

LANDSCAPES REVIEW: Proposed changes

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INTRODUCTION

In September 2019, the independent report led by Julian Glover, [Landscapes review: National Parks and AONBs](#) was published. The Government has now published its [response](#) to that report, dated 15 January 2022.

The *Landscapes Review* marked 70 years since Parliament first protected landscapes in the National Parks and Access to Countryside Act 1949. Its purpose was to look at whether the protections for National Parks and Areas of Outstanding Natural Beauty were still fit for purpose.

Given the higher levels of protection the planning system affords to the above designations, the Government's proposals will be of keen interest to all those concerned with such areas, especially all levels of local councils and planning practitioners. This article outlines the following key points below:

- New structure;
- New statutory purpose;
- General power of competence;
- Increased planning role for AONB teams;
- Permitted development rights;
- Affordable housing.

The Government's consultation on these proposals is open until 9 April 2022:

<https://www.gov.uk/government/consultations/landscapes-review-national-parks-and-aonbs-implementing-the-review>.

NEW STRUCTURE

The *Landscapes Review* proposed a new 'National Landscape Service' a new public body that would represent bringing both National Parks England and the National Association for AONBs under one roof.

The Government has not favoured this. Rather, it is proposed to encourage closer working by different means:

- Uniting the existing bodies by way of a partnership.
- Rename AONBs as 'National Landscapes'.
- Amending the statutory purposes for National Parks and AONB so that they are more closely aligned.
- Providing strategic direction via a new *national landscape strategy* (from Defra).

The partnership is proposed to share knowledge, promote tourism and generate additional private income through green finance initiatives and joint funding bids. These may either encourage development proposals in their own right or otherwise bring forward or arise from development ambitions.

GENERAL POWER OF COMPETENCE

National Parks Authorities and the Broads Authority are creatures of statute relying on specific powers to carry out activities. The Government are considering giving them a general power of competence (similar to that given to local authorities in s.1 Localism Act 2011) in order to better allow them to act innovatively and reduce their legal risks.

This is likely to be welcomed by public authorities, but it remains to be seen whether the Government will seek to revise and improve upon the wording in the Localism Act 2011.

NEW STATUTORY PURPOSE

The *Landscapes Review* concluded that the current statutory purpose of ‘conserving and enhancing’ National Parks (s.5 National Parks and Access to the Countryside Act 1949) and AONBs (s.82 Countryside and Rights of Way Act 2000) was not strong enough. It is not thought to reflect the urgency of the environmental position.

Accordingly, the Government proposes to amend the current statutory purpose so that there is a single set of statutory purposes for both National Parks and AONBs that reflect the following:

- A core function of protected landscapes should be to drive nature recovery.
- A revised purpose should be more specific with regards to nature outcomes and explicitly mention biodiversity (which would be consistent with emerging legal and policy requirements).
- The principle of natural capital should also be included to capture the societal value of nature in our protected landscapes and encompass a broader range of ecosystem services.

INCREASED PLANNING ROLE FOR AONB TEAMS

The *Landscapes Review* highlighted the important role of the National Park Authorities’ and Broads Authority’s planning powers in delivering high quality and sustainable development.

Therefore, the Government is consulting on the proposal to make AONB teams a statutory consultee for planning applications.

This principle is likely to be welcomed by local residents and AONB teams. However, the Government acknowledges the resource implications and it is unclear whether AONB teams will feel sufficiently well-resourced to respond to such consultations effectively.

PERMITTED DEVELOPMENT RIGHTS

The *Landscapes Review* highlighted the important role of the National Park Authorities' and Broads Authority's planning powers in delivering high quality and sustainable development.

The Government states that it does not currently have plans to curtail permitted development rights in protected landscapes. This is likely to be seen as good news for developers but less warmly received by some residents in such areas. It is not yet clear how this will sit with other aspects contained within the proposals.

AFFORDABLE HOUSING

The review found that more sites are available which could be granted planning permission than are currently being utilised to build affordable homes in some areas. It observed that National Parks have the power to create housing but it is not widespread and so recommended a new, publicly funded housing association to build affordable homes specifically in protected landscapes.

The Government's view is that such an association would not be more effective. Instead, it proposes to address the issue by alternative means, namely:

- **Rural Exception Sites:** I.e. small sites used for affordable housing in perpetuity where sites would not normally be used for housing (NPPF).
- **Homes England's funding:** Reference is made to the 2021-26 Affordable Homes Programme to support the delivery of rural housing.

CONCLUSION

This is clearly a journey that, whilst moving forward, still has some way to go. The ambition appears to be to simplify the relationships but at least in some respects to strengthen and empower it. It will be interesting to see not only the final outcome but, perhaps just as importantly, the contributions made by the various bodies and individuals during the consultation and how they are responded to.



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18 January 2022

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