

Response to consultation on draft revised National Planning Policy Framework May 2018

Introduction

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 all nine National Park Societies in England.
2. National Parks play a vital role in sustainable development. They are home to rural communities and also support the protection of the landscape, wildlife and 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. Many of these businesses rely on the high quality environment of these areas for their success.
3. Many of the benefits which National Parks provide, including tourism and rural economic growth, could be lost if the special qualities for which they are valued are undermined. National Parks are, of course, living and working landscapes but the challenge is to ensure that the range of benefits that protected landscapes provide is not compromised by insensitive change, unsympathetic land use or irresponsible development. It is therefore essential that national planning policy provides strong support for the protection and enhancement of these areas.
4. We are pleased to have this opportunity to comment on the draft revised National Planning Policy Framework (NPPF). We welcome the new format which is clearer and easier to follow. We also support some of the proposed changes which strengthen the protection for National Parks, particularly the recognition that the Housing Delivery Test will not apply in these areas. However, we are concerned that some of the other proposed changes could weaken the existing protection and we are calling for a number of changes to be reversed or clarified. In particular,
 - the phrase ‘which have the highest status of protection in relation to landscape and scenic beauty’ should be reinstated as part of new paragraph 170.
 - the purpose and intended use of the definition of ‘major development’ in the glossary needs to be clarified.
 - there needs to be greater clarity on the relationship between entry level exception sites, entry level homes, starter homes, starter home exception sites and rural exception sites to ensure that the most appropriate type of affordable housing can continue to be delivered in National Parks.

5. The Government should also use the publication of a revised NPPF as an opportunity to strengthen the protection for the setting of National Parks as more needs to be done to prevent inappropriate development on land close to, but not within, the boundary of these areas.
6. All of these points are covered in more detail in our response to specific consultation questions below. We have focused on those questions which have the most significance for National Parks but many of the issues we have covered would also apply to Areas of Outstanding Natural Beauty (AONBs).

Response to specific consultation questions

Q2: Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

7. We do not support the changes to the sustainable development objectives and the presumption in favour of sustainable development as we believe that they weaken the protection given to National Parks. We support the addition of the references to irreplaceable habitat including ancient woodland; and aged or veteran trees into draft footnote 7 but we would like to see the retention of the existing wording at the start of the footnote i.e. 'For example, those policies relating to...' There is a risk that the inclusion of a definitive list rather than a set of examples could lead to some areas of land receiving less protection than intended simply because they are not included in this footnote. In addition, the requirement for the policies relevant to draft footnote 7 to provide a 'strong' or 'clear' reason for restricting or refusing development should be removed as this is unnecessarily onerous.

Q13: Do you agree with the new policy on exception sites for entry-level homes?

8. No, there is no definition of what constitutes an 'entry-level home' in the revised NPPF. Rural exception sites were originally created to allow exceptions to normal planning policy so that affordable homes could be built to meet local housing need. The policy also enabled land to be acquired at a cheaper rate than land that could be used for market housing so this was an essential part of the economic viability of delivering rural affordable housing. We do not support policy amendments which would place a greater emphasis on allowing market housing of any type on rural exception sites as this could limit National Park Authorities (NPAs)' ability to deliver the kind of affordable housing required to meet local need. It is precisely because exception sites have been used to address identified local housing need that many landowners have been willing to release land for housing and communities have been willing to accept new housing developments.

Q14: Do you have any other comments on the text of Chapter 5 (Delivering a sufficient supply of homes)?

9. If rural exception sites are to be used to deliver market housing of any type in National Parks, it is essential that local planning authorities have the flexibility

to require local connection tests and that such a requirement remains with the property 'in perpetuity'. Given the price premium and the demand for holiday homes in National Parks, even 'entry-level homes' in these areas are likely to be unaffordable for most people working locally and are highly likely to be sold as second homes or holiday rental properties if there are no restrictions on future occupancy.

Q24: Do you have any comments on the text of Chapter 10 (Supporting high quality communications)?

10. Campaign for National Parks supports the provision of improved mobile connectivity in rural areas but this must be achieved in a way that minimises the visual impacts of new telecommunications infrastructure. This means that it is important to ensure that operators share infrastructure whenever possible. We, therefore, do not support the revised wording on this in new paragraph 113 which is weaker than the previous wording. We would like to see the reinstatement of the current wording: 'Existing masts, buildings and other structures should be used, unless the need for a new site has been justified.'

Q34: Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

11. We welcome the addition of the following sentence in new paragraph 170: 'The scale and extent of development within these designated areas should be limited.' However, there is a risk that this could be subject to varying interpretations. To clarify what is meant we recommend the inclusion of the following additional phrase at the end of this sentence: 'based on specific evidence of a convincing local need arising from within the designated area.'
12. We strongly oppose the removal of the phrase 'which have the highest status of protection in relation to landscape and scenic beauty' in the first sentence of this paragraph. It is essential that this phrase is reinstated in order to ensure that there is no doubt that additional planning protections continue to apply in National Parks and that the special status of these areas must be taken into account when making planning decisions which affect them. This wording has played an important role in preventing developments which would have had a damaging impact on National Parks. For example, it was cited by the planning inspector in January 2016 when dismissing an appeal against refusal of planning permission for a solar farm on land at Aller Farm less than 300 metres outside Exmoor National Park¹.
13. In addition, we would like to see the inclusion of the following words in new paragraph 170: (i) 'and enhancing' after 'conserving' in the first sentence; and (ii) 'and enhancement' after 'conservation' in the second sentence. This would

¹ <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3025089>
(appeal ref: APP/H3320/W/15/3025089)

better reflect the wording of the first statutory purpose of National Parks and the Government's stated aims for National Parks as set out in the 25 Year Environment Plan.

14. We are pleased to see the retention of the major development test in new paragraph 170 as this is an important element of the additional planning protection which applies in National Parks. However, we are very concerned about the inclusion of a definition of 'major development' in the glossary as the implication is that this definition would apply to the text in paragraph 170. We have covered this issue in more detail in our response to question 43.

Q35: Do you have any other comments on the text of Chapter 15 (Conserving and enhancing the natural environment)?

15. An important consideration in conserving and enhancing the natural beauty of National Parks is the potential impact of developments that are outside a National Park boundary but still 'within the setting' of the National Park. This issue is not currently addressed at all in the draft NPPF despite the fact there are several specific references to the need to consider the impact of development on the setting of heritage assets.
16. All public bodies, including local planning authorities and the Planning Inspectorate, have a duty to 'have regard' to the potential effect of their decisions and activities on National Parks, including activities undertaken outside National Park boundaries which may affect land within them. In theory, this duty should help protect National Parks against inappropriate major development just outside their boundaries. However, in our experience this is not always the case.
17. Some local planning authorities adjacent to National Parks have specific local plan policies, which provide clear protection for the setting of the National Park. However, we are also aware of examples where adjacent local planning authorities do not have any local plan policies in place to address the potential impacts of development in their area on a neighbouring National Park.
18. Paragraph 126 of the revised NPPF does require local planning authorities to take account of the landscape setting in their planning policies and decisions. However, we believe there needs to be a more explicit reference to the need to consider the impact of development on the setting of designated landscapes given it is clear that this issue is not always being addressed effectively. This would be consistent with the approach to development within the setting of heritage assets.
19. To address this issue, we recommend the addition of the following sentence in new paragraph 170: 'Local planning authorities should set criteria based policies against which proposals for any development in – and within the setting of – these protected landscapes will be judged.'

Q37: Do you have any comments on the changes of policy in Chapter 17 (Facilitating the sustainable use of minerals), or on any other aspects of the text of this chapter?

20. We do not support the removal of the requirement for local planning authorities to set out the environmental criteria against which planning applications for minerals development will be assessed. These were previously included in the bullet point list in paragraph 143 but have not been incorporated into the equivalent list in new paragraph 200.
21. We object to the requirement in paragraph 204 that mineral planning authorities should put in place policies to facilitate the exploration and extraction of hydrocarbons. The fact that hydraulic fracturing can take place at depths below 1200 metres in National Parks means that these areas are still at risk from the negative impacts even though they are supposed to benefit from the highest level of planning protection. There is a need to ensure that National Parks are protected from the potential impacts of fracking taking place just outside their boundaries. The NPPF should make it clear that all applications to drill under National Parks will be subject to the major development test.

Q43: Do you have any comments on the Glossary?

22. As set out above, we are very concerned about the inclusion of a definition of major development in the glossary.
23. In 2016, in partnership with the National Trust and Campaign to Protect Rural England, we commissioned Sheffield Hallam University to undertake research on planning policy relating to major developments in National Parks.² One of the resulting recommendations³ was that National Park Authorities (NPA) should ensure their local plans are clear about how the major development test should be applied in relation to the National Park's special qualities. The National Planning Practice Guidance (NPPG) currently makes it clear that deciding whether a development should be treated as major in the context of the major development test is 'a matter for the relevant decision taker, taking into account the proposal in question and the local context'.⁴ The inclusion of local plan policies that help translate the major development test for the local context helps provide clarity for both developers and NPA members as to what should be treated as major development.
24. Inclusion of a definition of major development in the glossary of the NPPF risks undermining this approach. The proposed definition in the glossary is the statutory one used in the Town and Country (Development Management Procedure) (England) Order 2015 which sets out specific types and thresholds for the scale of development considered 'major'. However, this is significantly different from major development in the context of National

² Full details of the research findings are available here: <http://www.cnp.org.uk/SHU-planning-research>

³ Full details of the recommendations are available here: <http://www.cnp.org.uk/planning-for-the-future>

⁴ DCLG, Planning Practice Guidance, 2016, para.005, Ref ID: 8-005-20140306

Parks. The thresholds used in the statutory definition of major development may be too high when considering whether the major development test should apply as even relatively small development could have a major impact in some parts of some National Parks. What might be considered small scale with little impact in one area of one National Park, could be considered to have major impacts on the special qualities in another part of the same Park or in another National Park.

25. To overcome this issue, we suggest that the following text is added to the definition in the glossary: 'The definition of what comprises 'major development' in National Parks and Areas of Outstanding Natural Beauty, as set out in paragraph 170, rests with the decision maker. For guidance major development comprises proposals with the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by a National Park or Area of Outstanding Natural Beauty by reason of its scale, character or nature.'⁵

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)

⁵ See legal opinion for the South Downs National Park - <https://www.southdowns.gov.uk/wp-content/uploads/2015/01/Guidelines-on-Significance-for-SDNP-Planning-Applications-%E2%80%93-NPPF-Complaint-July-2014.pdf>