

## North Yorkshire County Council

### Corporate and Partnerships Overview and Scrutiny Committee

31 January 2011

#### **Defra Consultation on the Governance arrangements for the National Parks and the Broads**

##### **1.0 Purpose of report**

- 1.1 To brief the Committee on the Defra Consultation on the Governance arrangements for the National Parks and the Broads, and to seek comments on the draft NYCC response.

##### **2.0 Background**

- 2.1 The Government is undertaking a review into the scope for improving the governance arrangements and accountability in national park authorities (NPAs). The consultation document is online at: [www.defra.gov.uk/corporate/consult/nationalpark-governance](http://www.defra.gov.uk/corporate/consult/nationalpark-governance)
- 2.2 Defra is seeking both specific views about each NPA and general views. It is suggested that future governance arrangements might vary between NPAs to reflect local circumstances.
- 2.3 After the closing date for responses (1 February 2011) each NPA will produce a summary of all responses relating to its Park and any proposals for changes to its governance arrangements. Defra will then consider such proposals, along with consultation responses relating collectively to all NPAs, and make an announcement on the outcome by the end of March 2011.

##### **3.0 National parks**

- 3.1 National parks are extensive tracts of country that are protected by law for future generations because of their natural beauty and for the opportunities they offer for open air recreation. National parks are living and working landscapes, with an increasing focus on supporting the communities and economic activity that underpin their wild beauty.
- 3.2 There are nine national parks in England plus the Norfolk and Suffolk Broads, which has equivalent status. These ten areas account for eight per cent of England's land area.

- 3.3 National parks are designated by Natural England under the provisions of The National Parks and Access to the Countryside Act, 1949, and have two statutory purposes:
- To conserve and enhance their natural beauty, wildlife and cultural heritage.
  - To promote opportunities for the public understanding and enjoyment of these special qualities.

Policies and decisions that could have an impact upon national parks have to take these two purposes into consideration. If there is conflict between the two purposes, the first must take precedence. NPAs also have a duty to foster the economic and social wellbeing of communities in pursuit of these purposes.

#### **4.0 Current NPA membership arrangements**

- 4.1 The current membership structure comprises three different types of member: local authority, national and parish. It is a requirement that the combined number of local authority and parish members must outnumber the national members.
- 4.2 Local authority members are appointed by constituent local authorities and must be serving councillors of their appointing local authorities, which are expected to have regard to the desirability of appointing members who represent divisions or wards situated wholly or directly within the relevant Park. In addition, local authorities are also required to observe the rules on political balance when appropriate under the Local Government and Housing Act 1989 when making appointments. Every local authority with land wholly or partly in a national park is entitled to appoint at least one member. Local authority members automatically lose their NPA seat when their term of office as a councillor ends, but if re-elected as a councillor, they can then be re-appointed to the NPA and there is no limit to the number of times they can be re-appointed.
- 4.3 Secretary of State national appointees are selected through an open recruitment process which is regulated by the Office of the Commissioner for Public Appointments. The appointments are open to everyone except to a few individuals who can't be a member of a NPA, e.g. an employee of the NPA within the last five years, serving MPs etc. The guidance on appointments states that they are expected to:
- appreciate the national interest – the views of people not living in or near the national parks;
  - understand issues affecting the NPAs, and to work to achieve the NPAs purposes;
  - bring experience of wider issues, which could include work with young people, environmental projects, social inclusion, or an active interest in outdoor recreation;
  - contribute positively to debate within an authority;

- be ready to make decisions on any aspects of national park management; and
- commit a minimum of 2 to 3 days per month, to authority work.

In order to ensure the right balance of personal qualities and experience, the Secretary of State seeks a broad range of backgrounds to reflect the social and cultural mix of the country to represent the national interest. Individuals will be selected for their personal qualities and experiences and not as representatives of specific groups or organisations. National members are appointed for terms of between 1 and 4 years and can be re-appointed subject to an overall limit of 10 years.

4.4 Parish members are chosen by the parishes collectively (though formally appointed by Secretary of State) and must be serving councillors of a parish council with land in the national park or, where there is no parish council, the chair of the parish meeting for a parish with land wholly or partly in the national park. Parish members serve for as long as they are a member of the parish council, or chair of the parish meeting, from which they were appointed – ordinarily this means they will serve for the four years until the next parish elections (or for one year in the case of chairs of parish meetings), after which (if they are re-elected as parish/town councillor/chair of parish meeting) they may be re-appointed to the NPA. There is no limit to the number of re-appointments provided that they remain a parish councillor/chair of a parish meeting. The appointment of parish members helps to ensure that local people have full involvement in the running of the national park. Parish members are appointed to represent the wider national park view and not just their own parish or group of parishes. The Secretary of State looks to parish councils in each national park to continue to maintain the local mechanisms for selecting candidates whom she can appoint to the NPA. If a situation ever arose in which local agreement could not be reached, the Secretary of State would select candidates from amongst the local parish council nominees. The Secretary of State does not appoint as a parish member anyone who is a serving councillor of a county or district council appointing members to the NPA.

4.5 The North York Moors NPA has 22 members, appointed by:

- NYCC – 5
- Scarborough BC – 2
- Ryedale DC – 2
- Hambleton DC – 1
- Redcar and Cleveland – 2
- Secretary of State – 6
- Parishes – 4

- 4.6 The Yorkshire Dales NPA has 22 members, appointed by:
- NYCC – 5
  - Craven DC – 3
  - Richmondshire DC – 2
  - Cumbria CC – 1
  - South Lakeland DC – 1
  - Secretary of State – 6
  - Parishes – 4

## **5.0 The Defra review**

- 5.1 The Government wishes to retain an independent authority, as currently exists, for each of the National Parks. It intends that NPAs should continue to be the local planning authority for their areas.
- 5.2 The purpose of the review is to:
- A. look for ways in which the governance of the NPAs can be made more effective;
  - B. look for ways in which the NPAs can be more responsive to the concerns of their local communities; and
  - C. consider the extent to which different arrangements are appropriate for different NPAs.
- 5.3 The key questions on which the Review is seeking responses are:
- a. whether the membership of NPAs, both the size and composition, should be changed
  - b. whether the selection process for all categories of members of NPAs can be improved
  - c. whether there should be a limit on the length of time which local authority and parish members can serve, and a reduction in the maximum term for the Secretary of State 'national' members (currently 10 years)
  - d. whether the current membership and structure of consultative committees, groups and forums can be strengthened so as to better achieve 'Big Society' benefits
  - e. what additional measures NPAs can take to strengthen the links and engagement with their local communities on a variety of issues including planning
  - f. whether there are any other ways in which the NPAs can improve their effectiveness and accountability

## **6.0 Draft NYCC response to the consultation**

- 6.1 NYCC will be making a response and this will be signed-off by the Executive member (Cllr Carl Les) and submitted to Defra by 1 February 2011.

- 6.2 The draft NYCC response (appendix one) has been developed following a meeting of the NYCC appointees to the North York Moors NPA and the Yorkshire Dales NPA.
- 6.3 The Committee is invited to comment on the draft NYCC response.
- 6.4 The Chairman has invited the Chairman of the Yorkshire Dales NPA (Carl Lis), the Chief Executive of the North York Moors NPA (Andy Wilson), and the NYCC appointees to the North York Moors NPA and the Yorkshire Dales NPA to attend the Committee meeting.

## **7.0 Recommendation**

- 7.1 It is recommended that the Committee consider and comment on the draft NYCC response to the Defra Consultation on the Governance arrangements for the National Parks and the Broads, as set out in appendix one.

Neil Irving  
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20 January 2011

### **List of appendices:**

- Appendix one: Draft NYCC response to the Defra Consultation on the Governance arrangements for the National Parks and the Broads

### **Background documents:**

- Defra Consultation on the Governance arrangements for the National Parks and the Broads - available from [www.defra.gov.uk/corporate/consult/nationalpark-governance](http://www.defra.gov.uk/corporate/consult/nationalpark-governance)

## **Appendix one: Draft NYCC response to the Defra Consultation on the Governance arrangements for the National Parks and the Broads**

The area served by North Yorkshire County Council (NYCC) includes the vast majority of two national parks - the North York Moors and the Yorkshire Dales. We work in partnership with both national park authorities (NPAs) to deliver key services to local people and to enhance the county's natural beauty, wildlife and cultural heritage. We also appoint five elected members (county councillors) to each of the NPAs.

Overall, we strongly support the status quo with regard to the membership, both size and composition, of the Yorkshire Dales NPA and the North York Moors NPA. We believe that the current arrangements work well and any change would be detrimental to all concerned.

Our comments are about arrangements for the Yorkshire Dales and the North York Moors. We recognise that alternative arrangements might be more appropriate in other national parks.

We have grouped our comments under the six key questions in the Defra consultation document.

### ***a. Whether the membership of NPAs, both the size and composition, should be changed:***

1. We strongly support the status quo with regard to the membership, both size and composition, of the Yorkshire Dales NPA and the North York Moors NPA.
2. We believe that the current arrangements work well. This view is supported by positive external validations of NPA performance. For example the recent NPAPA review of the Yorkshire Dales NPA highlighted that the existing governance arrangements were "fit for purpose and consistent with the size and nature of the organisation".
3. Reducing the size and changing the composition of the NPAs would:
  - i) run counter to the second purpose of this review which is to seek improvement in its engagement and dialogue with local communities, and to be more responsive to their concerns
  - ii) be contradictory to the coalition government's wish to increase the local accountability of the national parks (as set out in the Defra Structural Reform Plan published on 16 July 2011).
  - iii) reduce the essential local accountability and local ownership of decisions, particularly planning decisions, taken by the NPAs.

- iv) reduce the current broad range of NPA member skills, experience and expertise.
  - v) reduce the local knowledge with NPA members, which is essential for dealing with planning matters.
4. NPAs have considerable powers, in particular in relation to planning, but unlike all other local planning authorities are not directly and democratically accountable to local people. It is essential that local people whose livelihood is often dependent on the application of planning powers by NPAs feel that they have a voice through the active and proportional involvement of locally elected councillors. Changing the balance of membership could result in inappropriate and insensitive planning decisions being taken predominately by outsiders with no idea of the local issues involved.
  5. The current size and composition ensures that there is a reasonable opportunity for all the diverse communities in the national park to have a direct link through one of their elected members (county or district or parish) being a member of the NPA. Without this direct link, the views of the local communities in the national park will not be properly represented.
  6. The saving achieved by reducing the number of members of NPAs, including the costs of supporting members, will not be significant in proportion to the overall NPA budget, compared to the risk of loss of local accountability and ownership of decisions.

***b. Whether the selection process for all categories of members of NPAs can be improved:***

1. We strongly support the status quo with regard to the selection process for all categories of members of the Yorkshire Dales NPA and the North York Moors NPA.
2. Consideration should be given to identifying ways in which the need for local authority members to be representatives of an area wholly or partly with the national park could take precedence over the current requirements relating to political proportionality by the appointing body
3. In the event of any reduction in the number of local authority and parish members of NPAs, consideration must be given to the direct election of 75% of the NPA membership by registered electors resident in the national park. This is because reducing the number of local authority and parish members would otherwise make it impossible for all communities in the national park to have the essential direct link to the NPA. However, it is likely that the minimal savings achieved by reducing the number of NPA members would be exceeded by the additional cost of direct elections.

**c. Whether there should be a limit on the length of time which local authority and parish members can serve, and a reduction in the maximum term for the Secretary of State 'national' members (currently 10 years):**

1. It would be wholly inappropriate to impose an artificial limit on the length of time which local authority and parish members can serve as a member of a NPA, provided the members continue to be re-elected as councillors. Local authority and parish members provide the essential democratic and representative input into NPAs.

**d. Whether the current membership and structure of consultative committees, groups and forums can be strengthened so as to better achieve 'Big Society' benefits:**

1. North Yorkshire, including our two national parks, is already a place where a significant number of people take an active role in their communities.
2. Both our national parks already have a wide and varied range of consultative committees, groups, forums and other means of seeking views – and there is evidence of the positive impact of these on decision making and community engagement.
3. However, it is essential that consultation and community engagement is not undertaken by NPAs acting in isolation from local authorities and other public sector partners. Any organisation seeking to consult and engage with local communities in isolation, rather than in partnership with others, will confuse and/or anger local communities (who expect the public sector to act in a joined up way and often don't understand exactly which organisation does what) and miss real opportunities for sharing costs.
4. Partners in North Yorkshire, including NYCC and the two national parks, agreed in 2009 a joint framework for community engagement ([www.nysp.org.uk/engagement](http://www.nysp.org.uk/engagement)) with a commitment to develop and use shared engagement structures and processes to set shared community priorities, identify and solve problems, and deliver effective and proportionate solutions.
5. NPAs should take every opportunity to consult and engage with local communities in partnership with local authorities and other public sector partners, rather than in isolation.
6. The role of local authority members appointed to NPAs fits very well with the 'Big Society' agenda – locally accountable representatives, engaging with communities to encourage greater community



involvement, helping deliver the economic and social wellbeing of communities – at the same time as ensuring that the NPA furthers and delivers the statutory national park purposes and duties.

7. The cut of over 25% in national park budgets from April 2011 will reduce the number of staff employed by NPAs and the support that can be provided to consultative committees, groups and forums. Local authority members, as locally accountable representatives, can play a key role in ensuring that any impact on the 'Big Society' benefits as a result of the cuts is minimised.
8. Whatever we mean by 'Big Society', it has to be much more than just attending consultative committees, groups and forums. For example, volunteers, mostly from communities within and surrounding the national parks, give over 11,000 days a year of practical unpaid work in the North York Moors and over 6,000 in the Yorkshire Dales.

***e. What additional measures NPAs can take to strengthen the links and engagement with their local communities on a variety of issues including planning:***

1. NPAs should hold at least one meeting a year for parish councils in each recognised area of the national park, attended by all the NPA planning officers who process or consider planning applications in that area, to build a greater mutual understanding of the local planning issues and planning policy framework.
2. If a NPA takes a planning decision that is contrary to the comments provided by a parish council, the NPA should write to the parish council explaining why the decision was taken.
3. Parish councils within the national park should have extended public speaking and question time at all NPA meetings open to the public, including the planning committee.

***f. Whether there are any other ways in which the NPAs can improve their effectiveness and accountability:***

1. NPAs should take every opportunity to work with local authorities whose land comprises a significant proportion of the national park to identify and implement opportunities for shared services as a means of reducing costs and improving effectiveness; in particular the county council for back office functions and environmental services, and district councils for planning functions.
2. Consideration must be given to transferring the duties and resources of Natural England to NPAs in respect of designated conservation areas within national parks, including Sites of Special Scientific Interest

(SSSIs), Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). These areas can constitute a considerable part of the national park. The opportunities such a transfer would present for reducing costs, improving effectiveness and local accountability should be explored and the subject of a public consultation.