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Submitted to Government response to the Landscapes Review
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About you

1 Do you want your responses to be confidential?

No

If yes, please give your reason::

2 What is your name?

Name:
Historic England

3 What is your email address?

Email:
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4 Where are you located?

Other

5 Which of the following do you identify yourself as?

Other public body

If other, please identify below::

A stronger mission for nature recovery

6 Should a strengthened first purpose of protected landscapes follow the proposals set out in Chapter 2?

Yes

Please give reasons for your answer: :

Historic England notes the proposal to amend the first purpose of National Parks (which covers 'conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas') to include reference to restoring nature (and possibly climate change). We would stress that it is vital that any amendment to the first purpose is not detrimental to the existing priorities. Nature and its recovery in these cherished landscapes is dependent on the interaction of both natural and cultural factors over centuries, if not millennia. It is essential that the guidance makes it clear the increased emphasis on public bodies to deliver on nature restoration doesn't have unintended consequences and damage for cultural heritage, as once lost it cannot be restored. We would like to see the ambitions for the delivery of the statutory purposes set out in greater detail in the National Landscape Strategy to provide clarity and ensure that these are aligned with other UK Government obligations (such as for example under international conventions).

7 Which other priorities should be reflected in a strengthened first purpose e.g. climate, cultural heritage?

Please give us your views:

We want the proposal for natural capital assessments to be included to capture the societal value of nature in our protected landscapes to also include the assessment of cultural heritage capital. This will ensure all priorities of the first purpose are assessed for their values (see Culture and Heritage Capital portal - GOV.UK (www.gov.uk)). In this context, we have collaborated with Natural England on their "proof of concept" work on Natural Capital Ecosystems Assessment for landscape - and we fully endorse the multi-capitals approach that this research has advocated. Such an approach should be the basis for assessments not only within protected landscapes, but everywhere.

To assist with clarity and understanding around the updated and standard set of statutory purposes for National Parks and AONBs we request that the NERC 2006 definition of natural beauty be updated (and how it relates to cultural heritage formally clarified), along with the formal definition of cultural heritage. The Glover report definition of cultural heritage recognises the associations of the landscape with people, places or events throughout history and encompasses the built environment, archaeology and designed landscapes, characteristic land management practices and associations with art and the written word. We would suggest that the any cultural heritage definition should also include reference to intangible heritage, given the work taking place on the UNESCO Convention on Intangible Heritage. We would welcome the opportunity to work further with Defra on specific definitions.

We feel that the clarity would provide parity between National Parks and AONB, to assist in the future management and the designation programme. Guidance on the way(s) in which any apparent conflicts between the delivery of the priorities are to be addressed needs to be provided.

Agricultural transition

8 Do you support any of the following options as we develop the role of protected landscapes in the new environmental land management schemes? Tick all that apply.

Designing the environmental land management schemes in a way that works for all farmers and land managers, including the specific circumstances for those in protected landscapes, recognising that farmers in these areas are well-placed to deliver on our environmental priorities., Using Local Nature Recovery Strategies to identify projects or habitats within protected landscapes. , Monitoring the effectiveness and uptake of the new environmental land management schemes in protected landscapes. Using this to inform whether further interventions are needed to ensure we are on track for wider nature recovery ambitions., Creating a clear role for protected landscape organisations in the preparation of Local Nature Recovery Strategies. Our recent LNRS consultation specifically asks for views on the role of different organisations in the preparation of LNRSs, including protected landscapes., Building on FiPL, empowering protected landscapes to support decision-making and delivery against agreed priorities, including through dedicated project coordinators and advisers.

9 Do you have any views or supporting evidence you would like to input as we develop the role of protected landscapes in the new environmental land management schemes?

Please give us your views:

Recognising the statutory purposes that protected landscapes already have in relation to cultural heritage – and in particular the historic and cultural significance of these places – it is critical that the agricultural transition plan takes a sustainable approach. Change should not be predicated only upon the provision of a single, or a very limited range of public or environmental goods. As elsewhere, cultural heritage within protected landscapes is a fragile and finite, irreplaceable resource. Once lost, it is lost forever – it cannot be re-created or recovered. As the 25 Year Environment Plan noted (p.19) “Long-term action requires us to take difficult choices, some with considerable economic consequences, about conservation. In the past, our failure to understand the full value of the benefits offered by the environment and cultural heritage has seen us make poor choices.” The value and fundamental importance of heritage within protected landscapes are recognised by the heritage accords held between AONB, National Parks and Historic England. Data from the Monitoring Environmental Outcomes in Protected Landscapes initiative charts the progress that has been made, but also the challenges that remain in sustaining the environment within these places, particularly in the light of agricultural restructuring and the socio-economic pressures upon upland communities and businesses, many of which are currently sustained by agriculture.

Against this background, and a high profile and a demonstrable record of achievement for the conservation of heritage within protected landscapes since the first Environmentally Sensitive Areas were launched in 1987, and despite the popularity of heritage within FiPL (which is only a transitional scheme) – we have been (and we remain) concerned by the extent to which the role of heritage has been minimised within the ELM Sustainable Farming Incentive, and especially the Landscape Recovery pilots. This is disappointing in the context of previous Government commitments (e.g., p.25 of the 25 Year Environment Plan – “We will introduce a new environmental land management system... It will incentivise and reward land managers to restore and improve our natural capital and rural heritage.”

We would like to see the approach to nature recovery being informed and conservation led, particularly within designed landscapes which are important distinctive and characteristic features of National Parks and AONBs. We're looking for an approach to nature recovery that's also beneficial to historic character and quality. Many priority habitats are also historic landscapes.

A stronger mission for connecting people and places

10 Should AONBs have a second purpose relating to connecting people and places, equivalent to that of National Parks?

Yes

Please give reasons for your answer: :

11 Should a strengthened second purpose of protected landscapes follow the proposals set out in Chapter 3 to improve connections to all parts of society with our protected landscapes?

Yes

Please give reasons for your answer: :

12 Are there any other priorities that should be reflected in a strengthened second purpose?

Please give us your views:

We support expanding the AONB purpose to include cultural heritage and welcome the proposal to increase opportunities for access to protected landscapes, the public health, sense of belonging and wellbeing the areas provide. We would suggest that the sense of place also be included in the updated wording of the second purpose.

Historic England also welcomes Government recognition of the importance of vibrant communities and businesses in sustaining National Parks. Given the importance of this issue, we suggest that a mechanism for sharing guidance and good practice, but also to monitor outcomes, would be to include appropriate metrics within the National Landscape Strategy, which we understand that National Parks and AONBs will be monitored against.

There are opportunities for activity under the second purpose to link with nature connectedness and to understand the embodied wellbeing landscapes

can provide. Furthermore, cultural heritage assets can demonstrate more than most the depth of human experience and action.

Managing visitor pressures

13 Do you support any of the following options to grant National Park Authorities and the Broads Authority greater enforcement powers to manage visitor pressures? Tick all that apply.

Issue Traffic Regulation Orders (TROs) to control the amount and type of traffic on roads

Please give reasons for your answer: :

14 Should we give National Park Authorities and the Broads Authority and local highway authorities additional powers to restrict recreational motor vehicle use on unsealed routes?

Yes

Please give reasons for your answer: :

15 For which reasons should National Park Authorities, the Broads Authority and local authorities exercise this power? (select all that apply)

Environmental protection, Prevention of damage, Nuisance, Amenity

Other (please state):

Historic sites, buildings and archaeological features.

16 Should we legislate to restrict the use of motor vehicles on unsealed unclassified roads for recreational use, subject to appropriate exemptions?

Yes – everywhere

Please give reasons for your answer::

17 What exemptions do you think would be required to protect the rights and enjoyment of other users e.g., residents, businesses etc?

Please give us your views:

National Parks and AONBs have been providing opportunities for recreation for individuals particularly during the recent Covid health emergency, whilst for communities they've also provided a sense of place and wellbeing. Moving forward we can anticipate that protected landscapes will become even more popular and attractive places for people to visit and enjoy. We believe that measures to protect their special qualities therefore are about building upon existing structures and frameworks that will allow National Park and AONB management teams to manage increasing visitor volume within a framework of safety and wellbeing. The principle of setting acceptable standards of behaviour is predicated on information and education, set within a framework of interventions.

We feel that the issuing of Fixed Penalty Notices for byelaw infringements would simplify the process and reduce enforcement costs. Increasing the penalties would also act as a stronger deterrent and provide reassurance to local communities.

The use of Public Space Protection Orders (PSPOs) would reduce administration costs where multiple local authorities have jurisdiction across a National Park or AONB and ensure there is a consistent approach.

Several powers and interventions already exist for the police working in partnership with National Park and AONB team. We therefore would like the options available for protecting our green lanes while maintaining most public and private access rights, particularly for residents or businesses to be explored further.

Finally, the Action Plan supporting the Joint Statement on the historic environment in National Parks encourages partnership work between the Police, Historic England and other agencies and organisations to monitor, record and investigate incidents of crime and anti-social behaviour 'Heritage Crime'. This includes an improved response and action to combat heritage crime, effective information gathering and management in order to better identify and understand the scale, extent, nature and location of heritage crime offences within the UK National Parks.

The role of AONB teams in planning

18 What roles should AONBs teams play in the plan-making process to achieve better outcomes?

Please give us your views:

Historic England recognises the importance of a genuinely plan-led planning system. Up-to-date local plans are important tool in protecting and enhancing our environmental assets including the natural, built and historic environment, through the preparation and adoption of robust policies based on local evidence.

As set out in our response to the Glover Review (December 2018) we strongly support there being a more formal role for AONB teams in plan making and, that they should be made a statutory consultee for development plans and other planning matters.

Setting aside the possibility of AONBs exercising the full range of planning functions, we would otherwise support them being statutory consultees on local development plans, as it would provide a better opportunity for ensuring consistency between the vision, aims and objectives of AONB management plans and those in local development plans. It would also be helpful if the status of AONB Management Plans, in both plan and decision making was clarified. This in turn would provide a better framework for delivery alongside regular monitoring and review. For example, this may provide opportunities for the enhancement of heritage assets where appropriate opportunities exist.

Well-resourced AONB teams can assist local planning authorities with plan making in many areas, including the preparation of the evidence base such as carrying out survey work, the wording of policies and joint work on land allocations to manage pressures as well as ensuring sensitivities are carefully managed. AONB teams may also be well placed to understand how effective consultation with communities can be carried out in their areas.

However, we recognise that to achieve the above AONB teams must be well resourced with specialist officers with the necessary skills and experience in plan making together with a good structure of democratic governance and with access to local Historic Environment Records (HERs are a primary source of information for planning, development-control work and land management. HERs are managed by local authorities.)

19 Should AONB teams be made statutory consultees for development management?

Yes

Please give reasons for your answer::

20 If yes, what type of planning applications should AONB teams be consulted on?

AONB teams should be consulted on all planning applications that require an Environmental Impact Assessment and are categorised as 'major development' as well as Nationally Significant Infrastructure Projects.

Other (please state):

We agree that AONB teams should be made statutory consultees for development management, although issues of capacity and capability will need to be addressed. However, limiting consultation to developments that require an Environmental Impact Assessment and are categorised as 'major development' as well as Nationally Significant Infrastructure Projects risk AONBs being unable to influence smaller scale development which may be equally detrimental, either individually or cumulatively. Development pressures may be different in different AONBs and a more inclusive criteria for consultation would allow individual AONBs to prioritise commenting on the types of development that are of most import locally.

Local governance

21 Which of the following measures would you support to improve local governance? Tick all that apply.

Improved training and materials, Greater use of advisory panels, Merit-based criteria for local authority appointments

Other (please state):

Please give reasons for your answer: :

A clearer role for public bodies

22 Should statutory duties be strengthened so that they are given greater weight when exercising public functions?

Yes

Please give reasons for your answer: :

23 Should statutory duties be made clearer with regards to the role of public bodies in preparing and implementing management plans?

Yes

Please give reasons for your answer: :

General power of competence

24 Should National Parks Authorities and the Broads Authority have a general power of competence?

Yes

Please give reasons for your answer: :

Overall

25 If you have any further comments on any of the proposals in this document, please include them here.

Please give us your views:

The proposal for a coherent national network which supports thriving local communities and economies, improves public health and wellbeing aligns with elements of Historic England's own strategy on thriving places, connected communities and active participation. The proposed vision has a strong emphasis upon nature recovery and resilience to climate change. It is essential that the importance of the cultural heritage as an intrinsic element within protected landscapes is acknowledged and included within the vision.

The Landscape Review has a strong focus on nature recovery and whilst we do not disagree with the urgency to do so, as we said above in relation to Agricultural Transition and the role of the Environmental Land Management scheme, National Parks and AONBs do not and should not focus solely on this objective at the expense of others. The environmental, cultural, economic and social value of cultural heritage and the role of National Parks in conserving, enhancing, fostering inclusion and public participation and enjoyment are vital to securing these cherished places. We also argue that the opportunity should be grasped to support AONBs in the pursuit of cultural heritage objectives.

National Parks and AONBs do and should do more than conserve nature, they are places of unique and rich cultural heritage. Nature and cultural heritage are not binary choices – they exist in the same places because they have been created by and are reliant upon one another. Protected landscapes should therefore be supported to do more for nature whilst carefully managing change in ways which conserve and enhance this rich cultural inheritance. National Parks and strengthened AONB Partnerships are uniquely placed to manage the balance between natural and historic environments, through delivering the statutory purposes and through robust, well-resourced planning and legislative functions.

Regarding the revision of the first purpose, we strongly feel that it must retain cultural heritage and the requirement to conserve and enhance. We feel there could be unintended consequences to the use of the word "restore". We would like to see formal clarification of particular terms such as natural beauty and cultural heritage suggested in response to question We would like to see the approach to nature recovery being informed and conservation led, particularly within designed landscapes which are important distinctive and characteristic features of National Parks and AONBs. Furthermore, any supporting guidance and landscape strategy could reference intangible cultural heritage given growing interest in this area.

We would like to see the ambitions for the delivery of the statutory purposes set out in greater detail in the National Landscape Strategy to provide clarity. We would welcome the opportunity to be involved in the development of the strategy. We can assist with ensuring the Strategy also recognises other protected (designated and defined) landscapes.

Furthermore, Historic England would like to see further clarity on how in practice the partnership approach will function. The Government response provides little information on either the new national landscapes partnership or the national framework that will sit alongside it. We welcome the greater co-ordinated activity and funding work proposed for the partnership for National Trails. As the Government's statutory adviser on heritage and having existing accords with both National Parks and AONB, as well as good local working relationships, Historic England would expect to be involved in determining this at a local level for each protected landscape (if a national model is not adopted). This is particularly important where protected landscapes coincide with cultural World Heritage Sites, on which Historic England advises the Government Department of Culture, Media and Sport (and natural World Heritage Sites on which Natural England is consulted). In this context we would also endorse the strengthening of the Section 62 Duty of Regard in order to better hold external bodies and government departments to account in their activities.

Landscape character results from the action and interaction of natural and/or human factors. Therefore, a landscape's significance or characteristic features will comprise elements of both natural and cultural heritage with landscape value derived from both natural configurations and the evidence of human activity. Landscape protection should take account of the actions required to conserve and maintain the full range of such features. The Landscape Review report identified that protected landscapes have, in some cases, strong international (in addition to national) recognition as sites of exceptional environmental importance, natural beauty, and cultural heritage. As an example of this, 6 of the UK's 33 WHS are inscribed by UNESCO as cultural landscapes, reflecting the fact that as combined works of nature and humankind, they express a long and intimate relationship between people and their natural environment. 4 of these cultural landscapes intersect with areas designated as a National Park or AONB. The Report recognised that millions of visitors from the UK and overseas come to see these landscapes because of that combination of natural and cultural significance. Furthermore, it used a WHS (the Lake District) as an example of how appropriate management and farming regimes for protected landscapes could act as the guardian of both natural beauty and cultural identity, in order to maintain the relationship between landscape and communities that helped shape them into the landscapes we need to protect today.

The consultation document has passing reference to World Heritage Sites, and we feel that this should be strengthened with explicit reference to maintenance of the site and its inscription as an integral part of retention, conservation and enhancement of the protected landscape. We would support a proposal for the National Landscape Strategy to be integrated with other plans e.g., WHS management plans as suggested in the workshop session on the 9th March 2022.

The response makes clear that Public Bodies, including and beyond Natural England, have responsibilities for the delivery of outputs defined for the protected landscape. These Public Bodies (including Natural England) also share responsibility for and must support the actions necessary to meet the UK Government's duty as a signatory to the 1972 World Heritage Convention in relation to the identification, protection, conservation, presentation, and transmission to future generations of the cultural and natural heritage of all World Heritage Sites.

We note that the Landscape Review proposed welcoming new landscape approaches to the coast and was strongly supportive of the first National Marine Park in Plymouth. It is regrettable that the Government Response is silent on coastal and marine landscapes given their importance for biodiversity, heritage, and public access, noting also the pressures of climate change upon them. Coastal and marine landscapes should be encompassed expressly by the Government's vision, and measures set out to ensure that the benefits to coastal and marine landscapes to people, communities and local economies are maintained and enhanced. In this context, P.7 of the 25 Year Environment Plan made the commitment "We will also extend the marine protected areas around our coasts so that these stretches of environmentally precious maritime heritage have the best possible protection".

Given the government's ambition for delivery within protected landscapes, it is important that this is supported with appropriate resourcing, for National Parks and AONB. Funding will assist the right staffing expertise within protected landscapes to deliver the expanded functions for the protected

landscape, for farmers and landowners in ensuring that their businesses are economically and environmentally sustainable, and to underpin the economic sustainability of wider communities.