

Consultation Document on Enabling Legislation for National Parks

Comments by

Northern Ireland Environment Link

31 October 2011

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These comments are agreed by Members, but some members may be providing independent comments as well. If you would like to discuss these comments further we would be delighted to do so.

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We welcome the opportunity to submit comments on the proposed Enabling Legislation for National Parks in Northern Ireland. We wholly support the introduction of National Park legislation to the region to protect and enhance internationally recognised landscape and environment, whilst providing additional benefit to the local economy. We are keen to see the introduction of appropriate policy to ensure that an effective model for National Park designation in Northern Ireland is adopted and therefore reinforce the importance of a valuable consultation process to consider the best delivery methods and related policy. We must stress the significance of ensuring that conservation and enhancement of the natural environment is the key objective, whilst also recognising the vital importance of ecosystems services on human well-being and economic prosperity.

1. *What are your views on the proposed aims of national parks?*

Our main concern with the proposed aims is the order in which they appear in the document. It is critically important that the key objective of National Park status is *to conserve and enhance the natural and cultural heritage of the area*, and therefore it is appropriate that this should be the first of the aims listed. In addition, there is a notable absence of any reference to the Sandford principle to ensure that conservation will take priority if there is any conflict between the aims of the park in any matter. The Sandford principle is applied in GB and although rarely used, it is critically important to have such a mechanism in place to safeguard the distinct natural value of the area and therefore we strongly recommend that this is incorporated within Northern Ireland's legislation also.

We recommend that the National Park legislation must explicitly convey that conservation is the key consideration of any decision or matter surrounding its management. We do recognise the importance of social and economic benefit associated with National Parks and the significance of appropriate management to deliver these objectives; however the White Paper has expressed an overtly strong focus on the socio-economic rationale throughout the document. Use of terms such as the National Park '*brand*' emphasises the promotional aspects of the current proposals and we strongly urge that this is reviewed to ensure that conservation of landscape, biodiversity and heritage is the ultimate priority of the policy. Without this base there is nothing to underpin the National Park status and the social and economic benefits it conveys.

2. *What are your views on the proposed criteria for identifying areas that may be suitable as national parks?*

We are generally in agreement with the outlined selection criteria, however this section could provide opportunity to make a clear distinction between Parks and AONBs and how the criteria will relate to other existing designations.

We would also contest the issue of special pressures on the environment as a criterion for designation. This tends to imply that an area that has been degraded

in some way will take preference to one that has not. While designation should assist in the protection of the environment, National Park status must be based on high quality environments.

3. What are your views on the proposed arrangements for consulting on a proposal to designate a specific area as a national park?

It is strongly recommended that this aspect of the policy is much more detailed and provides a clear framework on the role and delivery of the process of engagement and consultation. It is widely accepted that full local consultation and participation in developing proposals, such as that of designation, will create a more positive response and there is less likelihood of contention and opposition if there is a process of negotiation that is open to all interests within the community. There is nothing in the proposed legislation to suggest that there will be engagement between those at local, regional and national level, which is something that we would like to emphasise as key to the success of the designation process (as has been demonstrated in Scotland) to bring inclusivity and transparency to the National Park model. It is also suggested that the process will require a structured communication strategy to ensure that consultation is inclusive and that stakeholders are provided with clear information on the role that National Parks can play in Northern Ireland and the implications for the local area. The functioning of National Parks on a day-to-day basis should also be communicated to business and other organisations that may not be fully aware of the operations of what the designation will entail, as ultimately this is a new concept to Northern Ireland.

Paragraph 47 of the White Paper should also indicate in more detail where the responsibility will lie in terms of the evaluation process, including more defined meaning for the 'commissioning of independent and objective evaluation'. Also we would urge that the work is published to allow further consultation before the Executive makes any final decision to facilitate a more participative appraisal.

4. What are your views on the proposed management framework arrangements for national parks?

Paragraph 55 of the White Paper is vague in terms of how management will be put in place. Some clarity is provided in the governance section of the more recent additional information; however, the White Paper must provide a clear outline for management, rather than the general paragraph that has been provided. It is important that ground level coordination is supported by cross departmental working to address the complex landscape related issues to achieve effective National Park management.

5. What are your views on the proposed duties, functions and powers of a national park management body?

We feel that the current documentation does not provide enough detail on the practical delivery and arrangements of the national park management body. There is also an issue with the wording that 'it would be important to' and we would suggest that more definite terms are used to outline what the management body 'will be' doing. We strongly recommend that the White Paper should emphasise that there is a statutory duty on all public bodies to work in conformity with the park plan, as the current term of 'having regard to' does not provide the emphasis and legitimacy that is required.

6. What are your views on the proposed role of a national park management body in planning matters?

The issue of planning raises some concern and it is inevitably one of the most difficult aspects of regulation. Based on GB examples there is potential weakness in the proposed NI model in that the park management body will not exercise any planning powers in its own right. If this is the chosen structure then it is imperative that the park managing body must be a formal statutory consultee. Moreover, the said body should have an integral role in the park's management plan which should support a robust decision-making process. The term 'have regard to' as used in paragraph 58 of the White Paper is much too weak and the importance of the plan to planning decisions should be imperative and expressed firmly to reinforce this.

We would, however, like the Department to consider the shift of planning powers to the park management authority, with the possible option of a partnership arrangement with local councils (eg South Downs National Park). For either approach, the importance of having a National Park Plan in place is critical and we recommend that it must be a statutory requirement for local council decisions to be in conformity with the plan. There may be further difficulty in relation to planning if a designated National Park crosses a number of council boundaries. It is necessary for the Department to stipulate that a framework for collaboration and joint decision making will take place; however this is a further argument to support the need for planning powers to rest with the park management body.

7. What are your views on the governance options?

Initially the White Paper did not provide enough detail on governance or how this would be structured. We welcome the additional information and strongly support Option 5 as the best framework of governance. We cannot stress enough the importance of governance and related management structures to achieving the desired aims and objectives of National Park designation. From this point of view the issue of cost is something that we feel cannot be tagged as a disadvantage. It is noted that National Parks have the potential to enhance the local economy and drive tourism; however, these will not be realised without the support, vision and

organisation of an appropriate management body. Therefore investment in the best governance framework will be more likely to generate greater revenue in the future, whilst also sustaining the national value and conservation value of the park. Aside from this, we are in general agreement with the advantages and disadvantages outlined for each option and it seems quite clear from this analysis that Option 5 is indeed the most effective proposal.

A further issue with Option 4 that has not been highlighted is the uncertainty of the councils in Northern Ireland at present with the Review of Local Administration and National Park responsibility could bring additional pressures to involved councils. A key advantage to Option 5 and the appointment of an independent body is the ability to provide an appropriate balance of management between the local, regional and national, which is a critical element of effective National Park governance and operation. In the future situation where there are likely to be more than one National Park in Northern Ireland it would also be appropriate to have an over-arching trust or organisation that can assess the overall interests of all parks in Northern Ireland to ensure a level of consistency and share experience and efficiencies in operation where possible. There should be specific commitment for park authorities to work together where possible to facilitate best practice and shared services but the important aspect of independent local bodies will ensure a principle focus on the individual park itself. We would also suggest that there should be a balance between participative and elective democracy within this system to ensure democracy and inclusivity.

Experience in other parts of the UK has suggested that an independent body is the more successful model, supported by a strong working relationship between local authorities, elected representatives and local stakeholders.

8. What are your views on the proposed constitution of a national park management body?

The proposals contained in this section of the document raise no major concerns. We are very supportive that the board will have an inclusive membership arrangement, in particular the stipulation that at least 60% of this will comprise local representation. We agree that there could be contention surrounding the representation of other bodies outside of the council, however we feel that it is also important to include these groups to bring additional expertise as appropriate. In addition to the options listed in paragraph 41, we would like to suggest that the chair and deputy are chosen by an open public appointments competition and appointed by the Minister but that the criteria and selection are agreed with the board to ensure local knowledge and other key skills and experience are agreed. It is also important to note that the management model established should ensure flexibility within its framework to adapt to emerging as well as existing issues and pressures.

9. Do you share the Department's analysis in the Partial RIA that national parks will have little or no negative impact?

The Partial RIA, as stated, will need further detail when the policy has been finalised. At present we have no comments.

10. Are there any other comments which you wish to make about the Department's proposals?

Overall the definitions and general understanding of what National Park status will mean to local communities and Northern Ireland as a whole is unclear in the introductory section of the White Paper. There is also a lack of explanation in terms of the distinction of National Park designation compared to existing AONBs. We recommend that the DEFRA vision for National Parks (Annex A of the White Paper) should be included within the main policy document to provide a good overview of their value and the principle function they should serve. This paragraph is much more comprehensive than the existing explanation in the White Paper. It is also necessary to see greater emphasis on and details of the facilitating and enabling framework that will encourage enhancement of the special landscape and promote the well-being of communities.

The White Paper in some ways seems to act as a marketing tool and does not directly confront the fears and realities of communities, land owners and stakeholders who are core to this policy. As mentioned in this response, the role of consultation and understanding within communities and local areas cannot be understated in this process of policy implementation and designation. Transparency and full appreciation of the impacts of National Park designation must be provided and at present the policy does not do this effectively. We suggest that this can be improved with further clarification within the legislation, consultation with communities and an inclusive communication strategy. Examples of other National Parks in GB should be used to demonstrate how the parks function on a day to day basis, together with stories from local businesses and farms in the area to provide further information and clarity on some of the issues and apparent fears that communities have expressed to the current proposals. We are also concerned with the assurance to farming and fishing communities that there will be no restrictions imposed (paragraph 26). This is an example of some inaccuracy in 'selling' the National Park model, as it must be accepted that in the interests of conservation and protection of the area limitations on land use and its resources may sometimes be required for effective management. Any restrictions that are made will be based on necessity but land owners must be aware of this and, with full consultation, the willingness to support this will be much more apparent. Importance of local empowerment and consultation cannot be underestimated in the success of this process and local knowledge can also help to inform the department in this regard.

There is strong concern with regard to the wording of the policy on socio-economic development and the associated order of the aims in the White Paper, as conservation is not the top priority of National Park designation. We fear that this focus could be interpreted as the creation of a 'rural development zone'. The strong focus on economic and social development must not be overemphasised; we do agree that the benefits of a National Park for tourism and the economy are invaluable, however policy must leave no doubt that conservation is the fundamental goal; without this there is no Park and no concomitant community benefits.

We fully support the inclusion marine matters in the White Paper and recognise the importance of this within the Department's current proposal.