Campaign for National Park
Keeping beautiful places safe

Campaign to Protect Rural England
Standing up for your countryside

National Trust

National Parks | Planning for the Future

National Parks include some of our most beautiful and inspiring landscapes. Covering nearly 10% of England, they make a huge contribution to the economy – tourism in English National Parks contributes £4bn a year – as well as playing a vital role in protecting and enhancing natural and cultural heritage. These areas have the highest level of planning protection, yet this does not always prevent damaging major development from taking place in, or close to, National Parks.

The Campaign for National Parks, the National Trust and the Campaign to Protect Rural England believe that the protection for National Parks should be strengthened. This briefing summarises the key findings from recent research we commissioned from Sheffield Hallam University examining the planning process for major developments in, or just outside, National Parks and sets out recommendations on how to improve their protection.

Keswick, Lake District. ©Stuart Smith Photography/Shutterstock

Planning and National Parks

National Parks are among our most diverse and valued landscapes and are designated for their natural beauty, wildlife, cultural heritage and recreational opportunities. They have the highest level of planning protection due to these special qualities.

The major development test ("the test") is a well-established part of national planning policy. The test makes it clear that planning permission should be refused for major developments in National Parks (and Areas of Outstanding Natural Beauty) except in exceptional circumstances and where it can be demonstrated they are in the public interest. This is intended to provide a framework to enable major development proposals to be assessed so that the conservation and enhancement of the landscape is given the greatest priority. Yet, as cases such as the North York Moors National Park Authority (NPA) decision to grant permission for the world's largest potash mine demonstrate, there is a risk that the additional protection for National Parks is not being given sufficient emphasis.

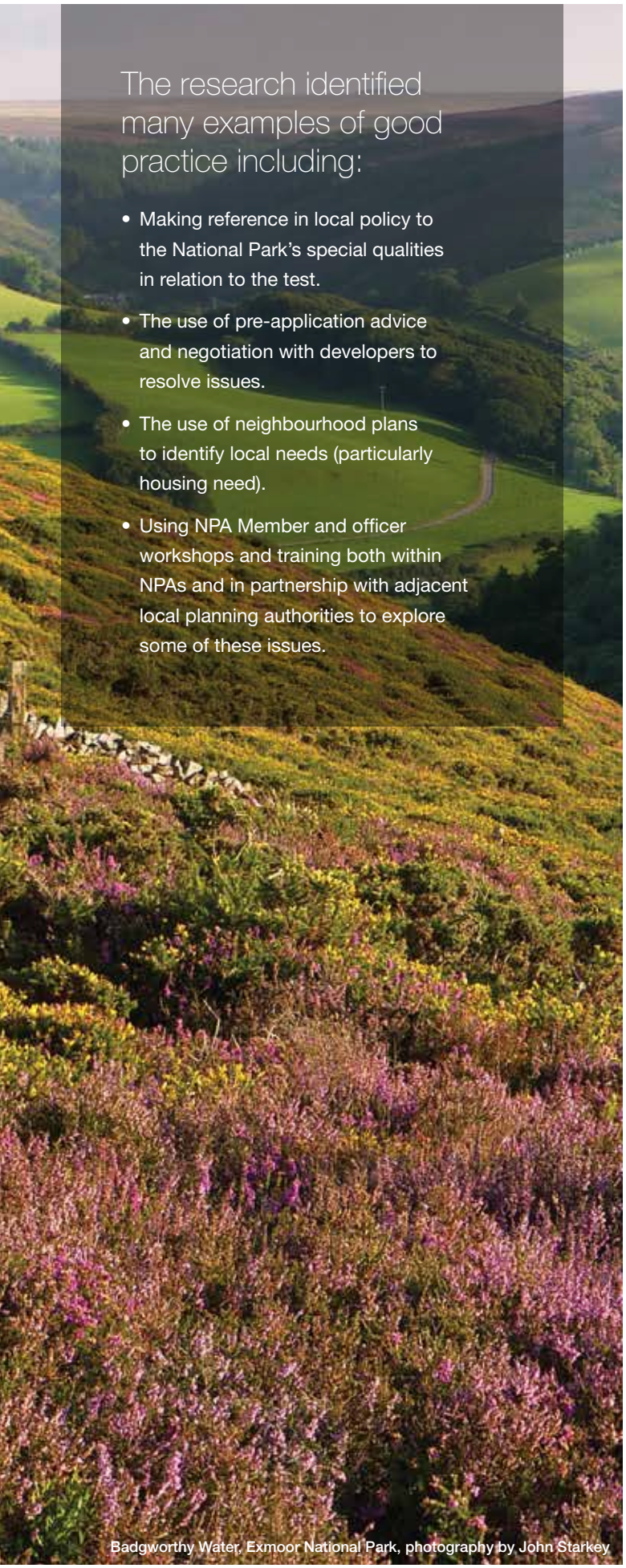
The Campaign for National Parks, the National Trust and the Campaign to Protect Rural England believe more needs to be done to strengthen the protection, and enhancement, of National Parks. We commissioned Sheffield Hallam University to investigate the effectiveness of national and local planning policies in protecting National Parks and to identify whether changes were needed to strengthen this protection. The work analysed local plan policies for National Parks and undertook interviews with senior planning officers in National Park Authorities to investigate the decision-making process in around 70 major development planning applications. It also drew on the experience of National Park Societies, CPRE groups and National Trust planning advisers involved in responding to these applications locally.

Construction work in the Lake District, Friends of the Lake District

Key Findings

The findings of the research highlight the pressures faced by NPAs and other local planning authorities dealing with planning applications for major development in or close to National Parks. They show the complexities in interpreting the current policies on major development in national planning policy. The main findings are:

- The existing test, as set out in the National Planning Policy Framework (NPPF) is generally 'fit for purpose' and well supported by National Park Authorities (NPAs). However, the research identified strong support for more guidance, rather than prescription, on the meaning of major development and key terms within the major development policy.
- There is considerable variation between the NPAs in the definition they use for major development and the way in which they implement the test, both in policy and in practice. This can lead to confusion and the potential for inadvertent 'policy shifts' as NPAs apply different degrees of local context or national significance within their definitions.
- There are wide variations in the interpretation of some of the terms in the test, at both a national and local level. Phrases such as 'public interest', 'national considerations', 'national significance' and 'exceptional circumstances' are vague and the research suggests that further guidance would be helpful.
- The precise wording in the test has been amended over time in response to government planning policy changes and ministerial statements on its interpretation. However, the research found little evidence to suggest that changes to major development policy have had any significant impact on local decisions in the National Parks. Instead, decisions appear to reflect central government's agenda at any particular time and the continuing challenge of supporting National Park purposes whilst enabling local economic development.
- EU regulations, such as the Birds and Habitats Directives, have often played an important role in protecting National Parks from development that would damage the ecology of these sensitive landscapes, particularly when NPA decisions need to be defended at a planning appeal. NPA officers felt that these regulations often carried greater weight with Planning Inspectors than the National Park designation, particularly where faced with pressures such as housing need and major industrial and transport infrastructure.
- There are examples of excellent working relationships between NPAs and adjacent local authorities but there are also cases where the duty to have regard to National Park purposes, which applies to all public bodies, is not well understood or satisfactorily implemented. There also appears to be some confusion over the weight that adjacent local planning authorities should apply to the adverse impacts on a neighbouring National Park of major development in the surrounding area.



The research identified many examples of good practice including:

- Making reference in local policy to the National Park's special qualities in relation to the test.
- The use of pre-application advice and negotiation with developers to resolve issues.
- The use of neighbourhood plans to identify local needs (particularly housing need).
- Using NPA Member and officer workshops and training both within NPAs and in partnership with adjacent local planning authorities to explore some of these issues.

Badgworthy Water, Exmoor National Park, photography by John Starkey

Case Studies

The research examined a number of planning applications in more detail and there is further information on these in the full research report. These two case studies illustrate the contrasting outcomes for two recent major developments which conflict with National Park purposes.

North York Moors National Park Potash mine

Status: Approved

Details: The world's largest (by volume) potash mine was approved in the North York Moors National Park in summer 2015. NPA planning officers made an open recommendation to the NPA Board, but they had concluded that there were conflicts with both local and national policy and that the proposal did not meet 'exceptional circumstances' – the highest bar that planning policy requires. The officers advised that the economic benefits and extent of the mitigation and compensation offered through planning obligations did not outweigh the extent of damage and clear conflict with the local development plan. They summarised that 'the greater public interest is considered to be that of the statutory National Park purposes which protect the North York Moors for the benefit of the nation.'

Despite the clear conflict with National Park purposes, the proposal was approved by a single vote. Construction is expected to start in 2017 and will be visible from 12% of the National Park.

New Forest National Park Solar farm

Status: Refused

Details: The New Forest NPA refused permission for a 14 hectare solar farm on two fields, with associated plant buildings, perimeter fencing, CCTV cameras, landscaping and associated works. The application was refused as it conflicted with the local plan, would impact on landscape character and the special qualities of the National Park, road safety, inadequate access to the site and loss of grazing land essential to the future of commoning.

The decision in late 2014 was appealed by the developer and the application was subsequently approved by a planning inspector in 2015. The planning inspector's decision was then overturned by the Secretary of State, who in 2016 dismissed the appeal on the same grounds as the NPA, stating that 'exceptional circumstances' had not been demonstrated.

Based on this research we make these recommendations:

- The Government should reconfirm its commitment to National Parks in the forthcoming 25 Year Plan for the Environment by clearly stating how they will ensure their long-term protection and enhancement.
- National Park Authorities should ensure their local plans are clear about how the major development test should be applied in relation to the special qualities of the National Park in order to help reinforce and support local decision-making.
- The Government should make it clear that the duty to 'have regard' to National Park purposes applies to developments in the setting of National Parks. Ministers should also emphasise that this duty applies to all public bodies, including neighbouring planning authorities, the Planning Inspectorate and bodies such as Local Enterprise Partnerships and Combined Authorities. This should be addressed by a Ministerial Statement.
- The Government should ensure that developers are aware of the additional planning protection afforded to National Parks and encourage them to engage with local planning authorities at an early stage when considering any development in, and just outside, National Parks. This should also be addressed by a Ministerial Statement.
- Natural England should take a more active role in ensuring that National Parks are effectively protected from major development. This should include producing an annual update setting out how the major development test is being implemented and providing guidance or training for NPAs to address any issues identified. Government should support Natural England to fulfil its statutory responsibilities for designated landscapes.
- To ensure that the many sensitive and important areas for biodiversity and wildlife in National Parks can be safeguarded, it is essential that protections for nature are maintained after the UK leaves the European Union.

This publication is based on research undertaken by Sheffield Hallam University which was jointly funded by the Campaign for National Parks, the National Trust and the Campaign to Protect Rural England. The full evidence report is available to download from http://www.cnp.org.uk/SHU-planning-research

Teggs Nose, Peak District National Park Authority