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Submitted to Government response to the Landscapes Review
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About you

1 Do you want your responses to be confidential?

No

If yes, please give your reason::

2 What is your name?

Name:

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4 Where are you located?

South East

5 Which of the following do you identify yourself as?

Local authority

If other, please identify below::

A stronger mission for nature recovery

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

Yes

Please give reasons for your answer: :

We agree that the core function of protected landscapes should also be to drive 'nature recovery' and that the revised purpose should be more specific with regards to nature outcomes and explicitly mention 'biodiversity'.

We strongly recommend that a financial impact assessment is undertaken and the revised purpose is evaluated for additional burdens with a view to appropriate additional resourcing of Protected Landscapes.

We urge Defra to accede to the Chichester Harbour Conservancy's request for parity with the Norfolk Broads and give the appeal its special consideration.

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

Please give us your views:

Climate change should be reflected by dint of it being an existential threat and in the short term able to wreak havoc with the ability to deliver on the primary purpose for protected landscapes.

Carbon sequestration: The protected landscapes family offer an excellent opportunity to enhance the existing carbon storage solutions having additional benefits to support their Purposes.

The importance of the historic environment, and the historic uses of land, and its value to the landscape should be equally recognised in AONBs as much as it is in National Parks.

With other priorities come additional responsibilities and a future burdens assessment should reflect this.

Agricultural transition

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

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

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

Please give us your views:

Protected landscapes do not sit in isolation but exist within and are affected by the matrix of activities around them. For example, impact pathways from nitrate & pesticide sources through catchments detrimentally affecting Chichester Harbour AONB. This would justify some influence on agricultural (and other) activities outside the immediate protected landscape boundary that have negative impacts.

There is a very strong argument for adding the development of ELMs/FiPL programmes into a new burdens evaluation. Notably, the delivery of the Farming in Protected Landscapes (FiPL) programme is currently being subsidised by core AONB funds since there was an insufficient budget allocated to salaries for the two officer positions. This has placed a significant pressure on existing staff and budgets, as discussed with the FiPL team at Defra.

If Defra wishes protected AONB landscapes such as the High Weald and Chichester Harbour AONB to engage with ELMs, we would expect significant additional resources to deliver that extended remit, with a greater deal of flexibility than is presently afforded with FiPL.

A stronger mission for connecting people and places

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

Yes

Please give reasons for your answer: :

We support the concept that the purposes and duties of National Parks and AONBs are identical. This reflects the fact that these protected landscapes are of equal national importance.

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

Yes

Please give reasons for your answer: :

The benefits for sociality, health and wellbeing arising from protected landscapes should be made available to all parts of society especially considering the need to reduce health inequalities.

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

Please give us your views:

The second purpose for AONBs could be extended to include sustainable tourism. This will become increasingly important as the second purpose gains ground and becomes successful.

Managing visitor pressures

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

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

Please give reasons for your answer: :

The three enforcement powers proposed will likely result in additional resource pressures for NPAs as they seek to administrate, monitor and enforce the proposed new powers.

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

Yes

Please give reasons for your answer: :

Yes

Consideration to be given to extending the additional powers to AONBs

The proposed TRO power is highly limited in its extent seeking a method to control the misuse of 'green lanes' by off-road vehicles. It's proposed to either grant greater discretion for NPAs and local highway authorities to use existing powers to restrict use on a case-by-case basis. Or the government could restrict the use of certain motor vehicles on unsealed roads through legislation. Currently the Highway Authority has no legal power to prevent excessive use of affected green lanes.

We strongly recommend that:

Any new TRO making powers are only used in consultation with the Highway Authority.

Currently, enforcement of most moving traffic restrictions on the highway is the responsibility of Sussex Police, though local authorities will be given some additional powers later this year. If NPAs are given the power to restrict vehicles on unmade routes, other legislative provisions for enforcement would need to be made and we would hope this does not put an extra enforcement responsibility on the County Council or Sussex Police, which we are not resourced to fulfil.

Going forward a firm definition is required of the type of routes to which this power is being applied to avoid the NPA becoming embroiled in requests to remove unsuitable vehicles (particularly HGVs) from the rural highway network.

In the spirit of parity, consideration should be given to treating the National Park Authorities, the Broad Authority, and AONBs equally such that AONBs would have access to these powers also.

15 For which reasons should National Park Authorities, the Broads Authority and local authorities exercise this power? (select all that apply)

Environmental protection, Prevention of damage, Nuisance, Amenity

Other (please state):

The powers should be extended to AONBs

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

Yes - everywhere

Please give reasons for your answer::

For the sake of consistency. However, it must be acknowledged that this approach will result in new burdens on Local Highway Authorities as well as protected landscapes.

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

Please give us your views:

In the event that a green lane is legitimately used for business or residential access then these would be obvious exemptions. The key damaging impact that we have seen in our responsibility as highway authority (inc. PRoW) is the damage and danger caused by recreational adventure seekers.

The role of AONB teams in planning

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

Please give us your views:

We agree that greater weight should be given to AONBs in the plan-making process and given statutory consultee status. The impact of development on AONBs must be identified at the very earliest stages in order to develop Local Plans that are fit for purpose in areas benefitting from the presence of AONBs.

One of the main concerns for all AONB partnerships is the capacity of the core teams (generally four FTE in each team), which is one of the primary limits on what they can achieve. An increase in resources is critical to the viability and resilience of the local AONB teams.

Like National Parks, AONBs should have the ability to influence the nature and location of planned development within a zone of influence beyond the boundary of the AONB

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

Yes

Please give reasons for your answer::

West Sussex LPAs and those in the wider region manage a significant level of development pressure and there are thousands of dwellings planned that are within the zone of influence of an AONB with the potential to detrimentally impact the character, wider environmental quality and setting of the protected landscape.

Like National Parks, AONBs should have the ability to influence the nature of development decisions within a zone of influence beyond the boundary of the AONB

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

AONB teams should formally agree with local planning authorities which planning applications should be consulted on.

Other (please state):

AONB teams should formally agree with local planning authorities which planning applications should be consulted on, and the geographical remit, i.e. inside the AONB and within the character and setting outside of the AONB.

Defra are advised there is great merit in empowering AONB teams and their Local Authorities to set specific planning application criteria relevant to the protected landscape, rather than a one-size fits all solution, when considering consultations. We feel this would be a sound approach to take.

However, and as a minimum, AONB teams should be consulted on all planning applications that require an Environmental Impact Assessment and are categorised as 'major development' as well as Nationally Significant Infrastructure Projects.

Local governance

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

Improved training and materials, Streamlined process for removing underperforming members, Greater use of advisory panels, Greater flexibility over the proportion of national, parish and local appointments, Merit-based criteria for local authority appointments, Reduced board size, Secretary of State appointed chair

Other (please state):

Please give reasons for your answer: :

In the unlikely event it is required, a streamlined process for removing Members not working in the best interests of the organisation is supported.

Merit-based criteria for local authority appointments may help new Members to better appreciate that if appointed they are bound to act in the best interests of the Conservancy/AONB when on duty, rather than their appointing body.

Improved and well-funded training will create an excellent foundation for new Members.

A reduced board size may be difficult to achieve given the justification for supporting Local Authorities to have a representation, nonetheless and notwithstanding the success of our local boards, smaller boards in other sectors have shown to be nimbler and more effective.

Consideration to be given to fixed term appointments

A clearer role for public bodies

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

Yes

Please give reasons for your answer: :

Whilst we agree that the existing legislative infrastructure is too weak the strengthening of legislation should be supported by a financial impact assessment and identified new burdens properly resourced.

Clear unambiguous guidance will be essential to support the proposed changes.

The Countryside and Rights of Way Act of 2000 Sections 82, 84, 85 & 92 will need to be reviewed in the light of the intentions of this response to the 2019 review.

An evaluation of potentially competing legislation should be undertaken to ensure no unintended conflict with for example Environment Act 2021, Natural Environment and Rural Communities Act 2016, Highways Act etc

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

Yes

Please give reasons for your answer: :

However, the government must recognise that will have a financial impact on the delivery of Local Authority schemes particularly the Highway Authority. The changes should be subject to a thorough financial evaluation and proposed secondary legislation should be supported by a financial impact assessment and identified new burdens properly resourced.

General power of competence

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

Yes

Please give reasons for your answer: :

In the interests of parity consideration should be given to extending the same powers to AONBs.

NPAs are likely to welcome the power of competence, but we would like to understand Government's position on any revision and improvement to the wording in the Localism Act 2011 through subsequent legislation.

Overall

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

Please give us your views:

In the interests of ending the financial imbalance between the protected landscape designations, we would support the introduction of a fair funding formula to be applied across all protected landscapes and based on suitable metrics following consultation with the relevant protected landscape teams.

Formal guidance should be produced with the intention to allow AONBs to influence activities such as planning approvals, planning policy, ELMs etc within a zone of influence beyond an AONB boundary.

Any proposal to rebrand the AONBs must be supported by an effective impact marketing assessment. AONB as a term has bedded in for decades and its continued use must be carefully weighed against both change per se and change to any particular new term.