

Response to ‘Planning for the Future’ consultation October 2020

Introduction

1. The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales¹. 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. This response has been endorsed by all nine National Park Societies in England.
2. We have provided answers to some of the specific consultation questions below but we begin with some general comments about the role of planning in National Parks and the opportunities to use reform of the planning system to strengthen the existing protections which apply in these areas. Our response focuses on those questions which have the most significance for National Parks in line with our remit but many of the issues we have covered would also apply to Areas of Outstanding Natural Beauty (AONBs) and some are relevant to rural areas more generally.

National Parks and Planning

3. 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 which often rely on the high quality environment of these areas for their success.
4. 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 they provide is not compromised by insensitive change, unsympathetic land use or irresponsible development. It is therefore essential that the planning system provides strong support for the protection and enhancement of designated landscapes.
5. We are, therefore, very concerned that the proposals place too little emphasis on the wider role that planning plays in delivering the statutory purposes of National Parks. There is no reference at all to landscape character, natural beauty or cultural heritage, all of which are important considerations when making planning decisions which affect National Parks. In fact there is almost

¹ This includes the 12 National Parks and the Broads, which was designated under separate but related legislation, and is commonly referred to as a National Park.

no mention at all of National Parks in the document despite the fact that National Park Authorities (NPAs) are local planning authorities, with responsibility for both plan-making and planning decisions in their area. Having dedicated planning authorities for National Parks is a successful part of the current system and remains critically important to the protection and enhancement of the Parks and the well-being of the communities that live within them.

6. Another essential element of the existing system is that those responsible for National Parks are able to take account of both the local and national needs and ambitions for these areas. In order for this to be done effectively, NPAs must have the right balance of locally and nationally appointed members and we would not want to see any reduction in the proportion of nationally appointed members with responsibility for planning decisions in National Parks. Not only are such members appointed to represent the national interest but they also bring specialist skills in areas such as landscape, biodiversity and heritage, which are particularly important to the work of the NPAs.
7. There is also insufficient recognition in *Planning for the Future* of the climate and ecological emergencies we now face and planning's role in helping to address these. Any changes to the planning system must support the commitments in the 25 Year Environment Plan and must be aligned with existing and emerging environmental legislation, including measures in the *Environment Bill* such as local nature recovery strategies. We note the Government will be consulting separately on proposals for a simplified environmental assessment process. It is essential that the implications for National Parks are properly considered as part of this.

Ensuring the planning system better protects and enhances designated landscapes

8. The Government should take this opportunity to address weaknesses in the existing protections for National Parks by implementing some of the key proposals from Julian Glover's *Landscapes Review*², including updating the statutory purposes and ensuring that all relevant partners from all sectors are playing their role in delivering those purposes. As well as maximising the role that designated landscapes play in tackling the nature and climate emergencies, these improvements will ensure they make a significant contribution to the economic recovery, given the importance of the environment to the economic success of these areas.
9. Although there are many successful nature recovery projects in National Parks, there are also significant problems. As set out in *Raising the bar: improving nature in our National Parks*³, data from Natural England highlights that a lower percentage of SSSIs are in favourable condition (25.3%) than the national average (38.5%). There needs to be far more focus on enhancing

² <https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>

³ <https://www.cnp.org.uk/news/raising-the-bar>

habitats, supporting species recovery and bringing protected sites in these areas into favourable condition. There also needs to be more focus on ensuring that people from all parts of society can visit and experience the health and well-being benefits of designated landscapes.

10. Glover proposed addressing this by amending the purposes for designated landscapes to ensure that they give stronger support for natural beauty, nature recovery and connecting people to nature. However, he acknowledges that amending the purposes will be subject to significant debate and discussion and we are keen to play our part in that process. Further work is needed to agree the exact words and definitions to be used in order to ensure that key aspects of the existing purposes, such as landscape and cultural heritage, are retained. Updating the purposes is also an opportunity to ensure they reflect the full range of challenges that now need to be addressed, including climate change. If consensus is to be reached on the final wording in time for updated purposes to be introduced as part of the planning reforms, then the process of amending them should start now.
11. There are currently statutory duties on all public bodies (the S62 duty for National Parks⁴ and the S85 duty for AONBs) to have regard to the statutory purposes of designated landscapes when making decisions which affect land within these areas. This means, for example, that a local planning authority for an area adjacent to a National Park should be considering any impacts on the Park when making planning decisions for areas close to the boundary.
12. However, the existing duties to 'have regard' are the weakest form of duty that can be imposed as they require only that there must be some consideration of the purposes of the designated landscape, not that any weight needs to be given to those purposes. Given the importance of designated landscapes to the nation, it is unacceptable that there are such weak duties in these cases. It is also inconsistent with the National Planning Policy Framework (NPPF) which requires that '[g]reat weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues ...' (para. 172 of the revised 2019 NPPF).
13. Glover proposes that the requirement of 'regard' to landscapes' existing purposes should be strengthened to one of 'furthering' the reformed purposes. In addition, Glover proposes introducing a statutory requirement on relevant bodies to support the development and implementation of Management Plans for National Parks and AONBs. We support both these proposals and would like to see them implemented as part of the proposed planning reforms. Strengthened Management Plans would allow the bodies responsible for designated landscapes to take a more integrated approach to land use and natural resource planning since one of the key mechanisms for delivering the priorities in the Management Plan is the Local Plan.

⁴ Although commonly referred to as the S62 duty after the relevant section of the Environment Act 1995 through which the duty was introduced, it is formally set out in Section 11A(2) of the National Parks and Access to the Countryside Act 1949 (National Parks). The equivalent duty for the Broads is set out in Section 17A of the Norfolk and Suffolk Broads Act 1988 (The Broads).

14. We would also like to see the implementation of Glover's proposal to review the system of Permitted Development Rights (PDRs) and to add further PDRs to the list of those which do not apply in designated landscapes. We support the appropriate change of use of buildings particularly where this helps to ensure the future upkeep of traditional buildings, and allows rural businesses to adapt to changing circumstances, But such changes need to be carefully managed, to ensure that they do not result in unacceptable impacts. This is particularly true in National Parks, where decisions also need to take account of the statutory National Park purposes, and even small changes can have a disproportionate impact. Requiring planning permission ensures that appropriate changes are being allowed while continuing to protect the special qualities for which National Parks are valued and which contribute so much to the rural economy.

Response to specific consultation questions

Q5: Do you agree that Local Plans should be simplified in line with our proposals?

15. No, we cannot fully support these proposals. We agree that it currently takes too long to adopt a Local Plan and that there are potential benefits to simplifying and speeding up the process. However, it is essential that this is done in a way that allows for effective public participation and which ensures that Local Plans are still able to address locally distinctive issues. As highlighted above, planning plays an important role in protecting and enhancing the special qualities for which National Parks are designated so it is essential that there can continue to be locally specific policies in these areas. We discuss this issue further in response to Question 6.
16. We have some reservations and lots of questions about the proposals to define all land into one of three categories as we are not clear how this would work in practice in the context of a National Park. We would also welcome confirmation that National Parks will be included in the list of 'protected' areas as they are not currently referred to in the examples given in the White Paper. Assuming National Parks are in the 'protected' category, there will be a need to ensure that carefully managed development can still be allowed in appropriate circumstances, for example new housing to meet local need. It will still be necessary to have strong policies in place to prevent inappropriate or damaging development in these areas, In particular, it is absolutely essential that the wording of paragraph 172 of the existing NPPF is retained in any new national planning guidance or legislation. .
17. Another big concern is the impact on the settings of National Parks if adjoining areas become 'renewal' areas or even 'growth' areas where there would be very little control over the type of development that takes place and potentially huge pressure for new infrastructure in surrounding areas to support the planned growth. There is no mention in the White Paper of how local planning authorities will be expected to take account of the 'protected areas' designated by adjoining authorities.

18. We are also very concerned that the proposed changes risk undermining the additional protection that the planning system currently affords to National Parks. Under the new proposals, there is nothing to distinguish nationally designated landscapes (National Parks and AONBs) from other areas designated as 'protected' locally. If these new categories are introduced there will need to be a way of making it clear that additional protections apply in designated landscapes.

Q6: Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

19. No, we do not support these proposals and believe that local planning authorities should continue to have a similar level of flexibility to set development management policies as under the current Local Plan system, as proposed in the alternative options set out in paragraph 2.16 of the consultation document. The ability to adopt policies which are specific to the circumstances of their local area is particularly important in National Parks where locally distinctive natural and built features often make a significant contribution to the landscape character of the area and there is therefore a need for specific local policies, for example, the Yorkshire Dales National Park Local Plan includes policies to address the conversion of field barns and the Broads Local Plan includes policies on residential moorings and peat.
20. Such policies are not needed in most other parts of the country so it would not be appropriate to cover them in national planning policy and it is therefore essential that Local Plans continue to set out a local approach to development management. Ensuring that locally specific issues are addressed will also be essential in securing greater public participation in plan-making as it will enable people to have more influence over the aspects of development that have the greatest influence locally.

Q7(a): Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact?

21. No, we cannot support the proposals to replace the existing tests with a consolidated test of "sustainable development" as there is insufficient detail on how sustainable development will be defined in this context. We are also concerned at the reference to a "consideration of environmental impact" as a truly sustainable approach would give equal weight to the economy, society and the environment.

Q7(b): How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

22. We believe the Duty to Cooperate should be retained as it has helped facilitate joint working on issues such as cross-boundary habitat mitigation measures and the distribution of housing. The 'duty to co-operate' also helps support the duty on neighbouring local authorities 'to have regard' to National Park purposes. The best way of ensuring strategic, cross-boundary issues

are planned for would be to reinstate a higher level of plan-making, for example at the regional level. In addition, it is essential that the existing duty 'of regard' to National Park purposes which applies to public bodies is strengthened as proposed by Glover (see paragraph 13 above) in order to ensure that neighbouring authorities are considering the impacts on National Parks when making decisions on land which affects them.

Q8(a): Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

23. It is unclear how the proposed standard method would work in 'protected' areas and we believe that it should not apply in these areas, and definitely not in National Parks. Attempting to deliver significantly increased housing numbers in National Parks would be in conflict with their statutory purposes and the requirement on all public bodies to have regard to those purposes. Any standardised approach must take account of the fact that there are constraints on the amount of housing that can be delivered in areas where additional planning protections apply. NPAs should instead be able to plan for small-scale development to meet identified local need in order to deliver the most appropriate form of housing for their area.

Q8(b): Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

24. No, the quantity of development to be accommodated in National Parks must also take account of the additional constraints that apply in these areas as set out above. Furthermore simply increasing supply of housing does nothing to address affordability and the type of housing to be delivered is just as important as the quantity. NPAs have a strong track record of delivering the kind of housing that is needed by local people and it is essential that they continue to have the flexibility to be able to do this effectively.

Q9(a): Do you agree that there should be automatic permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

25. No, we do not support the use of automatic permission. Planning applications should be assessed and determined on a case-by-case basis. This will allow for specific local factors to be addressed and will ensure, for example, that the impacts on National Parks and their settings are taken into account when developments are proposed in 'Growth' areas close to their boundaries.

Q9(b): Do you agree with our proposals above for the consent arrangements for *Renewal* and *Protected* areas?

26. No, we do not support the general presumption in favour of development for 'Renewal' areas for the reasons set out in answer to question 9(a) and also because this would be inappropriate if there were to be any 'Renewal' areas within National Parks.

27. For 'Protected' areas, it is essential that development proposals can continue to be judged against locally specific policies as well as those in the National Planning Policy Framework.

Q9(c): Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

28. No, we do not support this proposal. It is harder for local communities to engage with proposals brought forward under the NSIP regime and even local planning authorities only have a limited role. The NSIP regime was originally intended as a consent process for major infrastructure proposals in areas such as transport and energy and was never intended for this purpose.

Q10: Do you agree with our proposals to make decision-making faster and more certain?

29. No, while we support the principle of faster decision-making, we would not want this to come at the expense of effective community engagement and a thorough assessment of the environmental implications of the proposals being determined. If the proposals for allowing development in 'Growth' and 'Renewal' areas are implemented, then there will be far fewer planning applications anyway and a higher proportion of those that do come forward will be in environmentally sensitive areas or will potentially be extremely contentious and it is important that the time is taken to thoroughly assess these types of applications.

30. There is a strong emphasis on digitising the planning system as a way of speeding up decision-making but this is potentially in contradiction with the emphasis on quality design and beauty. There may sometimes be a strong justification for taking longer over decision-making in order to ensure that development is of high-quality and local people have had an opportunity to engage in the process effectively.

31. We are concerned by the statement that "For major development, beyond relevant drawings and plans, there should only be one key standardised planning statement of no more than 50 pages to justify the development proposals in relation to the Local Plan and NPPF". This is unlikely to provide sufficient information to assess more complex planning applications, such as those applications in National Parks for which the major development test applies.

32. As set out in our response to Q6, it is essential that NPAs retain the ability to adopt locally specific policies.

Q12: Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

33. We agree that it currently takes too long to adopt a Local Plan but this is in part because the final stages undertaken by the Planning Inspectorate often take a year or more. We support the Government's aspirations to speed up this process but the proposed timetable is ambitious and keeping to it will

make it much harder for local planning authorities to engage effectively with local communities and to take proper account of the issues raised during consultation. We are concerned that this will result in a democratic deficit with the public having little opportunity to influence decisions which have wide-ranging and long-lasting impacts on an area. There is a risk that this could lead to a further reduction in public engagement and trust in the planning system.

34. The reduced timescale for producing Local Plans is particularly problematic given that under the proposed new system the main opportunity for influencing certain types of development will be at the plan-making stage, since sites allocated for development in 'growth' areas will have automatic permission in principle. Currently, people are far more likely to engage in the planning process at the point when there are specific proposals to consider, rather than at the plan-making stage, which can often feel very theoretical, but there will be far less opportunity to comment on specific proposals under the proposed new system.
35. This new approach will also have significant resource implications for NPAs and other local planning authorities as they will be required, not only to produce Local Plans more quickly, but also to undertake activities as part of this process, such as site surveys, which currently happen at a later stage. They will need the appropriate skills and resources to be able to do this effectively.
36. A further concern is that the emphasis on a digital approach to developing and consulting on Locals Plans risks excluding those in National Parks and other rural areas where there is poor broadband coverage, and will make it harder for some communities to influence development in their area.

Q14: Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

37. Yes, there definitely needs to be a stronger emphasis on the build out of developments. Even when NPAs have appropriate policies in place, they cannot always rely on developers implementing planning permissions once granted. For example, in 2018/19 the Yorkshire Dales NPA granted planning permission for 51 houses but only 13 houses were completed – the lowest level of completions in a decade⁵.
38. Tackling this issue will require action from Central Government as there is currently no mechanism for local planning authorities to require planning permissions to be implemented. Consideration should be given to the introduction of some form of charge, such as a land-value tax, to incentivise developers to implement planning permissions and complete developments within a certain period in order to deter land-banking.
39. Another factor which has a particularly significant impact on overall housing supply in National Parks is the high proportion of housing which is used as

⁵ [Yorkshire Dales NPA Annual Monitoring Report 2018-19](#)

holiday lets or second homes. One way to help tackle this issue would be to require planning permission before allowing an existing permanent residence to be used as a second home.

Q17: Do you agree with our proposals for improving the production and use of design guides and codes?

40. We support the emphasis on high quality design and believe that design guides and codes could play an important role in helping deliver this but it is essential that these allow for locally specific issues to be included and for the use of innovation designs where appropriate. We would not support the introduction of a 'one-size-fits-all' approach. A local approach to the development of these design guides and codes will be particularly important in National Parks where they will need to ensure the continued protection and enhancement of features which contribute to the special qualities for which these areas are designated.

Q18: Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

41. We support the establishment of a new body as long as it allows for local distinctiveness as set out in our response to Q17. However, such a body will need to be resourced sufficiently if it is to be effective. We also support the requirement for each local planning authority to have a chief planning officer but this role should be responsible for the full range of planning responsibilities and able to draw on planning officers with relevant skills in areas such as landscape, ecology etc.

Q20: Do you agree with our proposals for implementing a fast-track for beauty?

42. No, proposals need to be considered on a case-by-case basis for the reasons we have already set out in response to Question 9a.

Q22(a): Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

43. No, we do not support this proposal. We are concerned at the loss of Section 106 which plays an important role in securing affordable housing and environmental mitigation measures that cannot be secured via planning conditions. In National Parks, it plays a particularly crucial role in ensuring that the negative impacts of major development are mitigated and in allowing NPAs to include local occupancy conditions when new housing is built.
44. We are also concerned at the proposal that the new Infrastructure Levy could be used to support other services or reduce council tax. If this is taken forward, there is a significant risk that new development would be built without the supporting infrastructure which makes it acceptable

Q23: Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

45. Yes, if the new Levy is to be introduced it should also apply to changes of use through permitted development rights as such changes can have significant implications for infrastructure requirements, particularly where the change of use is to residential.

Q24(a): Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

46. Yes, there is already a significant shortage of affordable housing in most National Parks so the new system must secure at least the same amount as at present and ideally more.

Q24(b): Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

47. Local planning authorities should have the flexibility to choose whichever of these approaches is most appropriate for their local circumstances.

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