

Natural England Board



Meeting: 16
Date: 20 May 2009

Paper No: **NEB PU16 05**

Title: **English National Park Authorities Association (ENPAA)/Natural England Shared Outcomes Agreement**

Sponsor: **Andrew Wood, Executive Director Evidence & Policy**

1. Purpose

- 1.1. The purpose of this paper is to advise the Board of our proposed "Shared Outcomes Agreement" with the English National Park Authorities Association (see Annex 1 for latest draft) and to seek agreement that final sign off should be delegated to the Chief Executive in consultation with Acting Chair. Comments are also sought on related work on our National Park statutory duties.

2. Recommendations

- 2.1. It is recommended that the Board:
 - note progress towards a Shared Outcomes Agreement;
 - agree final sign off should be delegated to the Chief Executive in consultation with Acting Chair;
 - considers a response to ENPAA on refreshing our second tier statutory duties with respect to National Parks.

3. Background

- 3.1. Prior to vesting, ENPAA had a number of agreements with founding bodies on specific topics i.e. agri-environment delivery, SSSI PSA delivery and historic environment collaboration work (with separate discussions exploring our sign up to a renewed 'Joint Statement on the Historic Environment in the National Parks of England, Wales and Scotland'). Various discussions in the run up to vesting and more recently at the September 08 Board dinner with NPA Chairs (NEB BR12 04) have explored the merits of a formal Memorandum of Understanding (MoU) with ENPAA, along similar lines to those agreed with the Environment Agency & Forestry Commission and with English Heritage.
- 3.2. Rather than pursuing a formal MoU covering the breadth of our shared agenda, and with the associated requirement for substantial staff time spent word-smithing such a document, a relatively short outcome focused agreement is now proposed. This 'Shared Outcomes Agreement' will enable immediate and concentrated effort on four areas where we can make rapid

progress in the short term, drawing upon our combined strengths. The four areas and overall objectives for joint work are:

- Landscape – National Parks will be exemplars of conserving, enhancing and managing landscape. Together, we will have championed a better understanding of the importance of National Park landscapes amongst the public, government and professional bodies, and be able to capture and demonstrate the goods and services that National Parks' landscapes provide;
- Climate change – By working together Natural England and ENPAA will ensure National Parks will exemplify our understanding of the effects of unavoidable climate change; and a home for practical examples of sustainable adaptation measures that improve National Parks' resilience in a changing climate and help safeguard vital ecosystem services, such as the storage of carbon and provision of clean water.
- Diversity – promoting National Parks as exemplars in delivering 'Outdoors for all';
- Statutory Duties – Natural England has a modern set of statutory responsibilities relating to National Parks which they deliver effectively, and which reflects the independence and maturity of the National Park Authorities.

3.3 The first 3 outcomes are very much about joint work to develop National Parks as exemplars. The 'Statutory Duties' outcome is atypical with work here needed to:

- Develop appropriate elements of Natural England's Protected Landscapes policy (see NEB PU16 06) relating to the need to review and clarify elements of public policy, legislation and guidance that govern protected landscapes; and
- Consider suggestions received from ENPAA on how Natural England's "second tier" (i.e. not designation/variation duties and powers) statutory functions in respect of National Parks might be refreshed.

3.4 Annex 2 provides our initial comment on ENPAA's statutory duties proposals, many of which appear fair and un-contentious. A Board steer is invited on our suggested initial response as to which current provisions should to be retained or discarded, in particular:

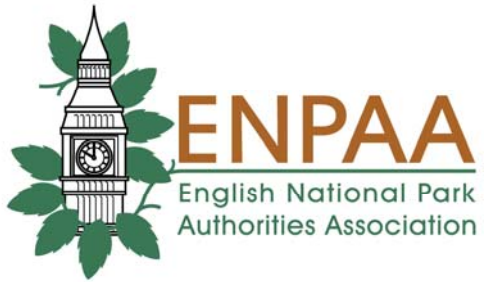
- Row 4 'Defra must consult NE before making grants', which ENPAA has suggested should be repealed; and
- Our role advising on progress and issues in relation to delivery of National Park purposes (see especially rows 1 & 3).

3.5 The agreement seeks to complement regional collaboration already happening in the National Parks and supported by local NPA/NE Joint Action Plans. It is not intended to cover our day to day collaboration on 'heartland' areas such as biodiversity and agri-environment delivery.

4. Issues

- 4.1 The relationship with ENPAA will continue to evolve and the agreement schedules a full review in the autumn of 2011 with a view to continuing or modifying the Agreement, or allowing it to expire by May 2012. This full review will be complemented by an annual review of the headline issues and opportunities, involving the lead Board member for Protected Landscapes. At which new topics for collaboration may be added (or existing ones dropped).

- 4.2 Final recommended changes to our statutory responsibilities for National Parks will be brought back to a later Board meeting.



**Shared Outcomes Agreement
(DRAFT of 25/03/09)**

May 2009

Introduction

This Shared Outcomes Agreement is between Natural England and the English National Park Authorities Association (ENPAA). It sets out what the organisations wish to achieve through working together at a national level, and linked to Park level collaboration where appropriate.

The organisations start from the basis of common statutory objectives and recognition and respect for the strengths which each party brings to the relationship. While there are many areas of synergy there are also important differences, which we will use to our collective advantage:

Natural England brings

- Substantial national capacity and expertise on policy and evidence
- a national coverage which embraces all designated landscapes (National Parks and AONBs) and beyond – allowing ‘good practice’ experience to be brought in from elsewhere and disseminated more widely
- leadership in the delivery of Government goals relevant to the natural environment
- regional level influencing and local delivery expertise, backed by agri-environment resources

National Park Authorities

- are based in localities with strong connections to local communities and land managers
- have expertise and understanding of a range of issues on a landscape scale
- bring delivery on the ground and leadership of delivery by others
- a wider remit which embraces social and economic dimensions
- Strong links with the local government and regional planning frameworks
- a breathtaking environment that ensures people are able to enjoy and take inspiration from the finest landscapes

We share a common vision:

To ensure that the landscapes, wildlife, geodiversity and cultural heritage of English National Parks are conserved, enhanced and managed for the benefit, wellbeing and enjoyment of present and future generations. We aspire for National Parks to be exemplars in sustainable development and so contribute to a better quality of life for all.

Headline Issues for this Agreement

There are many ways in which the aspirations and work of ENPAA and Natural England interact. These range from involvement in spatial planning; joint projects on promoting biodiversity; to addressing the effects of transport on protected landscapes. A major area of joint effort is the delivery of Agri-Environment Schemes where the focus is on encouraging front line staff to collaborate locally to communicate and co-ordinate activity in order to achieve maximum efficiency of delivery and environmental gain between the organisations.

This Shared Outcomes Agreement does not seek to describe the totality of the relationship that ENPAA and Natural England enjoy. It does not include day to day activity or routine collaboration. In this respect it is the minimum we seek to achieve

together strategically. Nor does this Agreement have a legally binding status. It does, however, provide a focus for joint activity and should be viewed as a framework to support joint work.

Both organisations commit to working together to achieve tangible results over the lifetime of this Agreement, in the four key areas identified and any others subsequently added. The current priorities are set out in detail in Annex I.

Landscape

“National Parks will be exemplars of conserving, enhancing and managing landscape. Together, we will have championed a better understanding of the importance of National Park landscapes amongst the public, government and professional bodies; be able to capture and demonstrate the goods and services that National Parks’ landscapes provide; and sought to improve the legislative and policy frameworks supporting them.”

Climate Change

“By working together Natural England and ENPAA will ensure National Parks will exemplify our understanding of the effects of unavoidable climate change; and provide a home for practical examples of sustainable adaptation measures that improve National Parks’ resilience in a changing climate.”

Diversity of people and place

“By working together and sharing best practice Natural England and ENPAA will continue to broaden the diversity of their workforces, volunteers and visitors. We will have developed and promoted successful demonstration projects and delivery models in National Parks that help to address inequalities of access, opportunity and enjoyment by all, to England’s natural beauty.”

Statutory Responsibilities

“Natural England has a modern set of statutory responsibilities relating to National Parks which they deliver effectively, and which reflects the independence and maturity of the National Park Authorities.”

Dissemination

ENPAA and Natural England will disseminate the contents of this Agreement through its networks at a national and regional level.

For ENPAA this will include:

- circulating the agreement to all Chairs and Chief Executives
- circulating it to Co-ordinators of the all Parks Professional and Working Groups

For Natural England this will include:

- circulating the agreement to all Board and Executive Board members;
- circulating to relevant national specialists
- circulating to Regional Directors, Regional Advocacy and Partnership Team Managers and Regional Account Managers

Resources

The National Park Authorities and Natural England will need to find the resources to deliver this agenda. It is hoped that these may complement work programmes already set out in:

- National Park Management Plans
- Natural England's Strategic Direction and Corporate Plan
- Natural England Team Delivery Agreements and Tactical Plans
- Joint Natural England/ NPA Action Plans

We shall also share our intentions and shared ambitions with key external bodies. We will issue a press release outlining the Agreement once agreed.

Monitoring

Both organisations will keep under review progress against our stated aims in this Agreement. Specifically, progress will be discussed at a joint ENPAA/Natural England meeting in January each year between NPA Chairs and the Natural England Lead Board Member for Protected Landscapes and Executive Director of Evidence and Policy.

Review process

This Agreement commences on 20th May 2009 and expires on 20th May 2012. At each January meeting both parties will consider whether the headline issues that are included in this agreement remain the right ones, or whether amendment is needed. A full review will take place in the autumn 2011 with a view to continuing or modifying the Agreement, or allowing it to expire by May 2012.

In considering any amendment to Annex I, the following criteria will be applied:

- the theme of the work should have national significance;
- be of sufficient significance to be included and, therefore, not relate to ongoing collaboration;
- should be agreed by both parties; and
- represent an area where a proactive approach or fresh impetus demands it;

Senior Responsible Officers

The following Senior Responsible Officers will be responsible for co-ordinating strategic activity associated with this Agreement as a whole. They will have delegated authority to update the Annexes to this Agreement, before the review in 2011 as and when required.

ENPAA Senior Responsible Officer:
Paul Hamblin (Director)

Natural England Senior Responsible Officer:
Andrew Wood (Executive Director, Evidence & Policy)

Signed

Name
Title
English National Park Authorities Association

Dr Helen Phillips
Chief Executive
Natural England

20th May 2009

Annex I

LANDSCAPE

National Parks will be exemplars of conserving, enhancing and managing landscape. Together, we will have championed a better understanding of the importance of National Park landscapes amongst the public, government and professional bodies; be able to capture and demonstrate the goods and services that National Parks' landscapes provide; and sought to improve the legislative and policy frameworks supporting them.

Action	Milestone	Lead officers	Means of delivery
1. European Landscape Convention			
1.1 Embed the intent, purpose and language of the European Landscape Convention within ENPAA and NPA plans and strategies.	<ul style="list-style-type: none"> • ELC guidance for NPAs produced (by end Q3 09/10) • Compliance with ELC in ENPAA and NPAs plans and strategies reviewed (Q4 09), • Action Plans to address identified areas developed (Q4 10/11) • Actions in plans implemented (10-12) 	NPA: NE: Gary Charlton	Staff time (NE 20 days) workshop (£500)
1.2 Develop and promote an exemplar case study within each National Park to demonstrate and promote the ELC intent and purposes, e.g. a landscape enhancement project, landscape strategy etc	<ul style="list-style-type: none"> • Case studies/projects identified (Q3 09/10) • Case studies completed 10-11) • Exemplars promoted (10-12) 	NPA: NE: Gary Charlton	Staff time Case studies
1.3 Champion, raise awareness and understanding of the importance of landscape and the special qualities of National Parks amongst the general public and non landscape sectors.	<ul style="list-style-type: none"> • Agree core communication messages (Q3 09) • Develop complementary national and park specific communication programmes, with tactics including better landscape interpretation, use of landscape stories and workshops for key audiences (to include links to Historic Environment Accord 	NPA: NE: Graeme Hayes	Comms programme workshop

	<p>scheduled for update in Q3 09)(Q4 09)</p> <ul style="list-style-type: none"> • Examine potential for linking landscape to National Curriculum (by end 09/10) • Joint training / workshops for NPA and NE staff to explore and develop comms messages (to be scoped by end 09/10) 		
2. Natural England policy development			
2.1 Promote and advise on revisions to ensure that the legislative framework more effectively secures the achievement of National Park purposes	<ul style="list-style-type: none"> • National Parks Circular (to align with Defra's timetable) • Review designation criteria in light of South Downs decision (end 09) 	NE: John Butterfield NE: John Butterfield	Staff time
2.2 Engage with reviews to National Park boundaries and consideration of new designations, in accordance with Natural England's policy (once agreed).	<ul style="list-style-type: none"> • Advise on priorities for National Parks (end 09) • Lakes-Dales gap designation (Variation orders by end 2010/11) • South Downs designation (summer 09 – subject to procedural challenges) 	NE: John Butterfield NE: Rosemary Budd NE: Chris Fairbrother	
3. Condition and Quality of England's Landscapes (CQuEL)			
3.1 Establish a nationally consistent methodology, for National Parks to individually apply, for assessing and monitoring landscape condition and trends, as part of the development of CQuEL, the national landscape monitoring scheme.	<ul style="list-style-type: none"> • Scope, develop and agree CQuEL methodology (09) • Ensure NPA cut on CQuEL data 		Staff time £ workshops

CLIMATE CHANGE

By working together Natural England and ENPAA will ensure National Parks will exemplify our understanding of the effects of unavoidable climate change; and provide a home for practical examples of sustainable adaptation measures that improve National Parks' resilience in a changing climate.

Action	Milestone	Lead officers	Means of delivery
1. Adaptation			
<p>1.1 We will work together to assess how the UK Climate Projections (UKCP) can be applied at the National Park scale</p>	<ul style="list-style-type: none"> • Arrange for UKCIP to deliver joint training between NE, ENPAA and NPAs on the UKCP at national and/or regional level by Nov 2009 	<p>NPA: NE: Humphrey Crick</p>	<p>Staff time (5-10 days depending on number of staff trained)</p> <p>Training session(s)</p>
<p>1.2 We will develop practical case studies in each National Park highlighting how climate change will effect the special qualities of the Park; of sustainable adaptation measures needed and (where possible) how this can present opportunities for local communities. To be prepared locally, and informed by the approach taken in Natural England's Character Area pilot project through a workshop that brings together National Parks and Natural England Regional Staff. This will include NPAs feeding back to Natural England about lessons learnt over the practical application of this work.</p>	<ul style="list-style-type: none"> • Natural England/ ENPAA workshop on lessons learnt in Cumbria High Fells & Broads pilots by October 2009 • Case studies of sustainable adaptation in National Parks prepared by March 2010 	<p>NPA: Iain Mann NE: Nick Macgregor</p>	<p>Staff time (5 days)</p> <p>Workshop (£500)</p> <p>Case studies</p>

<p>1.3 We will ensure that Natural England's work to develop a suite of indicators to monitor and assess the delivery of adaptation in the natural environment will be informed by and applicable to the National Parks.</p>	<ul style="list-style-type: none"> • Sharing of NE methodology and contract report; • Workshop (linked to 1.2) to test applicability of proposed indicators to National Parks by Oct 2009, • Ongoing inclusion of National Parks in work to refine methodology 	<p>NE: Caro Cowan</p>	<p>Staff time (2 days) Workshop (see 1.2)</p>
<p>1.4 We will share Natural England's work on developing a National Vulnerability Assessment for the natural environment.</p>	<ul style="list-style-type: none"> • Consider how the vulnerability methodology could be applied at the National Park scale and develop a project proposal to test it fully, if appropriate. 	<p>NE: Humphrey Crick</p>	<p>Staff time (1 day)</p>
<p>2. Mitigation and Energy</p>			
<p>2.1 Natural England will provide an estimate of amount of carbon stored within peat soils in each National Park, identify the gaps in our knowledge base, and a clear action plan for when and how these will be filled.</p>	<p>Map and quantify estimate of carbon stored in each National Park by May 09. Action plan for filling evidence gaps agreed by June 2009</p>	<p>NE: Dave Thompson</p>	<p>Staff time (3 days)</p>
<p>2.2 Natural England to advise on the development of an approach to assessing greenhouse gas fluxes from land management activities in each National Park.</p>	<ul style="list-style-type: none"> • NE to liaise with DECC to develop approach, using method for estimating GHG emissions at the local authority scale • Approach tested in at least one NP by Sept 09 • Agreed approach rolled out to all NPs by March 10 	<p>NE: Dave Thompson</p>	<p>Staff time (2 days)</p>
<p>2.3 We will promote carbon stewardship (including through the management of woodlands). This may entail a workshop to help raise understanding about this in each National Park, to then help inform national communication messages.</p>	<ul style="list-style-type: none"> • NE/ENPAA to prepare general guidance on carbon stewardship in relation to NPA's land management activities by Sep 09 	<p>NE: Dave Thompson</p>	<p>Staff time (2 days)</p>
<p>2.4 Natural England will actively seek NPA input into the development of on-shore wind energy guidance</p>	<ul style="list-style-type: none"> • NPA input to NE technical workshops (March – June 09) to prepare method for guidance 	<p>NE: Rosie Manise</p>	<p>Staff time (4 days) Workshops</p>

3. Communications and Engagement			
<p>3.1 We will share national information/ messages on climate change mitigation and adaptation that can be tailored and adapted by each NPA. This will include any Character Area visualisations that Natural England has prepared. Such messages will include actions that individuals and communities can undertake within the National Park and, for visitors, when they return home.</p>	<ul style="list-style-type: none"> • Joint Climate Change/ Communicators discussion by NPAs • Agree core communication messages (Sept 09) 	NE: Rachel Thomas	Staff time
<p>3.2 We will develop mechanisms to enable nationally driven work under this Shared Outcome to be shared with, informed by, and (as appropriate) taken forward by National Park and regional level activity.</p>	<ul style="list-style-type: none"> • Review existing ENPAA and NE networks and roles that could support this exchange (June 09) • Develop e-mail network to enable information sharing (July 09) • Hold workshop to bring national and regional leads together to review and develop regional dimension (December 09) 	NPA: Iain Mann NE: Dave Thompson	Staff time (3 days) Workshop (£ 200)

DIVERSITY

By working together and sharing best practice Natural England and ENPAA will continue to broaden the diversity of their workforces, volunteers and visitors. We will have developed and promoted successful demonstration projects and delivery models in National Parks that help to address inequalities of access, opportunity and enjoyment by all to England's natural beauty

Action	Milestone	Lead officers	Means of delivery
1. Outdoors for All – diversity action plan			
<p>1.1 Deliver the MOSAIC project (Building the local BME capacity for engagement with National Parks) – all NPAs to engage with MOSAIC with NE responsible for monitoring and reporting – three year programme ends March 2012.</p>	<ul style="list-style-type: none"> • NE to fund the Mosaic project through Access to Nature and to work with CNP to ensure delivery of the agreed outcomes by March 2012 • NPAs to engage with CNP and NE to ensure delivery of the project outcomes by March 2012 including: <ul style="list-style-type: none"> • Produce annual Partner Action Plan addressing strategic and ground-level targets and actions for organisational change - annually, by April each year • Develop individual exit strategy outlining how they will carry on supporting Champions and Clusters beyond life of the project - December 2011 • Learning from Mosaic final monitoring and evaluation report by CNP to be shared across NPAs, NE and the wider sector on completion (March 2012) 	<p>NPA: Mosaic leads in each NPA NE: Sarah Preston, Access to Nature</p>	<p>NE: Staff time NPA Budget provision – in the region of £5000-£10000 per park per year plus staff time of around 30 days per year. (n.b. these are estimates)</p>

<p>1.2 Developing a forum for Outdoors for All to share best practice and monitor progress – NE to set up and manage by end 2009 with NPAs engaging actively with forum.</p>	<ul style="list-style-type: none"> • Teleconference to be held by August 2009 • Terms of reference for Forum to be agreed by September 2009 • NPA's and NE to establish evidence base to demonstrate progress made towards Outdoors For All objectives (Dec 2009) • All NPAs to have identified a representative for the forum by end July 2009 • In 2010-12 NE and NPA reps to actively engage with the forum, attend the annual meeting and deliver agreed actions • NE OD staff to attend first meeting of Forum and meeting to include discussion on diversity of workforce, members and volunteers 	<p>NPA: Amanda Brace, ENPAA Policy Officer NE: Outdoors for All Programme Manager</p>	<p>NE: Staff time, costs of for creation of online survey?</p> <p>NPAs: Staff time – 1 day each for the forum meeting , 1-2 days each for prep</p> <p>Budget– travel and subsistence needed. If meeting (£100-150 per person), or costs of teleconference</p>
<p>1.3 NPAs and NE to continue to work to broaden the diversity of their workforces and members.</p>	<ul style="list-style-type: none"> • Mutual review of attraction and recruitment processes to establish trends and best practice Dec 2009, 2010 and 2011. • NPAs will launch joint on-line job application software by summer 2009 (including diversity monitoring). 	<p>NPA: Cathryn Marcus, UK-ANPA</p> <p>NE: Organisational Development Team,</p>	<p>NPA : staff time NE: Staff time</p>
<p>1.4 Establish consistent messaging and coordinated work on health with DoH. Possibly look to replicate the MOSAIC community champions model for health outreach work and use good practice from MOSAIC for health work.</p>	<ul style="list-style-type: none"> • NE and NPAs to continue to engage with Outdoor Health Forum to coordinate messages and approach to health work with DoH (throughout). • NE and NPAs to collectively scope a possible health engagement model for NPAs (based on learned experiences from WHI and MOSAIC champion model by October 2009. • NPAs to indentify staff working on health promotion who will join the network – by end 	<p>NPA: Paul Hamblin</p> <p>NE: Huw Davies</p>	<p>Staff time 1-3 days depending on level of activity within group (see above 1.2)</p> <p>Budget provision – travel and subsistence if meeting in person</p>

	<p>July 2009</p> <ul style="list-style-type: none"> • Make contact with DoH to identify key staff and arrange initial meeting between DoH and lead NPA and NE staff – by end Sept 2009 • ToRs, membership and priorities of group for 2010 agreed by end October 2009 • First network meeting or teleconference (or videoconference) by end October 2009 		<p>(£100-300 per person) Costs of phone calls for tele/videoconference</p>
2. Access for all – maintaining and delivering infrastructure			
<p>2.1 Develop exemplar projects that deliver access improvements to all users (for example a stretch of new access to meet a recognised demand that is open to all and with good connectivity to other routes, good interpretation and public transport access). NPAs to deliver, working with NE who will promote the exemplars.</p>	<ul style="list-style-type: none"> • NPAs to continue scoping the development and delivery of exemplar projects based on planned or existing audit of the rights of way network (Dec 2009) • NPAs to work to increase accessibility to users of all abilities to meet targets in National Park Management Plans. • NPAs will work in partnership to deliver projects that improve access by those with limited mobility. Planned projects include: <ul style="list-style-type: none"> ○ Northumberland NPA is in negotiations with NT and EH to install a new 'easy access' path– work likely to be completed in 2010-2011. ○ Lake District NPA 's 'Miles without Stiles' routes for people with limited mobility. ○ Yorkshire Dales NPA will reduce barriers for those with limited mobility by 33km and wheelchair users by 3.8km by 2010 • NPAs will produce accessibility information for users, to enable and encourage people to plan 	<p>NPA: Sarah Manchester</p> <p>NE: Outdoors for All Programme Manager</p>	<p>NPA Budget provision will vary: examples are Northumberland's physical works to the Hadrian's Wall route are likely to cost around £10,000. The New Forest will spend around £10,000 on developing information provision via the web and other methods.</p> <p>NE: Staff time - NB - Methods and scope for promotion of exemplar projects to be defined in relation to available resources</p>

	<p>routes within their capabilities no matter what those capabilities are (by March 2010).</p> <ul style="list-style-type: none"> • NE to scope and establish best methods for promotion of exemplars by Nov2009 and tie in promotion of exemplars with delivery by NPAs in 2010/11 		
3. Information for all – communicating through a range of methods to all audiences			
<p>3.1 NPAs to provide interpretation and information for all sectors using targeted material/ methods as needed and new technology/methods to reach new audiences. NE working on communications project to provide info sharing infrastructure.</p>	<ul style="list-style-type: none"> • NE to lead on production of a communications sharing infrastructure to be developed through the Outdoors for All Forum by March 2010 • UK ANPA to prepare new formats for <i>Britain's Breathing Spaces</i> leaflet BBS leaflet to improve accessibility (eg. braille, podcast, tape) by end 2009/10 	<p>NE: Outdoors for All Programme Manager</p> <p>NPA: Cathryn Marcus UK-ANPA</p>	<p>NPA: Costs of promotional materials, technology and dissemination – staff time to feed into project</p> <p>NE: NB Methods and scope for communication sharing to be defined in relation to available resources</p>

STATUTORY RESPONSIBILITIES

Natural England has a modern set of statutory responsibilities relating to National Parks which they deliver effectively, and which reflects the independence and maturity of the National Park Authorities.

Action	Milestone	Lead officers	Means of delivery
1. Statutory Responsibilities			
1.1 Natural England has a modern set of statutory responsibilities relating to National Parks which they deliver effectively, and which reflects the independence and maturity of the National Park Authorities.	<ul style="list-style-type: none"> • Natural England and ENPAA agree first sift of those statutory responsibilities which are either very important for Natural England to retain, or which are no longer necessary (by end Q2 09/10) • Natural England and ENPAA discuss any remaining statutory responsibilities with a view to agreeing a way forward (by end Q3 09/10) • Natural England conveys the outcome of these discussions to Defra (by end Q4 09/10) • Adopt updated position as policy (09-10) 	NPA: Paul Hamblin NE: Andrew Wood and/ or John Butterfield	Staff time

Annex 2

Commentary on ENPAA's analysis of Natural England's second tier statutory functions in respect of National Parks

Statutory provision	ENPAA view	Natural England provisional comment
1. NE must advise Ministers on planning/development and other issues that affect the accomplishment of NP purposes	The origin of this is the National Parks Commission advising Government when National Parks didn't have separate planning powers. In the current context, we would like NE to defend National Park purposes when significant developments look set to harm them. Backing at public enquiries etc is critical. Other than this however, modern NPAs should be more than competent at advising Ministers.	ENPAA's comments are recognised. NPACA 1949 Section 6(4) refers. This remains a powerful provision for us. There is a duty on us to respond where consulted as well as a duty to make recommendations to our SofS (and other Ministers as we deem appropriate) when planning decisions threaten National Park purposes. Our participation in public inquiries must remain an option rather than a binding commitment, but the general principle that we should seek to challenge damaging developments in protected landscapes seems justifiable. Retain
2. NE must advise NPAs on managing NP and on providing facilities etc	In the sense that a NPA would welcome advice from a whole range of agencies on management of the National Park and provision of facilities, this is fine, and we would expect a bigger input from NE than from many other bodies but this essentially is anachronistic. Ideally legislation repealed. See next box however.	Same section as above. Nowadays this provision could apply equally to a wide range of public and voluntary bodies with relevant expertise but was drafted at a time when the National Parks Commission had very different priorities to what is needed from Natural England today. Agree that the provision is outdated and should be discarded.
3. NE must keep under review the progress made in accomplishing NP purposes and make representations as necessary	Again, was formulated to ensure local councils didn't totally ignore National Parks in the first years after their creation in the 1950's. There is a wide range of accountabilities in terms of achievement of Park purposes in the modern era and this is essentially anachronistic BUT there is an ESSENTIAL role for NPAs and NE to agree mutual objectives for each National Park and in this context we would expect NE to	Section 6(3b). This represents one of the most neglected duties Natural England and its predecessor bodies have/had in respect of National Parks. It is an area we could develop but we must ensure that any effort directed into it goes beyond being an examination of NPA governance. Adequate provision for assessing the corporate efficiency of NPAs exists elsewhere. An oversight

	<p>have a powerful and significant role. We are keen to discuss how we could share the best practice developing in different National Parks and ensure the integration of this with State of the Park reporting and the revised NPAPA process to which NE should have a clear input in terms of judging progress on the twin purposes. There must be a sense that this is a two way process with responsibilities on both sides.</p>	<p>role by Natural England would need to focus tightly on delivery of designation purposes with equal emphasis being given to both of them. Collaboration on devising genuinely common and realistic state of the park indicators that can be assessed without incurring disproportionate costs could be a starting point along with joint effort to identify and promote good practice across the Park family and beyond.</p> <p>Retain provision and enhance activity</p>
<p>4. Defra must consult NE before making grants</p>	<p>This has been discussed with NE on several occasions and the old CA practice of a board paper on National Park grant allocations has ceased. Repeal.</p>	<p>This provision (EA 95 Section 72(2)) has always provided a source of unease among NPAs not least because Natural England shares the grant resource we are charged with advising the Minister over its distribution to NPAs. The parks now receive indicative three year funding settlements guided by a formula based distribution methodology, so our advice is almost superfluous. Given our closely allied statutory functions Natural England could achieve more by working locally with NPAs on the identification of priority spending areas and helping to promote them to Defra. This does not need the legislative provision, but this does formalise our opportunity for influence. A further possible justification for retaining the provision is that <u>any</u> Minister must consult us prior to making grants to NPAs.</p> <p>Retain but review how we derive our response to consultation and how we might work more closely with the NPAs to inform spending priorities.</p>
<p>5. Defra must consult NE before appointing national members</p>	<p>This is the responsibility from which NE derives its involvement in NPA member appointments. We are delighted NE interpret this proactively in the way they do, but if they are to continue to be involved in the</p>	<p>EA 95 Schedule 7 para 4(1). Natural England's role in NPA appointments is valued by the SofS and the hands-on approach we take helps cement the relationship between our Board members and "their"</p>

	appointments (as opposed to just being consulted) much greater administrative efficiency needs to be applied and a consistency in the principles behind the appointments needs to be achieved. We appreciate the action which is already being taken on this. Improve and Develop.	National Parks. The SofS is pursuing greater integrity for the appointments process. Agree that the role should be retained
6. Defra must consult NE before making byelaws in a NP	A rare event, no comment.	No change needed
7. Defra must consult NE before preparing development plans	NPAs would all consult anyhow, so again it's odd to have it as a separate statutory provision, especially given the very specific statutory guidance given to planning authorities on the LDF and how they must be prepared. Repeal	This appears to have been largely overtaken by substantive 21 st century changes to the statutory planning framework. Agree repeal
8. NPA must consult NE before making byelaws	A rare event, no comment. Legislation changing.	Agree - no further comment
9. NPAs must consult NE before publishing a National Park Management Plan/Broads Plan	The real issue here is agreeing specific targets and the responsibilities of the NPA and NE for implementing them. Sometimes a secondary issue of encouraging NE to recognise the full range of public goods covered by the Management Plan (not just nature conservation).	This is an important role for Natural England which should be undertaken with proper regard being given to all the purposes of designation. We would add best value through early local engagement with the Management Planning process. We recognise that NPAs will consult us over Management Plans without the need for legislation, but the duty does add weight to our opportunity for influence. Retain provision
10. NPA must consult NE before appointing a chief exec or changing his/her duties	As with the appointment of members, this is important. The involvement of board members on the relatively rare occasions that such appointments are made is welcome and should not be delegated. The duties of the chief execs are surely a matter for the employing Authority alone. Repeal second element.	Given that this is an occasional commitment only and that the role offers similar relationship benefit potential to SofS member appointments there appears no justification in seeking change, particularly in the light of ENPAAs support for continuance. The second provision represents, however, a level of detailed engagement in NPA governance that seems unwarranted. It is also difficult to determine what benefits it brings. Agree retain first and discard second provision

11. NE, with approval of SofS can issue guidance to NPAs on use of their “exclusion or restriction of access powers”	This comes from the CROW Act and is thus recent. No comment.	It is too early in its history to assess the utility of this provision. No change
12. Defra must consult NE before appointing the national members (+ the parish members)	See comments above about member appointments.	There is no provision for consultation on the appointment of Parish members of NPAs so comments on 5 above apply
13. NPAs must consult NE about development plans affecting an NP	See comments on first box.	Whilst we recognise that consultation over development plans would happen without the legislative requirement, this is a helpful provision in that it provides ‘weight’ to the need for Natural England to properly discharge its “review the accomplishment of NP purposes” duty by being kept in touch with significant planning cases affecting National Park purposes. Retain provision