

Statutory landscape designation: procedural guidance

Guidance note

Reference number: GN 010

Document Owner: Head of Business, Natural Resources Management

What is this document about?

Natural Resources Wales is the body responsible for designating any new statutory landscape designations. This procedural guidance sets out NRW's approach to the designation of new National Parks and Areas of Outstanding Natural Beauty (AONBs) in Wales. It also applies to proposals to vary the boundaries of any existing National Parks or AONBs.

The guidance includes the part of the process set out in legislation that NRW must follow.

Who is this document for?

This guidance is primarily for use by:

- NRW specialist staff
- NRW Board and Committee members,
- Consultants commissioned to help identify whether land is likely to meet the statutory criteria for AONB or National Park designation.

It will also be of relevance to a wide range of stakeholders interested in landscape designation including Welsh Government, local authorities, environmental non-government organisations and others.

Contact for queries and feedback

Keith.Davies@cyfoethnaturiolcymru.gov.uk

Carole.rothwell@cyfoethnaturiolcymru.gov.uk

Version History

Document Version	Date Published	Summary of Changes
1.0	1 March 2022	Document published

Review Date: March 2026

Contents

1. Introduction	4
2. What are designated landscapes?	5
National Park purposes	5
Areas of Outstanding Natural Beauty purpose	5
3. What is natural beauty?	6
4. NRW's role within legislative framework	7
National Parks	9
Areas of Outstanding Natural Beauty	10
Distinguishing a National Park from an AONB	10
Governance arrangements for National Parks and AONBs	12
National Parks	12
AONBs	12
5. When is a designation process considered?	12
6. The designation process	13
Stage 1 – Pre-commencement	13
Stage 2 - Evidence gathering and engagement	14
Pre-screening assessments	14
Consideration of the legal framework	15
Characterisation and spatial framework	16
Stage 2 phase 1 - Scoping an area of search and establishing the evidence base	16
Stage 2 phase 2 - Assessment of land for designation	17
Guidelines on applying the natural beauty criteria	18
Candidate Areas	19
Consideration of opportunities for open-air recreation	22
Desirability to designate	25
Stage 2 phase 3 - Detailed boundary setting	27
Boundary setting considerations	27
Transition areas	27
Types of boundary	27
Administrative boundaries	28
Inclusion of settlements	28
Integrity of settlements	28
Incongruous development	28
Land allocated for development	28
Features of interest	28
Marine boundaries	29

Defining boundary selection	29
For each boundary section.....	30
Stage 3 - Statutory process	30
Statutory and public consultation	31
Preparation of Designation Orders	31
Preparation of Designation Orders for National Parks	32
Preparation of Designation Orders for AONBs.....	32
Publication giving notice of the Order and representations	32
Submission of an Order	33
Public Inquiry.....	33
Role of Welsh Government	34
Non-statutory consultation and engagement.....	35
7. NRW governance of the designation process.....	36
8. Summary and conclusions.....	36
Appendices	37
Appendix 1: Legislative provisions for designating landscapes.....	37
Appendix 2: References	38
Appendix 3: Process map for landscape designation.....	39

1.Introduction

This guidance sets out Natural Resources Wales's (NRW) approach to assessing landscapes for designation as new National Parks or Areas of Outstanding Natural Beauty (AONBs) in Wales. The same process is also followed to vary the boundary of an existing National Park or AONB.

It sets out how NRW:

- Establishes the evidence-base in order to assess landscapes against the statutory designation criteria for National Park or AONB designation.
- Uses this assessment to identify detailed boundaries and inform decision-making.
- Makes Designation Orders.

NRW is the statutory body responsible for the designation of new National Park or AONB designations in Wales. The same process is used to vary the boundary of an existing National Park or AONB. Both NRW and Welsh Government have legal powers to vary boundaries.

A Designation Order to create a new National Park or AONB, or to vary an existing Order for a National Park or AONB only takes effect when confirmed by Welsh Ministers. The Welsh Ministers also have the power to amend or refuse to confirm an Order made by NRW.

If the Welsh Ministers confirm a Designation Order made by NRW, then the area referred to in the Order is legally recognised as either a National Park or AONB and the statutory purpose(s) relating to the designation apply to that area.

This guidance has been developed on the basis of experience of previous landscape designations in Wales including through the extension of the Clwydian Range AONB in 2011, professional expertise drawn from NRW and Natural England, and recent landscape designations in England (Lakes to Dales and South Downs Public Inquiries), which share the same statutory designation criteria and process. Any of the conclusions which need to be drawn during an assessment following this guidance, and any decision-making on landscape designation relies on expert, professional judgements, and the weighing of considerations, depending on the particular circumstances of each case. These decisions should be informed where appropriate by professional advice as well as information submitted by statutory consultees, the public and stakeholders.

Subject to the statutory processes that must be followed, NRW has wide discretion in deciding what land should be designated, subject to review by Welsh Ministers. This discretion is conferred by statute. These matters are not always easily subject to detailed guidance. This document can only go part way towards giving guidance on the assessment of landscapes for designation. It is not intended to be complete or exhaustive and departure from this guidance may occur where the circumstances demand it. Above all, the specific words of the relevant statutory provisions must be applied in decision-making on designations.

2. What are designated landscapes?

National Parks and AONBs are areas legally recognised for their natural beauty and, for National Parks the opportunities they provide for the enjoyment of the special qualities of an area through outdoor recreation.

- These designated landscapes are Category V Protected Areas forming part of an internationally recognised system of protected areas as defined by the IUCN World Conservation Union 'Guidelines for applying protected area management categories.'
- In Wales, National Parks and AONBs have the highest level of landscape conservation and protection.
- Planning Policy Wales recognises that National Parks and AONBs are of equal status in terms of landscape and scenic beauty and must both be afforded the highest status of protection from inappropriate developments (6.3.8 Planning Policy Wales).

The relevant legislation refers to the Natural Resources Body for Wales (NRBW) but for the purposes of this document the convention of Natural Resources for Wales (NRW) is used.

The purposes, duties, and governance of National Parks and AONBs are set out in Table 1.

The purposes of a designation only apply when the area has been legally designated. Although similar and clearly linked, the purposes are not the same as the designation criteria which must be satisfied in order to designate the area as a National Park or AONB.

In summary, natural beauty and (for National Parks only) opportunities for open-air recreation are the designation criteria which must be satisfied for an area to be designated.

National Park purposes

National Park purposes are set out in Section 5(1) National Parks and Access to the Countryside Act (NPAC 1949):

- (a) conserving and enhancing its natural beauty, wildlife and cultural heritage, and;
- (b) promoting the understanding and enjoyment of its special qualities by the public.

Areas of Outstanding Natural Beauty purpose

An AONB has a single purpose as set out in Section 82(2) Countryside and Rights of Way Act (CROW 2000):

- of conserving and enhancing the natural beauty of the area.

Table 1 - National Parks and AONB purposes, duties and governance

Factor	National Park	AONB
Purpose	Conserve and enhance natural beauty, wildlife and cultural heritage. Promote the understand and enjoyment of the area's special qualities by the public.	Conserve and enhance natural beauty.
Duties	Prepare and publish a management plan.	Prepare and publish a management plan.
Governance Arrangements	National Park Authority is established and is the planning authority for the area designated.	AONB Joint Advisory Committee, partnership formally constituted Joint Committee as part of constituent local authorities or Conservation Board.

Once an area has been designated as a National Park or AONB specific legal requirements apply. Public bodies and certain Statutory Undertakers have a statutory duty to have regard to the purposes for which National Parks have been designated (Section 11(A)(2) NPAC 1949).

Similarly for AONBs, public bodies and certain Statutory Undertakers have a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing their functions (Section 85 CROW Act 2000).

These duties apply in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas (see relevant section of Planning Policy Wales).

3.What is natural beauty?

Natural beauty is a widely used term to refer to landscapes of high quality and scenic value and is used across a range of UK legislation. The term itself is undefined in law but for the purposes of National Parks and AONBs it is considered to include the conservation and enhancement of natural beauty, legally includes the conservation of its **'flora, fauna, and geological and physiographical features'** as set out in Section 114(2) NPAC 1949, for National Parks and Section 92(2) CROW Act 2000, for AONBs.

When NRW is considering the natural beauty of an area for potential National Park designation, account may be taken of its wildlife and cultural heritage (Section 5(2A(a)) NPAC 1949). The same requirement is not explicitly set out in law for AONBs however NRW and Natural England, across Wales and England consider is that the same principles

relating to wildlife and cultural heritage, can also be part of the consideration for AONB designation.

It has been confirmed in legislation that land can be considered to be of natural beauty as a result of human intervention. Therefore, the land-use practice of agriculture, woodland or parkland, or where physiographical features are partly as a result of human intervention in the landscape, does not mean it should be excluded from consideration as part of natural beauty (Section 99 Natural Environment and Rural Communities Act 2006 (NERC)).

Natural beauty can be seen as a subjective characteristic of a landscape and ultimately like other statutory designations, it involves some aspect of value judgment. In considering whether an area has natural beauty, NRW must make a judgment as to whether people are likely to perceive a landscape as having sufficient natural beauty as one of the two technical factors (together with recreation for National Parks) underpinning the designation process. The main factors relating to Natural Beauty are:

- Landscape quality
- Scenic quality
- Relative wildness
- Relative tranquillity
- Natural heritage features
- Cultural heritage
- Other factors may be relevant in some circumstances.

To make these judgments in a transparent and consistent way, this guidance sets out how evidence will be collated and evaluated, and the criteria NRW will use. You can find more detail in the section [Guidelines on applying the natural beauty criteria](#)

Consideration of natural beauty includes an evaluation process of a range of landscape datasets such as Landscape Character Assessment and LANDMAP (NRW's landscape database) to indicate areas of high-quality landscape with distinctive character which may contain natural beauty of national significance. NRW's predecessor organisation Countryside Council for Wales (CCW) commissioned a Statement on Natural Beauty (2006), which was used to inform its understanding of natural beauty in Wales and had practical application as part of landscape designation processes in the extension of the Clwydian Range AONB, confirmed by Welsh Ministers in 2011.

4.NRW's role within legislative framework

NRW has a statutory duty to conserve and enhance natural beauty (4 5A(1) Schedule 1 – Functions of the Natural Resources Body for Wales (Functions) Order 2013). To help deliver this legal duty NRW is the designation authority for a new National Park or AONB designations in Wales. The same process is used to vary the boundary of an existing National Park or AONB. NRW (subject to confirmation by Welsh Ministers) and Welsh Government also have legal powers to vary the boundary of an existing National Park or AONB.

The legal framework for landscape designation was established with the National Park and Access to the Countryside Act (NPAC) 1949 and was a result of decades of campaigning

for greater access to the countryside for ordinary people. It formed part of a post-war, integrated package of reform, which saw the introduction of the Town and Country Planning Act 1947, Agriculture Act 1947 and establishment of the National Health Service.

The NPAC Act established the National Parks Commission (NPC), a predecessor organisation of NRW in Wales and of Natural England. The NPC worked across Wales and England to designate the new National Parks, AONBs and National Trails. Its sister organisation the Nature Conservancy (later Nature Conservancy Council) covered the nature conservation remit, including the notification of Sites of Special Scientific Interest (SSSI) and declaration of National Nature Reserves (NNR's). All of these functions inherited by NRW's predecessor organisation, the Countryside Council for Wales, along with many of those functions from Forestry Commission for Wales and Environment Agency Wales were brought together with the establishment of NRW in 2013. Although environmental matters are devolved in Wales, the primary legislation relating to National Parks and AONBs remains shared with England. NRW and Natural England also have a transboundary designation with the Wye Valley AONB which straddles the border between England and Wales.

The NPAC Act has been subsequently amended and updated many times over the intervening years. NRW's powers, functions and duties in relation to natural beauty, National Parks and AONBs are derived from the NPAC 1949 Act and subsequent acts of Countryside Act 1968, Wildlife and Countryside Act 1981, Environmental Protection Act 1990, Environment Act 1995 and Countryside and Rights of Way Act 2000. Together these make legislative provision in relation to National Parks and AONBs and are relevant to the designation process. A list of legislation is set out in [Appendix 1: legislative provisions for designating landscapes](#)

The NPAC and CROW Acts provide NRW with powers and duties in relation to the designation of National Parks and AONBs and the Wildlife and Countryside Act 1981 enables NRW to vary the boundaries of existing ones, subject to confirmation from Welsh Ministers.

Legislation also establishes NRW as the statutory adviser to government on natural beauty, planning matters in relation to the designated landscapes, also their governance and, for National Parks, their funding. NRW is a statutory consultee for AONB and National Park management plans and National Park Local Development Plans. Under Section 62 Environment Act 1995 and Section 85 CROW Act 2000, NRW has a duty to have regard to the purposes of National Parks and AONBs when carrying out its functions.

Following the devolution of environmental and countryside matters to Welsh Government, the Planning (Wales) Act 2013, Well-being of Future Generations (Wales) Act 2015, Environment (Wales) Act 2016, and National Natural Resources Policy together provide an important legislative and policy framework within which NRW operates.

Evidence in relation to the Sustainable Management of Natural Resources as set out in NRW's State of Natural Resources Report (SoNaRR) and Area Statements, will also help inform the designation process. This evidence will be especially important when assessing forces for change, as well as the consideration of alternative mechanisms for the management of identified forces for change.

National Parks

NRW has a legal duty to consider from time to time whether there are areas that could be considered for potential designation as a National Park under Section 6(1) NPAC 1949. NRW can determine the order and the timing of any designation.

NPAC 1949 makes legislative provision for NRW to designate new National Parks in Wales.

Section 5(2) of the NPAC 1949 lists the criteria NRW must cover in considering a National Park designation. The Act defines that a National Park must be an 'extensive tract of country in Wales' which it appears to NRW that, by reason of its:

(a) natural beauty and:

(b) the opportunities it affords for open-air recreation

having regard to both its character and its position in relation to centres of population, it is especially desirable that it is designated for National Park purposes.

Natural beauty and opportunities for open-air recreation are therefore the designation criteria which must be satisfied for an area to be designated.

The purposes of a National Park once designated set out in Section 5(1) NPAC as follows:

- conserving and enhancing its natural beauty, wildlife and cultural heritage, and
- promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

The **purposes** of a designation once designated **are not the same as the designation criteria** which must be satisfied in order to designate the area. This distinction can be overlooked and lead to a misunderstanding of what can be considered when undertaking a designation process.

NRW has the power to designate as a National Park where those areas of extensive tracts of country in Wales, which it appears to NRW that by reason of:

(a) their natural beauty, and

(b) the opportunities they afford for open-air recreation,

having regard both to their character and to their position in relation to centres of population, it is especially desirable that necessitate measures being taken to conserve and enhance their natural beauty.

The legislation directs NRW to consider all of these elements.

Legislation also provides further clarification:

- The conservation and enhancement of natural beauty includes conservation of its flora, fauna and geological and physiographical features (Section 114(2) NPAC 1949). Legally these provisions apply only to the designation purposes once an area is

designated, and not to the assessment of natural beauty as such. However it is generally accepted and it is NRW and Natural England's position, that fauna and flora (i.e., wildlife), geological and physiographical features and cultural heritage contribute to the perception of natural beauty and that any assessment of natural beauty must take these factors into consideration.

- When considering the natural beauty of an area under consideration for National Park designation, account may be taken of its wildlife and cultural heritage (Section 5(2A)(a) NPAC 1949).
- Land can be considered as having natural beauty even though it is used for agriculture, woodlands, or as a park, or if physiographical features are partly the product of human intervention in the landscape (Section 99 Natural Environment and Rural Communities Act 2006 (NERC)).
- When considering opportunities afforded for open-air recreation, account may be taken of the extent to which it is possible to promote opportunities for the understanding and enjoyment of an area's special qualities by the public (Section (2A)(b) NPAC 1949).

Section 5(3) of NPAC 1949 provides that it is only once the Designation Order made by NRW is submitted and has been confirmed by Welsh Ministers can the area be referred to as a National Park

Areas of Outstanding Natural Beauty

Section 82(2) of the Countryside and Rights of Way Act 2000 (CROW) defines an AONB in Wales, as an area that is not in a National Park but which appears to NRW to be of such **outstanding natural beauty** that **it is desirable** that the protective provisions of Part IV of CROW Act should apply to it for the purpose of conserving and enhancing the area's natural beauty. In such circumstances NRW may, by order, designate the area as an AONB.

Some clarification is provided in the legislation:

- Reference to conservation of natural beauty includes conservation of its flora, fauna and geological and physiographical features (Section 92(2) CROW Act). This provision applies to the AONB purpose, and not to the assessment of natural beauty as such.
- Land is not prevented from being treated as being of natural beauty by the fact that it is used for agriculture, or woodlands, or as a park, or that its physiographical features are partly the product of human intervention in the landscape (Section 99 NERC).

Distinguishing a National Park from an AONB

The differences, at the designation stage, between a National Park and an AONB may be summarised as follows:

- AONBs need only meet the natural beauty test, whereas National Parks must also meet the recreation test.
- The test for desirability is different. National Parks require a higher bar of 'especially' desirable, compared with 'desirable' for AONB designation, due to the greater implications around governance and funding arrangements that are part of a National Park designation.

- AONB purposes do not include promoting the understanding and enjoyment of the area's special qualities. However, they do apply to AONB Conservation Boards where they are legally established.

The differences at designation stage are set out in Table 2.

It is recognised that in practice local authorities in many AONBs make a significant contribution to promoting the understanding and enjoyment of their areas; **however, it is not a statutory purpose that can be considered at designation.**

It is NRW's and Natural England's shared view that the practical application of the natural beauty criterion is identical in National Park and AONB designation, despite there being differences in the degree to which the criterion is clarified in the legislation.

Table 2 - Differentiation between AONB and National Park designations

Factor	AONB	National Park
Technical criteria	Natural beauty	Natural beauty Opportunities for recreation
Consideration of desirability to designate	Desirability to designate for the AONB purpose to apply to the area	Especially desirable for the National Park purposes to apply to the area
Designation governance	AONB as part of local authority with a: <ul style="list-style-type: none"> • Joint Advisory Committee • AONB Partnership • Joint Committee • Conservation Board 	National Park Authority as: <ul style="list-style-type: none"> • a special purpose local authority • the planning authority for the National Park area
Statutory purposes	Conserving and enhancing natural beauty	Conserving and enhancing natural beauty, wildlife and cultural heritage Promoting understanding and enjoyment of its special qualities by the public

Governance arrangements for National Parks and AONBs

National Parks

Once a new National Park has been confirmed as being designated, Welsh Government are required to establish by order a new National Park Authority (NPA) to be put in place for the designated area. A National Park Authority is a body corporate, special purpose local authority and the normal governance model is that it is the sole planning authority for the area (4A of the Town and Country Planning Act 1990).

AONBs

An AONB is different to a National Park, in that the purpose and duty of the AONB designation are part of the work of their constituent local authorities. An AONB designation may cover more than one local authority requiring that coordinated governance arrangements are established in order to deliver the purpose and duty of the designation. The following governance options are available:

- Joint Advisory Committee or AONB Partnership – made up of elected representatives of relevant local authorities and representatives from sectors such as community, tourism and business.
- Joint Committee – a legally constituted body (Local Government Act 1972) with delegated powers to act on behalf of the constituent local authorities.
- AONB Conservation Board – designated under certain circumstances to respond to complex local requirements (Section 86 CROW Act 2000 makes this provision available to Welsh Government). An AONB Conservation Board is a statutory consultee on planning matters and has an additional recreation purpose.

5. When is a designation process considered?

Before considering any proposals for a new National Park or AONB or varying the boundaries of existing National Parks or AONBs, NRW will usually consider what other interventions or mechanisms might be suitable for investigation. These might include non-statutory designations or landscape partnership type approaches. Consideration of SoNaRR and Area Statements will be relevant to understand the key priorities for that area. A different intervention might be more appropriate to respond to issues or to deliver particular outcomes.

Consideration of proposals for new National Parks and AONBs is at NRW's discretion or may be subject to direction from Welsh Government.

Landscape designation is a legal, and often lengthy and resource-intensive process. **This process can only be implemented following initial consideration and approval by the NRW Board to commit to undertaking a designation assessment.**

6.The designation process

There are three main parts to the designation process.

Stage 1 – Pre-commencement

Stage 2 - Evidence gathering and engagement

Stage 3 - Statutory process

Stage 1 – Pre-commencement

Considerations of new proposals for landscape designations will only be taken forward to the formal process and considered by the NRW Board where they are supported by evidence of the following. This ensures NRW has an initial understanding of likely public, political and professional interest in a proposal:

- Local authority in principle support, for example letter from appropriate committee following discussion by elected members of potential implications for the managing authority.
- Community support, for example letters of support or petition.
- National elected representative support, ideally cross-party, for example letters from Members of the Senedd or Members of Parliament.
- Welsh Government use of powers to direct NRW in relation to considering proposals for new landscape designations.
- Welsh Government also have powers to direct give directions to NRW in relation to the exercise of its functions. This could include considering proposals for new landscape designations.

If a proposal with these supporting pieces of evidence it would then be added to a list of potential areas to be considered for designation as part of a structured designation programme. This would be without prejudice to NRW undertaking a formal statutory consultation but would provide an indication of whether or not there is some consensus of interest and adequate level of potential support, which **therefore merits formal detailed exploration by NRW. This ensures a clear and consistent process for dealing with new proposals.**

Proposals for landscape designations often relate to ‘unfinished business’, which are areas that were identified by the Hobhouse Report 1947 but remain undesignated in landscape terms. All of the existing National Parks and AONBs in Wales are based on landscapes identified in the Hobhouse Report and map. Of the remaining areas that are undesignated as National Park or AONB, many have been subsequently designated for nature conservation purposes and benefit from their protective provisions.

When the pre-commencement stage has been completed and a decision has been made by NRW Board that NRW will examine a specific proposal, then Stage 2 of the process will commence. **NRW Board retains discretion on whether to proceed with the next stages of the process.**

Stage 2 - Evidence gathering and engagement

Pre-screening assessments

This stage includes undertaking the relevant strategic and impact assessments which usually include:

- Pre-screening Strategic Environmental Assessment (SEA)
- Equalities Impact Assessment (EQIA)
- Impact Assessments.

This provides NRW with opportunities to understand the potential impacts and benefits that a statutory landscape designation might provide. As a general rule evaluation projects for landscape designation are likely to fall outside the remit of such assessments but having a clear screening decision is important to demonstrate such requirements have been considered, if challenged later during the process.

This Stage 2 part of the process precedes that set out in statute. It is undertaken to develop the evidence-base and facilitates the decision-making through a clear governance process. This evidence gathering is an important foundation to establish the special qualities of the landscape and any forces for change impacting on these special qualities. An evaluation at this stage is undertaken to assess the range of mechanisms available to manage the forces for change. The forces for change may be environmental, socio-economic, tourism, agriculture or development related. This assessment would cover a range of management options and interventions, including statutory and non-statutory designations in order to find an appropriate solution for the area.

This preparatory work also includes discussions with key stakeholders to understand relevant issues and opportunities in relation to the area being proposed. In addition, appropriate engagement and communication ensures key stakeholders understand:

- the nature of the proposal
- what this means for the area
- the designation process
- their role in the designation process.

Experience from recent designation processes in England indicates that extensive engagement and consultation ensures that stakeholders are fully aware of the implications of the designation process.

General guidance on assessing land for designation will cover:

- Consideration of the legal framework
- Characterisation and spatial framework
- Evaluation of natural beauty
- Evaluation of recreational opportunities or potential opportunities
- Consideration of desirability.

This stage will enable NRW to examine the proposed area in detail helping to determine whether the proposed area meets the statutory criteria and tests.

[See Appendix 3 for a summary of the designation process](#)

Consideration of the legal framework

Consideration of the legal framework would include:

- Reviewing relevant legislation and recent experience of its application for landscape designations in Wales and England (including any Public Inquiries).
- Drawing on experience from extension to Clwydian Range AONB undertaken by the Countryside Council for Wales.
- Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty.
- Applying the Statement on Natural Beauty (CCW 2006) which broadly defines the key technical natural beauty criterion in Wales.

To apply the legal framework in the broadest sense the questions that need to be answered are:

- Does this landscape have **sufficient natural beauty**?
- Does this landscape offer **sufficient opportunities for open-air recreation** when considering a proposal for a National Park?
- Is it **especially desirable to designate** this landscape as a National Park or desirable to designate this landscape as an AONB?
- Where should the detailed **boundary be drawn**?

When assessing the landscape there are two stages: characterisation and evaluation.

- The characterisation is a relatively-value free description of the landscape and divides it into smaller areas to provide a spatial framework for analysis.
- The evaluation stage involves expert judgements on the value of the landscape within the spatial framework and the management actions that should be taken.

The value that is being assessed equates to the designation criteria. The factors relevant to natural beauty and recreational opportunities need to be stated clearly and then subjected to evaluation. For those areas that pass the natural beauty threshold, a judgment also needs to be made as to whether it is desirable to designate. If considering a National Park designation, the recreational opportunities criteria also need to be satisfied. When NRW is satisfied that it has identified an area that should be taken forward as a whole for designation it will be necessary to define a boundary in detail in accordance with explicit boundary-setting considerations.

Characterisation and spatial framework

NRW will develop and use the evidence, including Landscape Character Assessment, LANDMAP national landscape dataset and other evidence and techniques, in order to answer these questions.

Following on from the pre-screening assessment, consideration of legal framework and characterisation and spatial framework, Stage Two consists of three phases:

- **Phase 1** - an initial area of search study to determine the geographical extent for consideration.
- **Phase 2** - assessment of land for designation, including evaluation of natural beauty, recreational opportunities and desirability of designation.
- **Phase 3** - detailed boundary definition, which is subject to discussion and approval by NRW Board.

Stage 2 phase 1 - Scoping an area of search and establishing the evidence base

An area of search study should include an initial screening assessment to determine whether the area has sufficient nationally important and recognised natural beauty within the geographical context of Wales.

A secondary scoping assessment to consider whether formal designation of an identified area containing outstanding natural beauty is the preferred option.

The area of search study should lay the foundations for Phase 2, the detailed assessment of land for designation, by providing:

- a desk top study supported by field work to determine the initial geographical extent of the proposal.
- subdivision of the broad area under consideration into units of an appropriate scale to provide a spatial framework for evaluation.

The result will form an Area of Search Report. The aim of this report is to present an initial appraisal of the context and background to the potential landscape designation, including consideration of natural beauty, recreational opportunity, desirability, and key factors that may be of relevance in determining the extent and boundaries of any future designation.

The phase will be based on previous experience of action undertaken in Wales (with the extension to the Clwydian Range AONB in 2011), and recent designation activity in England under the same legislation.

An independent evaluation will be commissioned to cover and include:

- Review of a wide range of relevant data and evidence including SoNaRR and Area Statements.
- Review of the designation history, character and identify the special qualities of the area.
- Comparison of the character and special qualities with those of other nationally.

- Designated Welsh landscapes.
- Initial identification of the forces for change affecting the area's special qualities, including evidence on the sustainable management of natural resources as set out in SoNaRR and Area Statements.
- Initial assessment of effectiveness of formal designation in addressing these forces for change compared to other available mechanisms.
- Consideration of the division of the broad area under consideration into its constituent landscape character areas intended to provide a spatial framework for evaluation.
- Preparation of an initial analysis of designation history, natural beauty, recreational opportunities and desirability.
- Collation of issues for each of these components and areas in order to inform judgments as to whether the land concerned should be taken forward for further study.

The NPAC Act provides that the area under consideration must comprise an 'extensive tract of country'. As there is no legal definition of what an 'extensive tract of country' means it is for NRW, in assessing what might be considered, to exercise its judgement based on previous designations across England and Wales. There will be a need to refine the area of search based on the above initial assessments, and to provide evidence on whether the area of search merits consideration for designation.

Stage 2 phase 2 - Assessment of land for designation

This includes evaluation of natural beauty, recreational opportunities and desirability of designation.

For practical evaluation of a broad area of potentially suitable land, the area of search is divided into **evaluation areas**. These provide a relevant scale to provide a spatial framework of units that are meaningful in landscape terms. Evaluation areas are defined using **landscape character assessment** as set out in Landscape Character Assessment Guidance for England and Scotland.

NRW's Landscape Character Areas are based on this guidance and are set out in National Landscape Character Area Profiles, NRW 2014.

Evaluation areas can be combined if appropriate and provide a relatively objective and value-free evidence-base for the next evaluation stage. Characterisation covers landscape character, which includes factors relevant to natural beauty but also, when considering National Park designation only, recreational aspects.

Each evaluation area is then assessed against the technical natural beauty criterion. This is a complex and technical exercise requiring careful assessment and judgment. It is normally undertaken and informed by data and evidence, as well as verified by research in the field.

The factors listed below have been drawn from the CCW Statement on Natural Beauty and further refined through the extension to the Clwydian Range designation process to include the use of sub-factors and indicators. Together these provide a practical framework for the detailed technical work of assembling an evidence base for making judgments about natural beauty. The indicators are statements of the features, characteristics and qualities which tend to indicate whether a particular sub-factor is

present. The factors, sub-factors and indicators listed are the main relevant factors, but the list is not exhaustive and other factors may also apply in exceptional circumstances. Not all factors will be relevant in every case, and some may be absent in many cases.

They are summarised in [Table 4 - Factors and Indicators for Natural beauty](#)

Guidelines on applying the natural beauty criteria

- Natural beauty is not exhaustively defined in legislation. It can be perceived as subjective characteristic of a landscape and ultimately involves some measure of value judgment.
- The practical application of natural beauty criteria is identical for National Parks and AONBs. Therefore, the only technical difference in order to be designated a National Park is that an area must also meet the recreation criterion.
- Land included does not need to be the same or similar character.
- For National Parks, there should be a concurrence of land which meets the natural beauty criterion and land which meets the recreation criterion.
- Field by field evaluation is not appropriate.
- Decisions on whether to include land which does not meet the criterion depends on a number of factors (size, location, margins).
- An area fragmented to such an extent it doesn't meet criterion usually means it is unlikely that the Evaluation Area overall will qualify.
- Areas of landscape that are partly a result of human intervention can still have natural beauty (Section 99 Natural Environment and Rural Communities (NERC) Act 2006).
- A designation can 'wash over' a tract of land even though that area itself doesn't meet the criteria, even close to the boundary, but only where it sits within a wider sweep of qualifying land - South Downs Inspectors Report 2008 [Report to the First Secretary of State and the Secretary of State for Transport \(southdowns.gov.uk\)](#)
- The effects of settlements and other major developments are assessed on their individual merits by considering their particular character and qualities and their relationship to the adjoining landscape. In some cases, a settlement may be considered an incongruous feature, whereas other settlements have cultural heritage qualities relating to natural beauty. This is true regardless of size.
- The effects of incongruous features are assessed for the extent to which they detract from the natural beauty of an area. It is relevant to take into account whether a feature is temporary or transient. It is a matter of judgment whether an incongruous feature has such an adverse effect that the affected land fails to meet the natural beauty criterion or whether it can be included. The cumulative impact of such features and the degree to which qualifying parts of the potential designation are fragmented may be relevant to the assessment.

An evaluation area that meets the natural beauty criterion either on its own or as part of a wider tract of qualifying land can then be considered as a Candidate Area. Evaluation areas that do not meet the criterion, or only partially meet the criterion, are not taken forward as Candidate Areas.

Candidate Areas

Each evaluation area is evaluated against the technical criteria. An area that appears to meet the technical criteria (either alone or as part of wider areas) is included as a Candidate Area for designation:

Table 3: Technical criteria and Candidate Areas

Natural beauty criterion	Open-air recreation criterion	Candidate Area
Yes	Yes	National Park or AONB
Yes	No	AONB only
No	Yes	Not a Candidate Area
No	No	Not a Candidate Area

Table 4 - Factors and Indicators for Natural beauty

Factors	Sub-factors	Indicators
Scenic quality	Aesthetic appeal	Interest in terms of factors such as scale, form, patterns, enclosure, colour, texture, variety, ephemeral or seasonal interest
	Striking landform or visual interest	Striking landform types or features; memorable or unusual views; eye-catching features or landmarks
	Spiritual or emotional impact on people	Public and professional consensus that landscape is beautiful
Sense of place	Unity and distinctiveness of landscape character	Clear, distinct and recognisable landscape character
	'Bro' i.e., sense of identity or bond between people and place	Strong links perceived between communities and their landscape

Factors	Sub-factors	Indicators
Landscape quality	Intactness of the landscape	Characteristic natural and man-made elements are well represented throughout
	Condition of the landscape (insofar as this helps to deliver distinctiveness)	Landscape elements are in good condition
Integrity	Unspoilt rural character	Relatively few overt industrial or urban influences
	General lack of large-scale, visually intrusive or otherwise inharmonious development	Incongruous elements are limited, are not visually intrusive, have only localised influence, or are temporary in nature
Perceptual qualities	Relative wildness	Low degree of human influence e.g., due to extensive semi-natural vegetation; few built features; openness and exposure to the elements
	Relative tranquillity	Presence and/or perceptions of natural landscape, birdsong, peace and quiet, natural-looking woodland, stars at night, streams and/or sea, natural sounds and similar influences
	Sense of remoteness and freedom	Relatively few roads or other transport routes; distant from or perceived as distant from human habitation
	Timelessness	Sense of the passing of time and a return to nature due to apparent absence of human intervention
Associations	Important associations of the landscape with people, places or events	Evidence that the landscape has associations with notable people, places or events, past or present
	Descriptions or expressions of the landscape through literature, painting, music or	Descriptions of the landscape in notable literature, topographical

Factors	Sub-factors	Indicators
Artistic and cultural importance	other art forms; or through language, folklore or modern media	writings, or guidebooks, or significant literature inspired by the landscape
		Depiction of the landscape in art, photography, film or music, or through language or folklore
Rarity or representiveness	Rarity of the landscape as a whole or elements and features within it	Presence of a rare type of landscape or rare landscape elements or features
	Representativeness of the landscape as a whole, or elements and features within it	Presence of representative examples of a landscape type, or type of landscape element or feature
Conservation interest	Presence within the landscape of features of particular earth science, wildlife, archaeological, historical or cultural interest that add value to the landscape	Presence of geology, wildlife and/or habitats, visible archaeological remains, parkland and/or designed landscapes, settlements, buildings or other structures that contribute to scenic quality and sense of place
		Presence of striking or memorable geomorphological features
		Presence of particular species that contribute to sense of relative wildness or tranquillity
		Presence of historic landscape types, elements or features that reveal time-depth or historic influence on the landscape

Consideration of opportunities for open-air recreation

There is no legal definition of what opportunities for open-air recreation means in this context except that it:

- must be open-air and not organised games
- must have regard for the land
- provide a markedly superior recreational experience.
- and that NRW can give regard to the position of the proposed designation in relation to centres of population.

Opportunities for open-air recreation are not limited to the present provision: consideration can be given to the potential of an area to offer recreational opportunities in the future. Whilst consideration is given to the quantity of open-air recreation offer, the quality of that experience should be greater than that normally found in the wider countryside.

Recreational opportunities to be taken into account should be consistent with the conservation and enhancement of the area's natural beauty, wildlife and cultural heritage, including noting effects on the tranquillity natural beauty factor. Quiet outdoor recreation is therefore likely to be the most weighty consideration under this criterion.

This criterion is normally evaluated by considering a number of **factors that contribute to the presence of sufficient opportunities for open-air recreation** - see Table 5 - Factors and indicators for open-air recreation.

The evidence base to make judgments about opportunities for open-air recreation includes consideration of the type, quality, and quantity of opportunities available in the proposed area.

The extent to which it is possible to promote opportunities for the understanding and enjoyment of the area's special qualities, may be taken into consideration. Assessment is also required of future potential opportunities that may become available, where these have a realistic prospect of coming to fruition.

As with natural beauty, it is not necessary for all factors or indicators to be present across a designation, as different parts can satisfy the recreational criterion for different reasons. Overall, there should be a weight of evidence that an area of countryside has or is capable of providing sufficient **opportunities for open-air recreation** to the extent that it provides a markedly superior recreational experience. Comparisons should not be made to other designated areas or adjacent areas but should instead be considered against ordinary countryside.

Particular attention should be paid to public access to the land, but it is unreasonable as a matter of principle to expect all land to be accessible. Where there is no access, land may still be visually appreciated and enjoyed by those engaged in open-air recreation elsewhere in the National Park. It has been established that a designation may 'wash over' an area of land even when there is no public access to it for recreational purposes.

Table 5 - Factors and indicators for open-air recreation

Factor	Sub-factor	Indicator	Examples of evidence
Access to high quality landscapes	Opportunities to enjoy high landscape quality and scenic quality	Good access (physically and / or visually) to areas that offer an experience of high landscape quality and / or scenic quality (see Natural Beauty criterion)	OS spatial evidence Definitive map of rights of way Open access mapping LANDMAP
	Opportunities to enjoy relative tranquillity and relative wildness	Good access (physically and/or visually) to areas that offer an experience of relative tranquillity and / or wildness (see Natural Beauty criterion).	Register of Historic Landscapes Published long distance recreational routes Field observation Landscape character assessment
Natural or cultural heritage features or cultural associations	Opportunities to enjoy a range of natural or cultural heritage features or cultural associations	Presence of natural features which enrich the experience of the landscape or contribute to understanding of special qualities or sense of place.	Natural and cultural heritage interest Field observation
	Opportunities to enjoy landmarks and other features	Presence of recognised or valued landmarks or other features of interest which enrich the experience of the landscape or contribute to understanding of special qualities or sense of place.	

Factor	Sub-factor	Indicator	Examples of evidence
Good recreation provision	High quantity of appropriate recreation provision	Presence of extensive network of rights of way or extent of open access land over much of the area	Published recreational routes and activities associated with landscape
	Diversity of good quality provision for quiet enjoyment	Opportunities to enjoy a range of different provision for quiet recreational activity	Organisations engaged in recreational provision in the area OS mapping Definitive map of rights of way Permissive Access Mapping Open access mapping Published long distance recreational routes Field observation Local guidebooks and leaflets Local knowledge.
Accessibility	Accessibility to centres of population and accessibility to all	Transport links to centres of population	OS mapping Sustainable transport routes and modes
		Availability of sustainable transport options providing links to centres of population	Disability access information Local guidebooks and leaflets
		Provision of recreation opportunities suitable for a wide range of	

Factor	Sub-factor	Indicator	Examples of evidence
		people and levels of ability	
Potential for enhancement	Potential for appropriate enhancement of enjoyment and understanding	Possible plans to improve provision for access to or quiet enjoyment of the landscape, so as to provide opportunities for the understanding and enjoyment of the area's special qualities, by new provision or improved management of existing provision	Local recreation initiatives

Guidance for Assessing Landscapes for designation as National Park or Area of Outstanding Natural Beauty, Natural England 2021

Desirability to designate

The key questions for NRW to consider are:

- Is there an '**extensive tract**' that satisfies the National Park technical criteria, or an 'area' which satisfies the AONB technical criterion?
- Is the area of such **national significance** that National Park or AONB **purposes** should apply to it?
- What are the issues affecting the area's **special qualities**, understanding and enjoyment, and how would designation affect them?
- Can National Park or AONB purposes be best pursued through the management **mechanisms, powers and duties** which come with National Park or AONB designation?
- Are there **other relevant factors** which suggest whether or not it is desirable to designate the area?

An area of land that satisfies the natural beauty criterion is capable of being included in an AONB and, if it also satisfies the criterion for open air recreation, then it may be considered for National Park designation. However, designation does not follow automatically. There is a legal requirement for NRW to exercise its judgment as to whether the desirability test is met. For AONB designation, that is whether it is desirable that an area which meets the natural beauty criterion should become an AONB in order to achieve the purposes of that designation. For National Park an area should satisfy the natural beauty criterion and the criterion for open air recreation together with consideration if it is 'especially desirable' to create a National Park (with a National Park Authority,

management plan and certain duties on public bodies) to achieve the purposes of that designation.

It can only be desirable for an area to be designated because of its natural beauty and where relevant opportunities for open-air recreation can be demonstrated. An area cannot be designated unless it has first been shown to meet the statutory criterion, no matter how much it would benefit from national landscape designation.

In order to help NRW assess whether it is desirable to designate, a number of questions can usefully be considered:

- Is the area of such **national significance** that the AONB purpose of conserving and enhancing the area's natural beauty should apply to it?
- For National Parks what are the opportunities to promote **understanding and enjoyment of the special qualities** of the area?
- What are the forces for change affecting the area's special qualities?
- Can the designation purpose(s) be best pursued through the management **mechanisms and duties** which come with designation, or are there alternative mechanisms?
- Are there other relevant factors (for example, locational factors) which suggest whether or not it is desirable to designate the area?

When considering **significance**, it is useful to take account of the following considerations:

- **Special qualities** i.e., those aspects of the area's natural beauty which are valuable, particularly at a national scale.
- **Rarity or representativeness** i.e., presence of rare or representative examples of a landscape type, element or feature.
- **Consensus** i.e., evidence of past and present recognition of the importance of the landscape, including consideration that ensures adverse change has not occurred in the landscape since consensus was reached.

In summary, NRW should use these considerations to help judge whether an area is of such national significance that AONB or National Park purposes should apply to it.

Following assessment on the issues affecting the areas' special qualities and options to address them, consideration should be given to whether these purposes can be delivered effectively using current arrangements or as part of a nationally designated landscape.

NRW must also consider whether it is appropriate for the mechanisms, powers and duties are to be made available to the proposed area through designation. These include:

- Management arrangements
- Public funding
- Regulation and development management
- Integrated management for the future
- Duties and incentives for statutory bodies and others.
- Other factors (see 8.19 NE Guidance Inspector's considerations Yorkshire Dales Extension)

Designation may have impacts beyond the statutory purposes, but legally these are not relevant to the consideration of the desirability of designation in the statute.

Common issues raised during the process of consideration for designation often include democratic representation, planning issues, potential impacts on housing markets, local economies or agriculture, land management and the name of a new designation. These issues are covered by other policy and legislative provision and cannot be included as part of this overall consideration of the area.

It is for NRW to look at the relevant matters as a whole, to satisfy itself whether it is **especially desirable** to designate the area as a National Park, or whether it is **desirable** to designate it as an AONB. The decision is not taken on the basis of individual Candidate Areas but rather on the whole area of a potential designation.

Stage 2 phase 3 - Detailed boundary setting

The Candidate Areas and Desirability to Designate Assessments provide evidence to inform where a draft boundary might be considered for a new National Park or AONB, or for the extension to an existing landscape designation.

Candidate Areas that don't fully or only partially meet the designation criteria, may be excluded at this stage. This is often more likely for areas that are on the edge of the proposed designation. As set out previously, land that does not fully meet the criteria may be included as 'wash over areas' as there is no legal requirement for each individual parcel of land to qualify provided it sits within a wider tract of qualifying land.

Decisions on boundary setting adhere to a range of principles and conventions that NRW and Natural England adhere to. This ensures that decisions are made in a clear and consistent basis. Each section of proposed boundary is defined using the spatial evidence and application of the boundary setting considerations.

Boundary setting considerations

Transition areas

The boundary is not usually a sharp distinction between areas of differing quality. Often there will be a transition of natural beauty and opportunities for open-air recreation across a sweep of land: in those cases, the boundary chosen should be an easily identifiable feature within this transition. The boundary is usually drawn towards the high-quality end of the transition to include areas of high-quality land and excludes areas of lesser quality land. Visual associations may also be used to help define the extent of land for inclusion in these circumstances.

Types of boundary

Wherever possible, an easily distinguishable permanent physical boundary feature should be chosen. Boundaries should be clear and unambiguous. Where a boundary follows a

road, the road verges and embankments may be included in the designation where they blend into the wider landscape.

Administrative boundaries

Where local government boundaries follow suitable lines, it may be administratively convenient to adopt them. In many cases, however, they will be unsuitable. Land ownership is not itself a reason for including or excluding land from designation. There will often be instances where part of a landholding sits within the designated area and part sits outside.

Inclusion of settlements

A settlement should only be included if it lies within a wider tract of qualifying land, having regard to the influence of the settlement on the land in question. Each settlement should be assessed on its individual merits, with particular consideration on the character, qualities and relationship to adjoining countryside. The extent to which countryside penetrates the built-up area may also be relevant.

Integrity of settlements

Towns or villages should not normally be cut in two by a National Park or AONB boundary. The ability of a settlement to act as a gateway to a designated area is not dependent on its inclusion with a designation. A settlement does not equate to a community council area and the division of community council areas is acceptable in drawing a boundary.

Incongruous development

Unightly development on the edge of a National Park or AONB should generally be excluded unless it is of a temporary or transient nature.

Land allocated for development

Land on the margins of a National Park or AONB identified in development plans or having the benefit of planning permission for major built developments (including the extraction of minerals and other deposits) should normally be excluded from a National Park or AONB, unless the land will be developed or restored to a land use and quality which contributes to Park or AONB purposes. Land cannot be included merely to seek to protect it from legitimate development proposals.

Features of interest

Areas and features of wildlife, geological, geomorphological, historic, cultural or architectural value which are situated on the margins of a National Park or AONB should be included where practicable providing that they are situated within a tract that meets the statutory criteria.

Marine boundaries

In coastal areas where a marine boundary is to be drawn, the boundary should follow the mean low water mark or the County boundary in the case of estuaries.

Defining boundary selection

The proposed boundary is mapped and each section is accompanied by a detailed explanation and justification setting out why the area is included. This detailed description is essential to ensure that the correct areas and features are included in any future designation, also that the correct features are identifiable on the ground that the boundary follows.

For some areas it may be appropriate to consider a number of different options of where a boundary could be considered. It is usual practice to refine these draft boundaries informed by technical expertise, detailed assessment of evidence and fieldwork to develop a single proposed boundary for the area.

Proposed boundaries are often an area of public interest and may be subject to refinement following public and statutory consultation. As part of Welsh Ministers' consideration of any Designation Order made by NRW, they will take into account the proposed boundaries; any representations or objections received; and whether the provisions of the legislation should apply to the proposed area. Before confirming or making a designation order with or without modifications, Welsh Ministers have powers to consult NRW (Para 2(50) Schedule 1 of NPACA 1949 and S83 CROW 2000).

When defining the boundary, it is essential that for each section the following are recorded:

- Issues influencing the boundary line
- Identifiable features that have been used which the boundary follows
- Relevance or use of administrative boundaries
- Inclusion or exclusion of settlements close to the edge
- Current development management considerations relevant to the boundary
- Inclusion or exclusion of features of interest on the edge
- Where a boundary is part of an existing designation boundary review, issues associated with the existing designation boundary may also be recorded and corrected.

The mapping of a boundary must also follow cartographic drafting conventions based on case law, including Ordnance Survey Guidance on Boundary Making. These include the following:

- Main roads and railways which form a boundary should generally be excluded. Boundaries should generally be mapped to the edge of the metalled highway. However, where there are embankments or cuttings the boundary should be drawn along the outer edge or fence line, and embankments/cuttings excluded.
- Where a boundary follows a minor track, quiet lane or right of way, these features should be included.
- Where a boundary follows a feature which moves with time, including small watercourses, or Mean High or Low Watermark, the boundary is fixed to the feature

and will move with it if it changes due to natural processes. Any subsequent man-made changes to the course of a watercourse would not however result in movement of the boundary.

- Viaducts, flyovers, piers and overhead gantries are not classified as ground features and do not form suitable boundary features
- Where there is no fixed feature on the ground, a boundary may be drawn in a straight line between two identifiable features.

For each boundary section

Maps: location of boundary section.

Boundary description: evidence from Candidate Areas.

Issues influencing the boundary line: from evidence, fieldwork and expert input.

Boundary setting considerations: following conventions and considerations of boundary setting.

Stage 3 - Statutory process

The formal designation process is largely prescribed in statute with requirements NRW is legally required to follow. This includes the publication of certain statutory notices relating to the Designation Order, making the Designation Order and Map available for public inspection, public consultation process and consultation with statutory consultees. The application of the formal designation process is further guided by precedent and relevant case law.

The preparatory stage (Stage 1) and evidence and engagement (Stage 2) of the designation process need to be carried out to enable NRW to undertake and adhere to the requirements of the statutory part of the process (Stage 3 – Statutory Process).

NRW may use our statutory powers to designate as part of the exercise of our functions to further nature conservation and the conservation and enhancement of natural beauty (Art 5A(1) Natural Resources Body for Wales Establishment Order 2012). Use of our designation powers will also further our purpose to ensure the environment and natural resources of Wales are sustainably maintained, enhanced and used (The Natural Resources Body for Wales (Establishment) Order 2012 Article 4(1)). NRW considers that a landscape designated as a result of this process will also be a sustainable management of natural resources in that it will

“maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing—

(a) meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and

(b) contribute to the achievement of the well-being goals in section 4 of the [Well-being of Future Generations \(Wales\) Act 2015](#).”

As with all of NRW's designation powers, natural beauty designation pre-dates the existing Welsh legislative and policy framework. However, there are opportunities within the process to consider and reflect the legislative framework in Wales through the application of Sustainable Management of Natural Resources (SMNR) principles and four aims, being embedded as part of the process. Although it should be noted that for the statutory part of the process, NRW must adhere to parameters set out in relevant legislation and can only take into account those considerations that NRW is permitted.

Statutory and public consultation

Before any formal Designation Order is made, the relevant legislation specifically requires that for National Parks, all county councils, National Park Authorities and community councils, that have land within the area to be designated, or in the existing National Park or to be varied, must be consulted prior to a Designation Order being made. For AONBs, only 'Principal Council' local authorities must be consulted. NRW is legally required only to undertake a statutory consultation. As a matter of good practice NRW will also seek engagement with key stakeholders and the public.

Statutory and public consultation responses may present new evidence to justify the inclusion or exclusion of land, identify further considerations as to the desirability of designation, or identify specific boundary issues which need review. Following any statutory or public consultation, responses must be catalogued and detailed qualitative and quantitative analysis is carried out. A Consultation Analysis Report is to be prepared and published, giving NRW's responses to all the issues raised, and recording its decisions in relation to objections and requests to amend the proposals.

If persuaded by the evidence supplied in consultation responses, NRW may take a decision to update its evidence, and on this basis review the assessments to produce a revised proposal. The consultation analysis document thus forms a key part of the evidence base, as it records judgements and decisions which are likely to be tested if there is a public inquiry. NRW will need to rely on the detail in its responses to the issues raised, so high quality, detailed reporting is required.

The relevant stages in the process of evaluating land for designation set out above may therefore need to be repeated, as part of an iterative process. For example if, as a result of new evidence supplied, additional areas of land are brought into the proposed designation, a further round of statutory consultation would be required.

Preparation of Designation Orders

Following review and possible refinement, Designation Orders are then drafted by Legal Services and the associated maps and boundary description produced for the land proposed for designation and the associated boundary. These together with the final versions of the associated technical assessments are then considered for formal approval. This decision is undertaken by NRW's Board.

Preparation of Designation Orders for National Parks

The legislation requires formal statutory Notices to be published in specified publications at different stages in the process for National Parks and AONBs. For National Parks, initial Notice publication happens after the Order has been 'made' (signed and the official seal of Natural Resources Wales affixed) (NPAC Act 1949, Section 7 and Schedule 1; and the National Parks and Access to the Countryside Regulations 1950), but before submission of the 'made' Order to Welsh Ministers for confirmation. The format of the required Notices for National Parks is specified in National Parks and Access to the Countryside Regulations 1950. The format for a National Park Order is outlined in NPAC Section 7(2) and the actual wording used follows past precedent.

Preparation of Designation Orders for AONBs

For AONBs, a draft Order is prepared using wording following past precedent. Notices of NRW's intention to designate an area are published prior to the formal making of the Order (CRoW Act 2000 Section 83).

Publication giving notice of the Order and representations

The Notices must be published in the formats directed by the relevant legislation and specifically for National Parks, as set out in The National Parks and Access to the Countryside Regulations 1950. The relevant legislation also requires Notices to be published in specific types of newspapers and the London Gazette.

The Notices must give details of the effect of the Orders and name the places in the locality where copies of the relevant documents may be inspected, the time and manner in which representations may be made about the designation, and to whom. In effect this is a public consultation, required by statute.

For National Parks, representations made during the Notice Period are sent direct to Welsh Government. However, Welsh Government may request NRW to manage this process and analyse representations, and if necessary, to try to resolve objections. If NRW is satisfied with the proposal (albeit outstanding objections may remain), formal approval must be sought from NRW's Board for the 'making' (signing and sealing) of the Order, prior to submitting the final proposal and supporting information to Welsh Ministers for confirmation, together with copies of the representations.

For AONBs, representations made during the notice period are sent to NRW which also has a specific duty to consider any representations and make any necessary amendments to the proposal, which may entail further iterations of the statutory consultation and notice period if additional areas are included at this stage. Formal approval must be sought from NRW's Board for the 'making' (signing and sealing) of the AONB Order prior to its submission to the Welsh Ministers.

Submission of an Order

When a 'made' National Park or AONB designation, or designation variation Order (including its associated maps and boundary description), is submitted to Welsh Ministers for confirmation, the order must be accompanied by copies of all representations received and relevant supporting documentation to justify the submission of the Order. For National Parks, any order must also be submitted to the Welsh Ministers for confirmation, together with:

- a certificate that the required consultations have been undertaken
- supporting documentation detailing why NRW considers designation warranted.

The supporting documentation provided includes the relevant NRW Board papers and minutes recording the formal decision-making process, the technical assessments, desirability consideration, boundary justification and consultation analysis report, plus any other relevant information. This information provides the detail which Welsh Government uses to check that NRW has followed due process and has reached appropriate judgements throughout the designation process. It also assists Welsh Ministers in deciding whether to call a public inquiry prior to determining whether to confirm; amend; or refuse to confirm the Order.

Public Inquiry

In the case of National Parks, if there are objections from a statutory local authority which are not withdrawn prior to submission of an Order for confirmation, Welsh Ministers must hold a public inquiry. In this context 'local authority' does not include a Community Council (2(2A) Schedule 1 of NPACA 1949). Welsh Ministers may also choose to hold a public inquiry to provide alternative ways to allow people to make further representations. There is no equivalent statutory requirement for an inquiry for AONBs, but Welsh Ministers may still hold a Public Inquiry under planning legislative powers, if so minded.

In setting out the issues to be addressed at a Public Inquiry Welsh Ministers may invite the inquiry to consider the establishment and operation of a National Park Authority if Ministers are satisfied that there should be a new National Park and that it should be managed by a National Park Authority.

Governance and functions issues to be considered include:

- Membership of the National Park Authority
- National Park Management Plan
- Forward planning
- Development control
- Land and foreshore management
- Visitor management

Where a designation is challenged, NRW will defend its proposals and present its case, relying on its detailed records of evaluation, desirability and boundary justification, and professional judgements, together with subsequent consultation analysis reports and Notice representation analysis, as set out earlier in this guidance. For a Public Inquiry this

process will require the preparation of additional evidence by NRW including statements of case, position statements and proofs of evidence as well as attendance at inquiry or equivalent. Following an Inquiry, the Welsh Ministers may consult NRW further, or request NRW's assistance with further amendments to a proposed designation, for example identifying a new boundary, if the Welsh Ministers are minded to alter NRW proposals.

Role of Welsh Government

Welsh Ministers may or may not confirm a Designation Order, with or without modifications. They will consider any representations received and, if a Public Inquiry, has been held will also consider the report of the Inspector. If minded the Welsh Ministers makes a Confirmation Order, which contains details of any modifications to the original Order and specifies when any new designation comes into effect. The process for confirming a National Park Order and the text for the required Confirmation Order and further required Notices is laid out in NPAC 1949, Schedule 1 and National Parks and Access to the Countryside Regulations 1950. There is no equivalent Statutory Instrument for AONBs, but the same process is followed as for National Parks in previous AONB designations.

Confirmation of the designation is made by Welsh Ministers once they have considered the Order, supporting documentation and any representations or following receipt of an Inspector's report in the event of a public inquiry. Where any modifications made by Welsh Ministers to add land to the National Park or AONB are not addressed by the original Designation Order, a further notice must be published that the additions have been made and opportunity provided to hear representations on or objections to them.

Once a National Park Order has been confirmed, a further and final notice must be published describing the effect of the Confirmation Order. This must state that it has been made, where copies may be inspected, and on what grounds it may be challenged in the High Court. These provisions do not apply to AONBs.

NRW's final duty in the legislation for designating both National Parks and AONBs, once Orders are made and confirmed, is to ensure that copies of Orders and associated maps and descriptive matter are made available for inspection at a specified range of locations (NPAC Act 149 Section 7(6) for National Parks and CRoW Act 2000 (Section 83(9)) for AONBs.

Welsh Government must also make an Establishment Order in the case of a new National Park where a new National Park Authority is to be created and, in the case of an AONB, a new Conservation Board. It may also be necessary to vary existing establishment Orders in the case of National Park or AONB Conservation Board boundary variations if land in a new local authority is added to the existing area. Detailed provisions are contained in section 63 and Schedule 7, Environment Act 1995 and in section 86(7) CRoW.

For new AONB designations that are not overseen by a Conservation Board, governance arrangements are at the discretion of the constituent local authorities. These local authorities normally establish a non-statutory AONB Partnership or Joint Advisory Committee (JAC) made up of elected and local representatives. More rarely a statutory Joint Committee is established under provisions set out in Sections 101(5), 102(1) and 111

of the Local Government Act 1972 and Section 20 of the Local Government Act 2000 for the discharge of functions for the protection for interests in the countryside under Section 37 of the Countryside Act 1968, and AONB functions Sections 85, 89 and 90 of the CROW Act 2000.

Whilst the relevant legislation requires consultation with statutory local authority consultees, together with the publication of Notices and opportunities for the submission of representations by the general public during set parts of the designation process, NRW is committed to providing other opportunities for wider public engagement and involvement in the process.

Non-statutory consultation and engagement

As part of recent designation projects across the border, Natural England has undertaken an Equality Impact Assessment (EqIA). These are currently no longer strictly required but have been produced to ensure that subsequent non-statutory engagement processes are more accessible. NRW is not legally obliged to undertake an EqIA but may do so as matter of good practice.

Additional non-statutory engagement and consultation with stakeholders is usually undertaken throughout the process which would be in accordance with the Well-being of Future Generations (Wales) Act 2015 principles and ways of working. This may include engagement early in the process in terms of identifying an initial area of search or study area or providing evidence during initial desk studies and the full assessment and evaluation process. Previous designation work in Wales involved the creation of a Technical Advisory Group (TAG) made up of officers from the statutory authorities, to advise and provide evidence throughout the technical assessment and evaluation process, as well as a Stakeholder Management Group to engage stakeholders in the development and delivery of designation projects.

As this additional engagement is not dictated by statute, there is flexibility in how NRW engages with communities and stakeholders, but as a general principle Welsh Government guidance and good practice will be followed. Recent designations have also involved workshops and informal consultations, as well as extending the formal statutory consultation to involve all non-statutory stakeholders and the public.

During the consultation process, NRW will provide an accessible, bilingual, non-technical summary document, to ensure accessibility of information. Additionally, to ensure full transparency it makes all the detailed formal assessment reports publicly available. A consultation questionnaire and response form are also provided both on-line and in hard copy, together with web links to the detailed assessment reports, and information about where paper copies are available, to ensure full public access.

Consultation is now conducted largely as a web-based exercise, but responses (including from statutory authorities) are welcomed in digital and hard copy format. Paper copies of consultation materials are provided on request, to ensure accessibility but may be subject to a charge if a substantial amount of information is requested.

In addition, it is usual for NRW to hold on-site engagement events to raise awareness and understanding. It will publicise consultation opportunities and provide information, including

workshops, briefing and other events as well as drop-in sessions so that interested people can meet NRW representatives and discuss any general and technical queries about the proposals.

7. NRW governance of the designation process

NRW has updated its formal governance procedures to reflect its statutory role in managing a designation process. Any designation process programmes of work will usually be overseen and scrutinised under delegated authority from NRW's Board to the Protected Areas Committee (PrAC). This formalises PrAC's role as the statutory designation committee acting on behalf of the NRW Board for most scrutiny and decision-making.

NRW's Statutory and Legal Scheme of Delegation identifies where a decision needs to be made by NRW's Board within the process set out in this guidance:

- Decision to agree consideration of a proposal area for formal designation.
- Decision to agree to undertake a statutory consultation
- Decision to agree to make and submit a Designation Order

Welsh Government and local authorities and other stakeholders will also have their own scrutiny and decision-making governance processes in order to consider specific designation proposals taken forward by NRW.

8. Summary and conclusions

This document explains how NRW normally expects to:

- assess landscapes against the statutory designation criteria for National Park or Area of Outstanding Natural Beauty (AONB) designation;
- identify detailed boundaries for any areas that are considered to meet these criteria; and
- implement any Designation or Variation Orders necessary to give effect to this.

This guidance updates and supersedes previous approaches developed by the former Countryside Council for Wales. It takes account the legislative framework relating to landscape designations, as well as the outcome of previous designation work, including public inquiries and binding precedent from court cases.

The document will be kept under review and amended, informed by future experience of designation work.

Appendices

Appendix 1: Legislative provisions for designating landscapes

All UK legislation can be found at: [Legislation.gov.uk](https://www.legislation.gov.uk)

National Parks and Access to the Countryside Act 1949

- Section 5 National Parks
- Section 6 General duties of Natural Resources Body for Wales in relation to National Parks
- Section 7 Designation and variation of National Parks
- Section 11A Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated
- Section 114 Interpretation
- Schedule 1 Provisions as to making, confirmation, coming into operation and validity of certain instruments.

The National Parks and Access to the Countryside Regulations 1950 No.1066 Part IV

- Procedure on Making of Orders
- Second Schedule, Forms of Notices
- Form No. 4. Notice of Confirmation of National Park Order
- Explanatory Note

Wildlife and Countryside Act 1981

- Section 45 - Power to vary orders designating National Park

Environment Act 1995

- Section 63 Establishment of National Park Authorities

Countryside and Rights of Way Act 2000 - Part IV Areas of Outstanding Natural Beauty

- Section 82 Designation of areas
- Section 83 Procedure for designation orders
- Section 86 Establishment of conservation boards
- Section 87 General purposes and powers
- Section 88 Orders establishing conservation boards
- Section 92 Interpretation of Part IV and supplementary provision

Natural Environment and Rural Communities Act 2006

- Section 99 Natural Beauty in the Countryside

Natural Resources Body for Wales (Establishment Order) 2012

Natural Resources Body for Wales (Functions Order) 2013

Well-being of Future Generations (Wales) Act 2015

Environment (Wales) Act 2016

Planning Policy Wales

Future Wales – The National Plan 2040 (February 2021)

Appendix 2: References

- Natural England, updated June 2021. Guidance for Assessing Landscapes for designation as National Park or Area of Outstanding Natural Beauty.
- Natural Resources Wales. 2014. National Landscape Character Area Profiles. Available on-line <https://naturalresourceswales.gov.uk/nlca>
- LANDMAP [Lle - Catalogue \(gov.wales\)](http://lle.gov.wales)
- CCW Report: Refinement of the Draft Boundary of the Proposed Extension to the Clwydian Range AONB, Julie Martin Associates, May 2010.
- CCW Statement on Natural Beauty, 2006.
- NRW's Statutory and Legal Scheme of Delegation (SALs)
- The Countryside Agency and Scottish Natural Heritage, 2002. This guidance is available on-line <https://www.nature.scot/landscape-character-assessment-guidance-england-and-scotland>
- National Landscape Character Area Profiles, NRW 2014. <https://naturalresourceswales.gov.uk/nlca>
- IUCN [Guidelines for applying protected area management categories including IUCN WCPA best practice guidance on recognising protected areas and assigning management categories and governance types | IUCN Library System](#)

Appendix 3: Process map for landscape designation

