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From the Minister for Biodiversity, Landscape and Rural Affairs
Barry Gardiner MP

Thank you for calling to see me earlier this week; it was very useful to meet you and John Packman to discuss the Broads Authority's draft Private Bill and some of the challenges facing you and your Members in the management of the Broads.

You explained that the Authority's priorities in its Private Bill are improving the safety of those using the Broads and modernising the Authority's constitution. I fully support the aims of those provisions. I understand too that you would like to change the name of your area and Authority but that you would not want to put the rest of the Bill in jeopardy for the sake of the change of name.

I welcome the suggestion that you might incorporate the principles of sustainable development in the General Duty of the Authority. This would give the Authority a rather more modern wording than the rest of the national park family and is in tune with the Government's approach. You might also wish to consider making a link with S 17A of the 1988 Act so that the sustainable development reference covers the actions of other bodies too. Similarly I support the broadening of the consultation on the appointment of Members to the Authority to include conservation and land based recreation recognising as it does the breadth of the Authority's purposes. Clarifying the role of the Navigation Committee as an advisory and scrutiny body is a positive step forward and I am also content with your proposals to end the requirement to maintain a separate Navigation Account

You have made clear to Defra Ministers and officials over a number of years that the Authority, local MPs and many local people wish to acquire the title of "National Park" for



the Broads area and "National Park Authority" for the Broads Authority. I understand that desire. The area has an essentially equivalent status to the National Parks and could almost certainly have been designated as such in the 1980s. The equivalence is again emphasised in the Natural Environment and Rural Communities Act which re-aligned the wording of the Authority's first two purposes with the rest of the National Park family. In addition you have an important extra responsibility as the third largest inland navigation authority in the UK so the Broads is in some respects a 'national park plus'

I am aware too that the English National Park Authorities' Association (ENPAA) sympathises with your wish to call the area a National Park and that the Council for National Parks (CNP) supports a clarification of the name.

However, as I understand it, both ENPAA and CNP have stopped short of giving unequivocal support because of the read-across to the Sandford principle. And it is indeed Sandford which remains the significant issue for me as it does for the Natural England confederation who are my statutory advisers .

Since 1995 the Sandford Principle has been incorporated into national park legislation and it is central to that legal status. Allowing one national park to come into being without the Sandford principle would undermine that key element of what a National Park/ National Park Authority is understood to be.

That is not to question in any way the commitment of your Authority to conservation – I know it has a strong record in that area, that your legislation already defends the conservation role and that, in any case, it would be very difficult for you to adopt Sandford verbatim because of your third purpose

But the fact remains that it would be anomalous to bring a "new" National Park into being without the Authority and all public bodies being bound by the Sandford principle. Doing so would open up a debate about consistency and might even lead to pressure to weaken the Sandford principle elsewhere – something which I am not prepared to contemplate. As a result, I am afraid that the Government could not support the idea of a name change if you were to include it within your Bill.

The practical implication of removing the change of name clauses from the Bill would be that you continued to refer to the Broads/ Broads Authority as " a member of the National Park family".

I understand that this will be a disappointment to your Authority but I do not believe it will have any appreciable impact on your ability to deliver your purposes. The Broads Authority has a national and international reputation for its work in wetland restoration and management and I would like to congratulate the Authority on being the first of the National Park family in England and Wales to attain the European Charter for Sustainable Tourism in Protected Areas. The Authority is a full member of the National Park family and I would not let the legal name of the area stand in the way of your excellent work on the ground.

I am very aware that the Broads is in the frontline on climate change and the implementation of the Water Framework Directive and your close working relationship with the Environment Agency and Natural England is important in making progress on those matters. The Authority is managing a rate of change and I do hope to visit you in the not too distant future so that I can see examples of these challenging issues for myself.

Promoting a Private Bill, as you are fully aware is no easy task and I wish you well in taking it through its Parliamentary stages.

This letter is, in effect , the Government's response to your consultation so I regard it as a public document and I am copying it now to Stuart Burgess at the Countryside Agency, Martin Doughty at Natural England, Steven Pugsley at ENPAA and Frank Judd at CNP .

With kindest personal regards

Barry
BARRY GARDINER MP