

Cotswold Conservation Board (CCB) Proposal for National Park (NP) Status Briefing Paper

Introduction

The Cotswold Area of Outstanding Natural Beauty (AONB) is the largest in the Country and one of two run by a Conservation Board. It covers the administrative areas of 15 local authorities (LAs) and is a mix of district, unitary and county councils (CCs). The majority (64%) of the AONB falls within Gloucestershire with Cotswold District Council (CDC) having the bulk of the designation along with Stroud District Council (SDC), Tewkesbury Borough Council (TBC) and a small portion in Cheltenham BC.

There are two other AONBs whose boundaries to a lesser extent fall within the County (Wye Valley and Malvern Hills). These are run as partnerships and therefore engage more directly with their constituent and part funding LAs. Just over half of Gloucestershire is within an AONB.

AONBs and National Parks were brought into being by the same legislation in the National Parks and Access to the Countryside Act 1949 and have the equivalent landscape status and level of protection. They are particularly special landscapes where the distinctive character and natural beauty are of such quality that it is in the nation's interest to safeguard them. Their primary purpose is to conserve and enhance natural beauty. This has been subsequently modified in the Countryside Act 1968 and confirmed for AONBs in the Countryside and Rights of Way (CRoW) Act 2000.

There is an aspiration by the CCB to achieve national park (NP) status. This is set out in the draft CCB Management Plan 2017:

Key Issue

- i. The AONB is afforded the same level of protection as a National Park. Due to its size and complex administrative structure it is increasingly challenging to deliver its statutory purposes in the current funding structure. More financial resources would be available if the AONB achieved National Park status.*

Policy TAR5: *Over the course of this Management Plan the Board will seek to engage with all stakeholders to assess the desire for National Park status.*

The ambition is also raised in CCB's latest draft Business Plan consultation (2018 – 2021).

National Park Authorities (NPAs)

Given that the Cotswold AONB is run by a Conservation Board, there are similarities with the structure and governance of NPAs. Each NP is looked after by a National Park Authority (NPA) which includes members, staff and volunteers. NPAs have between 10 and 30 members and one chairman who represent them. The members take advice from staff and make decisions about what the NPA should do. Members do not work for the NPA full time, and do not get paid.

Most of the members come from local / parish councils within the national park. Some members are appointed by government because they have specialist knowledge and

experience in areas like the environment or rural communities. Members normally live in or very close to the national park so they are local people.

Each NPA employs between 50 - 200 members of paid staff. The majority of staff work in the national park's headquarters but some staff work in offices, fieldwork stations and visitor centres in different locations throughout the parks. Staff carry out a range of functions such as planning, land management, visitor management, etc.

Every NPA is legally made to produce a National Park Management Plan as is the case with AONBs. This document sets out a five-year plan for the national park. Local communities, landowners and other organisations are asked for their opinions and help in achieving the plan. It sets out what the NPA hopes to do and what other organisations who work in the national park will do. At the end of five years, a new plan is made.

Natural England is the statutory body responsible for designating new national parks in England, subject to approval by the Secretary of State.

Planning

As mentioned above AONBs have the same level of planning protection as national parks. This is confirmed in the National Planning Policy Framework (NPPF), paragraph 115:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important and their impact within the planning system.

With respect to planning, NPAs are their own planning authorities (development management & policy) dealing with all types of development including minerals and waste (M&W). Planning within AONBs is the statutory responsibility of constituent LPAs (15 within the Cotswold AONB). NP status would lead to a simplified decision making process for applications and potentially provide more consistency. However, this would remove County Matter applications from GCC as well as the planning function from CDC (within the designated area).

Nine of the English NPAs have been contacted to gain an understanding of how they manage their planning function. Seven responses were received demonstrating a varied set of agreements and procedures in place to deal with their statutory planning function. They can be summarised as follows:

- Each NPA carries out the 'district' planning function with regard to development management and policy formulation;
- The Duty to Cooperate (DtC) is key in managing relationships with constituent and neighbouring authorities;
- Some NPAs undertake all planning functions including for M&W development;
- In some NPs the M&W function is contracted out to the constituent County/Unitary Authority with the NPA being a consultee;
- One smaller NPA has a service level agreement (SLA) with its constituent county whereby the NPA administers the M&W applications in terms of registering, advertising and issuing the decision notice etc. with the county council determining

the M&W applications, writing the committee report, presenting at planning committee, monitoring the sites, etc. The CC charges the NPA an hourly rate for this service thereby removing the need for the NPA to employ specialist officers;

- With respect to producing Minerals/Waste Local Plans there is considerable joint working with constituent/neighbouring authorities and the sharing of expertise across boundaries. This also applies to producing a solid evidence base to underpin the production of the M&W Local Plans including Local Aggregate Assessments;
- One NPA mentioned they had also agreed with their constituent CC that they will plan for the management of commercial and industrial waste arising from within the NP through their (county council) respective Waste Local Plans;
- Major infrastructure projects would be dealt with by the Planning Inspectorate as per normal;
- CDC would lose a lot of their planning jurisdiction, SDC and TBC to a lesser extent;
- GCC would lose planning jurisdiction over a number of aggregate quarries including Huntsmans and Daglingworth along with a number of smaller operations at Tetbury and Chipping Campden as well as the brickworks at Blockley; and
- GCC would retain their 'Reg 3' function.

In terms of the number of constituent authorities, the South Downs National Park Authority (SDNPA) is an interesting example. The SDNPA has 14 Local authorities falling partly within its boundaries. This consists of 11 District/Borough authorities and 3 Counties. When the NP went live on 1st April 2011, they had in place SLAs with the three counties and 8 of the Districts, who deliver the development management and enforcement service for and on behalf of the National Park. The areas that were not in partnership were 'recovered' and administered by the dedicated Park team of planners and enforcement staff. Applications of significance would be called in by the NPA, and the responsibility would lie with them to consider and determine.

In 2014, West Sussex CC decided to step away from the S101 agreements, and this meant that all minerals and waste casework for their area would be 'recovered' and handled solely by the national park team, and in 2016, East Sussex CC and Hampshire CC were also 'recovered', meaning that all enforcement and development management for minerals and waste is now handled solely by the national park team. The county councils remain as consultees.

SDNPA are working with East Sussex CC and Brighton and Hove CC (Municipal) on a Waste and Minerals Sites Plan and with West Sussex CC on a Joint Minerals Plan.

Funding

NPAs are funded from central government, partly in accordance to size, visitors and population. Some receive funding from the EU and generate some of their own income (such as through car parking). AONBs receive 25% of their funding from their constituent LAs and the remaining 75% from Government.

DEFRA 25 Year Plan

The Government has promised a review of National Parks and Areas of Outstanding Natural Beauty, with a view to assessing their financial sustainability, scope for extension, and building on their ability to connect people with nature.

This will consider coverage of designations, how designated areas deliver their responsibilities, how designated areas are financed and whether there is scope for expansion. It will also consider opportunities to enhance the environment in existing designations, and expand on the existing eight-point plan for NPs to connect more people with the natural environment.

This will be relevant for the CCB's proposal although it depends on when within the 25 year period a review will be carried out. It may increase the number of AONBs/NPs or the area of existing ones. Conversely it may merge or reduce the number/size of existing designations or a combination of the two.

Also, it may renew interest in the aspiration for the Forest of Dean to become an AONB (or similar special status) which is raised from time to time. When this issue was last raised there didn't appear to be any appetite/capacity from Government to pursue it.

Conclusion

For the CCB, one of the main advantages to becoming a NP is that they would be their own planning authority. Also, they would not be dependent on LAs for some of their funding and thus reduce administration and complexity. An NP designation is probably better known to the public than an AONB and would potentially lead to an increase in visitor numbers boosting the local economy. Planning protection is the same for either designation and so the impact on economic development would remain the same.

Conversely NP status would have a significant impact on the planning function of CDC as a large proportion of it lies within the AONB. Effectively, it would reduce its statutory function to a relatively small area outside of the AONB but including Cirencester, Moreton in Marsh and some other market towns. To a lesser extent it would reduce GCC's planning role with regard to minerals and waste development.

If the Cotswold AONB were to gain NP status it would create an additional planning organisation within a currently two tier county structure. This may have implications for the current agenda for devolution, shared services, joint working etc. across Gloucestershire and beyond.