



**Estate Strategy & Policy Directorate  
Policy Instruction**

**Land & Property Policy**

**16 August 2005**

**Number 21/2005**

What this is about	Declaration of Intent between the MOD and the Association of National Park Authorities
Who should read this-	
For action:	All DE Offices
For information:	All other addressees
When it takes effect	Immediately
Contact Point	Jonathan Wheelwright DE ES&P Policy 1a1 0121 311 2221

**The aim of this Policy Instruction (PI) is to advise all staff of the signing of a Declaration of Intent between the MOD and the Association of National Park Authorities (ANPA)**

1. The attached Declaration of Intent (DOI) is between the MOD and the ANPA, whom are a both a Statutory body and the representative body for each of the individual National Park Authorities (NPAs). It relates to any areas subject to MOD training or other rights that are also located in National Parks in Great Britain.

2. Each of the National Parks in the UK has its own NPA whose aim is to protect the interests of their own particular National Park. The aim of the ANPA is therefore, to protect the interests of all the National Parks and provide a focus for collaborative working and corporate activity and the sharing of best practice across the Parks. The ANPA deals with organisations that have impacts on the National Parks on a national scale- the MOD are one such organisation.

3. The DOI sets out the responsibilities of both the MOD and the ANPA in relation to the areas outlined above. The DOI confirms that existing uses of land in National Parks will continue into the future, and that both the MOD and ANPA will accept this and manage sites in such a way that would reflect the special qualities of the National Parks.

4. The DOI is intended to encourage consultation and co-operation on decisions that affect National Parks and to achieve the best practicable integration of military requirements and conservation of the natural beauty, wildlife and cultural heritage of the National Parks. In addition it sets out a framework for maintaining and enhancing working relationships between the MOD and the NPAs. It will make the process of dealing with the NPAs by MOD quicker and more efficient as it sets out firm guidelines on the roles and responsibilities of both sides.

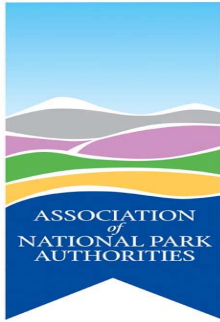
5. The DOI recognises the MOD's use and continued requirement for training within the Parks. The amount of land utilised for training nationally comprises of some 158,000 hectares. Of this land 30% (47,400 hectares) is within the boundary of a NP. With the addition of the Loch Lomond, Caringorm and the New Forest NPs the proportion of NP land utilised by MOD is 2.6%.

6. The ANPA is generally supportive of the MOD's utilisation of the National Parks, and there is no reason why this should not continue to be the case. Indeed the DOI again will make a good working relationship between both sides easier to maintain as the roles and responsibilities of both sides are clearly set out, including guidance on when the Department should be consulting with the ANPA or vice versa.

7. The duty of the MOD towards the National Parks is set out in S62 (2) of the Environment Act 1995 and Circular 12/96 entitled Government Policy on Military Activity in National Parks.

8. The DOI can also be accessed via the following link:

[http://deintranet.de.r.mil.uk:147/publications/de/estates/doi\\_mod\\_and\\_anpa.pdf](http://deintranet.de.r.mil.uk:147/publications/de/estates/doi_mod_and_anpa.pdf)



## **DECLARATION OF INTENT BETWEEN THE MINISTRY OF DEFENCE AND THE ASSOCIATION OF NATIONAL PARK AUTHORITIES**

### **1. Objectives**

- 1.1 This Declaration of Intent is between The Ministry of Defence (The MoD) and the Association of National Park Authorities (the association) as the representative body for the National Park Authorities (NPAs). The Declaration aims to set a framework for maintaining and enhancing working relationships between the MoD and the NPAs and its landlords ' and relates to any areas subject to MOD training or other rights in areas located in National Parks in Great Britain
  
- 1.2 It is signed at a time of rapid change in the National Parks. The Rural White Paper, the new access provisions established by the Countryside and Rights of Way Act 2000 and the MoD's practical commitment to managing its sites on a sustainable basis, provides a renewed opportunity to sustain and enhance the beneficial working relationship between the NPAs and the MoD.

1.3 Both parties recognise that the National Parks are designated for the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the Park areas and for promoting opportunities for their understanding and enjoyment by the public. They also recognise that the primary purpose for which the MoD owns or uses areas of land is for military purposes and in the interests of national defence. It is recognised that there can be conflict between military training and the National Parks declared purposes. This Declaration is intended to encourage consultation and co-operation on decisions that affect National Parks and to achieve the best practicable integration of military requirements and the conservation of the natural beauty, wildlife and cultural heritage of National Parks and their understanding and enjoyment by the public. Both parties will work together to ameliorate and mitigate any negative effects of military training in the National Parks.

1.4 The duty of the MoD toward National Park purposes is set out in S62 (2) of the Environment Act 1995 and the Government Policy on Military Activity in National Parks in Circular 12/96 (see Appendix 1).

## **2. Background**

2.1 It is the policy of the MoD to manage its estate in a sustainable manner and the Defence Estate Strategy describes how this is to be achieved. Environmental and sustainability matters are to be considered as part of the decision-making process and the MoD is committed to undertake environmental appraisal of its operations

- 2.2 The MOD is achieving these purposes by preparing appropriate Integrated Land Management Plans (ILMPs)/Integrated Rural Management Plans (LRMPs) and introducing the Environmental Management System (EMS) for all its sites. These plans are based on sustainable development principles and the Appraisal Handbook for Sustainability prepared by Defence Estates provides guidance for all MoD staff, which is useful for both preparing and implementing site management plans'.
- 2.3 There is a long tradition of defence use in some National Parks and both the Association and the MoD accept that existing uses will continue into the future, and the management of sites will be responsive to the special qualities of the National Parks and reflect sustainable development principles as detailed in this Accord. The aim will be to stabilise the impact of defence use and to ensure the core site review process properly reflects the special qualities of the Park when decisions on site retention and disposal are considered
- 2.4 Proposals for new, renewed or intensified use of land in the National Parks are subject to environmental appraisal under both the MoDs responsibility to section 62 of the 1995 Environment Act and the subsequent circular 12/96. In fulfilling the obligations the MoD will formally consult with the National Park Authorities, Countryside Agency, Countryside Council for Wales (CCW) and will closely involve the NPAs

in the ongoing Core Site review process and test any proposals against the provisions set out in policy guidance.

2.5 Where significant new developments or activities take place in national parks, the highest reasonable environmental standards should be applied subject to operational and cost considerations.

2.6 In accordance with the MoD Estate Strategy, it is committed to best practice in using and managing its estate in a sustainable way in order to maintain and, wherever possible, enhance local landscape quality, character and biodiversity.

### **3. Ministry of Defence**

The Ministry of Defence declares that it will:

3.1 Manage or use all the land defined in Para 1.1 to maintain and where possible enhance the natural beauty, wildlife and cultural heritage for which the National Parks are designated, It will not carry out or permit to be carried out any activity likely to significantly damage the special interest of the land, this clause should not unreasonably inhibit military activity required under Paragraph 1.3 above.

3.2 Keep under review its land holdings in National Parks as part of the Core Sites Process, under the Strategy for the Defence Estate. It will notify NPAs of any property as defined in Para 1.1 declared surplus. Notice of

such property will be given to NPAs by Defence Estates or RFCA Secretaries.

- 3.3 Undertake to give full consideration to agriculture, forestry, natural beauty, wildlife and cultural heritage and, where appropriate, public access in its management plans for areas it owns or leases. Where there is irreconcilable conflict between access, landscape, cultural heritage and wildlife it will give priority to conservation as required by S62(2) of the Environment Act 1995 (the Sandford Principle).
- 3.4 Consult the appropriate NPA on any proposal which will result in new, renewed or intensified use of those areas in that NPA and will, as far as possible, take account of natural beauty, wildlife and cultural heritage and, where appropriate, public access in accordance with the Countryside and Rights of Way Act 2000, and seek opportunities to conserve and enhance these further.
- 3.5 In order to respect natural beauty, wildlife, cultural heritage and public access interests, in cases where training takes place over land outside its ownership or management control, it will conform to the local management plan requirements as directed and briefed by the land owner and the NPA.
- 3.6 Manage existing ILMPs, prepare IRMPs, and introduce the EMS programme for all areas as directed and as defined in Para 1.1 and

implement, monitor and review these. This will be agreed as appropriate and in conjunction with NPAs and others, and will promote the formation and support the work of the MoD Conservation Groups and other environmental groups set up by Units/Establishments to foster the natural and cultural heritage and its understanding and enjoyment.

3.7 Carry out all military low flying in accordance with military low flying regulations. Fixed wing aircraft flights will normally be no lower than 250 feet although a small amount of operational low flying training will take place down to 100 feet in specially designated tactical training areas. Helicopters may fly down to ground level. Low flying will be spread as widely and as evenly as possible. Some training over areas of the National Parks will be unavoidable, but MoD will do its best to keep disturbances to a minimum, particularly at weekends and public holidays, subject to flight safety and operational training requirements.

3.8 Seek to increase access opportunities in National Parks, in consultation with the NPAs, under the terms of the Countryside Rights of Way Act 2000. It will more generally seek to maximise public access to sites taking into account security, public safety, military constraints and the interests of its tenants. It will review these aims annually with the Association.

#### **4. Association of National Park Authorities**

In relation to areas owned and used by the MoD falling within Para 1.1 the Association declares that it will:

- 4.1 Promote and support practical action to further the objectives of this joint Declaration. It will encourage NPAs to enter into management agreements with the MoD, its tenants or licensees to secure the sympathetic management, maintenance or enhancement of the natural beauty, wildlife and cultural heritage and appropriate facilities for public access.
- 4.2 Facilitate a dialogue between the NPAs and provide advice to the MoD, its tenants and licensees to meet set objectives for the management of areas of natural and cultural heritage or public recreation on areas referred to in Para 1.1 above.
- 4.3 Provide the MoD with advice on the natural and cultural heritage and facilitating public access on existing MoD sites or on any areas of land which the MoD may propose to purchase or otherwise take possession of, or may wish to use for military training or other MoD purposes.
- 4.4 Encourage NPAs to make a positive contribution to the work of the MoD Conservation Groups and other environmental fora and to provide assistance – scientific, technical, financial or otherwise – towards work or activities which assist in the management, enhancement or enjoyment of natural and cultural heritage and public access.

4.5 Provide any data which may assist with sympathetic management and promotion of the Estate.

**5. Both Bodies declare that:**

5.1 The Association and the MoD will meet on an annual basis to review progress and agree any action for the subsequent year.

5.2 They will make and maintain close working relationships, and will endeavour to develop and promote an understanding of their respective interests and requirements through dialogue, information exchange and training.

5.3 They will undertake to co-operate in promoting Military Aid to the Civil Community tasks which further natural and cultural heritage interests or the development of facilities for their understanding and enjoyment.

5.4 They will encourage NPAs to co-operate in the preparation, implementation, monitoring and review of Integrated Land Management Plans or Conservation Management Plans or the introduction of EMS for all relevant sites in Para 1.1 above. They will also encourage and facilitate local arrangements between the MoD and NPAs including meetings, consultation, and information exchange.

- 5.5 Both bodies will provide data which may assist with sympathetic management of the Estate
- 5.6 They will alert one another and the individual NPAs in advance of issuing any public statement about military matters of significance in one or all National Parks. The Association will encourage NPAs similarly to inform or consult, as appropriate, before issuing any public statement relating to military matters in that National Park. All parties will seek to increase public awareness of the achievements under this joint Declaration.
- 5.7 No action arising from this Declaration of Intent will override the statutory duties or responsibilities of either body.
- 5.8 This Declaration will be promoted and monitored by a “Joint Liaison Committee” (a list of members is attached at Annex A) at official level which will meet a minimum of once annually or more frequently if required. Its remit will be to
- Consider the strategic implications of military developments as they affect National Parks:
  - Seek to agree action within the spirit of this joint declaration of intent:
  - Review progress.

This Declaration of Intent supersedes the Declaration of Commitment to the National Parks dated 20<sup>th</sup> September 1987 and will be reviewed at five year

intervals. The objectives, agreed action and implications will be communicated to all appropriate staff within the MoD and the NPAs and will be reflected in the joint effort of the staff of both parties in furthering the integration of defence and natural and cultural heritage and public access interests in areas covered by Paras 1.1 above.

Signed, on behalf of the MoD

A handwritten signature in black ink that reads "Don Touhig". The signature is written in a cursive style with a large initial 'D'.

Don Touhig MP

Under Secretary of State

Signed, on behalf of the ANPA

A handwritten signature in black ink that reads "Tony Hams". The signature is written in a cursive style with a large initial 'T'.

Tony Hams OBE

Chair ANPA

References –

561(1) Environment Act

S62(2) Environment Act

Circular 12/96, paras 56,57

MOD Appraisal Handbook for Sustainability

Secretary of State for Defence's Policy Statement on Safety and Environmental Protection in MOD.

Code for Services' Adventure Training in National Parks

**ANNEX A to the MoD and the ANPA Declaration of Intent**

**MEMBERS OF THE JOINT LIAISON COMMITTEE**

Chief Executive – Association of National Parks Authorities

Chief Executive – Brecon Beacons National Park Authority

Chief Executive – Dartmoor National Park Authority

Chief Executive – Lake District National Park Authority

Chief Executive – Northumberland National Park Authority

Chief Executive – Peak District National Park Authority

Chief Executive – Pembrokeshire Coast National Park Authority

Chief Executive – Yorkshire Dales National Park Authority

Chief Executive- North Yorkshire Moors National Park Authority

Chief Executive- New Forest National Park Authority

Chief Executive- Norfolk Broads National Park Authority

Chief Executive- Snowdonia National Park Authority

Chief Executive- Scottish National Park Authorities

Director of Estate Strategy & Policy and MoD nominated representatives

**Estate Strategy & Policy Directorate**  
**Policy Instructions**  
**2004/5 Index**

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<b>15-20/2005</b>	Not Yet Issued
<b>14/2005</b>	UPDATE TO PI 05/2005: Non High Frequency Lighting Fittings Only, Manufactured by Cooper Lighting and Security Ltd in Crompton Brand and in Distributors' own brands
<b>13/2005</b>	Not Yet Issued
<b>12/2005</b>	Clawback Review – Revised Standard Clause and Guidance
<b>11/2005</b>	MOD Approved Training Providers for Authorising Engineer and Authorised Person Courses
<b>10/2005</b>	Project Aquatrine - Arrangements for recording and MOD - wide visibility of its leases
<b>09/2005</b>	Update on Requirement for Treasury Approval to Property Decisions in London/South East
<b>08/2005</b>	High Voltage 11kV Electricity Distribution Equipment: Switchgear & Cowans RA71, RAO50 and RAO71 RMU'S
<b>07/2005</b>	Property Management of the Defence Estate - DE (W) Specification 005 Issue 003 (Revised Schedules A to F)
<b>06/2005</b>	Update to Design and Maintenance Guide 12 - Site Closure Guide
<b>05/2005</b>	UPDATE TO PI 60/2004: Non High Frequency Lighting Fittings Only, Manufactured by Cooper Lighting and Security Ltd in Crompton Brand and in Distributors' own brands.
<b>04/2005</b>	Strategic Environmental Assessments under the Environmental Assessment of Plans and Programmes Regulations 2004
<b>03/2005</b>	Commons Registration Act 1965 - Regina v City of Sunderland
<b>02/2005</b>	Access Rights over Commons- Bakewell Management Ltd v Brandwood
<b>01/2005</b>	Robertshaw Controls Company Voluntary Recall of 7000 Series Gas Valve
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<b>65/2004</b>	Aviation Fuel Quality – Separator Elements fitted in Filter Water Separators
<b>64/2004</b>	Stannah Hydraulic Passenger Lifts with 2:1 Roping
<b>63/2004</b>	Hydraulic System Piping Safety (Hydraulic Systems as part of Aircraft Infrastructure Works)
<b>62/2004</b>	The Revised Crichel Down Rules
<b>61/2004</b>	Explosives Storage and Processing facilities – Compliance with Mandated MOD Policy & UK Legislation
<b>60/2004</b>	Emergency Lighting: Non High Frequency Fittings Only, Manufactured by Cooper Lighting and Security Ltd in Crompton Brand and in Distributors' own brands. See also PI 05/2005
<b>59/2004</b>	MQE Sale – Guidance Note 25A: The Utilities Agreement – Supplementary Guidance
<b>58/2004</b>	Planning & Compulsory Purchase Act 2004 Planning Policy Statement 11 – Regional Spatial Strategies Planning Policy Statement 12 – Local Development Frameworks
<b>57/2004</b>	Property Related Legal Services – Other Side Pays Costs (OSPC)

If you require a copy of any of the Policy Instructions listed above please download from [www.defence-estates.mod.uk](http://www.defence-estates.mod.uk) or contact the Defence Estates Library:

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