



Local plan policies on major development in National Parks

A briefing by Campaign for National Parks

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Background

Campaign for National Parks, in partnership with Campaign to Protect Rural England and National Trust, recently commissioned Sheffield Hallam University (SHU) to undertake research about planning policy related to major development in the English and Welsh National Parks¹. The research examined the effectiveness of planning policy in protecting National Parks from inappropriate development and identified the importance of having local plan policies that help translate the major development test set out in the National Planning Policy Framework for the local context. One of the accompanying recommendations², which sought to strengthen protections for the Parks against inappropriate development, was that National Park Authorities (NPAs) should ensure their local plans are clear about how the major development test should be applied in relation to the Park's special qualities. The research also identified a number of good practice examples.

The purpose of this briefing is to highlight these examples to those with an interest in securing better protection for National Parks in order to support work to influence local plans.

What is the problem?

The planning system includes a statutory definition of major development³ 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 Parks. The Government's Planning Practice Guidance 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. Despite this, some NPAs seem to conflate the two definitions which leads to a lack of policy clarity and can mean decisions are open to challenge by developers. The thresholds used in the statutory definition of major development may also 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.

How can this be overcome?

Some NPAs already consider the impact on the National Park's special qualities when setting out their local policy on major development to try and overcome some of this ambiguity. This is a particularly useful approach as it helps to reinforce support and understanding amongst NPA Members, and to clarify the major development policy for developers. 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.

¹ Full details of the research findings are available here: <http://www.cnp.org.uk/SHU-planning-research>

² Full details of the recommendations are available here: <http://www.cnp.org.uk/planning-for-the-future>

³ This is included in the Town and Country Planning (Development Management Procedure) Orders

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

Legal advice⁵ obtained by the South Downs National Park Authority confirms that interpreting major development policy in this way is in keeping with the overall national policy position as it relates the major development test to the local context. This legal advice also recommended not restricting "the definition to proposals that raise issues of national significance".

We believe all National Parks should have local plans that contain policies relating the major development test to that Park's special qualities.

How is this being used in practice?

Northumberland NPA's local plan⁶ includes the following definition: "Within Northumberland National Park development is classed as major when its characteristics and specific impacts are likely to have a significant impact on the special qualities of the National Park."

Northumberland's local plan also includes guidance on what this means in practice and contains a clear local interpretation of the major development test, which includes additional criteria against which proposals must be assessed. These include the impacts on the special qualities of the Park and the cumulative impact of the development when viewed with other proposals.

The Lake District NPA local plan⁷ also contains a policy which interprets major development in relation to the impacts on the special qualities with the definition incorporated within the policy. Both these policies are set out in full below.

Northumberland NPA Local Plan - Policy 4: Major Development within the National Park

Major development will only take place in exceptional circumstances where proven to be in the public interest. The applicant will be required to demonstrate:

- a. The need for the development, including any national considerations, and the impact of permitting it, or refusing it, upon the local economy and local communities;
- b. The cost of, and scope for, developing elsewhere outside the area or, meeting the need for it in some other way;
- c. Any detrimental effects on: the special qualities of the National Park; the ability for the public to understand and enjoy the special qualities; the setting of historic assets; natural resources; and the transport network and the extent to which these could be mitigated;
- d. Any positive effects on: the special qualities of the National Park; the ability for the public to understand and enjoy the special qualities; natural resources; and the transport network;
- e. The cumulative impact of the development when viewed with other proposals;
- f. The extent to which the proposal is designed and sited to respect the character of the landscape; and where appropriate, the settlement in which it lies; and
- g. The scope for adequate restoration of the land once the use has ceased.

⁵ This advice is discussed in more detail in the SHU report. The full advice is available here: <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>

⁶ Northumberland National Park Core Strategy (March 2009) http://www.northumberlandnationalpark.org.uk/wp-content/uploads/2014/12/cs_march_2009.pdf

⁷ Lake District National Park Core Strategy (October 2010) http://www.lakedistrict.gov.uk/_data/assets/pdf_file/0008/172763/core_strategy_oct_2010-2.pdf

Lake District NPA - Policy CS12: Major developments

Major developments will be subjected to the most rigorous examination and must be shown to be in the public interest. They will only be permitted in exceptional circumstances where it can be demonstrated that:

- there are no alternative sites available outside the National Park;
- there is a proven overriding national need that cannot be met in any other way;
- the development is designed and carried out to cause least practicable harm;
- any detrimental effects on the special qualities of the National Park can be adequately mitigated; and
- the development has no overall adverse impacts on the local economy.

All possible measures should be taken to minimise the adverse effects of development and associated infrastructure and where appropriate:

- provision should be made to meet local community needs;
- acceptable measures should be secured for site restoration; and
- arrangements should be made for suitable local community engagement prior to and during the development and subsequent restoration.

Major development is defined as development which is more than local in character and which has a significant adverse impact on the special qualities of the National Park.

Improving the protection for National Parks

The research identified a trend towards NPAs including a locally interpreted major development policy in their local plans. However, there are still around half the local plans for the National Parks which do not include a specific reference to the Park's special qualities in their policy on major development and the Campaign for National Parks believes this would be the best way of strengthening the Park's protection against inappropriate development.

We recognise that local plans are reviewed on different timetables so securing a policy of this type in every Park may take time. We also recognise that there is not necessarily a 'model policy' that will work for every Park and the policies included here are intended solely as examples of good practice. However, we would encourage those interested in protecting and enhancing the Parks to look at what is proposed when the local plan for your National Park is reviewed and if appropriate, use these examples as guidance to develop a suitable local policy to suggest to the NPA. If the NPA is already proposing to include an appropriate local policy on major development, it would be helpful to support its inclusion.