

**PROPOSED NEW FOREST NATIONAL PARK
Countryside Agency Consultation on Proposed Special Arrangements**

1. Introduction

- 1.1 The background to current work being carried out by the Countryside Agency on the possible designation of a New Forest National Park was given in a report to the Advisory Cabinet on 6th December 2000.
- 1.2 This informal consultation by the Countryside Agency concerns the proposed administrative arrangements for a New Forest National Park Authority. The consultation considers to what extent, if at all, the legislation governing the creation and operation of national park authorities may be adapted to suit the special circumstances of the New Forest. Nine issues are discussed, with options and questions set out for each.
- 1.3 Copies of the full consultation report have been supplied to all Members. Members have also received copies of the summary leaflet, which has been distributed to all households in the New Forest. The New Forest Committee considered the consultation at their meeting on 7th August 2001 (Report E). Members have been supplied with copies of the New Forest Committee report as further background information. This Cabinet report does not reproduce the information set out in the Countryside Agency's consultation document and must be read in conjunction with that document. *Members are asked to bring the consultation document with them to the meeting.*

2. New Forest District Council Policy

- 2.1 The current, and long standing, policy of the District Council has been to press for the proper statutory designation of the New Forest as a National Park, together with the creation of a statutory co-ordinating body to replace the current informal arrangements whereby the New Forest Committee was created and operates. Such a body would be required to prepare a Management Plan for the New Forest National Park area, and to act as a co-ordinating body. It would not take over direct responsibility for any of the functions carried out by existing statutory bodies within the New Forest. An outline of this proposal is set out in Appendix 1. The District Council has not supported the creation of an additional local authority in the form of a standard national park authority, as is now proposed. Until relatively recently this view was also supported by the Countryside Commission and its successor the Countryside Agency.
- 2.2 The key overall issue which Members should address is whether or not the arrangements now suggested by the Countryside Agency would meet the long term needs of the New Forest; and can, therefore, be supported:
 - How great is the gap between the Council's preferred model set out in Appendix 1 and a standard national park authority?
 - To what extent do the Countryside Agency's suggestions close the gap?

- How much certainty is there that the Agency's suggestions would actually be delivered by a Government Minister or a newly formed autonomous national park authority?
- Would the creation of an additional local authority in the New Forest provide sufficient long-term benefits to outweigh any disadvantages of duplication and overlap that its prescribed functions and membership might create?

3. Issues raised for consultation by the Countryside Agency

3.1 Each of the Agency's issues and questions are dealt with below. Although the District Council has advocated a tailor-made body to meet the special circumstances of the New Forest (see 2.1 above), the suggested responses are made on the basis of what would be in the best interests of the New Forest *if a standard national park authority is created*. (as currently proposed by Government and supported by the Countryside Agency).

Issue 1 and Questions 1A to 1D

Special guidance for a New Forest National Park Authority

- 3.2 This section highlights the most significant differences between the New Forest and other national parks as being:
- the New Forest Acts and the statutory roles of the Verderers and Forestry Commission
 - the particular importance of commoning
 - the high nature conservation value of the area
- 3.3 The Agency proposes that these peculiarities can be highlighted, and guidance given to a New Forest National Park Authority and other bodies through issuing Government guidance (e.g. through a Circular). Such policy guidance might also set out how the relevant Minister would take these New Forest specific issues into account when making appointments to a New Forest National Park Authority.
- 3.4 The Agency suggests that amending legislation to identify a special purpose of the designation to support commoning is unnecessary.

Suggested Response:

- It would be preferable to amend the Environment Act 1995 to give a New Forest National Park Authority a special purpose to support commoning
- In the absence of amending legislation there should be a Government Circular issued that is specific to the New Forest. In addition to a clear commitment to deliver the purpose of commoning, and the other points covered by the Countryside Agency, the Circular should deal with the need to:
 - Integrate the management of the Crown Land and surrounding area, including other areas of high nature conservation importance within and just beyond the National Park.
 - Manage the intense pressures of urban development in and around the National Park, including the integration of traffic management issues

Issue 2 and Questions 2A to 2O

Membership of a New Forest National Park Authority

- 3.5 The document sets out the standard national park authority formula for membership:
- one half plus one being elected councillors appointed to a national park authority by the relevant local authorities.
 - one half minus one being Secretary of State appointments, of which one half minus one represent parish interests and the rest are individuals appointed for their special expertise.
- 3.6 One of the main drawbacks to a standard national park authority is the fact that the formula for membership is rigidly fixed by the legislation. Some concerns expressed by organisations and individuals in the New Forest is that this produces a local authority dominated body, which would be neither appropriate, nor desirable. Others have expressed concern that in a standard national park authority there is no direct means whereby a mixture of bodies, including local authorities, Government departments (e.g. Forestry Commission) and statutory agencies (e.g. English Nature), can come together on an equal footing to take responsibility for a New Forest Management Plan, as they could in a tailor-made co-ordinating body.
- 3.7 The Countryside Agency considers ways that the Secretary of State appointments to a New Forest National Park Authority might include members with expertise in the roles of the Verderers, the work of the Forestry Commission, nature conservation and in land management.

Suggested Response:

- It is essential for any new organisation taking overall responsibility for the New Forest to include representation from the Verderers, Commoners, Forestry Commission and English Nature as well as the existing local authorities. Each of these bodies has considerable direct responsibilities within the New Forest. An arrangement whereby a New Forest National Park Authority, includes expertise in commoning, forestry or ecology among its membership is no substitute for proper representation from the responsible organisations.
- There should be amending legislation to make specific provision for the appointment of a member by the Verderers. In its absence there should be a parliamentary statement to indicate the Minister's intention to ensure that an elected Verderer is included among the members he / she appoints.
- There should be amending legislation to include the Forestry Commission within appointments to a New Forest National Park Authority. The Agency's preferred option of the Secretary of State seeking advice about possible appointees with forestry expertise is not an adequate alternative. The issue is one of representation and responsibility, not professional expertise. It should be assumed that any national park authority will have access to necessary professional skills and expertise from within its membership, paid staff or consultancy arrangements.
- The same response as above applies to English Nature as a represented body as opposed to there being ecological expertise within a New Forest National Park Authority.

Issue 3 and Questions 3A to 3C

The relationship between a New Forest National Park Authority, the Verderers and the Forestry Commission

- 3.8 This issue draws attention to the peculiarity of the existing protection and administrative arrangements affecting a substantial and important part of the area, firstly through the Crown Land ownership vested in the Forestry Commission, and secondly through the New Forest Acts and the role of the Verderers. The Agency's preferred approach is through guidance in a Circular (see Issue 1, above)
- 3.9 The Agency is not supportive of a proposal to extend the powers of the Verderers so that a New Forest National Park Authority would need the Verderers' consent for any activity on the commonable land within the Perambulation, but is also asking for views on this issue

Suggested Response:

- It is important for working arrangements that will be successful in meeting the needs of the New Forest in the long term for there to be a balanced and full membership of any statutory New Forest "authority" - see response to Issue 2 above
- In the absence of amending legislation there should be issued a Government Circular specific to the New Forest that contains clear guidance on how various bodies with responsibilities in the New Forest should work together.
- The Circular should clearly re-state the lack of conflict with New Forest Acts and the manner in which the Verderers powers regarding any development that might interfere with commoning will continue to be exercised.

Issue 4 and Questions 4A to 4C

Development plans

- 3.10 The Environment Act 1995 made national park authorities the local planning authorities for their areas. This means they are responsible for preparing development plans for the national park area (i.e. the structure plan, minerals and waste local plan and local plan). They are also responsible for implementing development control. The Agency notes the need to protect national parks against inappropriate development, as well as to ensure synergy between the development plans and the national park management plan.
- 3.11 The Countryside Agency notes a number of ways that the New Forest differs from other areas and then seeks to address these differences in the recommendations it has put forward. The key differences are set out as being:
- The high proportion of Crown Land which falls outside the normal planning system
 - The existence since 1994 of planning status equivalent to a national park within the New Forest Heritage Area (see note below)
 - The likely inclusion of larger towns and villages within a New Forest National Park boundary
- 3.12 It is considered to be very important that the whole of New Forest District has a single integrated development plan as now. It would be very unsatisfactory, and not in the long-term best interests of protecting the New Forest from harmful development if some remnant areas on the Waterside or the coast were excluded. While these are relatively small in area they contain a greater population than in the proposed national park, all of whom directly impact on the New Forest in terms of travel and recreation.

- 3.13 The Agency is therefore proposing joint arrangements for the production of all these plans, to be set out in Government guidance such as a Circular. Specifically it is proposed that the Structure Plan would be prepared jointly by the New Forest National Park Authority and the Hampshire Structure Plan Authorities; as would the Minerals and Waste Plan. The Local Plan would be prepared jointly by the New Forest National Park Authority and New Forest District Council. All of these would be carried out with input from the other local planning authorities with land within the designated area - Wiltshire and Dorset County Councils, and Salisbury, Test Valley, East Dorset and Christchurch District / Borough Councils. These Councils would also have a direct relationship with the New Forest National Park Authority through their membership of it.

Note: The consultation document incorrectly states that permitted development rights would not be affected. National Park designation of the New Forest would bring in tighter controls on many permitted development rights but these would not extend to the undertakings of the Harbour Authorities. (See briefing note previously circulated to Members)

Suggested Response:

- Directed by Government guidance (e.g. a Circular) and with development plan responsibilities transferred as appropriate, there should be a joint local plan covering the whole of the New Forest National Park and New Forest District. Similarly there should be a joint structure plan and a joint minerals and waste local plan covering the whole of the New Forest National Park and Hampshire.

Issue 5 and Questions 5A to 5D Development control

- 3.14 National park authorities have responsibility for development control within their areas. Under the existing legislative provisions, they may delegate some elements of this work to local authorities, but this function may not be transferred by Order. The decision whether to delegate development control responsibility remains with the national park authority acting as local planning authority for its area.
- 3.15 The Agency is proposing that the National Park Authority should be recommended to delegate development control casework to existing local authorities, who would then make decisions on the basis of the structure and local plan policies agreed through the proposed joint plan making process. It is suggested the degree of delegation would be agreed between the New Forest National Park Authority and the local authorities, but prompted by Government and Countryside Agency advice. The degree of delegation might range between all decisions and casework being undertaken by the local authorities, to just the casework being undertaken by the technical officers of the local authorities.

Suggested Response:

- There should be amending legislation to allow the option of transfer of development control in national parks in a manner consistent with existing arrangements for the transfer of responsibility for parts of the development plan
- In the absence of amending legislation the Countryside Agency should strongly advise on arrangements for delegated development control, together with appropriate Ministerial guidance
- In advance of the creation of a New Forest National Park Authority, the Countryside Agency jointly with the affected local planning authorities should prepare a proposed scheme of delegation to be commended to Government and recommended to the new Forest National Park Authority.

Issue 6 and Questions 6A to 6D

A New Forest National Park Authority's role in land management

- 3.16 This issue is about the land management interests of a New Forest National Park Authority, a subject closely linked with delivering the purposes of national park designation. The Agency explains how a national park authority is able to tackle a wide range of land management issues. Actions may include, for example, administering its own grant schemes or being involved in marketing and promoting local produce.
- 3.17 The importance and scale of Crown Land ownership is noted. The document also acknowledges that more than half the area is designated for nature conservation interest and that a national park authority is a competent authority under the European Union Habitats Regulations. Also relevant to land management is the fact that the New Forest is on the UK tentative list of proposed World Heritage Sites as a cultural landscape.
- 3.18 The Agency suggests that there is a need for co-ordination particularly between land management bodies like the Forestry Commission and the Verderers. Such integration will need to extend to the production of strategies and action plans.
- 3.19 The Agency considers that a New Forest National Park Authority should not take over management of the Crown land as this burden would make it less easy for it to take on a strategic role for the whole park.
- 3.20 Comments about the membership of a standard New Forest National Park Authority have been made above. Under the proposed arrangement the New Forest National Park Authority would be responsible for preparing a New Forest National Park Management Plan. At the same time the Forestry Commission would not be a member of the National Park Authority and, working within the "Minister's Mandate", would separately be preparing plans for recreational facilities, car parks and campsites. It is not considered that the suggested "agreement on how to work together on a day-to-day basis" is adequate for the integration of the key strategic elements of a New Forest Management Plan.

Suggested Response:

- Provision should be made through amending legislation, or if this is not possible by Circular and/or joint Ministerial statement, for there to be a New Forest Management Plan jointly prepared by the New Forest National Park Authority and the Forestry Commission and adopted by each of these bodies. Such an arrangement would be akin to that proposed by the Countryside Agency for the preparation of a joint development plan, and would ensure the proper integration of strategic land management policies affecting the New Forest alongside the integration of land use policies affecting the area.

Issue 7 and Questions 7A and 7B

A New Forest National Park Authority's role in visitor management

- 3.21 One role of a national park authority is to promote understanding and enjoyment of the area – the Agency suggests that its role is not to promote recreation use as such.
- 3.22 A national park authority is not a highway authority but is often delegated responsibility to manage Rights of Way by the highway authority (i.e. the County Council). The Agency proposals suggest that management of Rights of Way should not be delegated to a New Forest National Park Authority. National park authorities have been made responsible for managing access to open country under the provisions of the CROW Act 2000, and for setting up a Local Action Forum under these provisions.

- 3.23 The consultation document states that a New Forest National Park Authority would not be a tourism authority. It would, however, need to work closely with those who do cater for tourists and the tourist authorities to ensure that tourism does not conflict with national park purposes. The Agency's document recognises the Forestry Commission as a very significant provider and manager of recreation.
- 3.24 The Agency suggest that a New Forest National Park Authority should:
- Set common standards e.g. for access furniture
 - Act as the strategic authority responsible for producing recreation and access strategies and ensuring their implementation
 - Monitor and research levels of use, future tourism trends, etc.
 - Ensure there is a unified countryside management service including providing direction for the co-ordination of existing services and by employing additional rangers, education officers and farm advisors to fill gaps in provision
 - Create a New Forest Code – developing a new set of byelaws
 - Support voluntary rangers and education officers
 - Support existing visitor centres and provide information for them to use
 - Produce an education and interpretative strategy
 - Work closely with the local authorities and tourism industry
 - Develop/support local tourism initiatives and visitor stewardship schemes

Suggested Response:

- The general role of a New Forest National Park Authority in visitor management described by the Countryside Agency is supported
- In advance of the creation of a New Forest National Park Authority, the Countryside Agency jointly with the affected local rights of way authorities should prepare a proposed scheme of delegation and/or responsibilities regarding rights of way to be commended to Government and recommended to the New Forest National Park Authority.
- The importance of traffic management integration with this and other issues should be included in Countryside Agency's and other advice (see response to Issue 1 above)

Issue 8 and Questions 8A to 8C

Ensuring the active involvement of local expertise in the work of a New Forest National Park Authority

- 3.25 National park authorities have to prepare a management plan covering the total scope of their work with wide consultation in their preparation. They are reviewed every 5 years. Close working arrangements are needed with statutory agencies and local authorities. National park authorities set up committee structures to help them:
- Executive committees (two thirds of the membership must usually be national park authority members)
 - Advisory committees (membership can be very wide)
- 3.26 The Countryside Agency's view is that a New Forest National Park Authority should follow the normal practice of setting up both executive and non-executive structures with a wide representation.

Suggested Response:

- A New Forest National Park Authority should be encouraged to set up committee and other structures as appropriate to ensure involvement in their work.
- A New Forest National Park Authority should be urged to:

- Work within existing structures already convened by other local authorities and local organisations and to avoid duplication
- Take over and develop structures set up and fostered by the New Forest Committee

Issue 9 and Question 9A

Working in partnership

3.27 The Countryside Agency suggests that the New Forest National Park Authority should use existing groups (e.g. New Forest Consultative Panel), but that it would also need to consider whether other advisory consultative groups were needed. It would also need to take into account the views of people living around the New Forest and visitors. Reference is also made to the fact that national park authorities have to produce "best value plans".

Suggested Response:

- A New Forest National Park Authority should work with existing groups and in particular with a New Forest Consultative Panel based upon long established practice in the New Forest
- It will be for the New Forest National Park Authority to determine other means of taking into account the views of local people and organisations; and in how most appropriately to be efficient, avoid duplication and deliver "Best Value"

4. Financial Implications

4.1 None arising directly from this report.

5. Crime and Disorder Implications

5.1 None arising directly from this report.

6. Environmental Implications

6.1 As set out in the report

7. Conclusions

7.1 The Countryside Agency has sought thoroughly to examine all of the functions of a standard national park authority national park authority and the special requirements of the New Forest. Their consultation document explores the extent to which the former may be adapted to meet the latter.

7.2 Although no doubt all national park authorities to some extent operate differently one from another, not surprisingly it is their similarities in the way in which they have taken on new roles as autonomous local authorities that is most striking. Indeed, with the notable exception of the Broads Authority, there seems to be a great deal of reluctance within the Association of National Park Authorities to embrace experimentation, or to welcome a different type of authority into the "national park family".

7.3 Also it is not surprising that there is not a very great deal of latitude within the legislation as set out in the Environment Act, 1995. There is very great difficulty for the New Forest in the prescriptive arrangements for membership. It would not be satisfactory to rely as

heavily as the Agency suggests on Secretary of State appointees in order to try to redress gaps and imbalance. Many of the Countryside Agency's suggestions rely on advice, guidance or encouragement and can give no certainty about how a standard New Forest National Park Authority would choose to operate and impact on the area and other local organisations and authorities.

8. Recommendations:

- a) The District Council's preferred option for the administration of a New Forest National Park by a New Forest Authority tailor-made to meet the unique circumstances and special long-term needs of the New Forest, should be re-stated to the Countryside Agency
- b) Members should decide what in the judgement of the District Council is the overall degree of mismatch, and disadvantage between a tailor-made New Forest Authority and a standard national park authority as it is now proposed in the Countryside Agency's consultation.
 - Should the standard national park authority as now proposed be formally opposed?
 - Is the tailored-made option preferable, but a standard national park authority as now proposed acceptable?
 - Should the standard national park authority as now proposed be given qualified support?
- c) The Countryside Agency should be informed that notwithstanding the District Council's preferred option for a tailor-made New Forest Authority, if a standard New Forest National Park Authority is to be set up, with or without amending legislation, the District Council's comments on the consultation document are as set out in each of the suggested responses to each of the nine issues in this report.

Further Information:

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Background Papers:

A New Forest National Park Authority:
Proposed special arrangements –
Countryside Agency consultation
document June 2001
New Forest Committee Report E –
August 2001
Briefing note on permitted development
within national parks –
August 2001

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PROPOSED TAILOR-MADE NEW FOREST AUTHORITY
A statutory co-ordinating body for the New Forest within a National Park designated area

PURPOSES AND DUTIES

- **To conserve and enhance the natural beauty, wildlife and cultural heritage of the New Forest**
- **To maintain the grazing and management regime that so contributes to the New Forest's character**
- **To promote understanding and quiet enjoyment of the special qualities of the New Forest**

The Authority would be responsible for preparing and promoting a management plan for the designated area and for co-ordinating and monitoring its implementation. This plan would be subject to review at not less than 5 yearly intervals

In the exercise of its functions the Authority would have a duty to:

- Promote sustainability within the New Forest
- Take soundings of local communities and agencies who have a role in the New Forest through a body such as the New Forest Consultative Panel
- Promote and represent the interests of the New Forest at national and international level, including advice to ministers on matters affecting the purposes of the designation
- Be a statutory consultee for functions relevant to the purposes of the designation such as town and country planning

POWERS

The Authority would not take over existing functions or financial responsibilities of other statutory bodies, but would have the power to help in the accomplishment of its purposes, including action such as

- Provide financial assistance, to enter into management agreements with owners and occupiers of land, and to own land
- Implement the management plan where no other statutory organisation has the appropriate power
- Employ staff and enter into contracts as necessary to carry out its purposes

MEMBERSHIP

The Authority must adequately reflect a formal partnership between national and local interests with a representation, which will also ensure co-ordination between the relevant statutory bodies

Relevant statutory bodies with responsibilities within the New Forest would include all current organisations represented on the New Forest Committee (Local authority membership would depend on the final boundary to be determined for the National Park equivalent area)

FUNDING

In recognition of the national and international as well as local importance of the New Forest, funding would be an appropriate balance of national and local contributions, from Government and member bodies. The Authority would also seek specific project funding from other sources.