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SD Bill Team
Welsh Government
Cathays Park
CF10 3NQ

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Dear Sir/Madam

Proposals for a Sustainable Development Bill

1. Introduction

The Campaign for National Parks (CNP) is the charity that campaigns to protect and promote National Parks in England and Wales as beautiful and inspirational places enjoyed and valued by all. It has been in existence for over 75 years. CNP's work in Wales is informed by CNP Cymru, which includes representatives from each of the National Park Societies and other bodies such as CPRW and the National Association of AONBs. The National Park Authorities in Wales and National Parks Wales have observer status.

National Parks are the finest landscapes which have been granted the highest level of protection. The statutory purposes of National Parks are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks
- To promote opportunities for the public understanding and enjoyment of the special qualities of the National Parks

In pursuing these purposes, National Park Authorities (NPAs) also have a statutory duty to foster the economic and social well-being of communities living within the National Park. In those cases where there is a conflict and reconciliation proves impossible, the first purpose should take precedence.

In responding to this consultation we have focused on the implications of the proposals for the long-term future of the protected landscapes (National Parks and AONBs) and associated seascapes of Wales.

In Wales, National Parks comprise about 20% of the country's land mass and therefore have a vital role to play in sustainable development. They already contribute significantly to the well-being of the nation, through protection of the landscape, wildlife and key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. National Parks are inspiring spaces for people to enjoy and improve their health and well-being, whilst making a significant contribution to the economy of Wales through farming, tourism and other related businesses. CNP believes that the nationally designated landscapes of Wales should be maintained as distinctive and unique tracts of countryside, which are also adaptable and resilient to future pressures such as climate change. National Parks already make a significant contribution to the delivery of sustainable development and much of that success is attributable to the high quality of the landscape itself.

The success referred to in the previous paragraphs must be maintained and built upon and must not be put at risk by the changes proposed in the Sustainable Development Bill. To ensure that this happens it is essential that:

- The significance of protected landscapes is specifically emphasised in the proposed Bill as a key sustainable development factor; and
- The statutory framework within which they operate is maintained.

2. Our comments

CNP is pleased to have this opportunity to respond to the Welsh Government's consultation on Proposals for a Sustainable Development Bill. We are broadly supportive of the intention to make sustainable development the central organising principle of the Welsh Government and public bodies in Wales, the principle of having a sustainable development duty and the creation of an independent sustainable development body for Wales. However, we have some concerns about how this new duty would work in practice, particularly with regard to the relationship between this duty and the statutory purposes of National Parks. In particular, we are concerned that:

- **There is inadequate recognition of landscapes and seascapes, especially those that are nationally protected, both in the definition and the objectives of sustainable development.**
- **Potential exists for others to call for a weakening of the statutory framework for protected landscapes because there is a misperception that the current arrangements are restrictive and act as a barrier to sustainable development.**
- **There should be a clear definition of sustainable development to ensure consistent understanding and this definition should include full recognition of the special qualities and particular vulnerabilities of protected landscapes including National Parks.**

Our detailed comments below focus on those issues of most relevance to National Parks so we have not responded to all the questions in the consultation document.

2.1 Promoting sustainable development (section 3, Qs 1 and 2)

The protection afforded to National Parks can lead to a misperception that National Park designation itself is a barrier to sustainable development. We are conscious that this is an issue that others may raise in response to these questions and would like to emphasise that National Parks do not solely have a conservation role. As set out above, their statutory purposes include the promotion of the understanding and enjoyment of National Parks as well as their protection and enhancement. In addition, in pursuing these purposes, National Park Authorities (NPAs) have a **statutory duty** to foster the economic and social wellbeing of the people who live in them, so they take an integrated approach in their decision-making and already act as facilitators of sustainable development.

It is also important to recognise that protected landscapes represent significant economic assets in their own rights. Not only does the high quality environment in these areas make a significant contribution to tourism and economic development in Wales but it also contributes to a wide range of other objectives by acting as a source of health, well-being and spiritual inspiration. Research¹ found that the environment of the three National Parks of Wales directly supported nearly 12,000 jobs, produced total income of £177 million and generated £205 million GDP. In addition, there are further indirect economic benefits to suppliers and to the economy of Wales as a whole through the strong brand image for Welsh goods and services that the Parks provide.

We do not believe that any actions need to, or should, be taken to change the statutory purposes of National Parks as National Parks are already managed in a way that ensures that they contribute to sustainable development.

2.2 Sustainable development behaviours and objectives (section 6, Qs 9-16)

Ensuring that sustainable development is reflected in decision-making will require a combination of the behaviours and objectives approach. However, the objectives should have more influence over high level decisions than the behaviours. The behaviours listed make a significant contribution to delivering sustainable development but it is achievement of the objectives which will actually ensure that sustainable development is delivered. In theory, an organisation could adopt the behaviours without achieving the required objectives. We also believe that each of the objectives should be judged independently and it should not be acceptable to detract from some of the objectives, as long as others are actively promoted.

Therefore, decisions should be lawful if they have been reached in a way that:

- **Broadly reflects the behaviours; and**
- **Does not detract from any of the objectives.**

Finally, we would like to see the reference to environmental limits in the list of objectives amended to make it clear that this also includes landscapes and seascapes.

¹ Valuing our Environment Partnership, Economic Impact of the National Parks of Wales, 2006

2.3 The repeal of duties (section 6, Q21)

As set out above, we are concerned that some other responses to this consultation may suggest changes to the statutory purposes of National Parks or the repeal of duties that relate to them. Currently, National Park purposes are often given insufficient weight in policy decisions as there is a low awareness among relevant authorities of their existing duty under Section 11A of the 1949 National Parks and Access to the Countryside Act to have regard to National Park statutory purposes while carrying out their activities. The statutory purposes are crucial in adding clarity to the particular circumstances of National Parks.

We have already highlighted the key role that National Parks play in delivering sustainable development and we believe that repealing any of the statutory duties which relate to this would actually detract from the Welsh Government's aim of making sustainable development the guiding principle in decision-making.

It is critical that existing environmental protection is not weakened and eroded by unnecessary rationalisation.

2.4 The organisations that might be subject to the duty (section 6, Q25)

CNP agrees with the list of organisations in paragraph 120. However, we believe that it should also include private companies providing public services, the privatised utilities (including Dwr Cymru) and port authorities.

2.5 Defining 'sustainable development' (section 6, Qs 26 and 27)

CNP believes that there should be a clear definition of sustainable development in order to ensure consistent understanding of the exact meaning of the term being used.

We believe that the agreed definition of sustainable development must recognise that the economic and social aspects of sustainable development are inextricably dependent on the environment. The definition should be based on an integrated approach which operates within the accepted boundaries of defined environmental capacities and standards and seeks to benefit all three elements, rather than a balance-based approach where the three elements are weighed against each other, producing a "winner takes all" outcome. This means that development which exceeds the 'environmental capacity' of an area or resource should be avoided. At a minimum, development proposals in National Parks should not cause adverse impact on the environmental and social elements of sustainable development, and ideally, they should benefit all three elements.

We therefore think the wording proposed in the consultation is a suitable starting point for a definition. However, we would like to see the second bullet point expanded, to make it clear that 'environmental limits' includes full recognition of the special qualities and particular vulnerabilities of protected landscapes.

2.6 An independent sustainable development body (section 7, Qs 28-34)

We support the principle of a statutory sustainable development body and the preferred approach set out in paragraphs 157-159. However, we would welcome

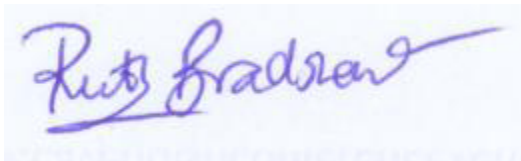
greater clarity on the independent sustainable development body for Wales and the accountability arrangements for this new body. In particular, there needs to be greater clarity about its relationship with National Parks and the single body that is being created as a result of the merger of the Countryside Commission for Wales, Forestry Commission Wales and the Environment Agency Wales.

From the list of proposed functions for the sustainable development body set out in the consultation document, it is not clear exactly what powers it would have over decisions made by the bodies which are subject to the new duty or how much influence its representations would have over other decision-making bodies. For example, if an NPA made a decision about a National Park which the sustainable development body viewed to be incompatible with the sustainable development duty would the NPA be required to change their position even if the outcome was a decision that did not comply with the statutory purposes of National Parks.

As we have already highlighted, we would not want to see the creation of this new body weaken the protection provided to National Parks.

CNP trusts that these comments will be helpful in the future development of a Sustainable Development Bill. We would be pleased to continue working with the Welsh Government and other partners as the plans for this Bill progress to ensure that National Parks can continue to play a key role in delivering sustainable development in Wales.

Yours sincerely



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