

### **Land use planning**

**Recommendation 11:** *National Park Authorities' statutory planning responsibilities should remain unchanged. In view of the highly sensitive nature of a high proportion of applications in some National Parks, DEFRA should consider, with the Office of the Deputy Prime Minister (ODPM) and National Park Authorities, whether the national Best Value target of delegating 90% of planning decisions to officers is appropriate for National Parks, and whether a different target(s) should be set to reflect the special circumstances in the Parks.*

Planning attracted the fourth highest number of comments in the public consultation. Comments focused on two aspects: first, whether National Park Authorities should retain their current planning responsibilities; and second, whether those powers are sufficient to achieve National Park purposes.

On the first issue, a substantial number of respondents, including National Park Authorities and conservation interests, believe that achievement of National Park purposes would be far more difficult if they did not have responsibility for local plans or development control. They argue that without one Park-wide authority responsible for planning policy and development control, it would not be possible to guarantee effective environmental protection and consistency of decisions.

That is particularly true so where a Park covers part, or all, of several different local authority areas. In the case of the Broads, where district councils undertake development control processing, concern has been expressed along these lines.

The arguments for retaining Park-wide planning powers are strong, particularly in relation to the production of Park-wide plans.

The case for National Park Authorities retaining all development control work is perhaps less compelling – though it is not clear that alternative arrangements would be better. It would be useful to compare the experience of development control in National Parks with, say, that in Areas of Outstanding Natural Beauty (AONBs), particularly in AONBs that straddle a number of local planning Authorities.

One suggestion is that development control in a National Park might be delegated to constituent local authorities, with the National Park Authority retaining a power to recover cases for its own determination. We are not convinced that such an arrangement would deliver consistent decision-making and support integrated management of Parks. It would also mean Park Authorities being seen as a negative influence in planning. In the absence of authoritative evidence to the contrary, responsibility for both local planning policy and development control should remain with National Park Authorities.

We are aware of concerns that some National Park Authorities appear to devote considerable effort, including at member level, to dealing with development control work compared with their other functions. But, within the relatively narrow range of responsibilities of National Park Authorities, planning necessarily occupies a central role. Planning decisions can have marked and immediate impacts on the landscape of a Park and its communities. Relatively small development or change might, depending on its location, be expected to have a greater impact than elsewhere in the countryside. It is understandable, therefore, why members may feel strongly that they should be actively involved in decisions. Greater member involvement is likely to mean greater transparency and openness in the decision-making process.

Figures for 2000/01 show that National Park Authorities were well below the national Best Value target of delegating 90% of planning decisions – with percentages ranging from 42% to 73%. It is difficult to say what level of delegation is appropriate for National Parks, though we would be concerned if relatively low levels of delegation meant members not having the time to fully engage with wider strategy.

We would expect planning committees in Park Authorities, as elsewhere, to focus on those applications that are particularly controversial, or complex. We believe DEFRA should consider with National Park Authorities what level of delegation is appropriate to Parks and whether different targets should be set for each Park. A useful next step might be for National Park Authorities to come forward with their own suggested targets and reasons for their current levels of delegation, which DEFRA and the Office of the Deputy Prime Minister could then consider. Targets should be made public and justified. The Best Value reporting system offers a suitable means of setting targets and monitoring performance.

Some respondents have brought to our attention concerns about National Park Authorities taking decisions that run counter to officer advice on their own Local Plan policies. This does not appear to be a widespread problem and it is important to recognise that members, in reaching their decisions on individual planning applications, are entitled to place different weights than their officers on the various

material planning considerations. In 2000/01, National Park Authorities made decisions on only 22 applications advertised as departures from approved policy and granted permission in 15 of these.

Arguments that National Park Authorities refuse planning permission more readily than local authorities seem misplaced. From 1997 to 2001, the approval rates in the Parks averaged 89% – with a range of between 85% to just over 90%. This compares with a national approval rate for 2000/01 of 87%. Recent research for the Office of the Deputy Prime Minister on the diversification of farm businesses showed that the approval rate for planning applications involving diversification was 86% in National Parks. That was slightly higher than for local planning authorities overall.

With the exception of the Peak District, National Park Authorities are not the sole structure plan authority and, in the case of the Broads, the Authority does not have responsibility for structure planning. Elsewhere, National Park Authorities are responsible for working with the relevant county council to produce joint county structure plans. There is some concern over the complexity of present arrangements, though the problems do not appear to be serious. The review team does not consider changes are needed now, particularly in view of the proposed abolition of structure plans as part of the Government's planning reforms.

Some concern has also been expressed that National Park Authorities, as planning authorities, may not be sufficiently engaged with highway authorities in drawing up local transport plans. The Department for Transport's guidance on local transport plans makes clear the need for highway authorities to involve all stakeholders in development and implementation. We would expect National Park Authorities to be one of the key stakeholders and for highway authorities to work closely with them. Whether sufficient resource, or priority, is being given by National Park Authorities to transport planning may merit further investigation.

**Recommendation 12:** *DEFRA should, in consultation with the Office of the Deputy Prime Minister and others, commission an evaluation of planning policies as they affect National Parks. National Park Authorities, ODPM and DEFRA should consider the implications for Parks of Government proposals for reforming the planning system.*

The public consultation attracted comment on a range of more general planning issues, including telecommunication development, quarrying, affordable housing, second homes and the Government's proposals for reforming the planning system. Recurring concerns of supporters of National Parks have been:

- i) whether Park Authorities have sufficient powers to deal with development proposals; and
- ii) whether proper account is taken of the special importance of National Parks in planning legislation and policy.

National planning policy guidance gives National Parks, along with Areas of Outstanding Natural Beauty, the highest status in terms of landscape protection. National Parks are mentioned on numerous occasions throughout planning policy guidance notes (PPGs). The main PPG relating to National Parks is the one on

countryside: PPG 7. It makes clear that “major development should not take place in the National Parks and the Broads save in exceptional circumstances...proposals must be subject to the most rigorous examination”.

PPG7 is expected to be reviewed shortly and this will provide an opportunity for National Park Authorities, DEFRA and the Countryside Agency to ensure that the interests of the Parks continue to be properly reflected in this key planning policy document.

In addition to PPG7, special consideration is also given to the Parks in, amongst others, PPG1 (general policy and principles), PPG8 (telecommunications), PPG11 (regional planning), PPG17 (sport and recreation), PPG19 (outdoor advertisement control), PPG21 (tourism) and PPG22 (renewable energy) – see annex F for extracts.

### **Affordable housing and second homes**

During the review team's visits to National Park Authorities, some argued strongly that more should be done to provide a supply of affordable housing in National Parks. We understand the desire to see that local people can afford housing in their area. There is no doubt that the housing market can and does work to the disadvantage of local people, and there is little sign of the problem easing.

Of course, the lack of affordable housing and the effect of second homes are not problems unique to National Parks. They affect other rural areas and many prosperous urban ones. It is also important to recognise that housing supply is, for obvious reasons, tightly constrained in National Parks in order to protect their special qualities. As a result, the scope for providing new affordable housing is inevitably limited, although the number of affordable homes needed in Parks is small compared with other parts of the country.

The issue of affordable housing, therefore, goes a lot wider than the scope of this review or indeed National Parks. It needs to be tackled in the context of wider planning and housing policies, rather than as a specific measure for National Parks. The Government is aware of the concerns of National Park Authorities and others and is taking action. For example, the Rural White Paper included a number of measures aimed at increasing affordable housing e.g. more funding for the Housing Corporation's rural programme and its new delivery strategy.

As part of its proposals to reform the planning system, the Office of the Deputy Prime Minister (ODPM) is consulting on proposals to reform planning obligations. One of the main objectives is to deliver more affordable housing where it is most needed. ODPM has also proposed that council tax should be charged at the same level for first and second homes. There are already powers available to local planning authorities to ensure that, wherever possible, new affordable housing is retained in perpetuity to meet local needs.

It is not obvious what other measures can be taken to address the particular problems in National Parks. We would, however, expect housing authorities to work closely with National Park Authorities in developing their strategies.

## **Minerals**

We are similarly aware of concerns about the impact of quarrying in Parks. The current policy for mineral extraction in National Parks is set out in minerals planning guidance note 6: *Guidelines for aggregates provision in England* (see Annex F). This applies a restrictive policy in National Parks, though does not rule out mineral working in the Parks altogether. For example, new permissions may consolidate older ones and provide better opportunities to restore land to harmonise with its surroundings. Some minerals, such as building and roofing stone, are needed for local conservation and help to maintain the character of the designated area.

Most large quarries in National Parks are worked for hard rock aggregate and, traditionally, these have been extended in preference to opening new sites. The Quarry Products Association has voluntarily adopted a policy of not seeking new sites, as opposed to extensions, within National Parks and Areas of Outstanding Natural Beauty.

The Planning Green Paper proposed that the Government should revise MPG1 (the general planning advice on minerals) during the coming year. That will provide National Park Authorities and other key stakeholders with an opportunity to take up any concerns they may have with the current guidance.

## **Landscape conservation orders**

Some have argued that further controls are needed to protect landscapes in National Parks; specifically, landscape conservation orders. This idea was included in the 1991 Edwards review, though Government had decided not to pursue it in the late 1980s. (Edwards review: *Fit for the Future*, Countryside Commission, 1991).

There had been pressure to introduce orders to protect landscapes in the same way nature conservation orders were used to protect Sites of Special Scientific Interest. The orders prevented damaging operations on land and resulted in compensation for profits foregone, which often included substantial production subsidies. However, landscape conservation orders were not considered practical. We would prefer to see the use of incentives for positive management of the landscape, which would be more effective and acceptable.

The planning issues highlighted here are not comprehensive. There are other important planning and related matters that have significant impacts on National Parks. It has not been possible to examine those and, in any case, they need to be looked at in greater depth than the scope of this review would allow. We therefore think it would be useful for DEFRA to commission, in consultation with the Office of the Deputy Prime Minister, a study of planning issues affecting National Parks, including the extent to which Park interests are taken into account in national and regional planning policy.

The Office of the Deputy Prime Minister is receptive to meeting Park Authorities and DEFRA to discuss the implications of the Government's planning reforms for National Parks. We envisage the discussions going wider than the planning reforms:

to look at planning policy more generally as it relates to National Parks and to consider the issue of delegation of decisions to officers.

### **Promoting public enjoyment**

**Recommendation 13:** *The Countryside Agency should, in consultation with DEFRA, National Park Authorities and relevant sports, and conservation, agencies, commission research to assess i) demand for different forms of recreation in National Parks; and ii) the capacity of the Parks to accommodate them. The research should examine the potential for finding sites outside National Parks for activities which would be inappropriate in them.*

Promoting opportunities for the understanding and enjoyment of the special qualities of National Parks is fundamental to their designation. Foot and mouth demonstrated vividly the social and economic importance of attracting visitors to the countryside. The English Parks already attract more than 70 million visits every year. Circular 12/96 said that National Park Authorities should promote “the widest range of opportunities for recreation to reflect the variety of ways in which the Parks can be enjoyed”. We support that aim.

The Park Authorities should invest in facilities and people designed to help visitors enjoy and understand the Parks. They should, in partnership with others, carry out work to reduce the barriers that prevent people, from all sections of society, from visiting and appreciating the Parks. A pro-active approach to less traditional forms of recreation could help rekindle interest in the Parks among young people, women, minorities and urban constituencies – without eroding Parks’ special qualities. Park Authorities are already pursuing action to promote greater diversity of use – and users – but we believe there is scope to do more.

Some have argued that the Sandford principle (see quote below) supports their view that Parks should be primarily about conservation and that only quiet, traditional forms of recreation should be allowed. Others said that some Park Authorities have used the Sandford principle as an excuse not to promote Parks widely as tourist destinations or to welcome visitors – causing a detrimental effect on local businesses and communities.

It is true that the 1995 Environment Act reinforced the primacy of conservation over recreation where there is a conflict between the two. However, it is worth recording that the Sandford Committee intended that conservation should prevail over recreation as a measure of last resort and where the conflict was acute. The 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. But, where it is not possible to prevent excessive or unsuitable use by such means, so that conflict between the dual purposes becomes



acute, the first must prevail in order that the beauty and ecological qualities of the National Parks may be maintained.”

The recreational pressures may be greater now than in 1973, partly due to new forms of recreation, but the approach recommended by Sandford would still seem to hold good. We recognise that many people’s enjoyment of National Parks derives from the feeling of peace and tranquillity – getting away from the stresses of modern-day living. These benefits apply equally to visitor and resident alike.

In those areas of Parks that are tranquil, it is right that there should be a presumption against activities that would undermine that tranquillity. But that does not mean that more intensive recreational use should be dismissed across the whole of National Park areas. Circular 12/96 states, “..the Government does not accept that particular activities should be excluded from throughout the Parks as a matter of principle”. We support that position. The present Government confirmed its support for this principle when considering the proposed speed limit on Lake Windermere in 1999.

At the same time, we recognise that there are concerns about recreational pressures damaging Parks, particularly as a result of motorised vehicles and more intensive forms of recreation. Park Authorities should work with transport operators and tourism organisations to encourage more people to come, and travel within, the Parks, by means other than the private car. That would extend choice and reduce environmental damage.

Positive management of visitors is important, particularly in “honey pot” areas and where more intensive, or noisy, activity takes place. Nevertheless, it is important not to exaggerate the damage that recreation may cause. National Parks contain fragile features but, taken as a whole, they seem relatively robust environments, capable of absorbing a range of recreational users.

We therefore wish to see all Park Authorities continuing to develop policies appropriate for modern-day recreation. DEFRA’s recently published vision document *Working for the Essentials of Life* states “we will expect National Park Authorities to identify and manage demands for recreation in their areas, not just from those who have traditionally enjoyed the Parks’ special qualities, but from the whole of society. We will report on how successful this has been”.

To support that process we believe there is a need for further research and information relating to recreational demands in National Parks. We envisage that, as the research should look at the position in all Parks, the Countryside Agency might be best placed to lead and coordinate the work. It might have two main stages: the first to devise a common methodology for assessing a diversity of recreational demands and the capacity of Parks to accommodate them; and the second, an assessment for each Park. The potential of zoning policies – protecting tranquil areas, while allowing more intensive use elsewhere – should form part of the research. This approach should be fully consistent with Sandford and with current Government policy.

The study could be aligned with the Rural White Paper commitment to undertake a diversity review to establish what people with disabilities, ethnic minorities, people from inner cities and young people want from the countryside. Whilst the diversity review goes wider than National Parks, it may be possible to design the review so that data relating to Parks could be easily extracted.

***Recommendation 14:*** *National Park Authorities should be encouraged to use their legal powers to create new access opportunities and to improve the existing path network. DEFRA should consider with the National Park Authorities whether Authorities should become statutorily responsible for rights of way. They should work closely with the Countryside Agency, in consultation with English Nature, to develop arrangements for managing the new right of access to open country.*

Closely associated with the need to cater effectively for a range of recreational uses, is the need for good access on the ground. While not an issue for most respondents to the public consultation, some recreational users argue that not all Park Authorities are sufficiently pro-active in improving access opportunities for some pursuits, including horse-riding, cycling and canoeing.

Under existing legislation, Park Authorities have powers to enter into agreements or make orders to create new paths, or access, but have not yet used these powers extensively. While most Authorities seem good at managing the existing rights of way, there is considerable scope to improve the existing network and provide new opportunities for a wider range of users.

It is in some ways surprising that Park Authorities are not statutorily responsible for rights of way. But current arrangements seem to be working reasonably well and few respondents have sought change – which would need legislation. Nevertheless, as the maintenance and improvement of the path network is central to the Parks' second purpose – and Parks Authorities are, under the Countryside and Rights of Way Act 2000, the statutory access authorities for managing the new right of access to open country – there is a case for looking again at whether Park Authorities should be given statutory responsibility for rights of way. Park Authorities should, in any case, be fully engaged with the preparation of rights of way improvement plans, which – because of their expertise and experience – should be models of good practice.

Authorities should work closely with the Countryside Agency in developing arrangements for managing and, where necessary, restricting access to open countryside under Part I of the Countryside and Rights of Way Act. That would promote a reasonably consistent regime understood by the public. Because of their extensive experience of managing public access and their second statutory purpose, we expect National Park Authorities to be exemplars of access creation and management.

We would, for example, expect Park Authorities to lead the way in dedicating for public access – under Section 16 of the 2000 Act – suitable land in their ownership. DEFRA Ministers have recently written to the chairs of Authorities encouraging them to do this. We envisage that the proposed new Government statement

(recommendation 1) would reflect a renewed emphasis on the provision of public access in National Parks.

### **Promoting understanding**

**Recommendation 15:** *DEFRA, the Countryside Agency and National Park Authorities should attach a higher priority to promoting understanding of National Parks. DEFRA should, in consultation with the Department for Education and Skills, encourage Park Authorities to develop, with partners, programmes and initiatives to promote greater understanding among a wider audience, including those from urban areas, ethnic minorities and young people.*

Despite being a key element of the National Parks' second purpose, few responses to the public consultation mentioned promoting understanding. We believe this reflects a lack of engagement with a wider, predominantly urban, constituency. There is evidence of some good initiatives by National Park Authorities, but they are not promoted as strongly as they might be. We look to DEFRA to make clear in its new policy statement (recommendation 1) that this area of work should be accorded higher priority.

Our impression is that relatively few people understand what National Parks are about – or even know where they are. We know that work is in hand to raise awareness of protected landscapes among decision-makers and opinion-formers. This involves the Countryside Agency, Association of National Park Authorities and the Association of Areas of Outstanding Natural Beauty. We also recognise that raising the level of awareness of National Parks and the issues they face more generally may be costly, and the outcome difficult to assess. Some degree of targeting is likely to be needed, as a general awareness campaign may not be the most effective approach.

Raising awareness and understanding among school children – perhaps particularly in major urban centres near Parks – would seem to offer considerable potential. That would help to improve understanding of the natural environment, promote social inclusion, as well as develop a better understanding between town and country. Promoting greater understanding should include appreciation of the qualities of Parks as special places, the evolution of the landscape and its relationship with those who manage and use it.

National Park Authorities already have their own information and programmes tailored to take account of their particular characteristics or issues – though some Authorities are more pro-active than others. We consider that, in addition to material produced by Park Authorities, there would be benefit in developing a core package across the National Park family, which could be used to provide an overview for national level teaching.

As part of this work, Park Authorities should work with others to develop a corporate education package supporting the national curriculum. Park Authorities would need to consider with relevant education advisers – for example, the Outdoor Education Advisers Panel – the nature of the material and supporting work; how it might best fit with the national curriculum; and the most effective means of promotion.

It is unlikely that any Park Authority will have the capacity to provide a comprehensive education service directly. Developing effective partnerships and service agreements would seem to offer the most promise. Some Park Authorities are already establishing partnerships with local education Authorities, including some of the larger urban ones, and with suitable providers of specialist education.

Such initiatives are to be welcomed and encouraged. We wish to see DEFRA encouraging Authorities to develop and strengthen partnership working, including with the voluntary sector, and for such partnerships to seek access to different sources of funding such as the Lottery. Similarly, we would wish to see Park Authorities sharing good practice and experience.

### **Sustainable tourism**

**Recommendation 16:** *The Countryside Agency with the English Tourism Council, and in consultation with DEFRA, the Department for Culture, Media & Sport, English Nature and the National Park Authorities, should revisit the policy statement “Principles for Tourism in National Parks” to place a renewed focus on sustainable tourism. These principles should be translated into sustainable tourism strategies for each Park.*

There is criticism from tourism, and some business, interests that National Park Authorities may not always offer enough support for tourism. As with other issues considered in this review, experience tends to vary from Park to Park.

Some National Park Authorities have well developed tourism policies and effective links with tourism organisations. We wish to see this replicated in all Parks. It would be helpful to revisit the “Principles for Tourism in National Parks” statement, agreed by the National Park Authorities, the then English Tourist Board and the former Countryside Commission. The new statement would need to ensure that promotion of tourism does not lead to development which compromises the special qualities of the Parks which are so highly prized by visitors and residents alike. English Nature has done some good work in this field.

The revised principles would feed into tourism strategies to be incorporated into National Park Management Plans, rather than being separate plans. We would expect Park Authorities to consult widely in drawing up their strategies including with key tourism, business and conservation interests.

**Recommendation 17:** *The Countryside Agency should commission research and information gathering relating to visits in National Parks – in consultation with DEFRA, the Department for Culture, Media & Sport, English Tourism Council, English Nature and the National Park Authorities.*

There seems to be surprisingly little up-to-date information about people visiting National Parks. The last major survey was carried out in 1994. As a first step, there is a need to establish what information is available and where the gaps are. The work should examine the numbers and characteristics of visitors: their backgrounds,

where they live, their reasons for visiting, their demands and their experience of visiting Parks.

It would be similarly helpful if the study looked at current demands, future trends, opportunities and constraints. The Countryside Agency is currently helping Park Authorities to develop a visitor survey methodology and this should help to address tourism research needs.

### **Influence on others – “Section 62 duty”**

**Recommendation 18:** *DEFRA, the Countryside Agency and the National Park Authorities should work together to ensure relevant public bodies are made aware of, understand, and comply with the “Section 62 duty” in the 1995 Environment Act: to have regard to the purposes of National Parks. In particular:*

*i) DEFRA officials should develop effective working relations with relevant contacts in key other Government Departments and regulatory bodies; and, in doing so, should identify the key public bodies to which the duty applies;*

Section 62 of the 1995 Act places a general duty on all relevant Authorities, including the National Park Authorities, statutory under-takers and other public bodies, to have regard to the purposes of the Parks as set out in section 61 of the Act

DEFRA’s National Park sponsorship team should develop a more strategic approach to ensuring that the Section 62 duty is observed. We recognise the resource constraints on the team, but believe that real benefits could be derived from greater engagement with other departments and those regulatory bodies whose activities impact on National Parks.

More specifically, there would be benefit in DEFRA stating clearly to which public bodies the duty applies. We recognise that there may be difficulties in trying to compile a definitive and exhaustive list. It would, however, be relatively straightforward to highlight in policy advice the most important relevant public bodies such as local authorities, government departments and key statutory agencies. In some cases, there might be benefit in encouraging the relevant bodies to issue their own statement of how they will take account of National Park purposes: we understand there are examples of this happening already.

*ii) DEFRA Ministers should continue to use the Green Ministers’ meetings, the new cabinet sub-committee (DA(RR)) and other suitable national forums to champion National Parks – helping to ensure that other Government departments take account of National Park interests.*

DEFRA Ministers are already taking a keen interest in National Park issues. The Green Ministers’ network might usefully include discussion about Government Departments’ commitment to National Parks and their purposes.

*iii) the National Park Authorities should include in their annual reporting arrangements a brief assessment of compliance with Section 62; and should bring serious contraventions to the attention of DEFRA and the Countryside Agency;*

Compliance with Section 62 is designed to help achieve National Park purposes and it therefore seems appropriate for Park Authorities to monitor the actions of those relevant bodies operating in their area. We recognise that it may be difficult for Park Authorities to assess compliance by all affected bodies, but if a relevant authority did something which clearly went against National Park interests, it would seem reasonable for Authorities to bring it to the attention of DEFRA and the Countryside Agency. We would expect the new DEFRA policy statement to reflect this (recommendation 1).

There are some concerns about how this idea might apply to local authorities, as partnership provisions in the Local Government Act 2000 might arguably be sufficient to ensure local authorities recognise National Park purposes. The forthcoming Comprehensive Performance Assessment will provide an over-arching framework for monitoring local authority performance – though this seems too general to provide a suitable means specifically to address National Park interests.

*iv) the Countryside Agency should provide an overview report to DEFRA of compliance with Section 62.*

While we would expect National Park Authorities to take the lead in monitoring compliance, there would be value in the Countryside Agency providing an overarching view for National Parks as a whole. The Agency has indicated its willingness to take on this role. Precisely how the Agency might best undertake this function would be a matter for further consideration. For example, the Agency could draw wholly on information provided by Park Authorities to compile its report – or it could undertake its own research. This could be part of the Agency's rural proofing role. DEFRA and the Agency will wish to consider this further.

### **National Park Authorities' corporate and Park management documentation**

***Recommendation 19:*** *The current corporate planning framework should be rationalised, strengthened and made more transparent.*

We have sympathy with those who have argued that Park Authorities' documentation burden is too heavy and also with those who say it is difficult to form a clear picture of Parks' performance. It was not always easy to locate accurate and clear data on a consistent basis about Parks' performance. Park Authorities argue that rationalisation of corporate and Park management reports would help them produce better and more useful documents.

A suggested framework for National Park Authorities' documentation is set out in the table below:

Management of the Authority		
Best Value Performance Plan	A Park Authority's method of accounting for the performance of its operations and setting out its future plans. Equivalent to the annual report required under section 230 of the Local Government Act 1972. Of interest to central government, agencies and local communities.	Produced annually.
National Park Authority Service Agreement	A high-level agreement between central government and a Park Authority to provide a certain level of funding over a three year period, subject to performance against a small number of SMART local and national indicators. These would be tailored to the circumstances in each Park (see also recommendation 43).	Agreed for a three year period and reviewed annually.
Management of the Park		
National Park Management Plan	The document which sets out the vision for the management of a National Park over the long term. Should include SMART objectives.	Reviewed every five years.
State of the Park Indicators	The statistics which show how the Park is faring across a range of areas: conservation, recreation, etc. These inform the development of the strategy in the Park Management Plan.	Reviewed every five years.

We believe that the four sources of information above are all that is needed. The production of one report annually on Authority performance; one review of strategy every five years; and one financial agreement every three years (reviewed annually) is not onerous. DEFRA and other Government departments may from time to time make additional demands for information, but we would hope those requests could be accommodated within the basic framework above. Authorities are free to produce additional documents or information if they wish.

To improve the way the Best Value and Management Plan processes operate, we recommend the following actions:

*i) DEFRA should make clearer the Government's policy priorities for National Parks expenditure and these should be reflected in new National Park Authority service agreements.*

We agree that the current DEFRA advice is sometimes too generalised and may not give a sufficient steer on the priorities that Government wishes Authorities to pursue.

We believe the idea of National Park Authority service agreements should be explored. The Office of the Deputy Prime Minister has already developed local public service agreements with a number of local authorities. We envisage agreements with National Park Authorities following a similar model.

The Government's strategic priorities for the Parks would be set out in the agreements along with a mix of, say, up to eight performance indicators; some common to all Parks and some specific to individual Parks. The indicators would need to be SMART: specific, measurable, achievable, realistic and timely. We would expect DEFRA to work closely with the Countryside Agency, in consultation with National Park Authorities, in drawing up these agreements.

There is concern about the prospect of central government advice changing from year to year – though DEFRA has not changed its advice significantly for the last two years. We suggest there should be a presumption that service agreements should cover a three year period in order to help Park Authorities manage their work more effectively.

*ii) the National Park Management Plan should be given renewed importance in Government policy advice – providing the long term policy framework for action to further Park purposes.*

Renewed emphasis on the importance of the National Park Management Plan should be reflected in the DEFRA guidance which supersedes circular 12/96 (see recommendation 1). This should reinforce the message that Management Plans are plans for National Parks, not just the Park Authorities. All those with interests in a National Park should take account of the Management Plan's vision for the area. The new Government advice should promote effective dialogue in order to help promote a greater sense of ownership of plans by key regional and local stakeholders. Whether an Authority has an up-to-date Management Plan – or has a revision under way – should be taken into account in its grant allocation.

*iii) The Countryside Agency, in consultation with DEFRA and National Park Authorities, should review its guidance on preparing National Park Management Plans.*

The 1995 Environment Act required Park Authorities to draw up National Park Management Plans. The latest Countryside Agency guidance on National Park Management Plans was issued in 1997 – though a limited update is planned in the next year. Much of the guidance is likely to still hold good, though it will not reflect more recent developments in national policy. Revised guidance should develop ideas for promoting a greater sense of ownership of the plan – ensuring an integrated approach to managing the Park, across all the functions of a Park Authority, and encouraging co-operation and partnership with other agencies.

*iv) the Countryside Agency should work with National Park Authorities and others to develop a core set of national state of the Park indicators. State of the Park reporting should be used to monitor progress against the National Park Management Plan.*



National Park Authorities are required to report on the health of their natural and cultural assets. Although Authorities and the Countryside Agency have made some progress in developing robust and nationally consistent State of the Park indicators, we would wish to see this work given higher priority. Developing indicators that are relevant, accurate, measurable and consistent across Parks is difficult, but is crucial in evaluating outcomes. We recognise the need for some flexibility to take account of the particular circumstances of different Parks. But we would hope a core set of indicators could be devised which are relevant to all, with a few additional indicators specific to individual Parks.

There is a need to avoid unnecessary overlap between State of Park indicators and Best Value performance indicators. State of Park indicators should go beyond those indicators within the control of National Park Authorities – and be concerned with overall progress in achieving National Park purposes.

*v) DEFRA should work with National Park Authorities to develop a tailor-made and streamlined version of the Best Value regime, including considering the peer review system run by the Improvement and Development Agency.*

There is general recognition among National Park Authorities that the Best Value regime has brought a more focused and disciplined approach to their work. But there has been criticism that the system has been designed for large, multi-purpose authorities and that small, special purpose authorities are burdened with a disproportionate level of bureaucracy.

The Government accepts that the Best Value system needs to be sufficiently flexible to accommodate small authorities and those with limited functions. The Office of the Deputy Prime Minister has recently issued a statutory instrument which makes changes to the Best Value regime and which applies to all Best Value authorities. It removes the requirement that authorities must review all their functions every five years.

The aim should be to develop a Best Value regime which: better reflects the scope and resources of National Park Authorities; focuses on those indicators most relevant to National Park functions and purposes; and which delivers greater consistency between Parks.

The Minister of State has suggested that he would favour a greater use of peer review in pursuing excellence in National Park management and policy making. One option might be to consider using the peer review system run by the local government Improvement and Development Agency (IDeA). Peer reviews have been used by groups of local authorities to examine performance and develop new methods of working.

National Park Authorities accept that they need to come forward with their own proposals about how the Best Value system can be made to fit better with their particular requirements. We hope that they will do so shortly and will discuss their ideas with DEFRA.

***Recommendation 20: DEFRA and the Countryside Agency should investigate the scope for streamlining procedures for making changes to the boundaries of National Parks.***

Experience of making changes to National Park boundaries has shown the process to be complex, long and costly. Providing effective public consultation and appeal procedures is likely to limit the scope for streamlining. The former Countryside Commission and Department of the Environment, Transport and the Regions, looked at streamlining procedures in 1998/99. Their conclusion was that the consultative mechanisms put in place by the existing legislation were essential to safeguard local democracy.

It is important not to focus too heavily on administrative boundaries. With more partnership working between National Park Authorities and adjacent Authorities, where the boundary falls may not unduly constrain a Park Authority. Nevertheless, there may be value in the Countryside Agency revisiting the issue, particularly in relation to small adjustments in Park boundaries. Any significant change to current procedures would require legislation.

# Governance

## Size and mix of membership

Membership of Park Authorities attracted many and varied responses to the public consultation. It also generated considerable discussion during the review team's visits. It is the issue that lies at the root of debate about National Park Authorities' accountability; their planning responsibilities; the balance between National Park purposes and the socio-economic duty; and the balance between national and local interests.

Membership reflects the hybrid status of National Park Authorities. They are special purpose statutory authorities, with a mix of people appointed via different processes and by different appointing authorities. In some ways, their hybrid status brings advantages by providing a genuine mix of people with different experience and skills, and legitimately different views. Where the combination works well, there is well rounded and balanced decision-making. But, crucially, it depends to a large degree on the goodwill and constructive working relationships between the different members – local authority appointees, national appointees and parish council members (also appointed by the Secretary of State).

Though some respondents feel strongly that current institutional arrangements are not working, there is little consensus about what changes should be made. Some local authorities, local community and business interests feel that National Park Authorities are too remote from, and not sufficiently accountable to, local people. Others, including conservation organisations and statutory agencies have concerns that, with around three quarters of members coming from local authorities or parish councils, national interests are seriously under-represented.

There is also a more general issue about whether there is sufficient diversity of members. There are very few people from ethnic backgrounds, and members tend to be older and male. This is particularly true of local authority and parish council appointees. This issue goes wider than National Park Authorities and is relevant to local government as a whole.

Despite genuine concerns about current arrangements, the overall message is that the creation of independent authorities has been a positive step. In most Parks, the current mix of members seems to be working reasonably well and relations between senior staff and Chairmen appear generally good. It is perhaps inevitable that there is sometimes tension between those members who see themselves as promoting local interests and those appointed by the Secretary of State to represent national interests.

On the question of size of membership, few, if any, respondents believe National Park Authorities should have more members. Views are split between those who think that current arrangements allow sufficient representation and those who argue that Authorities have too many members relative to their size and functions. It is worth noting that the Government's recent White Paper on regional governance suggests that elected regional assemblies should have between 25 and 30 members.

The responses from the Authorities with the largest number of members – the Peak (38) and the Broads (35) – reflect their concern that they have too many members. The Peak has suggested a reduction to 30 members. Similarly, the Broads has indicated that it wishes to see changes to its legislation in order to reduce numbers. We have considered a range of options from no change through to substantial change to both size and mix. We have not contemplated the most radical option of abolition, or replacement of independent Park Authorities, as this would go beyond our remit.

Our recommendations on membership do not include the Broads Authority. Whilst we believe the general thrust of our conclusions is applicable to the Broads, further investigation is needed to take account of the significantly different structure of the Broads Authority (18 local authority appointees, 9 Secretary of State appointees, and 8 representatives of special interests) – see the section on Broads Authority.

***Recommendation 21:*** *In the short-term, National Park Authorities should be encouraged to develop more streamlined decision-making structures and processes, while ensuring effective mechanisms for involving relevant interests and stakeholders.*

It is a matter of judgement whether the problems, or potential problems, with the current mix and size of membership justify amending the existing legislation. We consider that, at least in the short term, the focus should be on improving decision-making and policy-making within existing membership structures.

A number of Park Authorities are already moving in this direction so this recommendation is, to some extent, simply endorsing good practice. As current levels of local representation would be retained, we would expect this recommendation to be uncontroversial, and, in theory, it should be capable of being implemented relatively quickly.

That said, it is difficult to gauge the extent to which all National Park Authorities will “buy into” this modernising approach. Streamlining decision-making is likely to involve a stronger executive or core, cabinet structure. If the “mix” of the core is the same as the full Authority, there might be concern about local interests dominating the agenda. Moreover, members outside the core may not feel sufficiently engaged with developing an Authority’s policies or decisions. That, in turn, could lead to a greater loss of a sense of collective ownership.

That is why we would wish to see other effective consultative mechanisms being developed in parallel. For example, consultative forums involving a range of local and regional stakeholders and other interests such as constituent local authorities, statutory agencies, business organisations, tourism, recreation and conservation interests. Forums would need to be seen as more than “talking shops” and, while they should be independent of Park Authorities, would need some administrative support from them.

**Recommendation 22:** *In the longer term, consideration should be given to legislating for a maximum membership of between 20 and 25, and changing the mix to three-fifths local representatives (local authority and parish council members) and two-fifths national appointees. This should be combined with – and ideally preceded by – measures to ensure effective consultation with local and regional stakeholders.*

We have given considerable thought to whether the weaknesses, real or perceived, of the number and mix of members are sufficient to justify change and therefore legislation.

Factors that we have taken into account include whether the current membership size and composition strike the right balance between:

- efficient decision-making and the need for effective representation of national, regional and local stakeholders;
- Park Authorities’ structure and decision-making processes should not impose disproportionate costs, in relation to their functions;
- a reduction in member numbers alone can deliver streamlined decision-making. The current staff-member ratio is 4 to 1;
- there should be more Secretary of State members (above the current 25%) given that central government provides 100% of the funding;
- changes to the current structure could help clarify accountability – for Park Authorities corporately and for individual members;
- it is reasonable to expect local members fully to take account of national interests;
- current arrangements provide effective sanctions if things “go wrong”; and
- current arrangements help or hinder members to devote enough time to strategy.

We are aware that any significant change to membership is likely to be controversial, particularly with those who believe their interests would be adversely affected. We are also conscious that a review of this kind can focus too much on formal structures and that most Park Authorities seem to work reasonably well most of the time. However, we believe this is despite current arrangements rather than because of them. The fact that most Authorities have managed to work within the current structures reflects well on them, particularly on senior members and management. But this is not sufficient argument for leaving things as they are.

The Edwards review – which led to the establishment of independent National Park Authorities – suggested between 18 and 24 members as providing the right balance between efficiency and acceptable representational coverage. It also proposed that membership should be equally divided between district councils, county councils

and Secretary of State appointments. Edwards did not propose either parish council members or directly elected representatives.

When the bill to create independent Park Authorities was introduced to Parliament, it proposed that half plus one of members would be local authority appointees with the remainder being national members appointed by the Secretary of State. An amendment during the passage of the legislation provided for parish council members to be appointed from the Secretary of State's allocation.

Under the recent Scottish National Parks legislation, at least 20% of members are directly elected, with the remainder divided equally between local authority nominees and those selected by Scottish Ministers. Unlike England, Scotland does not have parish councils.

Taking account of all these considerations, we are persuaded that there is a case for change to both the size and mix of membership. Whilst any limit on numbers is to some extent arbitrary, we believe that Authorities' memberships are overly large in relation to their functions. For the largest Park Authority, the Peak, we would suggest a maximum of around 25 members: for the others, around 20 might be appropriate. Where the Park population is very small and the number of constituent local authorities low, there might be a case for a membership of below 20. A future move towards unitary local authorities would offer a natural route to reducing numbers without eroding representation.

On the mix of members, we are similarly persuaded that some change would bring benefits. In view of their national designations and the fact that Park Authorities are almost entirely funded through general taxation, some argue that "national" appointments should comprise the majority – even a large majority – of members. This argument would be more compelling if National Park Authorities did not have responsibility for development plans and development control – which are normally the responsibility of local authorities. On the other hand, some local people feel that National Park Authorities should be more like local authorities with all members being directly accountable to local communities.

We do not support either position. National Park Authorities are hybrids – and so long as they remain hybrids, we believe their membership should be broadly balanced. We therefore wish to see local authorities, parish councils and national interests continuing to be represented on Park Authorities. We also take the view that, despite Park Authorities being funded from national taxation, a majority of members should continue to be selected locally.

We feel that a reasonable composition would be local appointees (local authority and parish council members) three-fifths, with national appointees comprising the remaining two-fifths. Within the local element we envisage the split between local authority members and parish council members being two-fifths – one-fifth, though there may be a case for some flexibility. We would not wish to see parish council members removed as our impression is that they have brought useful perspectives and, by providing grassroots links with local people, have helped improve the standing of Authorities with local communities.

Parish council members are currently counted as Secretary of State appointees. Whilst the practical arrangements for the Secretary of State formally appointing parish council members appear to work reasonably well, it is self-evident that parish council appointees should not be seen as national appointees in any reassessment of representation.

It should also be borne in mind that many so-called “national” members have, in fact, strong local connections with their respective Parks and may, indeed, live in them. So the distinction between “national” and “local” members can be a misleading one.

Further consideration would need to be given to whether the composition of Park Authorities should be reflected in committees – as it is under current legislation. We consider that, because of the importance of the development control to local communities, legislation should specify that local representatives should continue to comprise a majority on the development control committee. We think there may be a case for allowing greater flexibility about the precise make-up of other committees.

In essence, this recommendation is an attempt to strike a reasonable balance between efficient decision-making and effective representation.

If implemented, this recommendation should:

- help deliver more efficient, streamlined structure and decision-making;
- make the size of Authorities more proportionate to the range and scale of National Park Authority functions;
- strike a better balance between local and national interests, and better reflect funding of National Park Authorities;
- retain a majority of “local” appointees – though the “in-built” majority of local authority members would be lost;
- offer the Secretary of State sufficient scope to ensure effective representation of a range of key stakeholders.

If the Government legislates to change the membership of Park Authorities, we believe it is important that changes should be made to both the number and mix of members. To increase the proportion of national appointees without setting a limit on numbers would increase the size of National Park Authorities still further. Few would welcome this. To reduce the size without significant change in proportions would create difficulties in trying to ensure stakeholder interests are represented through the Secretary of State’s appointees.

We recognise that to some this recommendation does not go far enough, while those local authorities affected may be concerned about the prospective reduction in their representation. It is likely to mean that, at least in some Parks, not all constituent local authorities would be able to have direct representation on the National Park Authority. To address this problem, consideration might be given to

local authorities sharing members, or agreeing to rotate representation between them. A move towards more unitary authorities would, however, lessen or even remove this problem.

It is important that, before such a change is implemented, National Park Authorities should establish effective consultative mechanisms with local stakeholders including constituent and neighbouring local authorities. Properly implemented – with a clear remit and real influence over policy making by Park Authorities – such measures would help to overcome some of the concerns about reductions in formal positions on Authorities.

**Recommendation 23:** *DEFRA should consider with National Park Authorities, Government Offices and the Local Government Association, the implications of the Government's proposals for regional governance, including whether membership of National Park Authorities should include representatives of elected regional assemblies.*

National Parks are national designations reflecting their importance to the nation as a whole. Equally, they are valuable environmental and economic assets for the regions in which they are located. With the emergence of stronger regional government, highlighted in the Government's White Paper (May 2002), it is legitimate to ask whether regional government should be formally represented on National Park Authorities.

This issue was not raised to a significant degree in the course of the review. That probably reflects uncertainty about the implications of any future elected regional assemblies, or the form that they are likely to take. Bearing in mind that the White Paper was issued only recently, it has not been possible to make judgements about the effect of any future assemblies on the membership and accountability of National Park Authorities.

Nevertheless, we would encourage DEFRA, in consultation with the National Park Authorities and Local Government Association, to consider what the relationship should be between National Park Authorities and any future elected regional assembly for their area; including the case for formal representation on Park Authorities.

Practical issues need to be considered: for example, should any regional government appointees replace, rather than be additional to, existing members and how many should there be? The case for regional government representation will need to be considered in relation to other proposed changes to membership.

**Issue:** *Whether a proportion of members should be directly elected.*

A few respondents who see National Park Authorities as being too remote from local communities have called for some, or even all, members to be directly elected. Having a proportion of members directly elected might raise the level of awareness among communities and would provide a line of direct accountability to them.



The Scottish legislation (National Parks (Scotland) Act 2000) specifies that at least one fifth of members should be directly elected – with the remainder appointed by Scottish Ministers (of whom half are nominated by local authorities). It should, however, be remembered that Scotland does not have parish councils, so, unlike their English counterparts, Scottish Park Authorities cannot include parish council appointees.

If directly elected members were to replace existing members, the most likely candidates would be parish council appointees. Yet the introduction of parish council members has been seen as a positive development and one that has promoted effective grassroots links with local communities – precisely what directly elected members might be expected to achieve.

There are also important practical and policy issues associated with direct elections. For example, it may not be altogether clear who should have the right to vote or where constituency boundaries should be drawn. Arguably, directly elected members should be elected from constituencies representing not only Park residents, but also neighbouring areas which provide visitors. What is clear is that directly elected members would need special provision and this is likely to be complex and costly.

While we would not necessarily wish to rule out the idea, we are not persuaded that directly elected members would bring clear benefits over and above the current mix of members, particularly if they were to replace parish members.

***Recommendation 24:*** DEFRA should, in consultation with National Park Authorities, the Countryside Agency and the Local Government Association, develop ideas for the appointment of independent chairs for National Park Authorities.

The current chairs of Park Authorities are doing a difficult job and doing it well. Park Authorities' hybrid status and membership can, however, give rise to considerable confusion as to whom, if anyone, Park Authorities are accountable.

Some people have argued that having the chairs selected independently of existing members can help to overcome this problem. If appointed by the Secretary of State, an independent chair would provide a direct line of accountability to national government. Other advantages include avoiding the risk of the chair being seen as coming from one "camp"; providing a wider choice of candidates; and making it easier to assess national appointees – and potentially all Authority members.

Some may argue that having the Secretary of State as appointing authority would undermine the independence of the post. But an appointment process could be constructed which involved all the key interests in a Park Authority. A selection panel including DEFRA, a local government representative and a public appointments' independent assessor is one possible model.

The advantages and disadvantages of independent chairs needs careful thought. Legislation would be needed to effect a change, so it is not something that could be done straight away. We recommend that the idea and the practicalities of

implementation are matters which merit further public consultation, including with National Park Authorities. For example, if not appointed by the Secretary of State, who else might be the appointing authority? There are other important matters of detail that also need careful further consideration – including the powers, duties and voting rights of independent chairs.

### **Accountability and appointments**

Irrespective of decisions on size and mix of membership, we consider that there are a number of practical measures that might usefully be taken to address concerns about accountability.

***Recommendation 25: Accountability should be improved as follows:***

*i) to the Secretary of State: DEFRA Ministers should meet the Chairman and Chief Executive of each individual National Park Authority, perhaps over a two year cycle.*

We agree with those who wish to promote greater accountability and dialogue with national Government. We support moves already taken to strengthen the links between DEFRA Ministers and National Park Authorities, and believe there would be benefit in Chairmen and Chief Executives meeting Ministers regularly. These meetings would be separate from the resource bidding process and would be used to discuss strategy. Ministers already have six-monthly meetings with the Association of National Park Authorities: an option would be for these to be combined with two National Park Authorities.

*ii) to local communities and business: National Park Authorities should work together – and with the Countryside Agency – to produce good practice guidance on effective consultation with local communities and business e.g. through increased consultation meetings and parish forums.*

National Park Authorities have already taken steps to improve communication with local stakeholders and have developed various mechanisms for involving local communities in decision-making and policy formulation. One aspect might include members holding open forums in different parts of Parks at least every quarter: these could be combined with normal Authority business. It would be useful to assess the success of these and other mechanisms and draw up good practice to promote in all Parks.

***Recommendation 26: The Countryside Agency should, with DEFRA, National Park Authorities and Local Government Association, develop and promote i) good practice guidance on selection and appointment of all members; and ii) job descriptions for Chairs and, ideally, all members of National Park Authorities.***

DEFRA and the Countryside Agency have been taking action to secure greater diversity among Secretary of State national appointees, with the current split between men and women being almost 50:50. Candidates are sought from a wide variety of organisations in public, private and voluntary sectors, including a number of groups representing women and ethnic minorities. Each Park also has a template

for Secretary of State membership to help ensure the interests of the environment, conservation, recreation, land management, business and the public sector are represented.

The Countryside Agency should continue to develop its role and guidance in appointing Secretary of State appointees, in consultation with DEFRA and Park Authorities. We would expect advice on how best to improve current arrangements to be sought from the Office of the Commissioner for Public Appointments.

We are also attracted to the idea that formal job descriptions should be provided – at least for the Chairs of National Park Authorities, if not for all members. In some respects it is surprising that this is not done already. Job descriptions would help clarify the role of Authority members and provide guidelines within which to work. They would provide a means of reinforcing the message that National Park Authorities are as much – if not more so – agents for positive action in their areas, as they are controllers or regulators of change. It is important that the job descriptions are designed to attract people from diverse backgrounds and do not deter potentially suitable candidates. We have no strong views as to who should lead on their production but we would wish to see DEFRA, the Countryside Agency, the Local Government Association all being involved in the process.

On the question of appointment to Park Authorities of parish councillors, systems appear in place in all Parks to ensure the selection of parish council members is fair. It would nevertheless be useful for the Countryside Agency, working with National Park Authorities and relevant representatives of parish councils, to consolidate existing good practice and produce some guideline principles. We also see a case for National Park Authorities doing more to make sure the process is transparent to all and that the names of parish council appointees are publicised within Parks.

On the issue of local authority appointees, responsibility for ensuring open and fair selection rests with local authorities. But again we think it would be helpful if DEFRA, the Countryside Agency and the Local Government Association considered the need for guidance to help make the process more open and easily understood by local communities.

***Recommendation 27: DEFRA should give guidance to the Countryside Agency on the qualities, knowledge and experience looked for in Secretary of State appointments, and these criteria should be public.***

There was considerable comment about whether there is sufficient representation of various interests among Secretary of State appointees, including farming, conservation, recreation, tourism and business. There is a limit to how comprehensive that representation can be as Secretary of State appointees on a single Authority total no more than 10. The use of job descriptions might be expected to help address the issue by encouraging suitably qualified or experienced people from local authorities and parish councils to come forward – as well as those seeking national appointments.

**Recommendation 28:** *Secretary of State appointed members should generally be appointed for up to four, rather than three, years.*

A number of respondents, including the Association of National Park Authorities, have proposed that the terms of appointment for all members should be the same. As local authority and parish councillors are elected for four years, we agree there is a case for appointing “national” members for a similar length of time. This would still be in line with the recommendations of the Committee on Standards in Public Life.

DEFRA should continue to use discretion about the precise period of appointments, for example, to take account of the need to stagger appointments to avoid big changes in membership at one time, and should not expect all candidates to be able to commit themselves to four year terms.

**Recommendation 29:** *Consideration should be given to allowing members appointed to a National Park Authority, who cease to be councillors during an election but are subsequently re-elected to parent councils to continue to hold office until a new appointment has been made, subject to a limit of three months.*

Concern has been expressed about the impact of the local elections cycle on the appointments process, particularly for parish council members.

Local councillors relinquish their position and become candidates once an election is called. They therefore cease to be members of a National Park Authority until their re-election and re-appointment by their parent authority. That period can be quite long. For instance, in the case of parish councillors, the election period is several weeks, followed by a period in which parish councillors nominate who should sit on the National Park Authority. That nomination then has to be confirmed by the Secretary of State. The whole process can take over three months.

That means that every four years National Park Authorities lose around a quarter of their members for a significant portion of the year. We are persuaded that there is a case for change. We suggest that DEFRA should consider amending the legislation to allow members appointed to a National Park Authority to continue serving during an election campaign and in the interim period before their National Park Authority membership is re-confirmed. This flexibility should not apply to those members who lose their seats on the parent authority in the election, or choose not to stand for re-election.

Although the problem is most marked with parish appointees, if an amendment is made to the legislation, there is a case for treating local authority councillors in a similar way.

**Issue:** *Whether the Secretary of State should appoint all members, including local authority members.*

Currently any local authority that has all or part of its area within a Park, has the right to appoint a representative from its members to the Park Authority. This means that there can be ten or more appointing authorities. While this may not create

serious problems, it does highlight the confusion about lines of accountability of individual members and of Park Authorities corporately. An obvious solution would be to make the Secretary of State the appointing body for all members. This would create a clearer line of accountability to the Secretary of State and would be in line with the Scottish National Park legislation under which all members of a Park board are appointed by Scottish Ministers.

However, such a move might be seen by some as unnecessary interference by central government in local authorities' discretion and local democracy. Potentially it could create greater tensions between local and national appointees, and it is questionable whether it would deliver what some hope – a greater sense of collective responsibility and accountability.

There would also be a need to consider whether there should be an element of selection by the Secretary of State of local authority nominees or whether she would simply approve (or exceptionally, refuse to approve) those submitted. If more than a nominal appointing role, DEFRA and the Countryside Agency would need to devote considerable resources to the process in order properly to assess local authority nominations. Refusing to appoint a nominee would require clear evidence and reasons, and there would have to be a right of appeal.

We are not convinced that such a change, which would need legislation and could make the appointing process more complicated, is warranted now. It might, nevertheless, be useful to revisit the issue in a few years' time in the light of the experience of the Scottish National Parks.

### **Training and code of conduct for members**

***Recommendation 30:*** DEFRA and the Countryside Agency should, through guidance, encourage National Park Authorities to ensure that all members attend induction training. The Countryside Agency and National Park Authorities should jointly develop an induction package in consultation with DEFRA and the Local Government Association.

There is confusion about the roles of different types of member. Job descriptions would help here – see recommendation 26. In addition, we would support the development of an induction package with a core element applicable to all National Park Authorities (ideally including the Broads) – and to all members. This would help to make clearer the purposes of National Park Authorities.

Part of the induction package might be an open letter from the Secretary of State – possibly endorsed by the Local Government Association and Association of National Park Authorities – which sets out the respective responsibilities of Secretary of State national appointees, parish council appointees and local authority appointees. We understand that an induction package is currently being developed by the Countryside Agency, and we would hope it could draw on the suggestions made here.

We believe that Chief Executives should be responsible for the delivery of induction training to allow them to adapt it to suit their particular circumstances, but it is

important that there should be a common element. Induction training should be only the start of continuous training and development, which each Park Authority should actively encourage and seek involvement of other key stakeholders. This should target specific training needs and would need to take account of the time commitment needed by members.

***Recommendation 31: National Park Authorities should be encouraged to trial ways of assessing members' performance.***

A number of respondents called for members' performance to be subject to formal assessments. Were National Park Authorities non-departmental public bodies with boards appointed by the Secretary of State, this would be relatively straightforward. But they are not. They are hybrid bodies, with a substantial number of members being appointed by local authorities by virtue of being elected councillors.

Unlike national appointees who are already subject to assessment, local authority, and parish, members may be unfamiliar with formal assessment and may be concerned about the fairness of the process. It is also unclear who would do the assessing. Arguably this might sensibly fall to the chair though, without an independent chair, there may be concerns about the objectivity of the assessment process. Even with an independent chair, some members might feel under pressure to agree too readily with the chair if they know he or she is reporting on them.

Despite the practical difficulties we believe National Park Authorities should be encouraged to try out ways of assessing how members are doing, but perhaps in a less formal way than some might wish. This should be part of on-going training and development, and should include providing constructive feedback. One option that might be worth exploring is some kind of peer review by which the performance of an individual member is discussed by a cross-section of other members and for feedback to be provided by, say, the chair to the individual.

It is inevitable that some Park Authorities will be more ready than others to pilot member assessment, and there is merit in allowing good practice to develop from experience of a few Authorities.

We have an open mind about the best way of assessing members, though we are firm that it should be done as part of continuing training and development. It should be seen as a positive tool to help members, not a means to highlight poorer performance. We would not wish to see member assessment forced on National Park Authorities, as this would be likely to be self-defeating. We would therefore recommend as a next step, discussion between DEFRA, the Countryside Agency and the National Park Authorities about both the principle of assessment and its operation, as part of continuing training and development.

***Issue: Whether prospective members should be required to sign declaration agreeing in support of National Park purposes.***

A number of respondents to the public consultation proposed that members should have to sign a commitment in support of Park purposes before they could take up their appointment. That reflected concern about the behaviour and attitudes of a

small minority of members in one or two Parks. While the review team understands the wish to deal more effectively with those whose actions appear to undermine Park purposes, we are not persuaded that such a measure is the right approach.

Unless it was made a legal requirement, it is not clear what sanctions there could be for someone who refused to sign. And the statutory purposes of the Parks are relevant to the corporate responsibilities of the Authority, rather than the personal conduct of individual members. We are aware that, while some members would be quite prepared to sign such a declaration, others would feel it constituted an unnecessary imposition even if they agreed with the statement.

We have also taken into account the new National Park and Broads Authority model code of conduct (annex G). The code, which is similar to one that all local authority members are required to sign, should provide a useful means to hold members to account for their actions and behaviour. National Park Authorities were required to adopt their code by May this year, after which members had two months in which to sign a written undertaking that they will abide by it.

On balance, we are not convinced that a mandatory pledge is the right approach, or would necessarily achieve the desired aim. If further measures are considered necessary, it might be more effective to give the Secretary of State a right to veto a re-appointment, or even to terminate a member's appointment. We are not sure that such a measure is justified, as we would envisage it being needed in only the most exceptional case – for example, to deal with a member who had clearly and repeatedly exercised their authority contrary to National Park purposes.

In such cases, we would expect a Park Authority's standards' committee or monitoring officer to bring the matter to the attention of the relevant appointing authority – and for that authority, be it the Secretary of State or a local authority – to take appropriate action. It is only if the appointing authority failed to take action that a "long-stop" sanction would seem needed. The criteria for using such a power would have to be very carefully specified.

***Recommendation 32: The National Park Authorities and Broads Authority's model code of conduct for members should be amended to ensure a level playing field for all interests.***

As noted above, the National Park and Broads Authority's model code of conduct is helping to modernise the way Parks are being governed. It is written in similar terms to the code for local authorities, but there are two significant differences concerning the handling of the personal interests of landowners and navigators. The code states that a personal interest becomes prejudicial if it is so significant that it is likely to affect a member's judgement of the public interest. In the list of exceptions, a further clarification is included for those with landowning and navigation interests. The code says:

"A member may regard himself as not having a prejudicial interest in a matter if that matter relates to –

(f) farming or land in the area of the authority unless it relates particularly to any employment or business carried on, or land owned by himself, a relative or a friend; and

(g) in the case of the Broads Authority, to charges made under section 13 of the Norfolk and Suffolk Broads Act 1988, or navigation in the area of that authority or its adjoining waters, unless the matter relates particularly to any employment or business carried on by himself, a relative or friend.”

The then Department for Transport, Local Government & the Regions included the clauses after accepting the Broads Authority’s response to a public consultation on the code. The Authority already had similar dispensations for landowners and navigators dating back to the late 1980s because, under the Broads Act, they have to appoint members to represent those interests. However, concern has been expressed in other Park Authorities that the clauses represent preferential treatment for landowners and navigators. Some have suggested that other groups should benefit from this exclusion, or that the clauses should be deleted altogether.

DEFRA is inclined to agree that applying the Broads’ exclusions to the other Parks appears odd and confusing. We therefore consider that these clauses should be removed. The Standards Board for England is due to review the code in 18 months’ time. This may provide a suitable opportunity to make the changes, though we are conscious that some would prefer to see action taken sooner.



## Sponsorship

### The roles of DEFRA, Government Offices, Countryside Agency & regional bodies

**Recommendation 33:** *The Government should set out clearly the roles of central government (DEFRA in particular), the Countryside Agency, the Government Offices and other regional partners, as well as National Park Authorities, in relation to National Parks.*

A number of responses to the public consultation reflected a lack of awareness and understanding about the roles of Government departments, the Countryside Agency and National Park Authorities. There is particular confusion about the respective roles of DEFRA and the Countryside Agency.

The proposed new DEFRA advice to replace circular 12/96 (recommendation 1) might provide a suitable means to clarify the position. In addition, there may be merit in DEFRA and the Agency drawing up a memorandum of understanding which outlines their respective roles and key action they will undertake.

A summary of the main relevant statutory responsibilities of DEFRA and the Agency, as well as of Park Authorities, is at annex H.

**Recommendation 34:** *DEFRA should continue to be proactive – at both Ministerial and official level – in championing interests of National Parks.*

Some doubts have been expressed about whether National Parks' interests have been given sufficiently high profile in the past by central government. The creation of DEFRA has already helped to address that issue, with Ministers recognising the role that National Park Authorities can have as key national and regional partners in helping to deliver DEFRA's policies. There have been more frequent Ministerial and official meetings with the Association of National Park Authorities, and with individual Park Authorities. We expect that closer relationship to continue to develop.

We believe that the lead National Park sponsorship role should continue to rest with DEFRA – through Ministers and the Countryside (Recreation & Landscape) Division – and that DEFRA is best placed to take the key decisions on overall policy, strategy, governance and finance.

We would expect DEFRA to make effective use of existing liaison arrangements with other key departments, including the Department of Transport; Office of the Deputy Prime Minister (ODPM); Department for Trade & Industry; Ministry of Defence; and Department for Culture, Media & Sport. We feel that DEFRA will need to pay particular attention to National Park interests in relation to the ODPM's responsibilities. ODPM has responsibility for land use planning, housing, local government and transport, all of which have direct and important effects on National Parks and the way they are managed. Use of the Green Ministers' network can help DEFRA champion the interests of National Parks across Whitehall (see recommendation 18, ii).

**Recommendation 35:** *The Countryside Agency should continue to develop and strengthen partnership working with National Park Authorities including on: i) research and information gathering; ii) review of its guidance on member appointment procedures, training and assessment; iii) projects or initiatives proposed or being undertaken by National Park Authorities in support of Government objectives.*

There is a perception among a number of respondents to the public consultation that the Agency has over recent years become less engaged with National Parks. However, relations appear to be working well between some Park Authorities and the Agency at regional level. We consider there is scope for the Countryside Agency to provide an enhanced advisory service to DEFRA on the effectiveness of National Park Authorities and on improving information, research, and evaluation of outcomes. The Agency should continue to work with Park Authorities to develop programmes and initiatives in support of Park purposes and Government priorities. That should include helping Authorities to act as exemplars and to promulgate good practice in rural areas.

**Recommendation 36:** *Government Offices should continue to develop their liaison and coordination role.*

Government Offices have an important contribution to make in ensuring National Park Authorities are effectively involved in key issues at regional and sub-regional level, including planning, transport, housing, tourism and regeneration. They can also help to resolve tensions between the interests of Park Authorities and other agencies. We would similarly expect Government Offices to work closely with Park Authorities on strategic issues relating to schemes under the England Rural Development Programme. We see these functions as part and parcel of Rural Directors more general role of promoting partnership working with regional partners.

### **Links with regional bodies**

**Recommendation 37:** *National Park Authorities should continue to develop effective working relationships with key regional bodies, including regional development agencies, regional chambers and regional tourist boards.*

In some regions, links between National Park Authorities and regional development agencies seem to work well, while in others, we would wish to see Authorities being more proactive in establishing better links. Equally, regional development agencies need to recognise the contribution that National Parks make to regional economies. Where Authorities have concerns about current arrangements, they should bring these to the attention of DEFRA and Government Offices. There is, however, a limit to how far regional development agencies might be expected to engage with Park Authorities: the rural element of the agencies' budget is relatively very small; £42m for 2002-3 compared with a total of £1.5 billion. The Ministerial seminar in June 2002 involving the regional development agencies and National Park Authorities provided an opportunity to consider this issue in more depth.

The implications of the Government's proposals for regional governance are considered earlier in this report (see recommendation 23). In the short term, it would be useful for Park Authorities to review their links with regional chambers to ensure there are effective channels of communication. We are aware that some respondents have voiced concern that, in some regions, Park Authorities are not seen as important bodies in their own right, and that they should have a place on regional chambers. We are not convinced that having a formal place on regional chambers would necessarily guarantee effective working arrangements, but this might usefully be discussed further by individual Park Authorities, Government Offices and chambers.

We were also made aware of concerns about inconsistencies in relations between Park Authorities and regional tourist boards. We believe there would be benefit in identifying within each Park Authority an officer with specific responsibility for liaising with regional and local stakeholders. This is a two-way street and we would expect regional tourist boards – and other important regional stakeholders – to make equal effort to consult and liaise with Park Authorities.

**Recommendation 38:** *Office of the Deputy Prime Minister and DEFRA should ensure that National Park Authorities are given opportunities to help shape their respective regional planning guidance and regional transport strategies.*

National Park Authorities are concerned that they may not always be sufficiently involved in – or have sufficient capacity to engage in – policy development at the regional level. The Government's position is clear that regional planning bodies should involve all key regional stakeholders in the development of draft regional planning guidance and regional transport strategies, in line with guidance in Planning Policy Guidance note 11. To some extent, it is for National Park Authorities to place greater priority on contributing to strategic policy development work.

**Recommendation 39:** *There should be effective representation of National Parks (and/or other protected landscapes) on regional rural affairs forums.*

Regional rural forums are bodies that bring together, in each English region except London, stakeholders with an interest in policies for the countryside, rural economies and communities. Members represent a wide range of interests: environmental, economic and social. Each forum is represented – commonly by their chair – on the Rural Affairs Forum for England on which the Association of National Park Authorities is already represented. Support for the forums is mostly provided by the rural teams in the Government Offices for the Regions.

In view of their importance regionally, we would expect a minimum of one representative of National Parks – or Areas of Outstanding Natural Beauty – per region. Park Authorities and representatives of Areas of Outstanding Natural Beauty would wish to ensure effective channels of communication between them. The precise means of incorporating protected landscape interests would be best left for individual forums, in consultation with the relevant Government Office.

## Links with local authorities, community groups and business interests

**Recommendation 40:** *The Countryside Agency, in partnership with National Park Authorities, should produce a good practice checklist to promote more effective consultation and dialogue between National Park Authorities and local communities, business interests and local authorities.*

National Park Authorities have recognised the value of engaging more effectively with Park communities and have been taking action to improve communication with them. As part of that improved communication, we would wish to see Park Authorities doing more to help local communities understand the role of Authorities and their members.

We think it would be helpful if the Countryside Agency were to draw on developing practice in Parks in order to produce good practice guidelines. The purpose of such advice would be to:

- i) identify key areas where communication and information is most important and where concerns are greatest; and
- ii) assess which are the most effective forms of communication and consultation for different local stakeholders.

We envisage a mix of formal consultation, information provision, open forums and use of information technology. However, we should guard against consultation fatigue and develop ways of better targeting particular groups.

**Recommendation 41:** *DEFRA should encourage stronger cross-boundary working between National Park Authorities, neighbouring authorities and major urban authorities*

As discussed earlier, we wish to encourage National Park Authorities to become more outward-looking – reflecting their importance in a regional context – and leading the way in dealing with key issues affecting rural areas generally.

This supports policy ideas to:

- i) promote co-operation and coordination of action within National Parks and adjoining areas; and
- ii) promote greater understanding of National Parks by urban populations.

## Resources

It is difficult to assess accurately the funding requirements of National Park Authorities. The true picture depends not just on resources available to National Park Authorities, but also other funding streams flowing into Park areas.

Many respondents argued for increases in funding for Park Authorities, though few provided estimates of the increase needed, or what additional resources would be used for. The public consultation on the review was also undertaken before the recent 12% funding increase.

The Association of National Park Authorities estimates that a further £31m is needed, about half of which would be for the Broads Authority to maintain its waterways.

A number of respondents who argued for more resources referred back to the recommendations of the previous review under Professor Edwards. Edwards said:

*“Our best guess is that the recommendations in this report, as they relate to the National Parks (excluding the Broads) could be implemented with an increase of the order of £8-10 million above the projected total annual expenditure in the Parks of £28 million (1991/92 figures). ....we reiterate that, in the time available, our calculations could only be rough and ready. Whilst they indicate that our plans are not unrealistic, more detailed calculations will be required”.*

Central government grant (including that transferred to local authorities) has risen since 1991-92, the year of Edwards’ estimate, by £13.3m. In the last two years alone, grant has risen by 20%. As well as substantially increased central government grant, we believe there is considerable potential for National Park Authorities to increase their income from other sources. We would encourage Park Authorities to use their new found status under the 1995 Act, and the greater number of external funding sources established since the early 1990s, to match the rise in core grant.

### **Current method of National Park Authority funding**

In addition to debate about the level of funding, we are aware of concerns about the current method of allocation. These include:

- insufficient focus on outcomes, with little, or no, account taken of performance against targets in determining grant allocations;
- difficulties in establishing what ‘core’ funding needs are;
- insufficient incentive for National Park Authorities to pursue new Government priorities when 80% of funding is determined by indicators;
- indicators reflect pressures common to most, or all, Parks, and therefore tend to understate pressures facing particular Parks;
- annual settlement fails to give Park Authorities sufficient certainty of funding to plan ahead effectively.

**Recommendation 42:** *The basis for determining funding allocations should be refined. There should be two elements:*

**i) recurring needs based baseline:** *this would involve establishment of baseline funding for each Park Authority based on needs or pressures common across all Parks.*

This could be based on a version of indicators already used. It should take into account factors such as:

- sources of other central or local government funding that supports National Park purposes (other than Lottery or voluntary sector sources funds);
- implications of access and other provisions of the Countryside and Rights of Way Act 2000; and
- the fact that all National Park Authorities, regardless of size, face fixed costs e.g. to cover administration and reporting functions.

**ii) performance based element (and exceptional pressures):** *this would be allocated on the basis of Park Authorities' past performance and forward programmes.*

Allocation of this element would take into account national and local priorities, and would cater for exceptional pressures. It is not proposed that Park Authorities should bid for funds for individual projects, as there is already concern about the amount of effort devoted to project-based, competitive bidding. Instead, DEFRA would provide programme funding in response to bids and would assess progress against specific targets (see recommendation 43).

To provide sufficient incentive we suggest the second element might account for at least one third of the total grant. The baseline element would help to give a degree of confidence about the minimum level of funding for Park Authorities. Service agreements (see recommendation 43) and Best Value plans would help to evaluate performance and outcomes. It would be for DEFRA to judge each Authority's overall performance and programmes, and to decide allocations accordingly. The allocations in the service agreements would be for three years with annual reviews and adjustments. Allocations would need to be reviewed annually to check that the money could not be spent better elsewhere should priorities change.

What we recommend here is in general terms only. Based on the elements outlined above, DEFRA would need to take the lead in developing the new model, in consultation with the Park Authorities and the Agency.

**Recommendation 43:** *The Government should consider introducing National Park Authority service agreements.*

As discussed at recommendation 19, the former Department of Transport, Local Government and the Regions (now Office of the Deputy Prime Minister) has already produced local public service agreements with a number of local authorities. The

Government's Manifesto described how local public service agreements would play a key role in delivering the Government's plans in its current term of office. The agreements help by giving focus to what needs to be done on the issues of greatest importance. Some of these are Government priorities, others are local aspirations. The agreements cover both.

We believe that this concept could usefully be extended to National Park Authorities and be a key element in determining funding allocations. The agreements should cover a three-year period and include three or four national targets applicable to all Park Authorities (though the Broads may need special consideration) and a similar number of local targets. The targets should be SMART (specific, measurable, achievable, realistic and timely) and should produce greater clarity about what DEFRA expects of the Park Authorities. Progress would be reviewed annually and allocations adjusted accordingly if necessary.

**Recommendation 44:** *DEFRA should work with National Park Authorities to improve the quality of the information supporting Park Authority bids and to develop a better system of evaluating outcomes.*

It is important that the information provided by Park Authorities is comparable. Despite the requirement for Park Authorities to prepare Best Value plans, it is not always possible to make fair comparisons between resources allocated to different functions and the outcomes achieved. The sometimes widely differing figures cast doubt on whether the information is being recorded on a consistent basis.

With significant increases in core grant in the last two years, it is more important than ever that DEFRA should have clear information on both the resources allocated to different activities and on the outcome of that increased level of funding. We understand the concerns of those who are keen to avoid monitoring and reporting systems that impose a disproportionate cost and burden on Park Authority staff. We are not necessarily suggesting that more information is needed, but the information that is required should be collected, collated and reported in a consistent way. That would enable the performance and achievements of Authorities to be properly and fairly assessed.

**Recommendation 45:** *Greater certainty and continuity of funding should, if possible, be given to National Park Authorities.*

We are aware that National Park Authorities did not know the outcome of the 2002/03 settlement until January 2002. Though the transfer of the "countryside" part of the former Department of Environment, Transport and the Regions to DEFRA caused unusual problems, such delays make forward planning by Park Authorities extremely difficult. The problem is compounded by uncertainty about the likely settlements in future years.

While it is not possible for Government to commit itself to firm allocations for individual Parks beyond the next year, it would be helpful for Park Authorities to be given a broad indication of the likely global allocation in the following two years. Global indicative figures for local government settlements are already provided for

years two and three, and we believe there would be considerable benefit if a similar approach were adopted for National Parks.

As noted in the sponsorship section, decisions on National Park Authorities' funding should remain a responsibility of DEFRA. We are not persuaded that the Countryside Agency should take on this role, as it would reduce direct accountability to the Secretary of State. It also may not be appropriate for a non-departmental public body to be given responsibility for core funding independent authorities established by statute. In addition, there would be a potential conflict of interest given that National Park Authority funds come from same "pot" within DEFRA as those for the Countryside Agency. The Agency does not currently have greater independent knowledge of National Park Authorities funding needs than DEFRA, and would need to refocus resources to support greater involvement.

***Recommendation 46:*** *On balance, 100% of National Park grant should come direct from central government rather than, as now, 25% being redirected via local authorities.*

Under current legislation, National Park Authorities are able to levy a precept on constituent local authorities. This gives the impression that there is a real cost to those authorities – and to Park residents. In practice, however, their share is funded by central government. The current 75:25 split is therefore largely presentational, but this is not well understood. In some places, the local authority share is resented, especially, when, as this year, Parks received significantly larger increases than first-tier local authorities.

We acknowledge concern that if Park Authorities were explicitly fully funded by central government, constituent local authorities and their local communities might feel less sense of ownership. Concern has also been expressed about whether, if Park Authorities receive their entire core grant from central government, they would no longer be eligible to apply for some types of European Union grant schemes – though that does not appear to be the case.

On balance, we believe that there would be benefit in having all grant channelled directly from central government. This would more accurately and transparently reflect the financing of Park Authorities, and would be administratively more straightforward.

To remove the Park Authorities' levying power under section 71 of the Environment Act 1995 would need legislation.

***Recommendation 47:*** *National Park Authorities should be encouraged to seek greater access to other sources of funding, including lottery funds.*

There appears to be surprisingly little involvement by National Park Authorities in lottery schemes – despite the fact that the New Opportunities Fund and the Heritage Lottery Fund offer grants for increasing and widening understanding of the natural environment and cultural heritage. There are some examples of innovative projects, but they are relatively small scale.



There is an argument for Government setting targets for Park Authorities to secure a specified proportion of their funding from external sources. But, on balance, we think this may go too far. Such a move could be perceived as a way of reducing core funding and it is important that this does not happen. There is also concern about Park Authority resources increasingly being devoted to chasing external funding when staff “just want to get on with the job”. There is a risk that, if heavily reliant on grants from other sources, a Park Authority’s work could be skewed towards areas where money is available rather than towards higher priorities. External sources of funding are also likely to impose additional administrative burdens, compared with core grant. Nevertheless, there is potential for Authorities to seek additional funds, for example, to help promote social inclusion and better understanding of National Parks.

***Recommendation 48:*** DEFRA should issue guidance to National Park Authorities on the scope for, and limitations on, Authorities securing additional funding through sponsorship and/or product marketing.

National Parks have a powerful brand image that some businesses would be happy to be associated with, but there is a need to be careful about potential conflicts of interest. National Park Authorities could undoubtedly be more pro-active in marketing local produce, but they need to be careful not to oust private businesses from local markets: there is a difficult balance to strike here. DEFRA should consider the need to provide guidance and clarification on the issue.

***Recommendation 49:*** DEFRA should, in consultation with the Office of the Deputy Prime Minister, National Park Authorities and the Countryside Agency, look at the scope for devising borrowing arrangements for the Park Authorities, which would enable them to undertake capital expenditure projects.

There is concern that National Park Authorities are unable to cater effectively for occasional, large, capital projects e.g. large-scale habitat restoration or new office accommodation. National Park Authorities can seek credit approvals from their constituent local authorities, but do not have their own borrowing powers.

We think there is a case for Park Authorities to have a borrowing capability, subject to agreement of the figures and conditions with DEFRA and the Office for the Deputy Prime Minister (ODPM). This matter needs further consideration in the context of the wider reforms being proposed for local government finance. We recommend that DEFRA discusses possible options with the ODPM, the National Park Authorities and the Countryside Agency.

***Recommendation 50:*** DEFRA, in consultation with the Countryside Agency, should provide advice in its new policy guidance (recommendation 1) about the extent to which National Park Authorities can commit resources outside their boundaries in support of National Park purposes.

Some concern has been expressed that it is not clear how far National Park Authorities can work – and commit resources – outside their boundaries. Park Authorities need to be careful that their work does not overlap with that of local authorities, but we believe they should be allowed to work outside their boundaries

provided this is in support of Park purposes: for example, promoting better and wider understanding. Most, if not all, Park Authorities are already working in this way. It would, nevertheless, be useful for Government to provide clarification in new guidance (recommendation 1).

### **Use of staff resources**

**Recommendation 51:** *More use could be made of secondments and short-term attachments between National Park Authorities, Countryside Agency and other bodies.*

We believe there is value in promoting greater exchange of ideas and in seeing how others operate, and the constraints to which they are subject. Already National Park Authorities use working groups to examine particular issues or topics, but there is also scope for greater interchange of staff.

**Recommendation 52:** *Greater co-operation and joint working should be encouraged between Park Authorities, local authorities and other relevant bodies (e.g. the Countryside Agency and AONBs.)*

The significant differences between National Park Authorities mean that there is a limit to how far lessons learnt in one Park might be successfully applied in another – or indeed other rural areas. It also needs to be remembered that Park Authorities are inevitably in competition for resources. Nevertheless, Authorities do work together on a number of fronts and have created the Association of National Park Authorities to help promote greater coordination and co-operation. DEFRA might encourage even greater coordination and joint working by, for example, explicitly encouraging joint bids for particular programmes or initiatives.

## Issues specific to the Broads Authority

**Recommendation 53:** *A study by DEFRA, in consultation with the Broads Authority and other appropriate agencies, should be undertaken to examine issues specific to the Broads.*

A particular difficulty faced by the review team has been the position of the Broads Authority which, whilst a member of the National Parks family, is subject to different legislation and, in important respects, distinctly different pressures. During the review it became increasingly apparent that the Broads Authority is distinct from National Park Authorities, as are the issues facing it.

The review has inevitably tended to focus on issues common to most Authorities and therefore issues specific to the Broads could be overlooked. To do justice to the special circumstances of the Broads we think separate consideration, in consultation with the Broads Authority and other key stakeholders, needs to be given to its legislative and financial framework.

We are aware that the Broads Authority has already embarked on a modernisation programme to streamline its decision-making structures and to improve national and local accountability. A study by DEFRA of the policy, legislative and institutional framework for the Broads could build on this initiative, and help address remaining problems. To tie in with the programme of work currently underway by the Broads Authority, the study should be commissioned as soon as possible.

We would wish the study to consider:

- i) the case for amending the Norfolk and Suffolk Broads Act 1988 to make explicit the National Park status recognised in planning and other legislation; to reflect changes in circumstances, such as the decline in commercial navigation over recent years; to enable the Authority to implement the next phase of its modernisation programme; and to amend its name to make the status of the area clear to the general public and to give effect, if possible, to the wishes of the members of the Authority for it to be known as The Broads National Park;
- ii) whether the present tightly drawn boundary of the Broads presents significant problems for the Authority in achieving its purposes and, if so, whether they can be overcome by action other than by a change to the boundary;
- iii) whether the current arrangements for funding provide appropriate mechanisms and adequate resources for the effective management of the Broads.

Representations have been made that Government should consider whether the Broads Authority should, like National Park Authorities, explicitly be subject to the Sandford principle. If so, how that might affect the operation of the Authority should be analysed, bearing in mind the wider responsibilities of the Authority and that a quarter of the executive area is subject to the provisions of the Habitats Directive. The Sandford principle and its interpretation are discussed earlier – under recommendation 13.

## Implementation and summary of recommendations

**Recommendation 54:** DEFRA should draw up a timetable and action plan for implementation, and set up a system for monitoring progress.

Some recommendations contained in this report can be implemented relatively quickly, while others will take longer – for example, those ideas which depend on legislation. We would wish to see DEFRA publishing an action plan with time targets to maintain momentum. To aid this process, we set out below a summary of our recommendations indicating who should have lead responsibility for implementing them and what the next action might be.

### Resource implications

We recognise that the implementation of our recommendations have resource implications for DEFRA and the Countryside Agency, as well as for National Park Authorities. We believe there would be little, or no, direct impact on business, though some indirect benefits might be expected to accrue from a number of the ideas. On that basis, there is no need to undertake a regulatory impact assessment.

We would expect DEFRA to consult the Countryside Agency and National Park Authorities over the recommendations contained in this report and to take account of resource implications in developing its action plan.

The precise division of responsibilities between DEFRA and the Countryside Agency requires further consideration, though we would expect that staffing of the DEFRA Countryside (Recreation and Landscape) Division would need to be strengthened to support:

- i) regular senior and Ministerial liaison with Park Authorities, Association of National Park Authorities and the Countryside Agency, for example, in helping Authorities to become more outward looking and more outcome focused;
- ii) effective championing of National Park interests within central government;
- iii) production of new guidance and the new policy statement;
- iv) preparation for legislation.

Similarly, the Countryside Agency would need to allocate resources to National Park work to:

- i) help National Park Authorities fulfil their role as models or pilots for wider countryside initiatives and strategies;
- ii) undertake National Park related research and evaluation, and produce revised good practice guidance; and
- iii) more generally, promote greater partnership working between National Parks, Areas of Outstanding Natural Beauty and other key players.

## Summary of recommendations

Policy	Lead responsibility	Suggested next step
1: The Government should set out in a new public statement its vision for National Parks: this should form part of wider advice to replace Department of the Environment circular 12/96.	DEFRA	Draw up draft statement and issue for comment.
2: The statutory purposes of National Parks should remain as set out in the Environment Act 1995, but the Government should consider removing the expenditure constraint relating to the socio-economic duty.	DEFRA	Identify legislative opportunity.
3: The Norfolk and Suffolk Broads Act 1988 should be amended so that the first two purposes of the Broads Authority are made consistent with those of National Parks.	DEFRA	Identify legislative opportunity following completion of Broads study (recommendation 53).
4: Government should include in its new statement on National Parks (recommendation 1) policy advice on the role of National Park Authorities in promoting sustainable rural development and fostering the social and economic well being of local communities. This should draw on the outcome of the Rural Affairs Minister's seminar on rural revival in June.	DEFRA	Draw up draft statement and issue for comment.
5: National Park Authorities should, with the Countryside Agency & DEFRA, identify and promote good practice examples of sustainable development appropriate to National Parks. This should include projects arising from DEFRA's new sustainable development fund for National Parks.	National Park Authorities	Identify good practice examples and consult DEFRA/Countryside Agency.
6: National Park Authorities should act as facilitators and advisers for different funding streams within their area relevant to their purposes, including agri-environment schemes – Environmentally Sensitive Areas and Countryside Stewardship and any possible successor arising from recommendations of the Policy Commission for Food and Farming.	DEFRA & National Park Authorities	Develop agreed working arrangements.
7: As part of its review of agri-environment schemes DEFRA should seek to ensure that all National Park Authorities have comparable opportunities to make use of agri-environment schemes to deliver their objectives.	DEFRA	Agri-environment review team to consider with Countryside (Recreation and Landscape) Division.
8: National Park Authorities should consider how the England Rural Development Programme, the Heritage Lottery Fund and other programmes may be used to support pilot schemes to integrate land management, landscape protection and the promotion of biodiversity. DEFRA, the Countryside Agency and English Nature should involve the Park Authorities where appropriate.	National Park Authorities	Park Authorities to present ideas to DEFRA.
9: English Nature should consider, in consultation with DEFRA, what further cost-effective action needs to be taken to secure accurate, up-to-date and consistent monitoring of trends in habitats and species within National Parks – and advise Park Authorities accordingly	English Nature	English Nature to submit proposals to DEFRA.
10: English Nature and National Park Authorities should work together to improve biodiversity action plans and develop effective arrangements for monitoring progress.	English Nature	English Nature and Park Authorities to discuss and agree action.
11: National Park Authorities' statutory planning responsibilities should remain unchanged. In view of the highly sensitive nature of a high proportion of applications in some National Parks, DEFRA should consider with the Office of the Deputy Prime Minister (ODPM) and National Park Authorities whether the national Best Value target of delegating 90% of planning decisions to officers is appropriate for National Parks and whether a different target(s) should be set to reflect the special circumstances in Parks.	DEFRA	DEFRA to agree approach with Office of the Deputy Prime Minister.  Views being sought publicly by October on 90% delegation target (see Ministerial statement).

Policy	Lead responsibility	Suggested next step
12: DEFRA should, in consultation with ODPM and others, commission an evaluation of planning policies as they affect National Parks. National Park Authorities, ODPM and DEFRA should together discuss the implications for Parks of Government proposals for reforming the planning system.	DEFRA	Agree terms of reference and commission study.
13: The Countryside Agency should, in consultation with DEFRA, National Park Authorities, and relevant sports and conservation agencies, commission research to assess i) demand for different forms of recreation in National Parks; and ii) the capacity of the Parks to accommodate them. The research should examine the potential for finding sites outside Parks for activities which would be inappropriate in them.	Countryside Agency	Agree research specification and commission work.
14: National Park Authorities should be encouraged to use their legal powers to create new access opportunities and improve the existing path network. DEFRA should consider with the National Park Authorities whether Authorities should become statutorily responsible for rights of way. They should work closely with the Countryside Agency, in consultation with English Nature, to develop arrangements for managing the new right of access to open country.	DEFRA & National Park Authorities	DEFRA and Park Authorities to agree action.  Views being sought publicly by October on rights of way issue (see Ministerial statement).
15: DEFRA, the Countryside Agency and National Park Authorities should attach higher priority to promoting understanding of National Parks. DEFRA should, in consultation with Department for Education & Skills (DFES), encourage Park Authorities to develop, with partners, programmes and initiatives to promote greater understanding and education among a wider audience, including those from urban areas, ethnic minorities and young people.	DEFRA	DEFRA to convene meeting with Department for Education & Skills and Park Authorities to agree action.
16: The Countryside Agency with the English Tourism Council, and in consultation with DEFRA, Department for Culture, Media and Sport (DCMS), English Nature and the National Park Authorities, revisit the policy statement "Principles for Tourism in National Parks" to place a renewed focus on sustainable tourism. These principles should be translated into sustainable tourism strategies for each Park.	Countryside Agency	Agency to convene meeting to discuss revising principles.
17: The Countryside Agency should commission research and information gathering relating to visits in National Parks – in consultation with DEFRA, Department for Culture, Media & Sport, English Tourism Council and the National Park Authorities.	Countryside Agency	Commission research.
18: DEFRA, the Countryside Agency and the National Park Authorities should work together to ensure relevant public bodies (including public agencies, local authorities, other government departments, and statutory undertakers) are made aware of, understand, and comply with the Section 62 duty in the 1995 Environment Act: to have regard to the purposes of National Parks. In particular:  i) DEFRA officials should develop effective working relations with relevant contacts in key other government departments and regulatory bodies; and in doing so, should identify the key public bodies to which the duty applies;  ii) DEFRA Ministers should continue to use the Green Ministers meetings, the new cabinet sub-committee (DA(RR)) and other suitable national forums to champion National Parks – helping to ensure other Government departments take account of National Park interests.  iii) the National Park Authorities should include in their annual reporting arrangements a brief assessment of compliance with Section 62; and should bring significant contraventions to the attention of DEFRA and the Countryside Agency ;  iv) the Countryside Agency should provide an overview report to DEFRA of compliance with Section 62.	DEFRA	DEFRA to draw up action plan in consultation with Countryside Agency and Park Authorities.

	Lead responsibility	Suggested next step
<p>19: The current corporate planning framework should be rationalised, strengthened and made more transparent. In particular:</p> <p>i) DEFRA should make clearer the Government's policy priorities for National Parks expenditure and these should be reflected in new National Park Authority service agreements .</p> <p>ii) the National Park Management Plan should be given renewed importance in Government policy advice - providing the long-term policy framework for action to further Park purposes.</p> <p>iii) the Countryside Agency, in consultation with DEFRA and National Park Authorities, should review its guidance on preparing National Park Management Plans.</p> <p>iv) the Countryside Agency should work with National Park Authorities and others to develop a core set of national State of the Park indicators. State of the Park reporting should be used to monitor progress against the National Park Management Plan.</p> <p>v) DEFRA should work with National Park Authorities to develop a tailor-made and streamlined version of the Best Value regime, including considering the peer review system run by the Improvement and Development Agency.</p>	DEFRA & Countryside Agency	<p>i) DEFRA to discuss scope and content of agreements with Park Authorities.</p> <p>ii) DEFRA to include in new policy statement (recommendation 1).</p> <p>iii) Agency to review guidance as soon as possible.</p> <p>iv) Agency to convene meeting &amp; report to DEFRA Ministers.</p> <p>v) DEFRA to discuss options with National Parks.</p>
20: DEFRA and the Countryside Agency should investigate the scope for streamlining procedures for making changes to the boundaries of National Parks	DEFRA & Countryside Agency	Produce options paper.
<b>Governance</b>		
21: In the short-term, National Park Authorities should be encouraged to develop more streamlined decision-making structures and processes, while ensuring effective mechanisms for involving relevant interests and stakeholders.	National Park Authorities	Park Authorities to put options paper to DEFRA.
22: In the longer term, consideration should be given to legislating to specify a maximum membership of between 20 and 25 members and changing the mix to three-fifths local representatives (local authority and parish council members) and two-fifths national appointees. This should be combined with – and ideally preceded by – measures to ensure effective consultation with local and regional stakeholders.	DEFRA	Consider public comments invited by October.
23: DEFRA should consider with National Park Authorities, Government Offices and the Local Government Association, the implications of the Government's proposals for regional governance, including whether membership of National Park Authorities should include representatives of elected regional assemblies.	DEFRA	Convene meeting to discuss options and consider in light of decisions on membership (recommendation 22).
24: DEFRA should, in consultation with National Park Authorities, the Countryside Agency and the Local Government Association, develop ideas for the appointment of independent chairs for National Park Authorities.	DEFRA	Consider public comments invited by October.
<p>25: Accountability should be improved:</p> <p>i) to the Secretary of State: DEFRA Ministers should meet the Chair and Chief Executive of individual National Park Authorities, perhaps over two year cycle.</p> <p>ii) to local communities and business: National Park Authorities should work together – and with the Countryside Agency – to produce good practice guidance on effective consultation with local communities and business e.g. through increased use of open forums, parish forums.</p>	<p>i) DEFRA</p> <p>ii) National Park Authorities</p>	<p>i) arrange meetings;</p> <p>ii) draft guidance in consultation with Countryside Agency.</p>

	<b>Lead responsibility</b>	<b>Suggested next step</b>
26: The Countryside Agency should with DEFRA, National Park Authorities and Local Government Association, develop and promote i) good practice guidance on selection and appointment of all members; and ii) job descriptions for chairs and, ideally, all members of National Park Authorities.	Countryside Agency & DEFRA	Draft guidance and model job descriptions.
27: DEFRA should give guidance to the Countryside Agency on the qualities, knowledge and experience looked for in Secretary of State appointments, and these criteria should be public.	DEFRA	Draft guidance.
28: Secretary of State appointed members should generally be appointed for four, rather than three, years.	DEFRA	Adopt principle in future appointments.
29: Consideration should be given to allowing members appointed to a National Park Authority, who cease to be councillors during an election but are subsequently re-elected to parent councils to continue to hold office until a new appointment has been made, subject to a limit of three months.	DEFRA	Consider public comments invited by October (see Ministerial statement).
30: DEFRA and the Countryside Agency should, through guidance, encourage National Park Authorities to ensure that all members attend induction training. The Countryside Agency and National Park Authorities should jointly develop an induction package in consultation with DEFRA and the Local Government Association.	DEFRA & Countryside Agency	Draft guidance and induction package.
31: National Park Authorities should be encouraged to trial ways of assessing members' performance.	National Park Authorities	Authorities agree options with DEFRA.
32: The National Park Authorities and Broads Authority's model code of conduct for members should be amended to ensure a level playing field for all interests.	DEFRA & Office of Deputy Prime Minister	Decide action in light of public comments invited by October (see Ministerial statement).
<b>Sponsorship</b>		
33: The Government should set out clearly the roles of central Government (DEFRA in particular), the Countryside Agency, the Government Offices and other regional partners, as well as the National Park Authorities, in relation to National Parks.	DEFRA	Include in new policy statement (recommendation 1).
34: DEFRA should continue to be proactive – at both Ministerial and official level – in championing interests of National Parks.	DEFRA	Ongoing.
35: The Countryside Agency should continue to develop and strengthen partnership working with National Park Authorities including on i) research and information gathering ii) review of its guidance on member appointment procedures, training and assessment iii) projects or initiatives proposed or being undertaken by National Park Authorities in support of Government objectives.	Countryside Agency	Ongoing.
36: Government Offices should continue to develop their liaison and coordination role.	Government Offices	Ongoing. Government Offices' role to be set out in new policy statement (recommendation 1).
37: National Park Authorities should continue to develop effective working relationships with key regional bodies including Regional Development Agencies, Regional Chambers and Regional Tourist Boards.	National Park Authorities	Ongoing, including the follow-up to the conclusions of the Rural Affairs Minister's seminar on rural revival.
38: Office of the Deputy Prime Minister and DEFRA should ensure that National Park Authorities are given opportunities to help shape regional planning guidance and regional transport strategies.	DEFRA	Discuss with the Office of the Deputy Prime Minister.
39: There should be effective representation of National Parks (and/or other protected landscapes) on Regional Rural Affairs Forums.	DEFRA & Government Offices	Government Offices to discuss with Forums.



Policy	Lead responsibility	Suggested next step
40: The Countryside Agency, in partnership with National Park Authorities, should produce a good practice checklist to promote more effective consultation and dialogue between National Park Authorities and local communities, business interests and local authorities.	Countryside Agency	Draft checklist.
41: DEFRA should encourage stronger cross-boundary working between National Park Authorities, neighbouring Authorities and major urban Authorities	DEFRA	Ongoing. To be included in new policy statement (recommendation 1).
<b>Resources</b>		
42: The basis for determining funding allocations should be refined. There should be two elements: i) <b>recurring needs based baseline</b> : this would involve establishment of baseline funding for each Park based on recurring needs or pressures common across National Parks. ii) <b>performance based element (and exceptional pressures)</b> : this would be allocated on the basis of past performance and forward programmes.	DEFRA	Discuss with National Park Authorities.
43: The Government should consider introducing National Park Authority service agreements, based on the local public service agreements agreed between the Office of the Deputy Prime Minister and local authorities.	DEFRA	Discuss scope and content of agreements with National Park Authorities.
44: DEFRA should work with National Park Authorities to improve the quality of the information supporting Park Authority bids and to develop better system of evaluating outcomes.	DEFRA & National Park Authorities	Convene meeting to consider action.
45: Greater certainty and continuity of funding should, if possible, be given to National Park Authorities.	DEFRA	This should be done as part of developing National Park Authority service agreements.
46: All National Park grant should come direct from central Government rather than, as now, 25% being redirected via local authorities.	DEFRA	Consider public comments invited by October (see Ministerial statement). Legislation would be needed.
47: National Park Authorities should be encouraged to seek greater access to other sources of funding, including lottery funds.	National Park Authorities	Authorities to report to DEFRA annually on securing other sources of funding.
48: DEFRA should issue guidance to National Park Authorities on the scope for, and limitations on, Authorities securing additional funding through sponsorship and/or product marketing.	DEFRA	Draft guidance.
49: DEFRA should, in consultation with the Office of the Deputy Prime Minister (ODPM), National Park Authorities and the Countryside Agency, look at scope for devising borrowing arrangements for the Park Authorities, which would enable them to undertake capital expenditure projects.	DEFRA	DEFRA to discuss options with the Office of the Deputy Prime Minister.
50: DEFRA, in consultation with the Countryside Agency, should provide advice in its new policy guidance (recommendation 1) about the extent to which National Park Authorities can commit resources outside their boundaries in support of National Park purposes.	DEFRA	Draw up draft statement (recommendation 1) and consult.
51: More use could be made of secondments and short-term attachments between National Park Authorities, Countryside Agency and other bodies.	National Park Authorities	Ongoing: Park Authorities to report annually to DEFRA on secondments.
52: Greater co-operation and joint working should be encouraged between Park Authorities, and between Park Authorities, local authorities and other relevant bodies (e.g. the Countryside Agency, and conservation boards of AONBs.)	National Park Authorities	Ongoing: to be included in new policy statement (recommendation 1).

<b>Broads specific issues</b>	<b>Lead responsibility</b>	<b>Suggested next step</b>
53: A study by DEFRA, in consultation with the Broads Authority and other appropriate agencies, should be undertaken to examine issues specific to the Broads.	DEFRA	Study to commence in autumn 2002.
<b>Implementation</b>		
54: DEFRA should draw up a timetable and action plan for implementation, and set up a system for monitoring progress.	DEFRA	Draft timetable and action plan.