

# Landscapes review: implementing the review

Landscape Institute Response

## Who we are

The Landscape Institute (LI) is the royal chartered body for the landscape profession. We represent over 5000 landscape architects, planners, designers, managers and scientists. As a professional organisation and educational charity, we provide training, accreditation, technical advice, and standards to maintain the high quality of the landscape profession in the UK. We protect and enhance the built and natural environment for the public benefit.

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# 1 Introduction

The designation of outstanding landscapes has proved to be a success story. Designation is a valuable policy tool, to protect and enhance landscapes, and to achieve a range of other beneficial outcomes. These landscapes retain great support from the public, and their administrative bodies are frequently doing excellent work with very limited resources or powers.

This review and consultation also provide an overdue opportunity for enhancement to ensure the original aims of designation are being met, and to maximise public benefit. For the purposes of this response, we have limited ourselves to commenting upon those areas which we believe can/should be improved. We have not focussed upon all the many ways in which National Parks and AONBs are succeeding, or the tools and functions which are working well without reform. Likewise, whilst there are many minor ways in which the administration of designated landscapes, and their interrelation with other public bodies, can be tweaked or improved, we have limited our input to changes which require central government intervention or significant policy change.

## Delivering skills

Strengthening and enhancing the original purposes of designated landscapes will require skilled staff, who have specific landscape management skills and are supported by training and development infrastructure.

In order to meet the government's ambitious agenda, the review implementation must be supported by a focus on skills within this small but critical sector. There is a key role for professional bodies and associations like the Landscape Institute, National Parks England (NPE) and National Association for Areas of Outstanding Natural Beauty (NAAONB) to do more to support this sector.

The Landscape Institute is the professional home for landscape managers and professionals that have the key competencies to ensure that designated landscapes are equipped to meet current and future challenge, these include but are not limited to:

- Management of landscapes
- Landscape scale climate mitigation and adaptation
- Nature restoration and natural capital approach
- Connecting people and places (including tourism)
- Habitats and species
- Visualisation
- Soil management, conservation and improvement
- Planning, legal, policy and regulatory compliance
- Landscape assessment
- Stakeholder and/or community engagement

These skills and rigorous Continuing Professional Development (CPD) requirements are outlined in our professional [competency framework](#). Chartered and technician members of the LI must achieve and maintain high levels of competency and can provide valuable professional judgements and provide services both in-house and as consultants.

The Landscape Institute is looking to play a key role in the professionalisation and strengthening of the sector and we have already committed to doing so, working in partnership with bodies like the National Association for Areas of Outstanding Natural Beauty (NAAONB). We are keen to work with others in the sector to understand gaps, barriers, and opportunities, which we can help to address.

## Supporting all landscapes

Designated landscapes are just one of a myriad of sites that are vital to the UK, there are many managed landscapes which do not enjoy the benefits of designation: regional parks, urban parks, heritage parks and gardens, urban landscapes, coastal landscapes, seascapes, and more generally, “valued landscapes” under paragraph 174 of the National Planning Policy Framework (NPPF).

The European Landscape Convention, to which the UK is a signatory, is clear that all landscapes have value, and that those values should be protected and enhanced. The review should take this opportunity to acknowledge that the existing typology of other valued (but non-designated) landscapes is confused and piecemeal, and in some cases non-functional.

Most obviously, there are areas of open land which do not currently meet a high standard of “natural beauty”, but which have the potential to do so in the near-to medium future, and could deliver significant recreational benefits for nearby urban populations. At the moment, no national process exists through which an area of land could be designated in order to be enhanced— through proactive investment, management and development – and become a future AONB (for instance). This consultation and subsequent implementation could be an opportunity to create that route.

The review could consider recommending an intermediate stage in the designation process (e.g., “National Landscape/Park Designate”) which would identify landscapes that do not currently meet designation criteria, but which have the potential to do so in the future, to positively encourage the change and invested needed to make progress. There may be a range of different typologies that could apply instead of designation in its current form but it is vital to protect enhance and level up left behind places.

Landscape professionals can with their skills and knowledge help deliver enhanced urban landscapes that will be closest to those that need them most. We need to prioritise improving access to greenspace and creating greener communities especially in areas of deprivation or where there is poor or unequal access. Protecting and enhancing landscapes within urban context is important and we welcome Natural England’s commitment to innovate in this area.

## Resourcing

The proposals outlined in the original Glover review and this iteration of proposed changes both require adequate resources to match the intended ambitions. It is clear that there is a recognition and willingness amongst the designated landscape community to deliver better outcomes for people and nature but there is a lack clarity on what resources will be made available.

The drive to better diversify income with new financial frameworks and income streams is welcome, however there is little detail on how this might be achieved. Clearer guidance and support in this area is needed as well as national backing for green finance markets that can restore and enhance nature within designated landscapes. With a significant resource gap already existing it is vital that government looks to answer the question of how public and private funding sources can be combined in a way that maximises benefits for people and nature.

There is a clear picture emerging from designated landscape bodies that regardless of any uptick in revenue from income diversification there is a strain on resources with real term cuts to funding and increasing planning caseloads.

## AONB Planning

The LI supports the opportunity to strengthen the role of AONBs in guiding town/country planning decisions. AONBs should, as suggested, be given a stronger role in plan-making for development. Importantly AONBs should have different planning models for their particular circumstances. For instance, some AONBs may find statutory consultee powers an unhelpful mid-point which overstretches resources, whereas others will look to have a greater role working in partnership with local authorities, committing to joint authorship of local plans or having material considerations. For some AONBs being a statutory consultee will be insufficient in promoting truly sustainable development.

There remains a question over the governance of AONBs and how independently they function. AONB Governance is, for most, through a Joint Advisory Committee. Under law it can advise but it cannot act. It is a minor committee of a group of local authorities. It is currently unfeasible for AONBs to have a view contrary to the bodies that manage and fund them. Therefore, a move towards an independent governance model would be beneficial.

Strengthening the role of designated landscapes would require some greater resourcing, not simply in financial terms, but also in access to training, advice, information resources, etc. Some of this exists, and simply requires better signposting or minor strategic investment. A wider support network of designated landscapes could help with planning delivery, providing the skills and supporting a sub-regional network.

## Leadership and governance

The LI welcomes the commitment to invest in support and leadership at a national, strategic level. The National Landscape Partnership with the requisite resources can be a useful hub for knowledge sharing and support. The new body needs to have awareness and knowledge of designated landscapes planning implications and be adequately resourced and funded. There are some common issues that face all protected landscapes- including planning, nature recovery and the need to adapt to the impacts of climate change. The role of coordinating across the Protected Landscapes on some of these strategic, UK-wide issues could be the role of a centralised body, The National Landscape Partnership should look to bring forward a national Landscape Strategy which would set a vision with challenge targets for different government departments. A strong plan which was resourced and recognised could act as an important delivery mechanism.

The LI also welcomes the stronger role that Natural England has and can play in supporting designated landscapes achieve their goals. The ongoing Landscape Programme and strategic mapping of landscapes is an important first step to recognising and enhancing landscapes across England. We also welcome the creation of the Natural England Landscape Advisory Panel and hope they can play a key role in delivering transformative change for England's people, places and nature.

The LI also supports the proposed reforms to local governance most notably the efforts to improve board efficiency, introduce term limits and improve diversity, skills and representation at a local level. However, such measures should not completely overrule or dilute local control. Local representation increases buy-in and ensures local voices are heard on decisions that impact communities.

National board appointments from the Secretary of State can increase overall strategic alignment, however the proposal for the Secretary of State to directly appoint chairs would undermine local representation. Instead, there is strong merit in requiring the governance body to elect an independent chair who is not from an organisation otherwise represented on the body.



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## 2 Response to questions

### A stronger mission for nature recovery (p10)

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

YES

NO

UNSURE.

We strongly support the strengthened purpose however this must be supported by adequate resource.

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

Purpose 1 could be amended / extended as:

To conserve and enhance the natural beauty, wildlife and cultural heritage of the area, making best use of the landscape, natural capital and land use to recover biodiversity, deliver public goods and respond to climate change.

### Agricultural transition (p12)

**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.*

TICK ALL

**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? OPEN**

ELMS will provide a major opportunity to help deliver the enhanced and strengthened purposes of designated landscapes.

The use of Whole Estate Plans (WEPs) as used in the South Downs NPA has encouraged farm and estate owners / managers to take a comprehensive and long-term view on how the management of their

holdings relates to National Park purposes. The preparation of WEPs enables a constructive dialogue between NPAs and land owners on diversification, development proposals, climate and nature recovery issues. In particular, this encourages better awareness by landowners of NPA planning and management objectives and by NPAs of the business needs of landowners.

### A stronger mission for connecting people and places (p14)

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

YES

NO

UNSURE

The provision of a second purpose to AONB relating to connecting people and places as in National Parks would be welcome; but to deliver this purpose equitably and appropriately across the country adequate resource must be provided.

**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

NO

UNSURE

One solution is to use the lessons and knowledge from the successful [MOSAIC project](#) to create an effective framework which is delivered across all designated landscapes. These projects were as outlined in the original Glover review a successful programme to increase BAME visitorship. These projects have ended without the appropriate funding.

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

Clear targets for nature's recovery must be set with a monitoring and reporting plan to track progress against these targets. These targets should focus on the large-scale restoration of naturally functioning ecosystems.

**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 Fixed Penalty Notices for byelaw infringements*
- *Make Public Space Protection Orders (PSPOs)*
- *Issue Traffic Regulation Orders (TROs) to control the amount and type of traffic on roads*

The introduction of a policing / enforcement role for NPAs would require substantial additional resourcing. The activities and demands associated with such roles would potentially reduce the time and resources currently applied to education and promoting positive relationships with visitors, land owners and residents. There is also a very real risk that a new emphasis on enforcement would be very unattractive / demotivating for prospective candidates and existing postholders for ranger and other front-line jobs in protected landscapes.

NPAs already have powers to issue TROs, as do Highway Authorities, but the legal procedures and resultant challenges from disparate interest groups tend to be expensive and time consuming. The conflicts between different highway / RoW users need to be addressed at a national level rather than placing greater obligations on NPAs.

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/**NO**/UNSURE

**15. For which reasons should National Park Authorities, the Broads Authority and local authorities exercise this power?**

- Environmental protection
- Prevention of damage
- Nuisance
- Amenity
- Other [PLEASE STATE]

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

Yes – everywhere

**Yes – in National Parks and Areas of Outstanding Natural Beauty only**

Yes – in National Parks only

No

Unsure

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

### **The role of AONB teams in planning (p18)**

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

AONB teams should be resourced, trained and strengthened to play a larger role in the plan making process. However realistically it is extremely difficult for AONB teams to be involved in so many overlapping local plans, with differing timescales, locations and authorities. The onus is therefore on planning departments to ensure purposes of all landscapes are equally respected and enhanced in plan making, it is important that plan making outcomes should be equivalent between National Parks and AONBs.

There are some AONBs with sufficient resource and ambition to be involved more closely with plan-making but this should not be a nationwide expectation.

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

**YES**

NO

UNSURE

Overall, we believe that this change would improve planning outcomes in AONBs.

It is essential that statutory consultee status is accompanied by properly assessed and adequate resources to ensure the new responsibility can be helpfully, effectively, and responsibly carried out.

Statutory Consultee status will mean a requirement for the AONB Unit to respond to all relevant consultations within a specified timeframe and to provide support at Public Inquiries. We have concerns about the ability of AONBs to do so within the mandated timescales.

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

- AONB teams should formally agree with local planning authorities which planning applications should 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.
- The most important consultation should focus on the preparation of the Local Plan although not a 'planning application'.
- Other [Please state]

#### Local governance (p20)

#### 21. Which of the following measures would you support to improve local governance?

Tick all that apply.

- Improved training and materials
- Streamlined process for removing underperforming members
- Greater use of advisory panels
- Greater flexibility over the proportion of national, parish and local appointments
- Merit-based criteria for local authority appointments
- Reduced board size
- Secretary of State appointed chair
- Other [Please state]

Greater support, training and resources should be made available for board members, this could be provided in collaboration between professional bodies and government departments

Members should be subject to removal as a result of significant non-attendance. Other parameters of under-performance may be subjective but could be identified in annual appraisals. Removal of local authority representatives would require legislative change, but might be influenced by informal discussions with the parent authority

The LI would support the use of advisory panels for significant areas of interest, e.g., Design Review, Nature recovery, Agriculture, Youth, Citizens Panels, Key Partner Representative groups, Special Qualities, Landscape Sensitivity, etc.

Board and Committee members should be appointed to reflect an appropriate balance of relevant skills, knowledge, experience, interest and commitment. Appointments should be made to deliver such a balance in the prevailing context. Local authority appointments should be based on appropriate criteria, as above.

We broadly support the introduction of term limits and reductions in bureaucracy and board sizes. Board sizes for NPAs will vary, particularly depending on statutory obligations relating to Local Authority representation. Larger NPAs and those with substantial planning committee workloads are likely to require larger boards to enable a balance of skills and geographical knowledge and the capacity to provide for adequate attendance.

SoS appointed Chairs might not be viewed as responding well to local representation and accountability and the independence of NPAs. There could be perceptions that such appointments are influenced by political decisions rather than the interests of the Park. It may be desirable for the role of Chair to be time-limited and / or to be elected only from SoS appointed Members with some years' experience of

the relevant NPA. Independent chairs are an important tool to reduce overrepresentation of any one group on NPA boards.

### A clearer role for public bodies (p22)

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

YES

NO

UNSURE

23.Should statutory duties be made clearer with regards to the role of public bodies in preparing and implementing management plans? YES/NO/UNSURE

### General power of competence (p24)

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

YES

NO

UNSURE

### Overall

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

National Park Authorities and Areas of Outstanding Natural Beauty Joint Committees or Conservation Boards are both statutorily required to produce Management Plans for their respective protected landscapes, but these carry limited or no weight in the decision-making processes of other bodies, including Government agencies (e.g. Highways England, Homes England, National Infrastructure Commission).

Whilst landscape mitigation is a well-embedded process (for instance in the Design Manual for Roads and Bridges)<sup>1</sup> this is solely for the purposes of mitigating harm – not as a positive enhancement in its own right, for the broader public benefit delivered by designated sites.

Similarly, there is no statutory process by which other environmental investment (e.g. afforestation for carbon markets, nutrient trading, River Basin Management Plans) can be directed towards the aims and ambitions identified in designated landscape management plans.

The Landscape Institute would like to see greater statutory weight given to designated landscape management plans by all government agencies responsible for delivering investment into these areas. At a minimum, those agencies responsible for land management schemes should be obliged to consider delivery of Management Plans in their investment decisions.

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<sup>1</sup> <https://www.standardsforhighways.co.uk/prod/attachments/bc8a371f-2443-4761-af5d-f37d632c5734>