



NBRM

2 MARSHAM STREET
LONDON SW1P 3EE
01-212 3434

My ref:

Your ref:

The Rt Hon Peter Walker MBE MP
Welsh Office
Gwydyr House
Whitehall
LONDON
SW1

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Dear Peter

LANDSCAPE CONSERVATION ORDERS

I have been considering how we might proceed in the light of the responses to the consultation paper issued by my Department in December 1986 describing our proposals for empowering National Park Authorities and the Broads Authority to make Landscape Conservation Orders (LCOs). You will recall that the paper followed a recommendation of the Commons Environment Committee in 1985 that National Park Authorities should be equipped with a power of last resort to make orders prohibiting potentially harmful agricultural operations where the farmer concerned was unwilling to offer a management agreement.

Our proposals were subsequently reflected in a Manifesto commitment last year to "introduce new laws giving extra protection to the landscape of our National Parks". I have been considering the responses to the consultation paper with that commitment in mind, but also having regard to the changing agricultural climate with all that implies for the investment plans of individual farmers. Having given the matter careful thought, I have come to the view that the balance of argument is now against the introduction of legislation in this area - certainly at the present time.

My reasons are two-fold. First there is the public reaction to the consultation paper. Although most respondents supported the principle of LCOs, virtually none favoured the model we proposed. Our aim was to provide a last resort power at minimum cost in a way which avoided unnecessary controls. However, it is clear that neither conservation nor farming interests would support a scheme in that form. Conservation bodies have argued for the introduction of more intrusive systems such as full-blown planning controls over agriculture or a wide-ranging Tree Preservation Order-style power applicable to any landscape feature throughout the whole countryside.

Farming organisations are, not surprisingly, against the idea of an LCO power. However, they share the view of many conservationists that if one were to be introduced it should be

accompanied by a statutory system of dual notification such as applies in SSSIs.

I do not believe there is a case for an expensive and interventionist scheme of that kind in the National Parks. For one thing, it would not be cost-neutral as were our original proposals. Additional resources would be required for National Park Authorities and there would be extra burdens on the farming community. Moreover, there will be less incentive for farmers to undertake costly agricultural improvements as we move away from policies encouraging continual increases in food production. In my view our aim should be to encourage farmers to undertake positive action to improve the countryside rather than imposing negative restrictions on their activities.

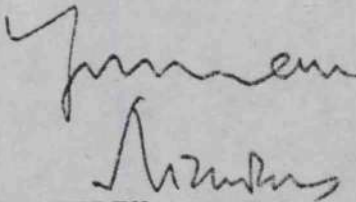
That links into my second argument. We cannot put the countryside into a glass case. A degree of change is inevitable. Our responsibility is to provide a framework in which that change can be managed sensitively, especially in the more vulnerable landscape areas. LCOs would be out of step with that objective which we are seeking to pursue more effectively by other means.

In some cases this might include the regeneration of natural habitat.

In summary, it seems clear to me that legislation giving effect to the LCO scheme proposed in our consultation paper would be supported by neither farmers nor conservationists and could expect a stormy passage through Parliament. Accordingly, I am reluctant to seek a place for an LCO power in my Department's legislative programme for the current Parliament. Events have moved on since the Manifesto commitment, and I believe we can make a good case for holding back on this particular proposal.

I am due to speak at this year's National Parks Conference at the end of September. By then almost two years will have passed since the consultation paper was issued and, subject to the agreement of colleagues, I should like to anticipate the inevitable questions by including an announcement in my speech to the effect that the Government is not persuaded that there is a need for LCOs at the present time though we will keep the matter under review.

I am copying this to the Prime Minister, John MacGregor, Malcolm Rifkind, John Major and other members of H Committee.


NICHOLAS RIDLEY