

**Consultation document on
ENABLING LEGISLATION FOR NATIONAL PARKS**

Summary of consultation responses

November 2011

Introduction

1. The Department of the Environment published a White Paper on Enabling Legislation for National Parks on 24 March 2011, prior to the Assembly elections. The paper explained the inadequacies of current legislation and set out the rationale for new legislation that would permit the establishment of national parks in Northern Ireland. It focused on policy in relation to the proposed aims, selection criteria and the designation process associated with national parks.
2. It also announced that further material would be published during the consultation period that would look in more detail at the various governance options for a national park.
3. Accordingly, a composite consultation document was published on 30 August 2011. This included the extra material that was promised, together with a list of consultation questions and an outline Regulatory Impact Assessment. It also outlined the Department's thinking in relation to access and occupiers' liability, and it incorporated the earlier White Paper within its covers for ease of reference.
4. The extended consultation period ended on 31 October 2011.

Consultation responses

5. A total of 70 responses to the consultation were received, including one which offered no comment. The remaining 69 responses may be categorised as follows:
 - Government Departments (4)
 - Statutory Advisory Councils (3)
 - Local government (12)
 - Political parties (3)

- Conservation NGOs (12)
 - Farming organisations and landowners (8)
 - Sport and recreation NGOs (8)
 - Other bodies that do not fall within any of the above categories (9)
 - Private individuals (10)
6. In addition, the Department received 164 identical letters from private individuals in the Mourne area objecting to the establishment of a national park, and a further four identical letters from private individuals throughout Northern Ireland supporting a park.
 7. The consultation document posed 10 specific questions, and a summary of responses is attached at **Annex A**. However, it should be noted that not all respondents chose to answer the questions, instead setting out their general opinions on the Department's proposals.
 8. A full list of respondents is attached at **Annex B**.
 9. A substantial majority of respondents were quite critical of the Department's proposals. In general terms, most of those in favour of national parks argued that the proposals did not go far enough and made too many compromises in respect of conservation and landscape protection. Again, in general terms, most of those opposed to national parks believed that any park would be bound to impose extra restrictions on those living there and would stifle local business, particularly agriculture. A significant number of respondents (in addition to those who signed campaign letters) were opposed to national parks in any circumstances.

Next steps

10. The Department is grateful to all those who responded to the consultation and will take time to consider the responses received.

Annex A

Consultation Question		General Comments
1	What are your views on the proposed aims of national parks?	<ul style="list-style-type: none"> ▪ Agree with the principle of having national parks but concerned that economic need appears to take priority in consultation document. ▪ Need to introduce ‘Sandford Principles’ to conserve, enhance and protect the environment. ▪ Sustainable development should be a main theme. ▪ Any national park must have the support of local communities. ▪ Economic diversification can be encouraged without a national park. ▪ Sufficient legislation to protect the environment already exists; no need for a national park. ▪ Why single out one area for this special focus to the detriment of others?
2	What are your views on the proposed criteria for identifying areas that may be suitable as national parks?	<ul style="list-style-type: none"> ▪ Support criteria particularly the inclusion of recreation and enjoyment. ▪ Existing AONBs would make excellent national parks. ▪ Concern that ‘Special Pressures’ may rule out deserving areas, or that only areas that are already damaged may be considered. ▪ Any national park must conform to IUCN designation; current proposals do not. ▪ Need to include seascapes. ▪ Private land should be excluded from any national park; only publicly-owned land should be considered.

		<ul style="list-style-type: none"> ▪ Northern Ireland is too small for a national park. ▪ Criteria do not take account of the views of local communities.
3	What are your views on the proposed arrangements for consulting on a proposal to designate a specific area as a national park?	<ul style="list-style-type: none"> ▪ Views of local people must be considered but not at the expense of the wider community. ▪ A public inquiry should be a last resort. ▪ There is a need for a public information strategy to allay fears and misconceptions. ▪ There is a need to engage with farmer and landowner representatives. ▪ A national park should not be imposed on local communities. ▪ The Department is still not listening to opponents of national parks. ▪ The Minister’s assertion that “most people accept the principle of national parks” is disputed.
4	What are your views on the proposed management framework arrangements for national parks?	<ul style="list-style-type: none"> ▪ Welcome long-term funding commitment from Government. ▪ Funding for national parks must not be at the expense of AONBs. ▪ The Department must encourage greater participation by local communities. ▪ Any proposal for a national park requires cross-departmental cooperation. ▪ More information is required.
5	What are your views on the proposed duties, functions and powers of a national park management body?	<ul style="list-style-type: none"> ▪ Agree with functions and duties but feel there is a need for greater powers. ▪ There is a need for managed protection of the environment.

		<ul style="list-style-type: none"> ▪ The commitment to no duplication of duties and responsibilities is welcome. ▪ The Sandford Principles must apply. ▪ Any park body must be the access authority. ▪ Favour a statutory duty on government departments to adhere to the park plan. ▪ Any park body will only add another layer of bureaucracy. ▪ All of this will produce more red tape for farmers. ▪ This will create an unaccountable quango.
6	What are your views on the proposed role of a national park management body in planning matters?	<ul style="list-style-type: none"> ▪ Would prefer management body to have planning powers but accept it being a statutory consultee. ▪ Absence of planning powers is a major weakness. ▪ Planning decisions must be sensitive to the local community and environment. ▪ Any body must not add extra bureaucracy and stifle development. ▪ There is a need to clarify the primacy of any national park plan. ▪ Planning powers will restrict farming and the way of life in the countryside. ▪ Statutory consultee status is the thin end of the wedge and will lead to any body taking on more significant powers in the future.
7	What are your views on the governance options?	<ul style="list-style-type: none"> ▪ An independent NDPB would be preferable. ▪ Suggestion of a 'Joint Committee' that would include the local community, Councils and Departments.

		<ul style="list-style-type: none"> ▪ Any solution would require a substantial level of local input. ▪ The District Council option would fit closely with the Planning Bill 2010. ▪ The establishment of an NDPB would be contrary to the Assembly’s push to reduce the number of arms length bodies. ▪ Support for Option 2: One independent body for all of Northern Ireland. ▪ A broader range of options should be considered e.g. a local trust, or a partnership board. ▪ History shows that regardless of options offered, decisions will be imposed anyway. ▪ No preferred option because of opposition to having a national park.
8	What are your views on the proposed constitution of a national park management body?	<ul style="list-style-type: none"> ▪ Some largely content with proposals. ▪ Need to ensure that sectoral interests and expertise are represented. ▪ Proposal for significant local representation is to be welcomed. ▪ Favour public appointments process for selecting members. ▪ Board should be restricted to 20 members. ▪ DOE Minister should be chair, and Deputy Chair should be elected by fellow Board members. ▪ No need for another unaccountable, unelected quango – central and local government “should do the job they’re paid to do”. ▪ Decisions should be taken by local people who live and work in the area.
9	Do you share the Department’s	<ul style="list-style-type: none"> ▪ Agree with the RIA analysis and see the benefits to tourism.

	<p>analysis in the Partial RIA that national parks will have little or no negative impact?</p>	<ul style="list-style-type: none"> ▪ Agree that a national park would be good for Northern Ireland. ▪ Agree as long as there is no loss of funding for AONBs. ▪ National parks are enabling rather than restrictive. ▪ Extra visitor numbers may mean the need to restrict some activities. ▪ The need for social housing must be considered. ▪ Current planning legislation does not give priority to local people. ▪ The Department needs to do more to demonstrate that there is no negative impact. ▪ Concern expressed that there may be another layer of planning control. ▪ A national park is likely to cause friction between local people and visitors. ▪ Wages within national parks are 15% less than those outside. ▪ House prices are, on average, higher within a national park. ▪ The premise that there would be no additional regulation is not accepted.
10	<p>Are there any other comments which you wish to make about the Department's proposals?</p>	<ul style="list-style-type: none"> ▪ Most respondents welcomed the opportunity to comment. ▪ There is a need to launch a communications strategy to reassure the rural community. ▪ The consultation document reads more like a case for a regional development zone, biased in favour of the economy. ▪ The consultation document draws the wrong lessons from UK national parks.

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| | | <ul style="list-style-type: none">▪ Disappointment that access legislation is not to be reviewed.▪ The issue of occupier's liability has not been properly addressed.▪ There needs to be a greater emphasis on marine and coastal issues.▪ The suggested budget is so inadequate that it could make things worse than doing nothing at all.▪ There is a need to develop stronger legislation for AONBs.▪ Population increases and the consequent need to keep land free for food production make it vital to free farmers and food producers from additional regulation.▪ The consultation document gives the impression that private land is now under public ownership.▪ Land purchased at a cost under the Irish Land Act will not be surrendered without a fight. |
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List of respondents to consultation

RESPONDENT	COMMENT
Alliance Party	
B9 Energy Offshore Developments Ltd	
Ballymena Borough Council	
Belfast City Council	
British Association for Shooting and Conservation	
Campaign letters against national parks	164 identical letters from private individuals.
Campaign letters in favour of national parks	4 identical letters from private individuals.
Causeway Coast and Glens Heritage Trust	
Community Places	
Council for Nature Conservation and the Countryside	
Countryside Alliance Ireland	
Countryside Recreation Northern Ireland	
Country Sports Lobbying Initiative	
DARD Environmental Policy Branch	
Destination Mourne Tourism Forum	
DETI Central Liaison Unit	
Down District Council	
Downshire Estate Trustees	
DRD Central Management Branch	
Dungannon and South Tyrone Borough Council	
Europarc Atlantic Isles	
Fermanagh District Council	
Fermanagh and South Tyrone Unionist Association	
Green Party	
Historic Buildings Council	
Historic Monuments Council	
Hostelling International Northern Ireland	
Kilbroney Mountain Trustees	
Larne Borough Council	
Limavady Borough Council	
Lisburn City Council	
Mountaineering Ireland	
Mourne AONB Residents' Action Group	
Mourne Heritage Trust	
Mourne Mountains Middle Trust	
Mourne Mountains West Trustees	
National Beef Association	
Newry and Mourne District Council	

Northern Ireland Biodiversity Group	
Northern Ireland Environment Agency Built Heritage Directorate	
Northern Ireland Environment Link	
Northern Ireland Housing Executive	
Northern Ireland Judicial Appointments Commission	No comment
Northern Ireland Local Government Association	
Northern Ireland Protected Areas Network	
Northern Ireland Water	
Omagh District Council	
Private individuals	10 individual and unique responses not included in campaigns referred to above.
Royal Institution of Chartered Surveyors	
Royal Town Planning Institute	
Sport NI	
Stang Estate Trustees	
Strabane District Council	
Strangford Lough and Lecale Partnership	
The National Association for AONBs	
The National Trust	
The Presbyterian Church in Ireland	
The Ulster Society for the Protection of the Countryside	
Ulster Farmers' Union	
Ulster Federation of Rambling Clubs	
Ulster Wildlife Trust	
Volunteer Now	
World Commission on Protected Areas of IUCN	