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Natural England's Draft Policy on Protected Landscapes

A response by the Renewable Energy Foundation

1. The Renewable Energy Foundation (REF) is grateful for the opportunity to comment upon Natural England's draft Policy on Protected Landscapes.
2. The Renewable Energy Foundation is a registered research and education charity encouraging the development of renewable energy and energy conservation whilst emphasizing that such development must be governed by the fundamental principles of sustainability.
3. REF is supported by private donation and has no political affiliation or corporate membership. In pursuit of its principal goals REF highlights the need for an overall energy policy that is balanced, environmentally and ecologically sensitive, and effective.

Introduction

4. REF warmly welcomes the opening commitment by Natural England (NE) to further the role of protected landscapes. England is extremely fortunate, particularly in view of its population, to have extensive areas of countryside where productive use of the land and local settlements are harmoniously integrated with landscapes of great beauty, tranquillity and cultural and historical significance. Championing this rare synthesis of human influence with natural qualities of geology, drainage, climate and vegetation will be a vital task for the future.

Context

5. We suggest that the statutory nature of National Parks and Areas of Outstanding Natural Beauty (AONB) should be explicitly set out. It is this statutory status, which, by its application through the planning system, has largely ensured that the special qualities of protected landscapes have survived for the last sixty years. Further, we urge that the reinforcing of the planning status of protected landscapes in Planning Policy Statement 7, *Sustainable Development in Rural Areas* should also be central to the context of NE's policy. The review of PPS7, which is inherent in the PPS4 consultation, should make the retention of fully effective planning policy protection of designated landscapes an urgent task for NE.
6. REF also suggests that NE should make explicit reference to the 1995 Environment Act and particularly the Sandford Principle, whereby the natural environment takes precedence over public enjoyment, should there be irreconcilable conflict between the two statutory purposes. This principle will, in the view of REF, be a vital aid to many of the aspirations of NE in relation to the enhancing of the nature conservation role for National Parks in the future.
7. The area of England covered by statutory landscape designation is referred to in the Context section. The size of this area has been seized upon in the past by some as an indicator of a lack of competitiveness and flexibility in the English planning framework. REF would welcome a specific assertion in the Context section that NE does not share this view; rather that a high proportion of statutorily protected landscapes is an indicator of a successful and enlightened society which understands the value of retaining a high quality of natural environment for all citizens.
8. REF challenges the assertion that our nationally designated landscapes comprise England's 'most iconic and intrinsically valued countryside'. This is not, in our view, exclusively so for two reasons.
9. Firstly, there are still substantial areas of landscape, such as south west Herefordshire adjoining the Brecon Beacons National Park, the Forest of Dean, parts of Yorkshire and Lancashire between the Lake District and the Yorkshire Dales and parts of the Surrey Hills, for instance,

which have no national designation but which are certainly amongst the finest landscapes in England.

10. Secondly, in almost all cases of national designated landscapes, the actual boundary line does not divide sharply outstanding landscapes from those of indifferent quality. There is a zone of transition surrounding the designated landscape, which often occupies many square kilometers. Furthermore, the effects of development or management practices outside a designated landscape but clearly visible or audible from it, or with clear impact on a river catchment or on habitat connectivity can be very significant. The protection of designated landscapes requires their determined defence from despoliation from a distance.
11. We suggest that the usefulness and value of designated landscapes to all citizens and especially those living in larger towns and cities be explicitly acknowledged in the Context section. This was at the heart of the invention of National Parks and AONBs and the hugely increased level of development pressure since the 1940s makes this urban function for designated landscapes all the more important.
12. The text should set out clearly the planning role NE has in championing designated landscapes in development control case work and strategic planning consultation.
13. The references to the European Landscape Convention (ELC) are welcome, in relation to the inter-relationship between people and the natural environment. We would, however, sound a cautionary note in relation to focusing on the ELC definition of landscape: this definition is not of the finest or most outstanding landscapes, but of the concept of landscape. Our finest landscapes were designated for reasons which remain true, over periods of time far longer than 60 years. These qualities of the landscape *when designated*, should remain uppermost in the view of NE. In this respect, designation should be regarded in a similar way to the designation of ancient monuments or listed buildings. It would be a serious misinterpretation of the ELC definition to take the view that landscape change in designated landscapes was of no greater consequence than in other undesignated landscapes.

Issues

14. The new social, economic and environmental challenges which the draft policy identifies only reinforce the vital need for designated landscapes and a vigorous champion of these. Combined with the expectation that National Parks, in particular, should be exemplars of sustainable development, there is a clear prospect of increasing pressure on designated landscapes, being required to respond to all public policy initiatives and Government aspirations, as well as retaining their special qualities. NE policy needs to recognise this redoubling of pressure to diversify focus and to state clearly that designated landscapes will be given the support and protection needed to retain the qualities which brought about their designation in the first place.
15. It is important that NE acknowledges in its policy that the designation criteria of our protected landscapes were not intended to facilitate a modern range of innovation in pursuing sustainable development as we now understand it. It may be that in some cases, the qualities of land management, settlement size and local natural resources do allow impressive and significant progress to be made towards sustainable living. But this is not necessarily the case. The special qualities of designated landscapes should not, perversely, be sacrificed or compromised in order to achieve exemplar status in a field which was not part in the original delineation of the protected landscapes.
16. The Issues section of the policy paper identifies the findings of the 'Countryside Quality Counts' studies which show the maintenance or enhancement of landscape character of designated landscapes. It is important to be clear why this is the case: it is because special priority has been given, consistently over the years, in public policy to avoiding the decline of traditional land management and damage through insensitive development.
17. REF does not accept that, as the issues section states, NE 'needs clarity around the legislation' in relation to designation criterion. In the wake of the Merrick judgement, and NE's response to this in the 2006 legislation, NE should be emphatic in its championing of natural beauty, including the influence of mankind on the landscape. Why, after the designation of nine National Parks, and thirty-six AONBs should the Government's statutory body for protecting the

natural environment have any difficulty in maintaining this vital role? Nothing has changed the essential purpose of designation, even if new considerations (though not statutory) are now additional burdens and opportunities. NE should, in our view, take a pro-active stance in looking for new designation opportunities, arguing for greater resources to fulfill this role and taking the case for the protection of a high quality environment to Government in no uncertain terms. NE urgently needs to mark out its Non-Departmental Public Body status and its freedom from Government influence, otherwise the value of its role to the citizen and tax payer is questionable.

18. The discussion of the non-statutory status of Heritage Coasts should include an explicit recognition of the need to influence development plans and planning applications as well as management through 'a refreshed approach for... management arrangements'.
19. Discussion of the IUCN categorization of English National Parks reveals a significant flaw in the application of the recent new IUCN principle on added priority for nature conservation. This IUCN initiative implies a 'Sandford Principle' should be applied exclusively for nature conservation. This would be wholly contrary to the 1995 Environment Act, and indeed the 1949 legislation, which make clear the range of considerations, including natural beauty and cultural significance which should take precedence in the event of irreconcilable conflict between objectives. A renewed commitment to the protection and enhancement of nature conservation in designated landscapes is very welcome, but this should not be at the expense of the other equally legitimate designation criteria. In the final analysis, NE needs to remember that designated landscapes are just that; they are not designated in themselves, as SSSIs.
20. REF strongly supports the statement that the evolution of designated landscapes should be in ways (and at a scale and pace, we would add) which continues to value their special qualities.
21. By far the most effective way to affirm past achievements, which the document rightly sets out to do, is to be true to them in the future.

Policies

Policy 1:

22. We welcome the commitment of NE to be a determined champion of the system of protected landscapes and their successful future. We also welcome the commitment made by NE to argue the case for the importance and relevance of designated landscapes with government and professional bodies. REF suggests that an equally important task is to persuade the business community of the positive value, including in economic terms, of designated landscapes and their continued protection. Acknowledgement of the Campaign for National Parks' (CNP) research study from 2006 on the mutual support of well protected landscapes and business success should be explicitly part of NE's policy contextual material.

23. REF is very concerned that in the Evidence section of Policy 1, there is no reference to the range of landscape character, historic, archaeological and cultural landscapes within National Parks and AONBs. The wealth of artistic and literary significance of our designated landscapes, from Chaucer (the Surrey Hills and Kent Downs), Constable (Dedham Vale), Wordsworth (Lake District), Hardy (Dorset and Purbeck) and Barbara Hepworth and the St. Ives School (Cornish coast) to name but a tiny number, is an essential part of what makes our designated landscapes of great national and international value and huge contributors to our identity. Great archaeological remains such as the huge Bronze Age enclosure system across much of Dartmoor show the special role designated landscapes can play in safeguarding significant landscape scale archaeology.

24. As great an omission is the huge 'tranquillity store' to be found within most of our designated landscapes: the Northumberland National Park contains the most tranquil places in England according to the CPRE/NE tranquillity map of 2006. In a country increasingly beset with the erosion of tranquil places, the role of designated landscapes in offering this vital aspect of spiritual refreshment will continue to grow. There is a very urgent need to include safeguarding of this experiential aspect of protected landscapes in an explicit policy objective.

25. Despite the serious omission of landscape and tranquillity from the Evidence section of Policy 1, we welcome the wise recognition of the blanket bog resource in particular.

Policy 2:

26. We support this policy and in particular, the potential significance of designated landscapes in an era of changing climate. We welcome the sensitivity of the policy in relation to renewable energy development. We would add that it is not so much the small scale of renewable energy development which is important, as the small impact of its installation. Sophisticated and sensitive approaches to harnessing renewable energy are particularly to be welcomed in any event.
27. In REF's view the National Parks can act as exemplars of sustainable development, which includes demonstrating the delivery of renewable energy without intruding upon the landscape in a damaging manner. We believe that an intelligent deployment of low impact renewable technologies - and in designated landscapes this will usually mean ground source heat pumps, solar thermal, biomass for heat (and possibly electricity at the smaller scale), biogas for electricity (and heat), hydro and, on the coast, tidal - would allow a greater level of energy production and better value CO₂ abatement than fewer, larger, more controversial and unpopular schemes.
28. REF agrees with the identification of the need for far more landscape condition evidence, together with the associated data on the public benefits ('services') protected landscapes can provide. The imbalance between biodiversity (much) and landscape (little) evidence and monitoring is a matter of concern to REF overall.

Policy 3:

29. We consider it ill-advised and damagingly cautious to assert that the concept of natural beauty is 'legally vague'. In our view the assertion that it is so is an approach which allows, either deliberately or by default, a weakened sense of obligation on the part of NE to fulfill its landscape protection obligations. We detect in the approach of NE a reluctance to confront others who make the misleading or vexatious assertion that natural beauty is of little value in public policy. The concept of natural beauty has seen the country's designated landscapes

through nearly six decades of designation and management, with great success. The population as a whole is strongly supportive of the concept of natural beauty. Professional and public bodies charged with its protection should seek to assert the vitality, importance and relevance of natural beauty at every opportunity. The value of a statutory body which makes self doubt part of its policy platform is unclear, partly because it can easily fall prey to other arms of quasi-autonomous administration which have no such qualms. Where, in the draft policy document, a strength of will and a confidence in the value of beautiful landscapes is apparent, there is hope for effective action. But this tone should run throughout the document.

30. REF welcomes the identification of PPS7 (and we presume, its antecedent, PPG7) as the key document which has determined the successful protection of designated landscapes in general terms. While we have a planning system and particularly while we have a government which regards the planning system as a means of facilitating development, such a policy document will usually be the key to development decisions. But this is not always the case, and it would be complacent of NE to consider PPS7 an unmitigated success. Serious miscarriages of policy, such as the Falmer football stadium, the Weymouth Relief Road and the Glyndebourne wind turbine have all occurred during the currency of PPS7.
31. Specifically, there is an urgent need for greater weight being added to the pre-eminence of nationally protected landscapes over local considerations. This problem arose with the weakening of what had been an exclusively national test of need and alternative, in PPG7 until 2004. Given NE's correct concern to use designated landscapes as exemplars of sustainable development, stronger protection from unsustainable stadia, roads and energy infrastructure is all the more important.
32. The current review of PPS4 which brings with it a serious threat to what will remain of PPS7 should be a priority area for NE. There is a real risk that the remaining paragraphs of PPS7, which relate to landscape protection in the main, will cease to have the importance and pre-eminence they should have if nationally protected landscapes are to remain that way.
33. The draft states that '*there remain challenging issues around integrating policy objectives in the setting of protected landscapes*'. This is, in our view, a dangerously ambiguous statement. It

can be interpreted as meaning that other policies are placing unreasonable and unrealistic pressure upon protected landscapes which are contrary to the public interest. But it can also be read to mean that protected landscape policy is standing in the way of other priorities which would damage or destroy natural beauty, historic or cultural significance or public understanding and enjoyment. Such ambiguity has no place in a policy document written by the nation's statutory protector of natural beauty.

34. Where the document speaks of modernisation, we support this where this is designed to reinforce the ability of protected landscape legislation to work well and decisively in favour of natural beauty, cultural significance, wildlife and public enjoyment. We welcome the apparent recognition that new Government policy in some instances jeopardizes the status of protected landscapes and that NE will resolve to do its vigorous best to reduce such threat to a minimum. We strongly welcome the urgent need identified by NE to reinforce the 'have regard duty'. We observe that during the passage of the 2006 legislation (the NERC Act), NE did not argue strongly in favour of such strengthening. This change of view is very welcome.
35. REF is strongly supportive of NE in its stated intention to reinforce the status of natural beauty and the place of protected landscapes in the planned new Circular from Defra. Many of our concerns with the ambiguity of this draft document will be crystallized during the forthcoming discussion of the new Circular.
36. We suggest that NE is right to identify the need for greater monitoring of the degree to which protected landscape objectives are met through both strategic plans and planning decisions.
37. Specifically, we consider that there is a need for vigilance over threats to intrusion and fragmentation of the experience of landscape through major developments, including prominent extractive industries, new roads and wind turbines in damaging locations. NE should be as interested in the interconnectivity of natural beauty and tranquillity – the human habitat - as it is in the interconnectivity of semi-natural habitats. In the case of protected landscapes, the human experience should remain paramount: this is the primary reason for designation.

38. Not all the threats to nationally protected landscapes are terrestrial. In some cases, off-shore developments threaten the experience of seascapes viewed from within designated landscapes and other places designated as heritage coast. As damaging is the expansion of air travel over previously tranquil landscapes, including, often, those which have national protection. The experience of natural beauty in the Chilterns, for example, is savagely compromised by the expansion of flights to and from Luton.
39. REF urges NE to include distinct policy objectives to work closely with the Crown Estate to prevent serious damage to valuable seascapes associated with protected landscapes and to play a vigorous role in debate and development of policy with the Civil Aviation Authority and NATS over flight paths and 'stacking' practice.

Policy 4:

40. We welcome the new work to give national protection to land between the Lake District and the Yorkshire Dales.
41. REF believes that there are serious cases to be made for additional designations, some of which we mention earlier in this response. We question the assertion that *'the family of landscape designations cannot grow indefinitely'*. In our view, the many pressures which NE identifies in the future suggest that further designation will be necessary if valuable landscapes, of equal quality to those already designated, are not to suffer major intrusive and disruptive development. Growing development pressure means a growing need for further designations to be considered.
42. It is as important that NE does not rule out further designation in the future on principle: designation is a powerful and effective public measure and should not be discarded. The possibility of designation is also a useful negotiating device: while planning policies in general support the protection of open countryside and restrict damaging and intrusive development, there is less likelihood that public pressure will grow for designation.
43. Although REF sympathises with NE's position in *'not seeking bids'* for new designation or variations to designations, the proper remedy is surely for NE to be proactive in its search for

viable, legitimate designations. This NE has done, very correctly, in the case of the landscapes between the Lake District and the Yorkshire Dales. Creating a sense of aspiration and expansion is necessary if protected landscapes are not to fall victim to every pressure, budgetary and political, to reduce their standing and effectiveness.

44. When the draft document states that *'demand for designation work has been accumulating for years'* might it not be wise for NE to interpret this as legitimising such an aspiration to expand designated landscapes? Elected local authorities and local interest groups have great democratic legitimacy and their views should not be regarded as unreasonable or tiresome reminders that much landscape (and indeed habitat) of very high quality remains under threat.

Policy 5:

45. REF supports this policy and welcomes the careful analysis of the pressures upon coastal landscapes and the failure of coastal zone planning. This is all the more urgent given the Government's abolition of planning policy guidance on the coast. The positive value of unspoiled coast is very properly acknowledged in the draft document and gives strong support to NE pursuing better protection and management of coastal landscapes. This also relates well to the aspiration for more extensive and enhanced coastal access.

46. REF strongly believes that the coastal views and seascapes associated with designated landscapes are vital elements of those designated landscapes. They are often intrinsic to them. Examples include the seascapes north of Exmoor and the North York Moors and those south of the Dorset and Devon coasts and the South Downs. Weaknesses in the recent marine legislation in the case of protecting seascapes will need remedying through concerted action by NE, in particular in dialogue with the Crown Estate.

Policy 6:

47. REF welcomes NE's commitment in the draft document to partnership working. However, the manifest independence of these protected landscape stakeholders will remain essential if such partnership working is not to become a corralling of organisations by a dominant NE. Where there are funding links between NE and these other protected landscape stakeholder organisations, this is particularly important. Funding mechanisms should never control free

exchange of policy views nor the pursuit of their proper purposes by such protected landscape stakeholder organisations.

48. REF looks to NE to set out clearly its commitment to such independence for protected landscape stakeholder groups.

49. REF urges NE to include the National Park Societies amongst those organisations it counts as significant partners. These groups are of very long standing and have a substantial amount of local knowledge and authority, together with strong reputations for fighting hard for their own designated landscape's interests.

50. NE needs to set a firm objective of protecting its level of funding in the future. There will be grave pressures on public finances in the near future and unless NE takes a courageous and positive stance on its need for adequate funding, its ability to fulfill these policy objectives will be severely compromised.

51. Such a positive stance should include negotiations over the future of Pillar 2 funding from within the CAP. Protected landscapes have benefited recently from more realistic levels of funding through agri-environment schemes, if sometimes at the expense of investment in land management in the wider countryside. Further reform of the CAP is likely to reduce funding unless a strongly proactive and assertive stance is taken by NE in negotiations with Defra and the Treasury. Much of the landscape character of National Parks and AONBs is heavily dependent on the quality of land management and the light and subtle effect of traditional farming practices. Any aspiration to follow up on IUCN concerns over nature conservation in National Parks will similarly be undermined if significant sums of money for environmentally sound land management are not forthcoming.

Policy 7:

52. REF supports NE's aspirations to make English nationally protected landscapes exemplars across the world. Clearly, the effectiveness of this aspiration depends upon the successful protection of our outstanding landscapes from modern development pressures and land management challenges.

53. The need to demonstrate to wider audiences the value of protected landscapes is a point well made in the draft. However, NE should never forget the original purpose of designation: the protection of landscapes notable for the great beauty and the enjoyment to be had by people in visiting them. Protected landscapes are not a substitute for Sites of Special Scientific Interest. Threats to biodiversity from a changing climate cannot be met by forcing upon places designated for their landscape quality a significance for wildlife which is not really there.
54. Contrary to the assertion made in relation to the IUCN's correct concern for nature conservation, the standing of our designated landscapes is most likely be weakened if their landscape qualities decline in the face of faltering protection. Should this happen, their role in nature conservation is likely to falter as well.
55. Both are vital designations systems and together their careful protection and management can achieve more than as separate endeavours.

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