

Response to Consultation on Working with Communities: Implementing geological disposal

April 2018

1. The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation’s green treasures. We have been campaigning for over 80 years to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all. Our response has been endorsed by the nine National Park Societies in England.
2. This response starts with some general comments about National Parks and then sets out specific responses to some of the consultation questions. Our comments focus primarily on National Parks in line with our remit. However, many of the points we raise also apply to Areas of Outstanding Natural Beauty (AONBs).

National Parks

3. We are very concerned that the proposals set out in the ‘Working with Communities’ consultation do not give adequate consideration to the national interest in National Parks. Their statutory purposes as set out in the *Environment Act 1995* are:
 - to conserve and enhance wildlife, cultural heritage and natural beauty; and
 - to promote opportunities for public enjoyment and understanding of their special qualities.
4. In pursuing these purposes, National Park Authorities (NPAs) also have a statutory duty to seek to foster the economic and social well-being of communities living within the National Park. Furthermore, the *Environment Act 1995* states that in those cases where there is a conflict between the purposes and reconciliation proves impossible, the first purpose should take precedence. This is known as the Sandford Principle.
5. National Parks contribute significantly to the well-being of the nation, by providing safe, attractive, healthy places for recreation. They also deliver key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and well-being, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses. The English National Parks currently attract 94 million visitors a year, who spend more than £5 billion and support 75,000 full time equivalent tourism related jobs.
6. National Parks are national assets, created for the benefit of the nation and financially supported by the tax payer. So the community of people with a legitimate interest in what happens in National Parks extends right across the country and the

proposals will need to be amended to take account of this if these areas are to be considered as possible locations for the Geological Disposal Facility (GDF).

7. The only way of ensuring that all those affected have a reasonable opportunity to contribute to decisions relating to the siting of a GDF in a National Park would be to seek the views of people nationally at appropriate stages in the process. This would clearly have significant resource implications and there are other strong reasons why the GDF should not be located in a National Park as set out in our response to the consultation on the draft National Policy Statement (NPS). We believe that the Government should have selected the alternative version of the NPS which excludes National Parks and other sensitive sites. This would also avoid the need to consider how to adapt the working with communities process to ensure it takes account of the different circumstances which apply in National Parks.
8. All public bodies have a duty to take account of the potential effect of their decisions and activities on National Park purposes, including activities undertaken outside National Park boundaries which may affect land within them¹. This means that the Department for Business, Energy and Industrial Strategy (BEIS) should be seeking to conserve and enhance National Parks and their settings through all of its activities and should be placing a much stronger emphasis on ensuring that the creation of the GDF does not have a detrimental impact on National Parks and their settings, including in the development of the working with communities process.

Responses to selected consultation questions

Q1. Do you agree with this approach of identifying communities? Do you have any other suggestions that we should consider?

9. No, the proposed approach fails to take account of the different circumstances that apply in National Parks and the implications this has for the definition of a 'community'. The Government must provide greater clarity on the definition of 'community' and set out how this will be applied in the situation of a site in a National Park where there is a national interest as set out above and everybody in the country has a right to be consulted on what happens in these areas.
10. National Parks are highly valued by the public. A UK representative survey commissioned by the UK Association of National Park Authorities into the awareness and opinions of National Parks² found that almost all respondents thought that it was important to protect areas of the countryside from development. The strong level of support for National Parks is also clearly demonstrated whenever the natural beauty and wildlife in these areas is threatened by inappropriate development as happened recently when proposals for zipwires in Thirlmere in the Lake District generated a huge public outcry. It is highly likely that any proposal to site the GDF in a National Park or its setting would lead to similar or even higher levels of opposition, particularly if it was felt that people had not been given sufficient opportunity to

¹ This requirement is in Section 11A(2) of the *National Parks and Access to the Countryside Act 1949* as amended by Section 62(2) of the *Environment Act 1995* and is often referred to as 'the S62 duty'.

² MG Clarity, National Parks Survey, UK Association of National Park Authorities, December 2012

contribute to the process. Without the inclusion of a national referendum or statistically representative national polling, it is hard to see how the views of all those with a legitimate interest in National Parks would be taken into account and therefore how National Parks can legitimately be included in the process. The simplest and most appropriate way of resolving this would be to select the version of the NPS which excludes National Parks and other protected areas.

11. We are also concerned that the approach as currently drafted has failed to take account of the role of NPAs. NPAs are local planning authorities responsible for minerals and waste planning as well as town planning but they are not local authorities and are therefore not covered by the parts of the working with communities approach which set out the role of local authorities. The approach needs to be amended to clearly identify local planning authorities and minerals and waste planning authorities alongside other local authorities when defining roles and responsibilities.

Q2. Do you agree with the approach of formative engagement? Do you support the use of a formative engagement team to carry out information gathering activities? Are there any other approaches we should consider?

12. No, as set out in our response to Q1, we do not believe that the approach will work in National Parks where the views of people from beyond the local community will need to be considered.

Q3. Do you agree with this approach to forming a Community Partnership? Are there other approaches we should consider?

13. Table 3 should be amended to include local planning authorities and mineral and waste planning authorities as well as local authorities. This would ensure that NPAs are included in the membership of the community partnership.

Q5. Do you agree with the proposal for a Community Agreement and what it could potentially include? Are there other approaches we should consider?

14. In the case of a site within a National Park there would need to be a much wider definition of the community that would need to be party to this agreement. It would be extremely difficult to develop a community agreement in such cases so this is yet another reason for excluding National Parks from the process.

Q8. Do you agree with the approach to the test of public support? Do you agree that the Community Partnership should decide how and when the test of public support should be carried out? Do you have views on how else this could be decided? Are there alternatives that we should consider?

15. No, we do not agree with the approach to the test of public support. As we have set out above, National Parks are national assets and there would need to be a mechanism for testing public support nationally. As this would be extremely difficult, we recommend that National Parks are excluded from consideration in the NPS.

Q9. Do you feel this process provides suitably defined roles for local authorities in the siting process? Are there alternatives that we should consider?

16. As NPAs are the planning authorities for their area, they should have the same role and responsibilities as other local authorities.

For further information about any aspect of this response, please contact Ruth Bradshaw, Policy and Research Manager (email:ruthb@cnp.org.uk, tel: 020 7981 0896)