

Appendix 2: Commentary on the Sandford Principle

1. What is the Sandford Principle and why is it important?

The Sandford Principle was first conceived in the 1970s but not enshrined in law until 1995 and exists to provide legislative priority for the first purpose in cases of irreconcilable conflict with the second purpose. The two purposes are equal in law, except where there appears to be a conflict between them, in which case greater weight shall be given to the first purpose.

The Environment Act 1995 is definitive and unambiguous that the first purpose “shall” be given greater weight in circumstances of irreconcilable conflict. This means it is a requirement rather than optional. In practice, there are very few instances (although see section 8 of this paper) where recreational or educational activity would be in conflict with conservation of natural beauty or cultural heritage, not least because National Park Authorities adopt an integrated approach to the management of the Parks’ special qualities.

In practice the principle is rarely invoked because every effort is made to resolve potential conflicts through negotiation or management and because most conflicts are within the second purpose itself (between different recreational uses) or between conservation and economic development, in which case, unlike the position in Scotland, Sandford does not apply.

Nevertheless, the Sandford Principle has been and remains an important power of last resort, which, although rarely used, has become an accepted and long-established principle of National Park management.

2. History of the Sandford Principle

The management of National Parks is challenging. It needs the right balance between conservation and recreation. National Park Authorities (NPAs) need to conserve wildlife and habitats, but also encourage people to enjoy and learn from the countryside. This can cause conflicts. To help NPAs make decisions between conservation and recreation, the National Parks Policy Review Committee made a recommendation in 1974, which is now known as the 'Sandford Principle', named after Lord Sandford who was chair of the committee.

Fit for the Future (the report of the 1991 National Parks Review Panel, chaired by Professor Ron Edwards) strongly endorsed the recommendation of the Sandford Committee that the statutory purposes of the Parks should make it clear that their enjoyment by the public “shall be in a manner and by such means as will leave their natural beauty unimpaired for the enjoyment of this and future generations”. The Sandford Committee concluded that most conflicts could be resolved by good management, but stated that **“where it is not possible to prevent excessive or unsuitable use by such means, so that conflict between the two purposes becomes acute, the first one must prevail in order that the beauty and ecological qualities of the national parks may be maintained”**.

Following the enactment of the principle in the 1995 Environment Act, the government issued guidance to NPAs in England and Wales (Circular 12/96). This stated that the authorities should make every effort to reconcile any conflicts that may arise between the two National Park purposes and will be expected to encourage mediation, negotiation and co-operation. But the government recognised that “there may be instances where reconciliation proves impossible”. It said in those cases, the conservation purpose should take precedence; for example, **in cases where excessive, visitor pressure, or a particular type of activity, is likely to destroy or degrade, some management of access may be necessary, otherwise there may be nothing left to conserve or enjoy.**

3. Welsh Government Policy Statement on National Parks

The [2007 Policy Statement for the National Parks and National Park Authorities in Wales](#) made reference to the Sandford Principle and concluded it “**still holds good today**”. The Statement went on to state that “The Welsh Assembly Government is keen to see the NPAs integrate the principles of sustainable development into all their work. If this is done successfully, we believe that this should help avoid irreconcilable conflicts”.

In 2013 Welsh Government consulted on a draft Policy Statement for Protected Landscapes in Wales (Taking the Long View, 2013). The purpose of the Policy Statement was to set out Welsh Government’s strategic policy framework for Areas of Outstanding Natural Beauty (AONBs) and National Parks in Wales. Paragraph 2 of the consultation document stated that the Sandford Principle “**remains a relevant principle**” which “recognises the environment as an entity that needs management and protection, and also assists with taking long term decisions”.

4. The international standing of National Parks

Wales’s National Parks are internationally recognised and are part of a global movement. IUCN protected area management categories classify protected areas according to their management objectives. The categories are recognised by international bodies such as the United Nations and by many governments as the global standard for defining and recording protected areas and as such are increasingly being incorporated into national legislation.

The UK’s designated landscapes are classified as [Category V Protected Landscapes](#), which are protected areas where the interaction of people and nature over time has produced an area of distinct character with significant, ecological, biological, cultural and scenic value, and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

In 2012-13, the UK’s designated landscapes came under the spotlight with questions raised over the priority accorded to nature conservation within them, as this is a requirement of the IUCN definition of a protected area. The 2013 statements of compliance for [National Parks](#) and [AONBs](#) explored this issue in depth, in particular the relationship between the aims of such areas and the concept of and priority given to nature conservation.

A number of factors contributed to the IUCN’s decision to continue to recognise National Parks and AONBs as Category V protected areas. Significant amongst these was the Sandford Principle, and its legal basis.

In the case of AONBs, however, the decision to reaffirm its Category V status was marginal and arrived at only after lengthy debate. The absence of the Sandford Principle in AONBs was a major factor in this. The IUCN national committee for the UK recommended that the primacy given to the protection of nature should be strengthened in these areas.

The UK Assessment Panel of the IUCN World Commission on Protected Areas has expressed concern at the absence within the Future Landscapes Wales report of any mention of the Sandford Principle, and in particular the Marsden report’s recommendation to reaffirm, strengthen and extend the principle. It also highlights the lack of mention of the European Landscapes Convention and the IUCN system of protected area management categories and the scant reference to the conservation of biodiversity.

Significantly, the Panel concludes that, if acted upon, the recommendations in the Future Landscapes report would “**make it impossible for the panel to continue to accord international recognition to Wales’s NPs and AONBs as protected areas**”.

5. National Landscapes: realising their potential (The Review of Designated Landscapes in Wales, July 2015)

This independent review, led by Professor Terry Marsden, reported following extensive evidence gathering and consultation. It recommended three interlocking purposes for National Parks and AONBs, and that **the Sandford Principle should be applied across all designated landscapes, confirming the primacy of the conservation purpose.**

It also concluded that **any changes in purposes and accompanying duties should ensure and embody the precedence placed under ‘the Sandford Principle’, giving priority to the first purpose if there were clear conflicts. This priority, alongside the interlocking purposes, was called the ‘Sandford Plus’ approach.**

The review concluded that the primacy of the conservation purpose “will continue to be vital and a distinctive element for the current and future development of the National Landscapes of Wales”.

It also stated that “this would be the first time in which the Sandford Principle applies to AONBs and by doing so their internationally recognised status as IUCN Category V protected landscapes [would be] enhanced and strengthened”.

6. Future Landscapes: Delivering for Wales (May, 2017)

Despite the long history of and strong support for the Sandford Principle, it is completely absent from the Future Landscapes Wales report, and does not feature in either the main text or the Cabinet Secretary’s foreword. The report argues for a more integrated, transparent and collaborative approach but makes no reference to how this should be pursued in practice, or what to do when aims or purposes are not capable of being integrated. This is a major omission and implies a lack of understanding of the management approaches that designated landscapes employ and of the origin and significance of the Sandford Principle. Protected landscape managers do not go to work each day thinking “how can I use the Sandford Principle”? But its existence informs authorities’ management approaches and policies and it is an important power of last resort. Its absence is baffling.

7. Record of proceedings, 6 June 2017

During the debate on designated landscapes, Cabinet Secretary for Environment and Rural Affairs Lesley Griffiths AM proposed a ‘Sandford plus plus’. This appears to be based on combining the principles of natural resource management set out in the Environment (Wales) Act with the proposals in Future Landscapes Wales such as strengthening the status of special qualities in decision making through an integrated approach.

However, the [principles](#) the Minister is referring to are principles for management and not purposes of designation and nor could they be comfortably aligned as such. It is difficult to understand exactly what Welsh Government envisages, as the proposals in Future Landscapes Wales are so vague, but the risks of moving away from a coherent framework with a policy back-stop to something so undefined are potentially very serious. It is also difficult to understand why there is felt to be no place for the Sandford Principle in a set of principles of natural resource management.

Welsh Government proposal fails to appreciate the role of the Sandford Principle as a principle of last resort that only applies in cases of irreconcilable conflict when an integrated approach to management has failed. NPAs have for many years managed the land within their areas in an integrated way. This integrated stewardship enables a landscape-led and joined-up approach to the stewardship of the countryside in which each action taken or

encouraged by the NPA delivers multiple benefits. To suggest that National Parks need to move forward to 'something more integrated' implies a lack of knowledge of how they have operated since they have been managed by independent authorities.

8. The rise and impact of outdoor recreation

The countryside is increasingly seen as a refuge from modern, urban, pressures, with a recent, dramatic growth of participation in outdoor recreation activities, especially as people link this with healthier lifestyles and life expectancy. As more people seek access to the countryside, pressure on the environment inevitably increases. This is not unique to protected areas. One of the most rapidly expanding markets is in adventure tourism, where activities often involve close interaction with the natural environment in remote, sensitive locations. There is an increasingly interdependent relationship between tourism and recreation and the environment and, because of this, management is increasingly important. Central to successful governance and management is the prevention and resolution of conflicts that may arise as a result of diverse interests, goals and aspirations. Stakeholder groups often hold differing perceptions of the designated area, and have different ideas about how it should be used, reinforcing the need for a mechanism to deal with irreconcilable conflicts.

9. Conclusion

The Sandford Principle is a long-established government policy, which forms an integral part of the international recognition of National Parks as protected areas. It has been reviewed and endorsed by subsequent independent reviews of designated landscapes for the past forty years.

The most recent review was by the Marsden report which considered the Sandford Principle in the context set by both the sustainable management of natural resources and sustainable development, and concluded that it should be reaffirmed, strengthened and extended. Welsh Government has not explained why it does not agree with this recommendation.

The lack of mention of the Sandford Principle in the Future Landscapes Wales report and the Cabinet Secretary's foreword is troubling. In its stead, a so-called 'Sandford plus plus' approach has emerged. But there is no clarity how this would work in practice.

Similarly, no consideration appears to have been given to the conclusion of the UK Assessment Panel of the IUCN World Commission on Protected Areas that, if acted upon, the recommendations in the Future Landscapes Wales report would **"make it impossible for the panel to continue to accord international recognition to Wales's NPs and AONBs as protected areas"**. This would be a major detrimental impact on designated landscapes' international standing and reputation.

As recently as 2013, Welsh Government supported the Sandford Principle and has provided no convincing evidence as to why it is no longer considered to be relevant. In 2016, the Environment (Wales) Act put in place the legislation needed to plan and manage Wales's natural resources in a more proactive, sustainable and joined-up way. At the heart of this approach lies a series of principles on natural resource management. But Welsh Government has not articulated why there is no place amongst these for the Sandford Principle, nor how it proposes to deal with the inevitable conflicts that can and will arise in the future management of designated landscapes.

In conclusion, the approach taken by Welsh Government to the Sandford Principle is deeply troubling, as it implies a lack of understanding of the role that the principle plays in both the management of National Parks and in securing their status as internationally protected areas, with the associated benefits that this brings.