

**Local Government York and North Yorkshire
20 January 2012**

Proposed changes to National Parks

1.0 Purpose of report

1.1 To update LGNYYY on proposed changes to National Parks.

2.0 Proposed changes to the governance of National Parks

2.1 Following a public consultation in 2010/11, the government is proposing to utilise new powers in the Public Bodies Act 2011 to amend the governance arrangements of National Parks, in particular to:

- a. Introduce a maximum term of office, probably eight years, for all members of National Park Authorities (NPAs) including local authority members.
- b. Allow parishes to nominate people who are not serving parish councillors or chairs of parish meetings, as candidates for the parish member elections, if the NPA so wishes.
- c. Remove the Secretary of State's role in appointing parish members (as it is the parishes, not the Secretary of State, who choose the parish members).
- d. End the political balance requirement on local authorities when appointing members to NPAs (as this can conflict with the guidance that local authorities have regard to appointing councillors who represent wards within the National Park and/or have a close knowledge of it once the political balance requirements have been met).
- e. Pilot direct elections for some members of the New Forest and Peak District NPAs. There is a possibility that the regulations will allow other NPAs to also have direct elections. Defra has ruled out applying direct elections to the Secretary of State-appointed members, but it is not clear which of the other NPA members would be replaced and what restrictions, if any, there would be on who would be eligible for election.

2.3 Defra is currently preparing draft regulations which, if enacted, would implement the government's proposals. The Public Bodies Act 2011 requires a 12 week public consultation prior to laying draft regulations before Parliament. It is anticipated that the public consultation will start in January 2012.

2.4 Following the public consultation in 2010/11, the government also:

- a. Supported the proposal by the North York Moors NPA to investigate further the potential for the Authority becoming a social enterprise, with a report to be produced for the NPA identifying the pros and cons by March 2013.

- b. Asked the Yorkshire Dales NPA to re-examine the ways in which it engages with its communities and to make a further report on the scope for change by the end of 2011.

3.0 Proposed extension of the Yorkshire Dales National Park

- 3.1 Natural England has resolved to submit orders to the Secretary of State to vary the boundaries of the Yorkshire Dales and Lake District National Parks. This follows extensive work by Natural England and two public consultations during 2009/11.
- 3.2 The National Parks and Access to the Countryside Act 1949 gives Natural England the power to designate areas as National Park if they meet the statutory designation criteria. The Wildlife and Countryside Act 1981 also gives Natural England the power to vary the boundaries of existing National Parks. Both powers are subject to confirmation by the Secretary of State.
- 3.3 In respect of the Yorkshire Dales, the area proposed to be included is the north and west of the existing National Park. In respect of the Lake District, the proposed area is to the east and south of the existing National Park. None of the proposed extensions are within North Yorkshire.
- 3.4 Natural England believes that the areas meet the statutory designation criteria by reason of:
 - Their natural beauty (taking into account its wildlife and cultural heritage);
 - The opportunities they afford for open-air recreation (taking into account the extent to which it is possible to promote opportunities for the understanding and enjoyment of its special qualities by the public), having regard both to their character and to their position in relation to centres of population; and
 - That it is especially desirable to designate them as variations to the Yorkshire Dales and Lake District National Parks for the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of these areas and of promoting opportunities for the understanding and enjoyment of the special qualities of these areas by the public.
- 3.5 In the first public consultation, on the principle of designating the new areas, 70% of all responses supported the proposals. In the second public consultation, which looked specifically at whether the Orton Fells should be included in the Yorkshire Dales National Park, 86% of all responses supported the proposal.
- 3.6 Responses to the two public consultations from principal local authorities were mixed. The two NPAs, Allerdale BC, Craven DC and Lancaster CC were broadly supportive. South Lakeland DC and Copeland BC adopted a neutral stance, although the former raised detailed concerns. Cumbria CC, Eden DC, Lancashire CC, North Yorkshire CC and Richmondshire DC objected to the proposals in their entirety.
- 3.7 The key driver for principal local authorities in objecting to the extensions is the loss or reduction of democratic accountability for, or democratic engagement in, planning matters and other issues. Local authorities covering areas that become part of a National Park will lose responsibility for planning. Local authorities

covering areas already within a National Park will have a reduced number of councillors on the NPA, diluting the involvement of local elected councillors. Concerns have also been expressed about the potential loss of the Yorkshire Dales brand.

- 3.8 Natural England is expected to submit the orders to the Secretary of State in January 2012. At the same time, the orders must be placed on deposit for public inspection for at least 28 days. Any person may then make representations to the Secretary of State by a date to be announced (anticipated to be 16 March 2012). The Secretary of State must give each person who objects to the orders an opportunity for a fair hearing. This must take the form of a public inquiry if a county or district council objects and does not withdraw its objection.
- 3.9 Following any public inquiry, the Secretary of State will consider any Inspector's report and then may decide to confirm or not confirm the orders, with or without modifications.

4.0 Recommendations

- 4.1 That LGNYY receives the update and members discuss the issues.

Richard Flinton
Honorary Secretary, Local Government North Yorkshire and York
4 January 2012