

## **Explanatory Memorandum to National Park Authorities (Wales) (Amendment) Order 2019.**

This Explanatory Memorandum has been prepared by the Department for Environment and Rural Affairs and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Deputy Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Park Authorities (Wales) (Amendment) Order 2019.

Hannah Blythyn AM  
Deputy Minister for Housing and Local Government  
6 February 2020

## **PART 1**

### **1. Description**

This instrument makes amendments to Parts I and II of Schedule 2 to the National Park Authorities (Wales) Order 1995/2803 (“the 1995 Order”) to reduce the membership of Brecon Beacons National Park Authority (“BBNPA”) from 24 to 18, coming into force on 1 April 2020.

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

None.

### **3. Legislative background**

Powers contained in sections 63(1) and (5) of, and paragraphs 1(2) and (3) and 2(1) and (2) of Schedule 7 (NPAs) to, the Environment Act 1995 (“the Act”) allow for the Welsh Ministers to specify in an Order the number of:

- (i) local authority members, and
- (ii) other members appointed by Welsh Ministers.

The powers conferred on the Secretary of State by sections 63(1) and (5) of, and paragraphs 1(2) and (3), and 2(1) and (2) of Schedule 7 to, the Act were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, the functions conferred on the National Assembly for Wales are now exercisable by the Welsh Ministers. The same powers allow the Welsh Ministers to amend the 1995 Order so as to vary the specified number of local authority and other members.

The subordinate legislation is made under the negative resolution procedure.

Implementing a reduction in the membership requires the drafting and laying of an Order to amend Parts I and II of Schedule 2 to 1995 Order.

Part I of Schedule 2 (Membership of National Park Authorities) to the 1995 Order lists the number of members of each National Park Authority “NPA” and provides that for the BBNPA:

#### **“Brecon Beacons National Park Authority**

Local authority members	16
Secretary of State members	8
Total number of members	24”

Part II of Schedule 2 to the 1995 Order lists the number of local authority members of the councils for every principal area part of which is comprised in the Brecon Beacons National Park:

## “Brecon Beacons National Park Authority

<u>Council of a principal area</u>	<u>Number of members</u>
Blaenau Gwent County Borough Council	1
Carmarthenshire County Council	2
Merthyr Tydfil County Borough Council	1
Monmouthshire County Council	2
Powys Council	8
Rhondda, Cynon, Taff County Borough Council	1
Torfaen County Borough Council	1”

### 4. Purpose and intended effect of the legislation

The Future Landscapes Wales programme in 2016-17 considered the governance of Wales’ designated landscapes and recommended harmonising the size of NPA memberships. Reinforcing this priority, the current Welsh Government policy document *Valued and Resilient: The Welsh Government’s Priorities for Areas of Outstanding Natural Beauty and National Parks* (2018) states the following:

“The scale and complexity of governance structures have obvious resource implications. Efficiency should be pursued, consistent with effective governance. The Welsh Government intends to *reduce the administrative costs of National Park Authorities* by removing them from the audit regime of the Local Government (Wales) Measure 2009, **and reducing the size of the BBNPA membership from 24 to 18.**”

The proposed changes are supported by BBNPA. In September 2016 BBNPA met and voted unanimously to support the reduction of the Authority’s membership from 24 to 18 to bring it in line with the other two NPAs in Wales. BBNPA asserted a smaller membership was consistent with maintaining good governance and that they would start a process of increased focus and efficiency on Park Authority business, including a revision of the committee structure. The Authority has estimated that a reduction in the size of the membership could deliver annual savings of £40,000 through a direct saving of the salary paid to members, as well as a reduction in their induction, training and travel expenses.

The BBNPA proposal suggested a reduction of four unitary authority appointees and two Welsh Government appointees, thereby retaining the two-

thirds unitary authority and one-third Welsh Minister appointee ratio.

	Current annual cost (24)	Savings through reduced membership (18)
Basic Salary	£86,400	£21,600
Induction (actual and staff costs)	£34,472	£8,572
Travel costs (savings based on average mileage for 30 meetings pa)	£16,000	£9,720
<b>Total</b>	<b>£136,872</b>	<b>£39,892</b>

## 5. Consultation

In 2017 the Welsh Government held a public consultation on reducing the Membership of BBNPA from 24 to 18 members. The consultation commenced on 11 April 2017 and closed on 29 June 2017.

It proposed reducing the number of Local Authority members from 16 to 12, as set out in Table 1, and reducing the number appointed by Welsh Ministers from 8 Members to 6 Members. The proposal retained appointments from each of the existing Local Authorities with representation, while also maintaining the link between the number of members and the area within the Park of each principal Council.

Table 1: Proposed reduction of Local Authority Members

<b>Name of Council</b>	<b>Current</b>	<b>Proposed</b>	<b>Change</b>
Blaenau Gwent County Borough Council	1	1	-
Carmarthenshire County Council	2	1	-1
Merthyr Tydfil County Borough Council	1	1	-
Monmouthshire County Council	2	1	-1
Powys Council	8	6	-2
Rhondda Cynon Taff County Borough Council	1	1	-
Torfaen County Borough Council	1	1	-
<b>Total</b>	<b>16</b>	<b>12</b>	<b>-4</b>

A total of five responses were received. These were from: Pembrokeshire Coast National Park Authority; Carmarthenshire, Monmouthshire and Powys County Councils; and, an individual (who submitted a response after the consultation closed). A summary of the responses was subsequently published.

Welsh Government's subsequent 2017 consultation, *Taking forward Wales' Sustainable Management of Natural Resources*, also set out a number of proposals relating to National Parks, including their governance. Responses to this consultation did not contain any substantive reasons for not proceeding with the membership reduction.

## **6. Regulatory Impact Assessment (RIA)**

This instrument is required to amend Wales-only legislation that includes references to Schedule 7 to the Environment Act 1995, by amending Parts I and II of Schedule 2 to the National Park Authorities (Wales) Order 1995; as such this instrument does not confer any new burdens on businesses, charities or voluntary bodies. Furthermore, there is no significant impact on the public sector.

An Impact Assessment has not been prepared for this instrument because this instrument relates to the maintenance of existing legislation.

The legislation has no impact on the statutory duties (sections 77-79 GOWA 06) or statutory partners (sections 72-75 GOWA 06).