

**NPR DRAFT ACTION PLAN RESPONSE**  
**REVIEW OF WELSH NATIONAL PARK AUTHORITIES**

**If you want to go to the source and context of this following document click on the link below. From there you will be able to download the WAG Draft Action Plan (15pages) which is the document which this response is replying to. You can also view, ( or if you wish to print off 75 pages) WAG's commissioned LUC Review of the National Parks in Wales which is the source of all this.**

<http://www.countryside.wales.gov.uk/fe/master.asp?n1=3&n2=335&n3=457>  
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**National Parks Reform Group (NPR)** was formed during last year around the time of the publication of the LUC review of the National Parks in Wales. Essentially it is an Internet based organisation, which communicates with people across all three national parks. One of the deciding factors for NPR's formation was the realisation that the LUC's Review consultation methods were very partial, as they had failed to consult with local residents and communities, and also the Parks' customers or their agents. NPR has its own website <<http://www.nationalparksreforms.co.uk>> where various discussions and issues on the parks have been published. The readership is contacted by email and the web statistics show that the site is frequently visited, and read well beyond its home page.

The following observations have been formed from a number of different sources and many of the threads will be found in the discussion pages on the website. For the purposes of this report we have attempted to identify the main concerns and relate them to the action plan and LUC recommendations.

Apart from addressing the Action Plan point-by-point consultees have been asked by WAG to state whether they think the plan and review is "appropriate and sufficient". In summary NPR have found the LUC Review and Action Plan to have the following main deficiencies:

- As a general observation it is assumed that the Draft Action Plan is a stopgap or holding exercise. Quite clearly the "tectonic plates" are shifting at government level and it is too early to make many of the suggested long-term changes inside the next year or two. The WDA, WTB and the CCW's agricultural environment support scheme Tir Gofal is to be taken in-house and run by WAG. This will bring new powers and responsibilities. Logically, it now looks as if WAG will come closer to being politically answerable for the delivery of the Parks' duty to foster the social and economic well-being of their local communities {Section 62 (1) Environment Act 1995}. This could influence working relations and change policy, well beyond what appears to be envisaged inside this action plan.
- Development Control is one area that both the LUC Review and Draft Action Plan have clearly avoided. WAG seems to have brushed it off as an internal management issue. However, this contradicts as extra planning grants are being gifted to LPAs to improve on their resources, which the Action Plan does not seem to mention. Therefore, the subject appears to have been ring-fenced, thus preventing in depth

discussion and analysis. What Helen Mary-Jones AM said in committee rooms and in plenary debate has been widely accepted, namely that “it was a partial review; it did not look at the one most controversial thing, which was planning”

Development Control is the main contact point the public have with an authority, and it uses up a major part of the Parks’ resources. Many believe it to be a waste, as it duplicates what the better-resourced neighbouring unitary authorities can often do more efficiently. In addition to this DC has a vital and defining link to economic development and the Parks duty under the Environment Act Section 62(1). Both these points make a strong case to return DC to the unitary authorities. There is a need for DC to be more accessible, and to create a less constrained working environment for the public, partnership agencies and business. Something more conducive to progress and development is called for .See further discussion of this point at Section 8 &12 below.

## **NPR ACTION PLAN RESPONSE**

### **1. Communication (Recommendation (1))**

It is said that recommendations are already being implemented. Can we please have access to the examples of successes and failures? Action proposed does not entail any new message or any suggestion for its better communication. This is an ongoing duty, and to specify any completion date seems inappropriate. Doubtful if any positive role for planning can be demonstrated.

How will the NPAs promote a positive role of their planning activities and functions and who are they actually addressing apart from themselves? Are the meetings of the WANPA and ANPA public, subject to scrutiny and are the minutes available?

### **2. Dissemination of good practice (Rec 2)**

Good practice in sustainable development needs to be drawn from exemplars chosen from across the region not just from designated areas.

Why are WANPA/ANPA using resources to develop business plans links with European Parks when they have such poor delivery of their Sec 62 (1) duty in their own Parks?

### **Countryside Council for Wales**

If you are bringing together NPAs and AONBs for best “practice exchanges and joint promotions” etc, why not permanently bring them together and make them all One Park ?

### **3. Partnership working (3,4,6,13,23)**

(Rec 3 & 4)

Unitary Authorities and the WDA are referred to as key players. To judge by Pembrokeshire County Council’s submission to LUC it is unlikely to welcome the idea of spending more time in joint meetings. The move to take the WDA into the

Assembly will change the nature of any dialogue between the latter and NPAs. The cursory nature of the WDA response to the LUC submission indicates that the Agency has not developed much common vision or sense of partnership with NPAs.

As for CCW/NPA partnership issues and support for sec 62(1 and 2) duties, the Assembly will need to heed points raised during its debate on LUC. These were that duplication of roles would arise from delegating to CCW functions to control NPAs and manage partnerships with them while it takes to itself a greater degree of local responsibility via control of agencies such as WDA and WTB. There is a potential for conflict here. By bringing the WDA into the Assembly, thus taking closer control over economic development generally, WAG will find itself the target of political criticism, not least from County Councils for the relative economic backwardness of some NPAs. How will it react to this? Surely only by taking greater control over Park administrations and seeking to remove bottlenecks and obstructive attitudes. The time is surely right now to address these emerging contradictions.

On CAP reform, the part played by NPAs in key processes should be made more widely known to the farming industry and its representatives. NPAs must consider how the demands imposed on the farming communities by CAP reform and the opportunities offered by the Rural development Plan will oblige them to be more responsive to the needs of rural communities.

WAG is supposed to be issuing an updated policy statement for consultation this autumn. Has anything appeared yet? If not we suggest that the questions raised here are incorporated in some way.

The Action Plan says that “much useful work already going on eg through Objective 1 partnerships” Can we see the examples please?

### **Ref: - Accords Protocols, Memoranda MOU etc (Rec 3)**

There are a number of concerns about governance at all levels. However, the review failed to address the top end, meaning the exact nature and function of the relationship between the National Parks, the assembly government, minister and civil servants. There are reports of executives meeting with government officials without a Chairman of an NPA being present. To date the Draft Action Plan states that protocols are “largely in place”. However the public need to see the evidence, and the specifics of these new rules of engagement. This becomes more so as the Parks’ traditional working partners of the WDA, Tourist Board and CCW will soon go in-house to become part of government. Therefore, the ties between the Parks and Assembly Government will only tighten. Recently the Countryside Division described the relationship between the Parks and Assembly Government as follows: -

*“The National Parks are answerable to the National Assembly for the use of the grant they are allocated each year. This effectively means answerable to the Minister for the Environment (to whom they make an annual report) and to the Environment, Planning and Countryside Committee. They are externally audited by the Audit Commission (so the district auditor has a key role to play)”.*

Obviously this remit is way out of date and does not meet present or future

requirements. On November 3<sup>rd</sup> the minister confirmed that he planned closer relations and meetings with the Park. We ask the following: -

- Will these talks or exchanges be formal, or informal?  
Will all meetings be transparent?  
What will the rules of engagement be between the NPAs, Ministers and civil servants?  
Will the Chairman or Vice Chairman of the Parks always be present?
- Will the Parks and WAG be constantly updating, constructing or building upon their present protocols and codes of conduct, so as to accommodate and adjust to the expanding frameworks and remits?
- Perhaps partnership relations would naturally improve if WAG appointed experts from CADW, WTB, CCW, WDA, to the assembly appointee panels of each park. (See 9 as well)

#### **4. Management planning (5 &27)**

Management plans are internal documents to NPAs and owe little to consultation with Park communities, while being of a length and complexity such that even Authority members and the CCW have little opportunity to influence them.

Measuring the performance of the Authority by these means as a rule that the CCW and Assembly will be largely in the hands of permanent Park officers who will be measuring their own performance against targets that they have set themselves.

The farming and tourist industries and communities in National Parks will need to have a far greater say in the development of management plans which will affect future patterns of land use, the nature of tourism and recreational activity and concepts of sustainable development.

These issues should be seriously considered before any grant letter goes out to NPAs in February.

#### **5. Financial issues 7,8 &14**

On 7 and 8- no comment. Audit scrutiny of NPAs should not be relaxed below current levels as long as any criticism arising from previous assessments have not been met. This is particularly so if it is proposed to add further functions. For instance the Audit Commission in its May 2002 “Understanding” report on PCNPA (summary p.33) commented, “The Authority’s track record for managing change is poor”. Yet the Action Plan envisages placing increased responsibilities on it.

#### **6. Social inclusion (11 & 22)**

No particular comment

#### **7. Sustainable development (9,15,13,29)**

Apart from a limited experience gained from administering the comparatively small resource of SDF, NPA's have no particular insights into sustainable development. SD depends crucially on a balanced approach to economic, social and environmental development. True long-term sustainability depends primarily on human motivation underpinned by the combined application of environmental knowledge and, appropriate economic stimulus. SD underpins policy making across the whole of Wales. Any attempt to devise a special kind of SD role for National Parks will be misconceived and would probably distort their main purposes.

Parks should improve on their transport systems and gateways into the parks. Good public transport services are sadly lacking in the Parks. As a result most people come in by car. Railways stations like Abergavenny need a face-lift. Improve bus links, safe cycle tracks etc and encourage live-work accommodation. All these would address the SD policy of cutting down on vehicle movements.

## **8. Corporate Governance (18,19,20, 21,30)**

Instead of only examining how functions of other agencies (ROW, one stop shops, etc) could be added to those already exercised by NPAs, why not consider how some of their activities could more effectively be off-loaded on to unitary authorities, CADW, CCW etc. NPA's are hopelessly unfitted to take on responsibility for one-stop shops, which need to be highly focussed, knowledgeable and efficient economic development advisory units. Off loading more functions (including development control) would enable them to concentrate on their core sec 62 duties.

Although Development Control is not a "first stop shop" it is none the less a first "stop" for any prospective developer or business. If this portal is anything to go by then it is largely closed. For example the BBNPA has ceased to give pre-application consultations. There are no direct lines to officers. Access to public documents can be resisted. There is a surgery, but no proper appointments are given.. Correspondence and form filling is often drawn out and pedantic, and many more applications are failing to be processed inside the statutory 8 weeks. The authority may put it down to lack of resources and staff, but the public perceive it as a stand off or simply disdain. The best explanation is that the exercise of development control leads inevitably to a defensive arms length departmental culture. This is a poor background from which to develop good public relations and successful first or one stop shop skills. These require a positive "can do" attitude towards prospective developers and good knowledge of, and relations with the business networks they may need.

### Direct Elections (Rec 30)

Electing 20% of members directly to the national parks has found much favour and little opposition. It is the preferred choice of most. It is working in Scotland and at least it begins to redress the present imbalances of representation within the Park. Many residents feel disenfranchised.

### Electoral College System

The collegiate system also finds favour, but there are some reservations (see 9 "assembly appointees" bullet point 4). A 20% directly elected membership is less

complicated. However, the collegiate system and the creating of colleges would be one way of providing a focus and function for Community and Town Councils. It would be a direct and democratic way in which the NPAs could engage with a representation of its local residents and vice versa.

### Conclusion on Governance

There is not much more to be discussed on these issues of Governance until the WAG consultation paper is produced in 2005. The many changes about to happen with WDA, WTB and parts of the CCW being taken in-house, are bound to influence matters. However, there must be priorities to attend to. In one way and another, perhaps unintentionally and unconsciously, WAG is moving towards closer involvement with the affairs of NPAs. At ground level residents' representation is not ideal but comparatively stable. Therefore, it seems to be the upper levels of governance that must be attended to first. Protocols need to be built upon and revised. Accountability and transparency must always be ensured. Parameters must be set which define and check negligence and the exceeding of powers. Rules of engagement must be written down and be adhered to. Improvements on transparency and accountability are needed at all levels. The Parks are not museums; the people who live and work in them deserve equivalent opportunities and the same democratic rights as anyone else in Wales and the UK.

### **9. Performance of /appointment of NPA members (10,16,17, 29, 30)**

#### Assembly Appointees (ref Rec 16 & 30)

There is concern about the selection process of all members, including Assembly Appointees. Surprisingly the LUC review found no fault in this area at all. However, there seem to be gaps in transparency and the "arms length" principle that is meant to govern the selection of assembly appointees, which represents 33% of an authority's membership. For example: -

- As a rule the appointee positions are meant to be filled by people with appropriate expertise. However, this does not always seem to be the case. A good cross section of specialists in planning, planning law, agro-sciences, business management, etc are generally found to be lacking. A number of the appointees are former county council members, who may well have valuable experience, but they are not necessarily experts in any field.
- To quote Sue Essex statement about the NPAs in the Assembly chamber in December 2002 " they have a percentage of members nominated by me ". Even with codes of practice in place and the so- called arms length selection process, there are no real fire walls to prevent any minister effectively placing candidates of their choice on any national park. The codes of practice also allow for political appointments. Many are aware of the controversy surrounding the new appointment to the chair of the Welsh Language Board.
- Concern has also been raised over reports that Chief Executives have been known to be involved with the selection and vetting of appointees.

- There is also further concern that it is now conceivable that an assembly government may find it expedient to tilt or manipulate the political balance of an NPA. The powers for a government to make minor adjustments are usually acceptable. However, added to the concern about appointees is the proposed collegiate system (recommendation 30) for nominating the democratically elected council members to the Park. If the above two systems combine then it would be possible for an assembly government to gain political control of NPAs with comparative ease.

### NPR Recommendations

Recommendation 16 says “WAG/CCW, with the NPAs and WLGA should make the appointment of NPA members more transparent and accountable” The recommendation omitted to say “all NPA members” and the action plan has completely ignored the present alleged flaws in the appointee system. Otherwise agreement was found. However, we would agree with Rec 16 regarding the improvements to the selection processes of members, provided it means - all members and all selection processes.

That WAG might consider replacing the Appointee panels of the Parks to include experts from CADW, WTB, CCW, and WDA. At the same time address the composition of the appointee panel in terms of the “national element “ versus the parochial or vested interest element. Appointees from each Park could be rotated. Maybe it is best for Appointees to be at a certain arms length to the park they are appointed to ?

### **Rec 16 Induction courses, protocols training.**

All good practice and positive. However, there is concern about the adoption of protocols without transparency and the public being consulted. The Brecon Beacons NPA recently adopted a protocol that seriously restricted the publics’ movements and rights to observe or attend site meetings.

### **Rec 17**

Perhaps Planning Control Meetings could take place in the evenings, when most members of the public can attend this is the main area of concern for most people and few can take days off work.

### **Third Purpose (Rec 29)**

Clearly a review of the “third purpose” is going to be driven by future WAG consultations, Further comment on these issues at this stage is of little purpose

### **10. New strategic guidance (Rec 24,25,26,38)**

### **Promotion of Parks vision and expected roles etc (Rec 24)**

Comment: We wait the government's autumn 2004 statement.

**(Rec 25) Exemplary and innovative planning (ref Rec 25 bullet points 2 &4)**

**“High Expectations”**

It is unrealistic to expect the Park to be “exemplars for sustainable development” and pursuers of “exemplary and innovative planning”. Where are the incentives for officers? What extra resources and salaries are available to make anything like this happen on any scale? The present priorities for the Park should be meeting the socio-economic needs of their local communities under their Section 62 (1) duty. Many parts of the Parks are economic backwaters. Any extra time and resources should be channelled into the park itself and the socio-economic well being of its communities, not “exemplary” experiments.

Apart from the Parks being unsuited to being good exemplars of SD and innovative planning, the question is asked why are they being expected to do so anyway? Surely the conservation controls, especially with the restrictions in use of traditional building materials, make the parks exempt on most SD policies. Sustainable Development policies should not be an overriding concern of the Parks, but a more secondary concern, as it is not practicable to do so otherwise. Materials and circumstances dictate and many of these naturally conflict with the Parks statutory purposes.

Why should PPW identify the Parks as “not suitable locations for the development of energy, waste or water projects” Only some of these processes would conflict with the first purpose? For example there is scope for hydro electrics. Turbines could be installed in the existing dam walls of the many reservoirs or maybe rivers.

Mineral Reserves. The Action Plan has made no mention of mineral reserves. Is there any form of mineral extractions that would not be in accordance with the First Purpose? Can any extraction process avoid defacing a natural environment? Then why has WAG not clearly identified that mineral extraction is “not suitable” for the Parks? Also why is WAG forcing the BBNPA to ear-mark the sand and gravel reserves of the Usk Valley at the same time as saying they have no intention to extract? WAG seems to be involving themselves with serious policy contradictions on this particular issue.

Rec 28 What kind of design? A design for what? Where is the BBNPA's draft guide?

**11. Engagement with local communities (Rec 12)**

The collegiate system for electing members to the Parks is just one way of engaging Community and Town Councils with the Parks and policy. Better links should be forged with these existing structures. And better communications through One-Voice Wales. The Parks should host at least two meetings a year with the Community and Town Councils and preferably these should take place in the evenings when most people can attend.

## **12 Development Control**

(Not addressed in Draft Action Plan. Ref LUC Review page 49 Rec, 7.1 / 2.2)

After 10 years of a trial run and in the absence of NPAs being able to “promote a positive role of their planning activities”, this is now an opportunity to form a more viable working partnership between the Parks and unitary authorities. It is widely agreed, and it has been publicly pointed out in the chamber and EPC committee meetings, that the review was inadequate as it failed to make any meaningful assessment of development control and planning. Glyn Davies AM has remarked that it is the one single area where the Parks are held in “low regard “. Peter Law AM talks of planning as being a “culture of arrogance and disdain”. Apart from the dissent, development control is a duplication of effort. Before the Environment Act 1995, the development control function of NPAs was part of the mainstream local government planning system (albeit subject to special policies) and its total separation by the Act has led to serious anomalies and wastage of resources.

Statistics used by the government such as “96% of all NPA applications are approved ” have little meaning. There are a fast growing number of applications that are not determined within the statutory 8 weeks and it is getting to a point of crisis. It is claimed that many applications are up to a year behind. Some NPA members are just beginning to realise that the long delays in issuing some of these consents, often arise from delegating detailed matters and conditions to officers. Even though the committee have given their consent in principle, there is no accounting for the time it takes to finalise the permission. Quite often officers take the delegation of minor matters, given to them by the authority, as an authorisation to embark on radical and prolonged revisions of applications. This is known to last up to two years. Applicants tend to be left with no remedy by way of appeal to the Inspectorate for non-determination, because in theory their applications have been approved.

These delays have caused hardships and financial losses, not least in business for the building trades. Families are being forced to live in caravans through the winter months while they wait for planning consents to be issued. The figure of 96 % does not reveal the details of the remaining 4%. What is also hidden is the number of people who are completely put off from making any form of application to the parks. Neither does it tell you the amount of people who take their business or home building plans elsewhere, as the Parks’ reputation is renowned for being unaccommodating.

### **NPR Recommendation**

It is common knowledge that Development Control in the Parks is generally negative and is failing to provide a service. If these responsibilities were off - loaded from the Parks to the unitary authorities, (or at least the less sensitive transferred back by way of service management agreements), then the Parks could concentrate more on their two statutory purposes and what they are best at. An independent review of this area is vitally needed.

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December 2004