

**An Examination of the  
Development and Implementation of  
Planning Policy Relating to  
Major Development in the  
English and Welsh National Parks**

**by**

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## EXECUTIVE SUMMARY

This study was undertaken by Sheffield Hallam University for the Campaign for National Parks, the Campaign to Protect Rural England, and the National Trust. Its objectives were to investigate the effectiveness of national and local planning policies in protecting national parks in England and Wales, particularly in relation to major development and identify the most effective ways of strengthening this protection. This report presents the main evidence and findings from this study.

Proposals for certain categories of major development in national parks (and Areas of Outstanding Natural Beauty) in both England and Wales have been subject to a 'Major Development Test' (MDT) since the national parks were first designated. The MDT is intended to provide a framework to enable major development proposals to be assessed so that the conservation of their landscape is given the greatest priority. The precise wording in the MDT has been amended over time in response to government planning policy changes and ministerial statements on its interpretation.

This study analysed local plan policies in the English and Welsh national parks, alongside interviews with National Park Authority (NPA) senior planning officers and comments from national park societies, local CPRE groups and National Trust planning advisers. The study also investigated the decision making process in around 70 major development planning applications across all the national parks and examined in more detail 15 case studies, selected to represent a range of developments inside and outside our national parks.

The findings highlight the pressures faced by NPAs and some of the complexities in interpreting major development policy as it currently exists in the National Planning Policy Framework (NPPF) and in Planning Policy for Wales (PPW). Our main findings are as follows:

- In England, five NPAs have a specific, locally interpreted major development policy in their Local Plans; two NPAs refer to the national policy without further local interpretation; and three NPAs include no reference to major development policy (but at least one of these has draft policy proposed in its current Local Plan Review). All but three of the English NPAs also have major development policies relating specifically to minerals developments in either an integrated Local Plan and Minerals and Waste Plan, or a Joint Minerals and Waste Plan with adjacent local authorities.
- All three Welsh NPAs have major development policies in their Local Plan (as required by Planning Policy Wales guidance), as well as major development policies relating specifically to minerals.
- There is great support amongst NPA planning officers for current national policy regarding major development and the MDT, particularly in relation to the positive use of the relevant criteria applied to assess development. NPA planning officers also valued the clear signal the MDT provides to developers concerning the need for a robust evaluation of major development proposals. However, our study also identified issues relating to the definition of major development in local policy, and the interpretation and implementation of the MDT in practice across all NPAs in both England and Wales.

- We identified considerable variation in the initial definition of major development by NPAs, with some confusion between the NPPF and PPW definition of major development, and that used in the statutory Development Management Procedure Orders. In addition, whilst the former approach has been clarified and confirmed by recent legal judgements, NPAs are applying different degrees of local context or national significance within their definitions - both in their own local policies and in practice. Whilst national planning policy certainly allows (even encourages) the use of the local special qualities to define major development relevant to each area, concern was expressed that the different approaches can lead to confusion and a lack of clarity. There is also the potential danger of 'policy shift' as applications are dealt with on a case by case basis.
- There are also wide variations in the interpretation of some of the terms in the major development test, in both national and local decision making - phrases such as '*public interest*', '*national considerations*', '*national significance*' and '*exceptional circumstances*' are vague and unhelpful if not accompanied by further guidance. We found strong support for more guidance, but not prescription, on the meaning of major development and key terms within major development policy.
- There is little evidence to suggest that changes to the precise wording of major development policy in the NPPF or PPW have had any particular impact on local decisions in our national parks. Rather, decisions continue to reflect central government agendas at any particular time, and the continuing challenge of supporting national park purposes whilst enabling local economic development. The clear requirement in legislation that the former should always take precedence over the latter, except in '*exceptional circumstances*', merely emphasises the ambiguity in that phrase.
- Whilst the Cardiff Government is undertaking a wholesale review of the policy and governance of Welsh national parks and other designated areas, it is some time since the Westminster Government produced any statement concerning planning issues affecting national parks. Concern was expressed during this study that both governments appear to be increasingly minded to encourage development within national parks in order to promote economic growth. Comments from all those involved in this research expressed a hope that both governments would reinforce their commitment to the protection of these nationally important landscapes and to the primacy of national park purposes over economic growth except in exceptional circumstances.
- We identified concerns amongst both NPA planning officers and local groups about the cumulative impact of smaller schemes, both within and just outside the boundaries of national parks. Some NPAs ensured specific officers were employed to assess the impact of such schemes, either designated planning officers or other members of field staff such as community rangers.
- With regard to development just outside the boundaries of national parks, there are examples of excellent working relationships - both formal and informal - between NPAs and their adjacent local authorities. This good practice should be welcomed and encouraged. We found some excellent examples of adjacent local authorities with robust Local Plan policies providing clear protection for the settings of national parks.

But there are also clearly cases where the duty to have regard to national park purposes (often called the s.62 duty) is not well understood or satisfactorily implemented. Current national planning guidance is not as clear as the MDT in terms of the relative weight which should be applied by adjacent local planning authorities to any adverse impacts from major development which might affect the setting of national parks.

- Our analysis of government `call in` and appeal procedures did not identify any particular issues over and above those mentioned above.
- With regards to Nationally Significant Infrastructure Projects (NSIPs) and Development of National Significance (DMS), we felt there had not yet been enough schemes to evaluate the effectiveness of the decision making process. However, it would appear that the greatest challenges for NPAs will be in ensuring adequate compensation and mitigation measures are achieved, and ensuring that several local planning authorities work together to resolve any cross-boundary issues.
- There are many examples of good practice across all the NPAs in England and Wales. These include:
  - The articulation and use of a national park's local special qualities in relation to the MDT in Local Plan policy was regarded by both planning officers and local groups as valuable. Those NPAs who have followed this approach find it particularly helpful when implementing the MDT in practice. It also helped to reinforce support and understanding amongst NPA Members, and to clarify MDT policy for developers.
  - Many NPA planning officers emphasised the benefits of pre-application advice and negotiation with developers in resolving issues, and exploring contentious issues with NPA Members at an early stage.
  - The criterion in the MDT (NPPF and PPW) requiring the need to demonstrate development cannot occur elsewhere, was found to be particularly helpful in proactively searching for development sites outside national parks and thereby enabling benefits to the surrounding local economy. Although the MDT requires developers to prove there are no alternative sites outside national parks, it is clear that some NPA planning officers also value the negotiation around this point in their pre-application discussions with developers.
  - The use of local Neighbourhood Plans in English NPAs has enabled the better identification of local needs (particularly housing needs);
  - The use of both NPA Member and officer workshops and training both within national parks and in partnership with adjacent local planning authorities to explore some of the above issues are to be applauded and encouraged. Unfortunately, both Member and officer training, within and across the family of NPAs, seem to be under considerable pressure due to resource constraints at present.

## 1. INTRODUCTION

This research project was undertaken by the Department of the Natural and Built Environment, Sheffield Hallam University, and commissioned by the Campaign for National Parks, the Campaign to Protect Rural England, and the National Trust. The objectives of the study are:

- i. to examine the effectiveness of the current system of planning at the local level and for Nationally Significant Infrastructure Projects (NSIPs) in protecting national parks from damaging major development;
- ii. to gather evidence on the justifications for approving major development affecting national parks, and attempt to establish any trends in reasons for approval, in particular the extent to which local economic needs are used to justify approvals;
- iii. to examine evidence concerning the effectiveness of the existing s.62 duty requiring adjacent local authorities (and other public bodies) to take account of any impacts on national park purposes in their planning decisions;
- iv. to propose changes needed, if any, to relevant planning policies to ensure they are effective in preventing damaging development in future;
- v. to propose other recommendations to provide better protection for national parks, and reduce the impacts of any necessary major development.

The research reviewed the impacts of major development on national parks in both England and Wales and clearly states which country each of the recommendations applies to, where relevant. This report presents the main evidence and findings from this research.

The rest of this introduction summarises the development of current planning guidance relating to major development in English and Welsh national parks.

### 1.1 DEFINITION OF 'MAJOR DEVELOPMENT' AFFECTING NATIONAL PARKS

The definition of major development in our planning system, particularly its treatment within our national parks, has a long and complex history.

The only statutory definition of major development in both the English and Welsh planning systems is through the Town and Country Planning (Development Management Procedure) Orders (henceforth referred to as DMP Orders). These DMP Orders set out specific types and scales of development (e.g. so many dwellings and a certain hectareage of land affected) which constitute 'major'. These were most recently updated in 2010 in England and 2016 in Wales. All local planning authorities will be familiar with the DMP Orders, and all are required to report to DCLG on a regular basis concerning their consideration of major development applications which are covered by these Orders.

However, this is significantly different from major development in the context of national parks and the so-called major development test (MDT), which has effectively been in place since the National Parks and Access to the Countryside Act 1949. These significant differences were confirmed in 2011 in a legal opinion by James Maurici QC of Landmark Chambers, who was asked to provide a legal opinion on government guidance to help clear up this ambiguity, following the designation of the South Downs National Park. Maurici revised his legal opinion in 2014 as a result of subsequent case law and has produced a set of principles to be used to

determine whether a proposal constitutes major development in the terms of the MDT in national parks. Essentially, he concludes that determination is a "*matter of planning judgment to be decided by the decision maker*" (para 24), taking into account whether "*the development has the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by a national park...by reason of its scale, character or nature*" (para 26, Maurici, 2014).

Maurici also concluded that it would be wrong in law to "*apply the definition of major development contained in the 2010 Order to paragraph 116 of the NPPF*", or indeed apply "*any set of rigid criteria*" in defining major development. Significantly his review also shifted the definition to include the relevance of the local context of the development (para 27, 29 and 31), and recommended not restricting "*the definition to proposals that raise issues of national significance*" (para.25).

This legal opinion has subsequently informed DCLG Planning Practice Guidance which states that "*Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context*" (DCLG, 2016, para.005, Ref ID: 8-005-20140306).

Whilst this legal opinion appears clear and unambiguous, our research has revealed evidence of alternative interpretations of the MDT which are clearly affecting both whether development is defined as major development in the first place, and its subsequent consideration though the planning process. This evidence is discussed in subsequent sections.

## **1.2. CHRONOLOGICAL OVERVIEW OF NATIONAL POLICY ON MAJOR DEVELOPMENT IN NATIONAL PARKS**

Unlike national parks in many other countries, English and Welsh national parks have been designated in areas which, while meeting the characteristics of extensive tracts of country, characterised by their natural beauty (National Parks and Access to the Countryside Act 1949), also have a long history of settlement (Cullingworth & Nadin, 2002). In particular several of the areas proposed for designation in the 1950s were subject to extensive minerals working, and the need for ways of resolving the conflict between this and the new national park purposes was addressed from the outset through what is termed 'major development' policy (MacEwen & MacEwen, 1982).

Unlike the DMP Orders definition of major development, national planning policy on major development in national parks (and Areas of Outstanding Natural Beauty) focusses on what is commonly known as the 'major development test' (MDT). The MDT sets out a framework for deciding whether or not a major development application should be permitted. The original MDT was laid down by Lewis Silkin, Minister for Town and Country Planning, in 1949, and was designed to protect the amenity of national parks from minerals development. The so-called Silkin test had a presumption against development except where:

- i. *exploitation was "absolutely" necessary in the national interest;*
- ii. *it must be clear beyond all doubt that there was no possible alternative source of supply;*



- iii. *and, if those two conditions are satisfied, the permission must be subject to the condition that restoration of the site would be undertaken at the earliest possible opportunity.*

(MacEwen and MacEwen 1982 p233)

The post-war and subsequent governments verbally endorsed the Silkin test as a statement of government policy, but have also modified it over time.

The production of Planning Policy Guidance and Minerals Policy Guidance Notes in 1991 incorporated previous government guidance on major development in national parks in PPG 7: *The Countryside and the Rural Economy*.

From 1995 there has been an increasing divergence in the structure and content of planning policy for England and Wales as part of ongoing devolution. These are discussed in two separate sections below:

## **England**

As part of the Planning and Compensation Act 2004, further reforms were made to improve the clarity of national policy in England, with the separation of PPGs into Planning and Minerals Policy Statements and Good Practice Guidance. Major development policy remained unchanged in PPS 7: *Sustainable Development in Rural Areas*.

Changes following the Localism Act 2011 then saw national planning policy significantly condensed into the National Planning Policy Framework (NPPF) in 2012, later supported by online Planning Practice Guidance which is regularly updated. The specific sections relating to major development in national parks in the NPPF are as follows:

*"115. Great weight should be given to conserving 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 landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.*

*116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- i. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- ii. the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- iii. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."*

(DCLG, 2012)

Some Minerals Planning Guidance Notes were subsumed within the NPPF while others were not withdrawn until March 2014 when they became a Minerals section of the Planning Practice Guidance. Significantly, all the reforms retained policy on major development and the MDT,

so that it has remained a formal part of national planning policy to be translated into statutory local plans and a material consideration in making decisions on development in national parks.

The Planning Act 2008, amended in the Localism Act 2000, introduced a separate consent regime for Nationally Significant Infrastructure Projects (NSIPs), which removes the need for several consent regimes. NSIPs are usually large scale infrastructure developments, but can now also include some housing under the Housing and Planning Act 2016. Applications are made to the National Infrastructure Planning Unit rather than to the local planning authority, and decisions are made by the relevant Secretary of State, advised by planning inspectors who give recommendations based on a series of National Policy Statements (NPSs). Some (but by no means all) major development in and around national parks now falls within the NSIP regime.

The general national policy position on major development was further reinforced in Defra's '*English National Parks and the Broads: UK Government Vision and Circular*' (2010) which is specifically referred to in the NPPF (footnote 25 page 27).

## **Wales**

Until 1995, Welsh national planning policy was produced jointly with England, with the exception of some separate advice to reflect Welsh specific conditions (Cullingworth *et al* 2014), so the history of major development policy is the same. However, from 1995 the Welsh Office started to produce Welsh specific Planning Policy Guidance, first published in 1996 in two documents, '*Planning Policy*' and '*Unitary Development Plans*', it was renamed Planning Policy Wales in 1999 and accompanied by a series of Technical Advice Notes (Tewdrw-Jones, 2005; Cullingworth *et al* 2015). With the establishment of the Welsh Assembly this was revised into the first Planning Policy for Wales in 2002. Welsh specific Mineral Planning Guidance notes were also published between 1988 and 1995. Overall minerals policy is now included in the Planning Policy for Wales, though some of these MPGs remain in use. The latest iteration of Planning Policy Wales is Edition 8 (Welsh Government, 2016), and includes separate major development policy for minerals. The major development policy, included below, is very similar to that in the NPPF, while for minerals it is more extensive.

*'5.5.6 In National Parks or AONBs, special considerations apply to major development proposals which are more national than local in character. Major developments should not take place in National Parks or AONBs except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need and refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards. Consideration of applications for major developments should therefore include an assessment of:*

- i. the need for the development, in terms of national considerations, and the impact of permitting it or refusing it upon the local economy;*
- ii. the cost of and scope for providing the development outside the designated area or meeting the need for it in some other way;*

*iii. any detrimental effect on the environment and the landscape, and the extent to which that could be moderated. `*

Unlike the English vision and Circular for National Parks and the Broads (2010), the Welsh Government equivalent, *'Working Together for Wales: Policy Statement for the National Parks and National Park Authorities in Wales (2007)*, does not cover major development and places much more emphasis on the local community, community engagement and the local economy.

Under the Planning (Wales) Act 2015, a three tier development plan system has been put into place, with a National Development Framework (NDF) concentrating on development and land use issues of national significance; Strategic Development Plans (SDPs) - for selective, functional, strategic planning areas; and Local Development Plans (LDPs). Whether the NDP and SDPs provide opportunities for policy on major development in national parks remains to be seen. PPW will remain in place as an overarching policy framework and will continue to guide the development of the LDPs, so this element of policy on major development in Welsh national parks remains.

The Planning (Wales) Act 2015 also sets out a process for Developments of National Significance (DNS) in Wales, similar to the NSIPs in England. Applications for projects of a threshold set out in the Development of National Significance (Specified Criteria and Prescribed Secondary Consents) Regulations 2016 are now made to and decided by Welsh Ministers rather than the local planning authority, which will take some, but by no means all, major development in Welsh national parks out of the NPA decision making structure. This will also apply to infrastructure projects in the NDF.

### **1.3. ANALYSIS OF SIGNIFICANT CHANGES IN NATIONAL POLICY ON MAJOR DEVELOPMENT**

Throughout the period described above, there have been subtle but significant changes to the national policy in both jurisdictions and the MDT which have potentially had an impact on its effectiveness. Our analysis of these changes is provided in greater detail in Appendix A.

Since 1997 the policy on major development in national parks has been consistent in that it should only be permitted in *`exceptional circumstances`* and where it can be demonstrated to be in the public interest. However, the explicit requirement for a *`rigorous examination`* has been removed from the NPPF in England, although not in Planning Policy Wales.

The MDT also continues to include a set of criteria against which proposals for major development are assessed. The 1949 Silkin test required minerals exploitation to be *'absolutely necessary and in the public interest'* (section i). But by 1987, the Waldegrave Government statement (CNP & FOPD, 2004) significantly amended this to a requirement for it to not only be deemed a *'national need'*, but also to consider the impact of approving or refusing it on the *`local economy`*. This revised emphasis has remained in current policy in England and Wales to this day. Our research has shown that the reference to the *`local economy`* is a significant factor in the approval of major development applications.

The second part of the original Silkin test permitted major minerals development only where there was *'no possible alternative source of supply'*. Again, this was relaxed in the Waldegrave

statement to a consideration of *'alternative sources of supply'*. PPG 7 added the need to consider alternative ways of meeting the need, which strengthened Waldegrave's statement to some extent. This element of the test remains in the NPPF and PPW.

The third element of the Silkin test, requiring that *'restoration of the site would be undertaken at the earliest possible opportunity'* was amended to considering the detrimental effect on the environment and the landscape, and the extent to which that could and should be moderated. This shifts the emphasis from a *'requirement to restore'* to the need to *'consider the extent to which the impact could be moderated'*, arguably stronger on mitigation but not on restoration. This latter interpretation remains in the NPPF and PPW. PPS 7 also added the impact on recreation to the list of factors to be considered. Finally PPG7 and PPS7 included the need for high environmental standards for development and restoration. These remain in the policy of PPW but have been lost from the NPPF.

In England, the shift in major development policy relating to minerals development follows that of other major development cases discussed above. In Wales, the 2016 version of Planning Policy Wales also follows this shift until section 4, which also considers the impact on nature conservation and biodiversity. It also includes the only proactive aspect of major development policy, taking into account the scope for using quarry extensions as a means to enhance the local landscape and provide for nature conservation and biodiversity.

The evolution of policy described above has caused many environmental groups significant concern. However, we would suggest that the major change had occurred by 1987, as summarised in the Waldegrave statement, rather than in the much later NPPF and PPW guidance. Evidence provided during this study also suggests that these changes in wording might actually be merely reflecting decisions on the ground, rather than signalling major changes in policy direction as implemented.

#### **1.4. POLICY AND LEGISLATION ON MAJOR DEVELOPMENT OUTSIDE NATIONAL PARKS**

It should be noted that the MDT only applies within our national parks and AONBs, and not to major development which impacts on these areas' statutory purposes and special qualities but which falls outside their boundary. The minerals policy in Planning Policy for Wales is the only exception to this, and requires that *'Minerals development proposed adjacent or close to a National Park or AONB that might affect the setting of these areas, should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact'* (Welsh Government, 2016, para 14.3.3).

However there is both legislation and government guidance which requires consideration of national park purposes by all public bodies, including adjacent local planning authorities and other agencies.

Section 11A(2) of the National Parks and Access to the Countryside Act 1949, as amended by section 62 of the Environment Act 1995, together with section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000, require that *'in exercising or performing any functions in relation to, or so as to affect, land'* in national

parks and Areas of Outstanding Natural Beauty, relevant authorities '*shall have regard*' to their purposes. This duty is often referred to as the 's.62' duty.

In England, Planning Practice Guidance makes it clear that this duty "*is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas*" (DCLG, 2014). This guidance is echoed in some of the government's National Policy Statements (NPS). Examples include paragraph 5.154 of the NPS on National Networks (2014) concerning developments outside nationally designated areas. It is also stressed in Welsh Assembly Government guidance (2005), and in the Policy Statement on National Parks and National Park Authorities in Wales, '*Working for Wales*', 2007. Furthermore Defra's '*English National Parks and the Broads: UK Government Vision and Circular*' (2010) also emphasises that "*Major development in or adjacent to the boundary of a park can have a significant impact on the qualities for which they were designated*" (para 31).

## **2. METHODS**

In order to address the objectives, the following tasks were undertaken:

### **2.1 OVERVIEW OF NATIONAL AND LOCAL POLICIES IN RELATION TO MAJOR DEVELOPMENT IN THE ENGLISH AND WELSH NATIONAL PARKS**

A brief overview of the development of national planning policy in relation to major development in the English and Welsh national parks was undertaken, based on existing literature, policy documents and previous studies. This was followed by an on-line search and analysis of local plan policies interpreting the national guidance in individual National Park Authorities (NPAs). A summary of this analysis was checked (by email) with each NPA to ensure our interpretation was correct or to update with more recent developments. Information from subsequent interviews with the NPA planning officers and with local groups was also used to supplement our findings. The analysis is presented in Appendix B.

### **2.2. COMPREHENSIVE SEARCH OF NATIONAL PARK AUTHORITY PLANNING PORTALS**

Initially, it was hoped to undertake an in-depth search of all the individual NPA web-based planning portals to attempt to identify major development cases over the last twenty years. The starting point for this search was a list of cases provided by our clients which had proved of previous interest to their associated national park societies and local groups. However, some NPA planning portals proved challenging to investigate, particularly for older schemes, and 'major development' cases are not identified on the planning portals in any meaningful way.

Therefore, in order to support the on-line searches, NPA planning officers and other stakeholders were approached via email, in order to identify a range of major development cases over at least ten years (and older where possible). Using a combination of this information and that provided by the clients, a list of over 70 cases which might be termed 'major development' in or close to national parks was developed. Information relating to each case, including officers' reports, planning decisions, reasons for decisions, and any further decision making processes such as planning appeals or Ministerial call-ins, were recorded.

The aim of this exercise was to obtain an overview of relevant decisions across the years, to see if any patterns or trends could be identified in relation to national policy changes concerning major development in NPs. However, it must be emphasised that the final list, although extensive and useful, cannot be regarded as comprehensive nor any kind of specific sample (and issues regarding the definition of 'major development' cases are discussed later in this report). The final list of schemes examined in this way is summarised in Appendix C.

### **2.3. EXAMINATION OF SELECTED CASE STUDIES**

Using the above list, and in consultation with our clients, 15 case studies were selected to allow us to examine in greater detail the decision making process in relation to each application. The cases were chosen on the basis of geographical spread (both within national parks and just outside their boundaries), types of application, and the decision making process and final decisions. Not all the cases selected were contentious; many of the applications

below progressed smoothly through the planning process. The 15 cases selected are listed chronologically (by final decision date) below:

	Date
A Jordanston wind farm, outside Pembrokeshire Coast NPA	09-2001
B High and Low Newton by-pass, outside Lake District NPA	1993-2003
C Bluestone holiday complex, on boundary Pembrokeshire Coast NPA	28-01-2004
D Moss Rake quarry, Peak District NPA	26-10-2006
E Brighton & Hove Stadium, on boundary South Downs NPA (this scheme was proposed and approved prior to the national park designation - although the area did have AONB status at the time, and national park designation was discussed during its consideration)	02-2007
F Dry Rigg quarry extension, Yorkshire Dales NPA	13-01-2011
G King Edward VII's Hospital housing scheme, South Downs NPA	14-11-2011
H Aller solar farm, just outside Exmoor NPA,	11-05-2013
I Circuit of Wales racing track, just outside Brecon Beacons NPA	10-07-2013
J Rampion off shore wind farm , South Downs NPA	16-07-2014
K Cwrt y Gollen housing scheme, Brecon Beacons NPA	21-10-2014
L Yorkshire Potash mine, North York Moors NPA	30-06-2015
M Kirkby Moor wind turbines, outside Lake District NPA	26-11-2015
O Limolands solar array, New Forest	30- 03-2016

Information regarding each case was obtained from a variety of sources. On-line sources were used where possible - NPAs' and LPAs' planning portals and records of planning committee minutes were helpful, where available. Additional information was also sought from NPA planning officers and from local groups in each area (notably the national park societies, CPRE local groups, and National Trust planning advisers). Where information was scarce (particularly in the case of older applications) other sources such as media articles supplemented the official documentation.

Information about each case study was collated using a standard 'pro-forma', with the intention of trying to identify patterns and trends in the decision making process, and develop any over-arching principles around cases. These reports are included in Appendix D. A very basic analysis of the final decisions made across all 15 cases was also undertaken - although it is acknowledged that this represents an over-simplification of these challenging and complex cases. This analysis is also included in Appendix D.

## **2.4. SEMI-STRUCTURED INTERVIEWS WITH NPA SENIOR PLANNING OFFICERS**

To explore some of the trends, pressures and challenges in implementing national planning policy relating to major development locally, senior planning officers in all of the National Park Authorities in England and Wales were approached for their personal views. Senior planning officers in 11 out of the 13 NPAs in England and Wales were interviewed and most also sent additional information by email. The remaining two NPAs also sent very helpful comments by email, but were unable to contribute to the interviews due to other commitments. In all cases the officers interviewed were either the most senior head of planning/development in their NPA, or a senior policy manager. The question script for these interviews is included at Appendix E.

All interviewees spoke to us on the telephone, in a personal capacity, and we guaranteed anonymity for both officers and their NPAs in our final analysis. Our analysis provides a general overview of responses, with consensus views and differences of opinion where relevant. Only information already available in the public domain has been referred to specifically. The contribution of these officers to this study, particularly as they are all under considerable work pressures, is much appreciated. It is our hope that this report is of interest and assistance to those NPA officers, as well as our clients.

Interviews were taped and transcribed according to usual academic practices. These were then analysed by searching for patterns and themes in the transcripts after all interviews were completed, alongside a series of relevant issues and questions.

## **2.5. EMAIL QUESTIONNAIRE TO NP SOCIETIES AND OTHER STAKEHOLDERS**

Our clients provided lists of contacts for the national park societies, relevant CPRE groups, and National Trust planning advisers. Each representative was sent a short questionnaire by email (included at Appendix F) concerning some of the general principles explored in the study, along with a request for any further information about the selected case studies agreed with our clients. We are very grateful to all group representatives (many of whom are volunteers and took considerable time and care with their responses) who assisted us with their insightful and detailed comments. Their views have informed our general analysis of the effectiveness of the MDT, as well as contributing to specific case studies. Where appropriate, we have summarised their responses in order to avoid attribution to particular individuals. The groups who responded to our requests for comments are included at Appendix G.



### **3. FINDINGS**

#### **3.1. ANALYSIS OF LOCAL PLAN POLICIES IN RELATION TO MAJOR DEVELOPMENT**

Appendix B presents the analysis of National Park Authority (NPA) local plan policies concerning major development.

Across the family of NPAs in England and Wales, the treatment of major development in their Local Plans varies considerably.

The first variation is the degree to which NPAs have a locally interpreted major development policy. For major development other than minerals, our research has shown that in the English NPAs:

- five NPAs have a specific local major development policy - Dartmoor, Exmoor, Lake District, Northumberland and the Yorkshire Dales.
- two NPAs refer to national policy without further local interpretation - New Forest and the Peak District; and
- three NPAs have no major development policy specifically mentioned at all - the Broads, the North York Moors and the South Downs.

There is no apparent correlation between the inclusion of a major development policy and the date of adoption of the plan, although two NPA planning officers did explain that the absence of any major development policy was due to government stipulation that Local Plans should not reiterate national policy (following publication of the NPPF in 2012). However, the inclusion of policies in plans post-2012 shows that this requirement has not been upheld through the plan adoption process.

All those English NPAs with existing major development policies make reference to either PPS7 or the NPPF, and use their MDT as the basis for local policy. Those authorities citing PPS7 subsequently confirmed that they now interpret their policy in the context of the NPPF. In applying it to their local area, NPAs have strengthened the MDT requirements to different degrees. These range from subtle variations in wording, to more detailed, local interpretation. For example, the Dartmoor Development Management and Delivery Plan 2015 has a shorter, but stronger policy to complement the citing of the NPPF criteria in the policy justification; and Northumberland NPA has a more detailed local interpretation through the addition of several criteria, including potential for the mitigation of the effects on the special qualities of the park, design and scope for site restoration. It should be re-emphasised at this point that the Maurici legal opinion, previously discussed, confirms that these interpretations of the MDT policy with regard to the local special qualities of each national park is in keeping with the overall national policy position.

This trend for a locally interpreted major development policy is likely to continue and be extended, as Exmoor, the North York Moors, the New Forest and South Downs NPAs all have local interpretations of the NPPF major development policy in their current Local Plan reviews, and local interpretation is far more evident in the Yorkshire Dales Draft Local Plan.

Three NPAs' policies on major development also explicitly refer to the need for an Environmental Impact Assessment for major development which is likely to have a significant

impact on the environment, giving implicit additional weight to their policy for those schemes of a certain scale and type.

All three Welsh NPAs also have major development policies in their local plan as required by Planning Policy Wales (2016). The Brecon Beacons NPA and Snowdonia NPA are entirely in line with the criteria set out in national policy for Wales. Pembrokeshire Coast NPA is more complex, with a clear statement that no new major development will be allowed except in exceptional circumstances, coupled with guidance for specific types of development.

All but three of the English NPAs and all of the Welsh NPAs have major development policies relating specifically to minerals developments in either an integrated Local Plan and Minerals and Waste Plan or a Joint Minerals and Waste Plan with adjacent authorities, reflecting the origins of the MDT in the Silkin test. Of the three English NPAs who did not have an existing policy, the Yorkshire Dales has a minerals specific major development policy in their Draft consolidated Local Plan and Minerals and Waste plan, going to public examination in 2016.

The above policy analysis and our subsequent interviews with NPA planning officers, show that there is a clear trend towards more inclusion of locally interpreted policy on major development in NPA Local Plans. The reasons given for this by planning officers are:

- to provide a local context to major development, taking into account the different characteristics of the national parks;
- to clarify some of the key terms in a local context;
- to give emphasis to exceptional circumstances and national need;
- to ensure the continuity of major development policy should it be removed from national policy in the future. To quote one national park planner *"It's there as a safeguard really"*.

### **3.2 DEFINITION OF MAJOR DEVELOPMENT**

Our analysis of how the MDT is applied and considered in each national park must begin with consideration of how major development is defined by each NPA.

Despite the almost universal acceptance of national policy on major development in their Local Plans, and the Maurici of Landmark Chambers' legal opinion, our findings suggest that some NPAs still seem to conflate the DMP Orders definition of major development and major development in the context of the MDT. As previously explained in section 1.2 of this report, the latter relates to impacts on national parks' special qualities, whilst the former is purely related to matters of scale. This ambiguity, and the use of both definitions in differing circumstances in some national parks, leads to a lack of policy clarity, and still leaves opportunities for challenges by developers in appeals and the courts. It is also clear from the comments of national park societies and other groups, that they also have difficulty in understanding the complexity and application of the MDT, and we might presume that local developers and the public will also find the process unclear.

Our research shows there remains strong support for flexibility and professional judgement in deciding whether an application constitutes major development amongst NPA planners. They feel this constitutes good planning and is necessary to take account of national parks' special characteristics and local context. However, while there is agreement that rigid criteria could

be too prescriptive, there is also a consensus that more guidance on the sorts of development falling within the definition of major development would be helpful to improve clarity for planners, developers and the public, and to reduce the number of legal challenges.

Further guidance and clarity was seen as particularly pertinent as several NPA planners raised their concerns about apparent shifts in policy arising from reinterpretations of the definition of major development through Local Plan review, case law and the courts. Concerns were raised that the broadening of the definition of major development, and therefore of the application of the major development test, (particularly where schemes were subsequently permitted on straightforward, good planning grounds) could downgrade the weight given to *'exceptional circumstances'* in policy, potentially undermining the use of the MDT for far more significant cases.

Several NPAs already have definitions in their Local Plans which provide local interpretations of the definition of major development to try and overcome some of this ambiguity. These often refer to either development of more than local significance or to a significant impact on the special qualities of their national park. For example the Lake District NPA defines major development as *"more than local in character and which has a significant adverse impact on the special qualities of the National Park"* (Local Plan Core Strategy 2010 policy CS12) and the Yorkshire Dales NPA *"more than local significance which will also have a long-term impact on the landscape, wildlife or cultural heritage of the National Park, because of its scale and nature"* (Local Plan Core Strategy 2009 para 3.25). Northumberland NPA has also included guidance on what this means in practice and the Brecon Beacons NPA includes examples of likely major development in their glossary of terms. These local interpretations are summarised in Appendix B.

Reference to the special qualities of each national park is entirely in keeping with the Maurici opinion, and National Planning Policy Guidance, as it relates the MDT to the local context. However, some of these NPA Local Plan interpretations of the MDT might be said to be at variance with those views, as the Maurici opinion explicitly suggests avoiding reference to *'national significance'*.

Other NPAs seem to rely heavily on the DMP Orders definitions of major development, rather than the Maurici interpretation - or at the very least, a sort of conflation of both approaches.

The evidence suggests that there remains a lack of clarity about the definition of major development across the family of NPAs in England and Wales. This must inevitably lead to a lack of clarity in the implementation of the policy at a local level. It would be helpful for the NPAs themselves to discuss these issues together and come to a consensus concerning the most effective way of defining major development. Some of the concerns about *'policy drift'* expressed by some NPA planning officers could also be explored through such discussions. The Maurici interpretation of major development clearly allows for local variations in the detailed application of the MDT to take account of the special qualities of each national park - and this is important. What might be considered small scale with little impact in one area of a national park, could be considered to have major impacts on a national park's special qualities in another part of the same national park. However, it would be helpful if all NPAs adopted the same approach to the process, even if the local interpretation then differed in the detail.

### 3.3 IMPLEMENTATION OF POLICY ON MAJOR DEVELOPMENT

Our research investigated whether there were any trends or patterns in the implementation of the MDT in relation to national policy changes over the previous ten years (and earlier where possible). We began this analysis by trying to establish if the changes in wording of major development policies in England and Wales had an impact on decisions. There has been considerable concern expressed about the possible loosening of the major development test due to the changed wording in the National Planning Policy Framework. For example, specific concerns relating to the exclusion of the words '*rigorous examination*', and less of an emphasis on '*national needs*' as opposed to the more general (and thus, potentially, more local) '*public interest*' in paragraph 116 of the NPPF, were raised by national park and environmental groups when the NPPF was first introduced. This is not so much the case in Wales, where the need for '*rigorous examination*' has been retained, and '*overriding public need*' is included in the criteria in Planning Policy for Wales.

Just focusing on the wording of the policies, the evidence around the impact of specific national policy changes from our overview of around 70 applications and the 15 selected case studies is inconclusive. The experience of the majority of NPA planning officers, and also national park societies and local group members, is that the implementation of policy on major development has not changed significantly since the introduction of the NPPF or PPW amendments. Those local groups who were concerned initially that the national policy had been weakened, now think this has not been the case, and that issues arise due to the interpretation and implementation of the policies rather than the wording of the policies themselves. This perspective is supported by similar issues over interpretation and implementation in both England and Wales, despite differences in the policy wording in the two countries. There was a consensus that the policies were strong enough as they are - as one national park society member commented "*the policy would have been sufficient to turn down xxxx application, had they wanted to*".

In England there is also clear evidence of several notable and controversial cases receiving permission (either from local planning authorities or central government decisions) prior to the NPPF, as well as since those policy changes. It is difficult to point to any specific changes in the wording of the NPPF which have had an impact on these decisions.

Instead, decisions appear to be aligned to either more general central government issues of the day, or to a balance made by local decision makers between local economic benefits and national park purposes.

Examples of the former central government influence include specific agendas regarding particular developments, but also a more general '*tenor*' around central government attitudes towards development. For example, there was a period when on-shore wind turbines were regarded quite positively by central government. It is possible to point to appeal decisions which appear to echo this positive view, and which permitted wind turbine development (e.g. the Carsington Pastures appeal decision, just outside the Peak District National Park, in 2007). In early 2014, there was a clear signal from government that this position had changed and central government became much less supportive of on-shore wind turbines. Subsequent appeals and '*call in*' decisions reinforced this wider policy change, and many cases are now refused (for example the Kirkby Moor wind farm just outside the Lake District National Park in 2015).

Similarly, the pressure for new housing, particularly in the south of England, is clearly informing central government decisions in that area, and local planning authorities are following that government agenda. It is considerations beyond national policy changes to the MDT which are affecting how these cases are considered. Our findings suggest equally contentious cases were approved prior to the implementation of the NPPF and PPW, and for similar reasons.

Concern was also expressed by a majority of both NPA planning officers and local groups, that there is a growing pressure from central government to generally 'loosen' the planning system to enable and encourage economic growth in both England and Wales. There were some differences in opinions on this issue - a small number of NPA planning officers reflected on the complexity of the debate surrounding sustainable development in national parks, and the need to encourage inward investment to allow local communities to regenerate and thrive in the future. However, the majority felt the pressure to enable development generally was increasing.

Achieving the right balance between the wish to allow development to support local communities and the statutory requirement to support national park purposes is, of course, at the crux of most planning decisions in our national parks. However, our findings also suggest that achieving this balance is not helped due to a perceived lack of clarity over the meaning of some of the key terms in the MDT.

Ambiguity can give developers and others strong leverage to argue that their proposals 'pass' the major development test. While there was no push for changing national major development policy, there was widespread support for more guidance (though not prescription) on the meaning of terms such '*exceptional circumstances*', '*public interest*' and '*national considerations*'. It was felt that this should retain the need for professional judgement on a case by case basis, but improve clarity and in doing so strengthen the policy position and its implementation by reducing room for challenge on the interpretation of terms.

There are many examples of this lack of clarity, and they occur both before and after the NPPF and PPW were issued. The Brighton and Hove Football Stadium case on the boundaries of what is now the South Downs National Park was approved by the Secretary of State in 2007, using call-in powers, with the approval justified on the basis that local economic regeneration was a national priority, and therefore represented '*exceptional circumstances*'. Whilst this case pre-dates the final designation of the South Downs National Park, national park status was a consideration during the passage of the application through the planning process, and the area was already an AONB. Another example is of a large agricultural building in the Peak District which was recommended for approval by the Peak District NPA, on the basis that "*the proposed development, although large in scale, was required to meet the agricultural needs of the current farm business operating from the site*".

The simple analysis of all 15 case studies included in Appendix C highlights the extent to which local economic needs have been used to justify both straightforward and extremely contentious schemes in both England and Wales. In fact '*national need*' seems to be mentioned largely only in relation to national infrastructure projects (for example the Rampion Off Shore wind farm, off the Sussex coast). Even the extremely contentious decision to permit

the North York Moors Yorkshire Potash mine proposal in 2015 relied largely on the benefits to the local economy, with only minor mention of any national need for the development.

A further issue concerns the relative weight given to different parts of the MDT. It is not clear if proposals should meet all the criteria set out in the test in order to be approved. As one NPA planning officer said *"It (the MDT) wasn't a series of obstacles, (that is) if you didn't pass the first test the proposal automatically failed. It was about assessing it against a series of criteria and then, at the end of the day, saying how did it score? Is it a strong or weak case? And it's up to the decision maker to put different weights on different elements of that policy"*.

A number of NPA planning officers (although by no means all) also felt that that their own Members were putting increasing weight on the local economy impacts component of the MDT and that this was where a further shift in major development policy was also felt. Welsh NPAs and local groups in Wales also felt this pressure from the Welsh Assembly, where the policy statement *'Working for Wales'* (2007) places much more emphasis on the importance of local community interests than in England.

Our findings suggest that, at times, significantly less emphasis is placed on the general public interest relating to national park purposes than to these local interests. The scale and extent of the use of the local interest justification raises concerns about whether these always represent *'exceptional circumstances'*. For example, in the Yorkshire Dales NPA, there have been on-going mineral demands and pressures for many decades, which local Members feel they are justified in approving in order to support the local economy.

Overall, our study found that the changes in the wording of the MDT in both the NPPF and PPW have not created any new issues in terms of the implementation of the MDT in either England or Wales. Contentious cases arise due to the much more general challenges of balancing local economic growth with national park purposes - and not the detailed wording in the MDT. However, further guidance would be welcomed to clarify the interpretation of some of the significant phrases, and the balance to be given to different criteria in the policies. This guidance is needed to address concerns that central government in both England and Wales appears to be increasingly positive about development to promote economic growth generally. This guidance is also needed to inform local decision making where the interests of local economic development and national park purposes are finely balanced.

### **3.4. IMPACTS OF DECISIONS BY ADJACENT LOCAL AUTHORITIES AND OTHER AGENCIES**

Comments relating to the so-called s.62 duty requiring adjacent local authorities (and others) to have regard to national park purposes in their own planning decisions were extremely varied. There are many examples of excellent relationships between officers and Members of NPAs and their adjacent authorities. The South Downs NPA - for particular reasons due to its designation - has specific formal arrangements for some planning decisions to be delegated to its constituent authorities, and these arrangements appear to work well. In the Peak District, Derbyshire Dales District Council includes an exemplary policy in its current draft Local Plan on landscape character which re-affirms its aim to resist development which might have an adverse impact on the setting of the Peak District National Park, alongside its intention to use landscape impact assessments to support its decision making.

There were many examples of adjacent local authorities calling on support from their adjacent NPAs to help strengthen cases for refusing schemes which they felt were unacceptable both in their own area and due to the impact on the national park (for example, the 2015 Kirkby Moor wind turbine scheme just outside the Lake District National Park, and the 2013 Aller solar farm case just outside Exmoor National Park).

There were also many good examples of locally organised workshops and training with NPAs and their adjacent local authority Members, arranged to share discussion and debate around these issues. Both formal planning agreements and informal declarations of good practice have been used to reinforce these relationships.

However, there are also several very controversial examples where adjacent authorities have pursued a development which clearly has an adverse impact on the national park, because of claimed local economic benefits (the Circuit of Wales racing track adjacent to the Brecon Beacons National Park is a good example of this). In a very few cases, Members of adjacent local authorities have seemed extremely reluctant to even accept they had a duty to have regard to national park purposes. So the overall picture is very mixed.

The use of the MDT to help clarify the weight given to local economic needs versus national park purposes in major cases which affect the setting of national parks, could be helpful in reinforcing the s.62 duty. The 2007 Carsington Pastures wind turbine scheme, just outside the Peak District National Park, was refused by the local planning authority, but then allowed by the Inspector following an appeal. The Peak District NPA and the local planning authority challenged this decision in the High Court, but lost their appeal. In his judgement, the judge accepted that if there had been specific national policy guidance requiring consideration of alternatives, as in the MDT, failure to have regard to it might have provided grounds for intervention by the Court. However, the MDT did not apply in this instance, as the scheme lay outside the national park boundary (even though it clearly affected the setting of the national park).

The good practice of formal policies in adjacent local authorities' Local Plans reinforcing the s.62 duty, informal partnerships and agreements, and shared training and discussions, should all be encouraged. Perhaps there is also a case for the MDT to be applied formally to cases just outside national parks but which have an adverse impact on their setting.

Concerns were also expressed during the study relating to other bodies, such as local highways authorities and the national highways agencies. The Town and Country Planning (General Permitted Development) (England) Order 2015 (similar provision exists in Wales) allows these organisations to undertake certain developments in or adjoining the boundaries of an existing road without recourse to the planning process. Some local groups expressed concern that these could also amount to major development, particularly where several schemes have a cumulative impact. As all these public bodies are also subject to the s.62 duty, then national park purposes should inform all their decision making within our national parks.

### **3.5. THE IMPACTS OF CUMULATIVE DEVELOPMENT**

The main evidence relating to these issues came from the NPA planning officers' interviews and the comments of local groups. All parties agreed these could be challenging to deal with, particularly as most did not fall under the 'major development test' restrictions.

Examples of cumulative development concerns given by local groups and planning officers included large agricultural buildings in the Peak District, the traffic impacts of retail and leisure developments in the Lake District, hydro schemes in Snowdonia, and moorland tracks in Northumberland. Cases just outside national park boundaries were also mentioned - including wind turbines (for example around the Pembrokeshire Coast National Park boundary), and solar arrays, both inside and outside national parks. Several NPA planning officers and local groups also raised concerns about the increasing pressure for housing, both inside their areas and on their boundaries, related more to general housing pressure (particularly in the south-east) rather than meeting local housing needs within national parks.

The main issue with such development is that individual schemes may be small, but the combined impact of many similar schemes may have major, adverse effects on a national park's special qualities.

In some cases, the relevant NPA had attempted to define some of these smaller schemes as 'major development' on the grounds that they did have an impact on the park's special qualities, and this allowed them to be considered against the MDT criteria. But there is also a danger here - as giving permission to these smaller schemes, even where justified on normal planning grounds, can lead to an element of 'policy drift' in terms of the exceptional circumstances required to allow major development. Equally significant, of course, is that the MDT does not apply to any schemes outside NPAs (cumulative or otherwise), as discussed earlier.

Some NPA planning officers felt that Local Plan policies (and often Supplementary Planning Guidance also) were often in a position of trying to 'catch up' with new technology and government agendas - inevitably leading to decisions being made on a case by case basis, rather than within a fully developed policy position or strategic overview. The changing technologies and funding arrangements around renewable energy schemes were given as an example of this position.

The need to have systems in place to monitor the cumulative impact of many, smaller schemes is clearly important. Some NPAs (for example in the South Downs) have specific officers who have a role within different communities to undertake this monitoring. But other NPAs will have fewer resources to complete this work. Local groups could have an important role here, and there was good evidence of some local groups embracing this role. Some NPA planning officers also emphasised the value of more strategic assessments obtained through mechanisms such as local neighbourhood plans, which enabled housing need to be examined across a community, rather than on a case by case basis.

### **3.6. GOVERNMENT CALL IN AND APPEAL PROCEDURES, AND NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS**

The overview of around 70 planning applications, and the selected case studies, were also analysed in order to identify any trends in the central government 'call in' process and appeal procedures. One NSIP was also included in the case study selection - the Rampion offshore wind turbine scheme off the South Downs National Park coast.

As with our earlier assertion that trends in NPA planning decisions do not appear to be strongly aligned to recent changes in the wording of national policies related to major development - neither does the appeal and 'call in' decision-making process. Regardless of changes at a



national level relating to NPPF para.116, and Planning Policy for Wales, planning inspectors and government ministers have made both controversial decisions and more supportive decisions around various planning cases over many years.

In England, in more recent years, when central government has declined a `call in` request, they generally refer to the statement made by the Planning Minister, Nick Boles, in 2012, in reply to a Parliamentary question (Hansard, 2012). This statement refers to the Localism Act 2011, and states that government wishes to put *`the power to plan back in the hands of communities`*. The statement also includes a list of criteria to be applied to cases in consideration of any call-in requests. In Wales the call-in requirements are set out in the Notification Direction 2012 (Welsh Government Circular No: 07/12), and Chapter 3 of Planning Policy Wales.

However, from our examination of selected cases, it is clear that the `call in` process is most often used if decisions are not aligned with the government's thinking at the time. Thus, when the English government signalled its intention not to support onshore wind turbine schemes in early 2014, these decisions were more frequently called in and refused. Equally, the English government now clearly wishes to see more housing development, particularly in the south, and an even cursory glance at general `call in` decisions registered by the DCLG, reveals that many local planning authority decisions to refuse even quite small housing schemes are subsequently approved by planning inspectors on appeal or the Secretary of State directly.

Conversely, if the government is broadly sympathetic (or even ambivalent) towards the underlying economic arguments for a particular development, it is generally happy to leave this to the local planning authority if the permission is approved. The evidence supporting this analysis was particularly reinforced by the recent decision of the Westminster government not to call in the very contentious case of the Yorkshire Potash Ltd mine at Sneatonthorpe in the North York Moors National Park. This case clearly met at least three of the six criteria outlined by Nick Boles in 2012, yet the call in was still declined on the basis that the government preferred to allow planning authorities to make these decisions locally wherever possible.

Thus the evidence suggests that the `call in` process is not so much about the criteria as set out in Nick Boles statement of 2012, but far more about wider general government agendas at any particular time. Some might argue that it also reflects a level of political expediency to decline call in requests from environmental groups if the local decision is in line with more general government thinking.

We are aware that some organisations have suggested that the governments in both Westminster and Cardiff should use their `call in` powers more frequently, particularly in relation to major development in national parks. However, there is no evidence from our overview of schemes or from the selected case studies, to indicate this would result in different or `better` decisions than those made at a local level. In many of the most contentious cases, decisions were extremely well argued and rigorously examined at a local level, and it is difficult to imagine the government of the day (in either Westminster or Cardiff) over-turning those decisions in the current context.

In fact, some NPA planning officers (particularly in the Welsh context) felt that there was increasing national government pressure to approve cases to enable local economic development at the expense of national park purposes, rather than the opposite.

We also addressed the issue of the appeal process in the NPA planning officer interviews. Most officers were very supportive of the appeals process, and felt their cases were well understood by the Planning Inspectorate. There was a suggestion that cases were better defended when based on issues such as landscape character assessment or impacts on biodiversity, rather than the major development test. Planning officers felt that possibly Inspectors were more familiar with the former frameworks and the major development test was less well understood. But generally speaking, the appeals process was not identified as a major area of contention.

Interestingly, several planning officers did suggest to us that they felt far more confident in defending their decisions at appeal, if they could call on the European Union Habitats Regulations to support their decisions. They felt these European designations had far greater weight with Inspectors than the national park designation alone, particularly where faced with severe challenges through pressures such as housing need and major industrial and transport infrastructure. This raises some interesting questions in the current 'post-Brexit' considerations of our future environmental legislation.

We do not consider there to have been sufficient examples of Nationally Significant Infrastructure Projects or Developments of National Significance yet determined in our national parks to identify any particular trends in these cases. The South Downs National Park Authority, whilst signalling a clear objection to the Rampion offshore wind turbine scheme on the grounds of its conflict with national park purposes, also indicates on its own web site that they were pleased to have gained significant mitigation measures and compensation for some of the adverse impacts. There are several ongoing and imminent NSIPs which are likely to prove equally challenging, particularly around major energy and associated infrastructure projects. Clearly, by its very definition, an NSIP or DNS has already gone some way to demonstrating it meets the requirements of the MDT - it is therefore likely that the main test for NPAs will be the degree to which any adverse impacts can be mitigated through negotiation.

A particular issue mentioned by some NPA planning officers was ensuring that several local planning authorities worked together to achieve the best results in terms of landscape impacts both inside and outside national parks in relation to these major, cross-boundary schemes, and this could be a particular challenge in the future.

### **3.7. REFLECTING ON THE BALANCE BETWEEN LOCAL NEEDS AND NATIONAL PARK PURPOSES**

As discussed previously, evidence from our consideration of previous planning decisions and from the NPA planning officer interviews clearly raised an issue around the weight given to local economic development and other community needs, as opposed to national park purposes. Regardless of national policy guidance (and changes), this issue remains at the heart of the most controversial cases, and one could argue, all planning decisions in NPAs.

Despite some examples of excellent practice and experience within some NPAs, our analysis of previous planning decisions suggests that some NPA Members can be very focused on the needs and benefits to their local communities of approving development. This is despite the statutory duty of NPAs to consider their local community needs remaining a subsidiary duty to

the main two statutory purposes of national parks. In all the cases where Members have overturned their officer recommendations and approved controversial schemes, this has been because Members have believed that the local economic gains (or other community needs) outweigh the impacts on the national park purposes.

Current policy allows this, and has done since the 1980s - it is clearly up to NPA Members to weigh these issues and come to their own judgements. It is also clear that many controversial decisions were made prior to the NPPF and PPW, as well as since, and it is difficult to find evidence of the weight given to local needs increasing at the local level as a result of these changes.

In the English NPAs, Members are drawn from three different 'constituencies' - nominated from the constituent local authorities, and through appointment by the relevant Government Minister, either as national appointees or from the Parish Councils within each national park. In Wales, currently, two thirds of each NPA are nominated by their constituent local authorities and one third appointed by the government (although this is under review at present). Under the legislation, all Members are required to have the primary purposes of national parks as their uppermost priority. However, it is perhaps unsurprising that those Members with strong local connections view this balance between local needs and national park purposes differently. This view is certainly supported by looking at the voting patterns in some of the particularly contentious cases.

It is therefore important that all NPA Members fully understand and subscribe to the statutory purposes of their national parks, and that NPA Members are drawn from a broad base to reflect all public interests in our national parks.

NPAs also need a clear steer from central government concerning the right balance between national purposes and supporting local economic growth. However, there is anecdotal evidence that central government, in both England and Wales, is increasingly likely to view approvals of development as enabling economic growth and prosperity, and thus a good thing, at the expense of national park purposes. This pressure was felt particularly strongly in the Welsh National Parks.

There is also evidence that NPAs - officers and Members - are currently dealing with these challenges in the absence of a clear steer from their national governments about a future vision for our protected landscapes. For example, several planning officers hinted at their quandaries around a range of tourism and leisure schemes - proposals which might be unacceptable when assessed under the major development test, but which may bring much needed inward investment to local communities unlikely to achieve economic growth through any other means. Equally, the pragmatic nature of decisions facing some of the NPAs involving housing schemes both within and just outside their boundaries, already suggests that new ways of considering development in our national parks are being set through incremental precedent, rather than any conversation about national parks policy at a national level.

Several NP planning officers referred to Defra's *English National Parks and the Broads: UK government vision and circular 2010*. This circular pre-dates the NPPF, and although the test relating to major development is covered in that circular, it clearly relates to a time when much more detailed guidance was also available through Planning Policy Statements as well. There

was a suggestion in the original circular that it would be reviewed within five years of its publication. The English government has produced its '*National Parks: 8-point plan for England (2016 to 2020)*' (Defra, 2016), with some very positive proposals, but planning and major development is not covered in any significant way by this document. Defra is also due to launch a consultation shortly on its proposals for a 25 year plan for the natural environment. However, this process has since been postponed, with no new timetable suggested, following the UK referendum decision to leave the European Union.

The review of the Welsh Assembly policy statement on national parks '*Working Together for Wales*' was put on hold while a review of designated landscapes was undertaken for the Welsh Government. The final report, '*National Landscapes: Realising their Potential*', was published in 2015 (Marsden, Lloyd-Jones & Williams, 2015) and includes wide ranging recommendations relevant to our findings, including changes to the structure of NPAs and funding for training members in planning decisions. The potential benefits and consequences of the recommendations are being considered by the Future Landscapes Working Group, under the auspices of the Welsh Government.

Any future review of the English Defra 2010 circular and any revised policy statements arising from the on-going Welsh review would seem to be excellent vehicles for exploring the issues raised in our findings further and reinforcing each government's commitment to national park purposes.

### **3.8. GOOD PRACTICE**

As well as concerns about ambiguity in the definition and implementation of the MDT and clearly some very controversial judgements, our research also revealed much good practice in all our NPAs. In particular, national park societies and other local groups commented that generally they were pleased with the evident professionalism and expertise of NPA planning officers.

There were many examples of good practice revealed through this study which could be promoted more widely in all NPAs.

- Aspects of the MDT which NPA planning officers found particularly valuable included:
  - The emphasis on a national park's special qualities in defining major development was seen as a very good thing by many. This had enabled valuable discussions about the definition and protection of special qualities in a local context, by both officers and Members. An example is the 'dark skies' designation applying to some national parks, which officers felt enabled them to articulate very clearly the detrimental impacts of some cases on these special qualities.
  - The use of Landscape Character Assessment was also identified as a way of reinforcing those local landscape qualities, and providing robust evidence when cases were considered both locally and in planning appeals.
  - The requirement in the MDT to explore the scope for developing elsewhere, outside the designated area or meet the need in some other way, had led to some positive and pro-active investigations of alternative regeneration sites outside National Park areas during pre-application negotiations. NPA planning officers felt this was generally regarded as very positive contribution to local economies where successful.

- In several English national parks, the positive and pro-active use of local Neighbourhood Plans was also seen as a way of addressing some difficult issues, particularly around housing need. Local Neighbourhood Plans helped to identify local housing need far more robustly in the face of challenging housing pressures from outside the national park area.
- Several NPA planning officers mentioned the enormous value of pre-application advice and negotiations with developers, both on major development cases and for schemes which might be creating adverse cumulative impacts. In some areas, this has become quite a formal process, which officers felt was beneficial in resolving issues with developers, and also building trust and understanding with Members.
- Developing and maintaining good working relationships with adjacent local planning authorities was seen as extremely important, particularly in relation to the s.62 duty. Many NPAs have good examples of shared Member training workshops and informal agreements with adjacent authorities. The South Downs National Park Authority has its own formal delegated decision arrangements with several of its constituent authorities which appears to be working extremely well. Whilst these arrangements are specific to the designation process in the South Downs, it could be worth considering the development of formal policies relating to the s.62 duty in adjacent local authorities Local Plans to help to strengthen relationships and understanding.
- Several NPA planning officers referred to the benefits of their shared meetings with planning officers from other NPAs. But many also mentioned that increasing resource pressures and time constraints meant it was difficult to maintain commitment to a programme of officer and Member training. This is unfortunate, as clearly there is much to learn in sharing existing good practice and discussing various approaches. There is also an important role here for organisations such as National Parks England and Wales, with the support of organisations such as the Campaign for National Parks, the Campaign to Protect Rural England, and the National Trust, in supporting and enabling such programmes to enable further discussion around many of the issues in this study.

## REFERENCES

Campaign for National Parks & Friends of the Peak District (2004) *Old Minerals Permissions and National Parks* , Last accessed on line 16 September, 2016 - [http://greenbalance.co.uk/sites/default/files/CNP%20OldMineralPermissions%20Jul04\\_1.pdf](http://greenbalance.co.uk/sites/default/files/CNP%20OldMineralPermissions%20Jul04_1.pdf).

Cullingworth, B. and Nadin, V (2002) *Town and Country Planning in the UK*, Routledge

Cullingworth, B., Nadin, V., Hart, T., Davoudi, S., Pendlebury, J., Vigar, G., Webb, D. & Townshend, T. (2015) *Town and Country Planning in the UK* , Routledge

Department of Communities & Local Government (2016) *Planning Policy Guidance*, last accessed on line 15 September 2016 - <http://planningguidance.communities.gov.uk/>.

Department of Environment, Food and Rural Affairs (2010) *English National Parks and the Broads: UK Government Vision and Circular* , last accessed on line 15 September 2016 - <https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010> .

Department of Environment, Food and Rural Affairs (2016) *National parks: 8-point plan for England (2016 to 2020)*, last accessed on line 12 October 2016 - <https://www.gov.uk/government/publications/national-parks-8-point-plan-for-england-2016-to-2020>

Hansard (2012), *Written Ministerial Statement from the Planning Minister, Nick Boles, 26 October 2012*, Last accessed on line 6 October 2016, <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121026/wmstext/121026m0001.htm>

Maurici, James, QC (2014), *In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority*, last accessed on line on 14 Sept. 2016 <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>. published by Landmark Chambers.

Marsden, T, Lloyd-Jones, J, and Williams, R (2015) *National Landscapes: Realising their Potential: The Review of Designated Landscapes in Wales*, Welsh Government. Last accessed on line 16 September 2016 - <http://gov.wales/topics/environmentcountryside/consmanagement/review-designated-landscapes-wales/?lang=en>.

MacEwen , A and MacEwen, M ( 1982) *National Parks: Conservation or Cosmetics?* George Allen and Unwin, London

Tewdwr-Jones, M, (2005), *The Planning Polity: Planning, Government and the Policy Process*, London, Routledge

Welsh Government (2007) *Working Together for Wales: Policy Statement for the National Parks and National Park Authorities in Wales*.

Welsh Government (2016) *Planning Policy Wales (Edition 8)* last accessed on line 15 September 2016 - <http://gov.wales/topics/planning/policy/ppw/?lang=en>

## APPENDICES

## Appendix A - Changes to National Planning Policy on Major Development in England and Wales

	Silkin test	William Waldegrave Parliamentary statement	PPG7	PPS 7	NPPF	Planning Policy Wales
	1949	1987	1997	2004	2012	2016
Significant elements of Major Development Policy			Major development should not take place in ... save in exceptional circumstances.	Major development should not take place in these designated areas except in exceptional circumstances.	Planning permission should be refused for major developments in these designated areas except in exceptional circumstances	Major developments should not take place in National Parks or AONBs except in exceptional circumstances.
			... applications for such developments must be subject to the most rigorous examination.	... applications for all such developments should be subject to the most rigorous examination.	gone	This may arise where, after rigorous examination,
			Major developments should be demonstrated to be in the public interest before being allowed to proceed.	Major development proposals should be demonstrated to be in the public interest before being allowed to proceed.	and where it can be demonstrated they are in the public interest	there is demonstrated to be an overriding public need
Major Development Test		.. consideration of such applications should normally include an assessment of	Consideration of such applications should therefore normally include an assessment of	Consideration of such applications should therefore include an assessment of	Consideration of such applications should include an assessment of	Consideration of applications for major developments should include an assessment of:
i	Exploitation absolutely necessary	need for development ... in terms of national	need for the development, in terms of national	need for the development, <i>including</i> in terms of national	need for development including in terms of national considerations	the need for the development, in terms of national



	and in the public interest	considerations and <i>impact of permitting or refusing it on the local economy</i>	considerations, and impact of permitting it, or refusing it, on the local economy	considerations and impact of permitting or refusing it on the local economy	and impact of permitting or refusing it on the local economy	considerations, and the impact of permitting it or refusing it upon the local economy
ii	No possible alternative source of supply	Availability and cost of alternative sources of supply	the cost of and scope for developing elsewhere outside the area <i>or meeting the need for it in some other way</i>	the cost of and scope for developing elsewhere outside the <i>designated</i> area or meeting the need for it in some other way	the cost of and scope for developing elsewhere outside the designated area or meeting the need for it in some other way	the cost of and scope for providing the development outside the designated area or meeting the need for it in some other way
iii	Restoration of the site would be undertaken at the earliest possible opportunity	any detrimental effect on the environment and the landscape, and the extent to which that could and should be moderated.	any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.	any detrimental effect on the environment, the landscape and <i>recreational opportunities</i> , and the extent to which that could be moderated.	any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.	any detrimental effect on the environment and the landscape, and the extent to which that could be moderated.
iv		Whether in the light of this assessment the proposed development would be justified to be in the public interest	Any construction or restoration should be carried out to high environmental standards.	Para 23 Any planning permissions granted .. should be carried out to high environmental standards through the application of appropriate conditions where necessary.		

## Changes to National Planning Policy on Major Minerals Development in England and Wales

	Silkin	William Waldegrave Statement	MPG6: guidelines for aggregate provision in England 1996	NPPF minerals	Planning Policy Wales minerals
	1949	1987	replaced MPG 6 1986 version	2012	2016
Significant elements of the Major Development Policy for minerals				Planning permission should be refused for major developments in these designated areas except in exceptional circumstances	Minerals development should not take place in ... save in exceptional circumstances.
			all minerals applications must be subject to the most rigorous examination, and	gone	subject to the most rigorous examination
			all mineral developments should be demonstrated to be in the public interest before being allowed to proceed	and where it can be demonstrated they are in the public interest	and ... demonstrated to be in the public interest before being allowed to proceed.
Major Development Test for minerals		.. consideration of such applications should normally include an assessment of		Consideration of such applications should include an assessment of	Consideration will include an assessment of:
i	Exploitation absolutely necessary and in the public interest	need for development ... in terms of national considerations and impact of permitting or refusing it on the local economy	the need for the development, in terms of national considerations of mineral supply; and the impact of permitting the development, or refusing it, on the local economy;	need for development including in terms of national considerations and impact of permitting or refusing it on the local economy	the need for the development in terms of UK considerations of mineral supply; the impact on the local economy of permitting the development or refusing it;
ii	No possible alternative source of supply	Availability and cost of alternative sources of supply	whether alternative supplies can be made available at reasonable cost; and the scope for	the cost of and scope for developing elsewhere outside the designated area	whether alternative supplies can be made available at reasonable cost, and the scope for

			meeting the need in some other way;	or meeting the need for it in some other way	meeting the need in some other way;
iii	Restoration of the site would be undertaken at the earliest possible opportunity	any detrimental effect on the environment and the landscape, and the extent to which that could and should be moderated.	any detrimental effect of the proposals on the environment and landscape and the extent to which that should be moderated	any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.	the detrimental effect of the proposals on the environment and landscape and the extent to which that can be moderated, and/or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species, bio-diversity; and in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity.
iv		Whether in the light of this assessment the proposed development would be justified to be in the public interest	in the case of extensions to existing quarries, the extent to which the proposal would achieve an enhancement to the local landscape.		

## APPENDIX B - Analysis of NPA Local and Minerals Plans definitions of major development and major development policy

English National Park Authority policy and definitions of major development					
National Park Authority	NPA local policy on Major Development	Status / date of plan	Plan adopted in	Comparison with NPPF	Defines `major development` ?
Broads	Local Plan Core Strategy refers to PPS 7 but no specific major development policy	2007 - 2021	September 2007		
	Development Management Policies: no specific major development policy	2011 - 2021	Adopted November 2011		
	Local Plan review issues and options document has no specific major development policy	2012 - 2036	Consultation February to April 2016		
	Norfolk County Council Minerals and Waste Plan Core Strategy CS2	2010 - 2026	September 2011	General locations for mineral extraction and associated facilities: There is therefore a preference for locations for new minerals sites away from these protected areas.	

Dartmoor	Local Plan Core Strategy Includes Minerals and Waste Plan  Policy COR 22 on minerals	2006 - 2026	Core strategy: 2008	COR 22 stronger than PPS7 on major minerals development requiring national need sufficient to overcome damage to the NP.	Para 2.3.1 Major development relates for example to proposals that extend well beyond needs at the local level, such as a new reservoir or a major road scheme, or proposals which could have significant effects on environmentally sensitive or vulnerable places
	Local Plan Development Management and Delivery Plan  Policy DMD 2	2006 - 2026	July 2015	Reiterates NPPF in policy justification. Policy DMD 2 shorter but stronger citing only that 'after rigorous examination it can be demonstrated that there is an overriding public interest in permitting the development which outweighs National Park purposes and the development cannot reasonably be accommodated in any other way'.	

Exmoor	Local Plan Core Strategy Includes Minerals and Waste Plan  Policy LNC20	Adopted Local Plan 2001 - 2011 currently in use	March 2005	PPS7 wording is applied to Exmoor, except LNC20 has 'exceptional circumstances and where it is <u>also</u> demonstrated to be in the public interest'.	Lists main categories of potentially damaging development
	Local Plan Public Examination Draft  Includes Minerals and Waste Plan  Core Strategy Policy GP2	New Local Plan, from 2011 to 2031,	Submitted in May 2016 to DCLG for approval	NPPF test forms the basis of the policy but the wording is stronger and the test extended to include consideration of cumulative impacts and scope for adequate restoration.  Defines major development	GP2 Major Development 1. In the context of the National Park, major development is defined as development which has the potential to have a significant adverse impact on the National Park and its special qualities due to its scale, character and nature.
Lake District	Local Plan Core Strategy Policy CS12  Includes minerals	Current	October 2010	Refers to both PS7 and the Silkin Test More detailed policy than PPS 7. Significantly local economic need is not a reason for approval, only damage to it a reason for refusal.	CS12: 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.  Includes examples

New Forest	No specific major development policy in adopted Core Strategy and Development Management Policies DPD (2010)	Current	Adopted 2010	Paragraph 116 of the NPPF includes the major development test in National Parks. With this national policy wording (replicating that previously contained within PPS7) it was felt at the time that an additional local policy for the New Forest was not necessary.	
	Local Plan Review underway to cover the 2016 – 2036 period	In preparation	Due to be adopted in 2018	To include a specific 'major development in the New Forest National Park' policy.	
	Hampshire Minerals and Waste Core Strategy (covering the whole of the New Forest National Park)	2013 - 2030	Adopted October 2013	Uses NPPF test with the restoration requirement cited in terms of the ability to mitigate detrimental effects on the environment, landscape and / or recreational opportunities	
Northumber-land	Yes	LDF Core strategy and Development Policies 2009 - 2024  Includes Minerals and Waste Plan  Policy 4	Adopted March 2009	The applicant must demonstrate the criteria in PPS 7 but with additional requirements to demonstrate: detrimental effects on the special qualities and how these can be mitigated; positive effects on the national park; cumulative impact with other proposals; extent to which it is designed and sited to respect landscape and settlement; scope for restoration once use has ceased. Now interpreted in the context of NPPF para 116 as has superseded PPS7.	Para 6.1.4 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.  Justification explains this may be considered minor in relation to other areas.

North York Moors	No specific local policy in Local Plan Core strategy and Development Policies. Core strategy Policy E relating to Minerals Development states that most minerals developments in the Park would be subject to the (national) MDT.	Current	November 2008	Follows government advice at that time that local policy should not reiterate or duplicate existing national policy.	
	Draft Joint Minerals and Waste Plan Preferred options November 2015. Policy D04	in progress	Public Examination due in 2017.	Based on applying the NPPF to the designated areas with a strong and expanded interpretation, with the final criteria reading ' <i>whether any detrimental effect on the environment, the landscape and recreational opportunities, can be moderated to a level which does not significantly compromise the reason for the designation</i> ' P 176.	
	Local Plan Review	In progress	For 2017 - 2035	A more generic MDT version of the above will address all other forms of major development proposed.	



Peak District	Local Plan Core strategy (including minerals) Policy GSP1	2011 - 2026	Adopted 2011	Policy GSP1 states that it applies the criteria in PPS 7 and refers to the need for local compensation where there is an overall NP benefit.  Now interpreted in the context of NPPF para 116 as has superseded PPS7.	No
	Consolidated Local Plan and Minerals and Waste Plan	2015 - 2030	Draft Local Plan Examination in Public July 2016	Reiterates NPPF policy on major development	2.3.4 'Major development is defined here as more than local significance, which will also have a long-term impact on the landscape, wildlife or cultural heritage of a National Park because of its scale and form'.
South Downs	Local Plan Preferred Options Consultation: no major development policy	Preferred options September 2015	Preferred options September 2015		
	Hampshire Minerals and Waste Core Strategy	2013 - 2030	Adopted October 2013	Uses NPPF test with the restoration requirement cited in terms of the ability to mitigate detrimental effects on the environment, landscape and / or recreational opportunities	
	East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Policy WMP2	Current 2013	Adopted 2013	Uses NPPF test but adds that <i>'Development will only be in the public interest if the outcomes of i-iv above gives sufficient reason/s to override the potential damage to the natural beauty, cultural</i>	In the case of minerals and waste proposals, all applications are defined by the Town and Country Planning (Development Management Procedure)

				<i>heritage, wildlife or quiet enjoyment of the National Park' p36.</i>	Order 2010 as 'major'. However, for the purpose of this policy, major minerals and waste development is development that by reason of its scale, character or nature, has the potential to have a serious adverse impact on the natural beauty, wildlife, cultural heritage and recreational opportunities provided by the South Downs National Park. The potential for significant impacts on the National Park will be dependent on the individual characteristics of each case.
	West Sussex Minerals Local Plan	2003 - 2007 Saved policies	2003	Pre National Park	
	Draft West Sussex County Council and NPA Draft Joint Minerals Local Plan.	2016 - 2033	Draft April 2016	Reiterates NPPF for major minerals development. Explains in detail in the supporting text.	

Yorkshire Dales	Local Plan Core strategy GP5	Current	Adopted April 2006 Revised 2009 Housing policies replaced 2012	GP5 Major Development Takes PPS 7 as the basis but 'most rigorous examination' and 'applicants are required to demonstrate that alternatives have been fully examined and no other alternative site is available'.	3.25 Major development is defined as development of more than local significance which will also have a long- term impact on the landscape, wildlife or cultural heritage of the National Park, because of its scale and nature.
	Consolidated Local Plan and Minerals and Waste Plan	2015 - 2030	Draft Local Plan Examination in Public July 2016	Local interpretation of the NPPF policy on major development.  Post examination modification to the local plan proposed which will provide a cross reference to SP5 (major development) from the first line of L6 (crushed rock quarrying)	2015 - 2030

Welsh National Park Authority policy and definitions of major development					
National Park Authority	NPA local policy on Major Development	Status / date of plan	Plan adopted in..	Comparison with PPW	Defines development
Brecon Beacons	Local Plan including Minerals and Waste overarching policies Policy SP2 covers all major development, including minerals (in para 10.1.12)	2007 - 2022	December 2013	SP2 criteria directly cites National Policy for Wales policy	3.3.2 potentially serious impact that makes something major development. Glossary of terms sets out the types of impact which may mean development is considered as major.
Pembrokeshire Coast	Local Development Plan, including minerals and waste policies Section B.	2010 - 2021	Adopted September 2010	No new major development (as defined in Planning Policy Wales) in the National Park unless there are exceptional circumstances, refers in a footnote specifically back to National Policy for Wales. Also has specific guidance on minerals developments para 4.105.	4.94 proposals which are more national (i.e. UK) than local in character
Snowdonia	Local Development Plan strategic policy B. Includes minerals development in examples of major development para 2.5.  Strategic Policy E relates specifically to	2007 - 2022	Adopted July 2013	Slightly more detailed version of National Policy for Wales.  Policy E refers back to policy B for Minerals Safeguarding Areas and reinforces it with "In line with Strategic Policy B: Major Development, large scale minerals development will only be permitted in exceptional	2.5 p30 'development which is more national than local in character and in addition will have significant and long term impact on either the landscape, wildlife, cultural heritage or opportunities for

	minerals major development .			circumstances of proven national interest"	understanding and enjoying the 'Special Qualities' of the area". Then provides examples.
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Welsh National Park Authority policy and definitions of major development					
National Park Authority	NPA local policy on Major Development	Status / date of plan	Plan adopted in..	Comparison with PPW	Defines development
Brecon Beacons	Local Plan including Minerals and Waste overarching policies Policy SP2 covers all major development, including minerals (in para 10.1.12)	2007 - 2022	December 2013	SP2 criteria directly cites National Policy for Wales policy	3.3.2 potentially serious impact that makes something major development. Glossary of terms sets out the types of impact which may mean development is considered as major.
Pembrokeshire Coast	Local Development Plan, including minerals and waste policies	2010 - 2021	Adopted September 2010	No new major development (as defined in Planning Policy Wales) in the National Park unless there are exceptional circumstances, refers in a footnote specifically back to National Policy for Wales. Also has specific guidance on minerals developments.	
Snowdonia	Local Development Plan strategic policy B. Includes minerals development in examples of major development para 2.5.  Strategic Policy E relates specifically to	2007 - 2022	Adopted July 2013	Refers back to policy B for Minerals Safeguarding Areas and reinforces it with "In line with Strategic Policy B: Major Development, large scale minerals development will only be permitted in exceptional circumstances of proven national interest"	2.5 p30 'development which is more national than local in character and in addition will have significant and long term impact on either the landscape, wildlife, cultural heritage or opportunities for

	minerals major development .				understanding and enjoying the 'Special Qualities' of the area". Then provides examples.
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## **APPENDIX C - List of major development cases (included at the end of this document)**



## APPENDIX D - Overview of selected case studies (listed chronologically) -

	PROJECT - and National Park	Description	Inside/ Outside NP	DECISION DATE	FINAL DECISION	MAIN JUSTIFICATION
A	Jordanston, Pembrokeshire Coast	Wind Farm	Outside	09-2001	Refused - SoS called in	Several - includes NP impacts
B	High and Low Newton, Lake District	By pass road scheme	Outside	1993-2003	Approved - DoT	Local needs
C	Bluestone, Pembrokeshire	Holiday complex	Boundary	28.01.04	Approved - LPA	Local economy
D	Moss Rake, Peak District	Quarry extension	Inside	26-10-2006	Refused - LPA	MDT+ no national need
E	Brighton & Hove Stadium, South Downs	Football Stadium	Boundary	02-2007	Approved - SoS called in	Local economy (= national priority)
F	Dry Rigg, Yorkshire Dales	Quarry extension	Inside	13-01-2011	Approved - LPA	Local economy
G	King Edward VII's Hospital, South Downs	Major housing redevelopment	Inside	14-11-2011	Approved - LPA	MDT ec - nationally important heritage
H	Aller Farm, Exmoor	Solar Farm	Outside	11-05-13	Refused - Appeal - SoS	NP impacts
I	Circuit of Wales, Brecon Beacons	Racing track	Outside	10-7-13	Approved - LPA	Local economy
J	Rampion, South Downs	Wind array	Off shore but impacts inside	16-07-2014	Approved - NSIP - SoS	National need
K	Cwrt y Gollen, Brecon Beacons	Housing revised scheme	Inside	21-10-2014	Approved (earlier refusal) LPA	MDT ec - allocated housing scheme
L	Yorkshire Potash, North York Moors	Potash mine	Inside	30-06-2015	Approved - LPA	MDT - ec - local economy
M	Kirkby Moor, Lake District	Wind turbines	Outside	26-11-2015	Refused - LPA	Several - included NP impacts
O	Limolands, New Forest	Solar array	Inside	03-2016	Refused - SoS call in	MDT+ NP impacts

### Codes

Impact on national park primary purposes  
Major Development Test not met  
Major Development Test - exceptional circumstances - local economic need  
Major Development Test - exceptional circumstances - other reasons  
Local economic needs generally  
National needs

NP Impacts  
MDT +  
MDT ec - local economy  
MDT ec - other  
Local economy  
National needs

LPA - Local Planning Authority  
SoS - Secretary of State  
NSIP - Nationally Significant Infrastructure Project  
DoT - Department of Transport

## Case Study A

<b>Project name:</b>  Planning Authority (and National Park Authority if different):  Reference Number:  Date application registered:  Location/Address:  Applicant's name:  Description:  Type of application:	<b>Jordanston Wind Farm</b>  Pembrokeshire County Council (near Pembrokeshire Coast NP)  97/0520/PA  September 1997  Jordanston, Fishguard, Pembrokeshire  National Wind Power Ltd  Wind Farm comprising 17 Wind Turbine Generators, Access Tracks, Substation & Ancillary Equipment.  Planning
<b>Decision-making process (summary):</b>  Officer's recommendation:  Date considered by planning authority -  Planning Authority's decision (or recommendation):  Appeal? Decision?  Called in? Decision?  Final decision	Not available - assume recommendation to refuse.  December 1997  Pembs. C.C. rejected - no documentation available on line  Yes, ref N6845/A/98/51 - considered 1998. Appeal dismissed - 04/03/2000  Planning Inspectorate referred to National Assembly for Wales in 1999 Rejected following an inquiry (September 2001)
<b>Planning Authority view</b>  Officer's recommendations: <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul> Members' decision: <ul style="list-style-type: none"> <li>Grounds for their decision</li> </ul>	No Pembs C.C. documentation available on line. Pembs Coast NPA letter of objection is available.  Pembrokeshire Coast NPA formally objected due to visual impact on NP. Their objection also refers to Pembs.C.C. s.62 duty.  Refuse  (not available)
<b>Appeal?</b>  Date appeal submitted:  Who considered it:	Yes - ref: N6845/A/98/51  Considered 1998.  Planning Inspectorate - then referred to NAW

<p>Date decision made:</p> <p>Reasons given - Does this include consideration of major development policy/national need/local benefits?</p>	<p>On 28 October 1999 a direction was issued by the Planning Inspectorate that the appeal should be determined by the National Assembly rather than by a Planning Inspector.</p> <p>Detailed reasons for Inspector's recommendation of refusal, provided in Annex to NAW decision letter - includes visual impact on Pembrokeshire Coast NP. (see below - reasons reaffirmed by NAW decision letter)</p>
<p><b>SoS/NAW Called in?</b></p> <p>Date if it was called in:</p> <p>Decision</p> <ul style="list-style-type: none"> <li>• grounds for calling in or not?</li> <li>• grounds for decision?</li> </ul>	<p>NAW Decision letter - 13 Sept 2001</p> <p>On 28 October 1999 a direction was issued by the Planning Inspectorate that the appeal should be determined by the National Assembly rather than by a planning Inspector.</p> <p>The development plan for the area for the purposes of Section 54A of the Town and Country Planning Act 1990 includes the adopted North Pembrokeshire Local Plan. The Planning Decision Committee agree with the Inspector, for the reasons given by him, that the proposed development would not meet criterion A of policy EV16 of the adopted Local Plan in that it would unacceptably dominate the landscape in close and distant views. The Committee consider that this clear conflict with the adopted Local Plan represents a compelling reason for refusal of the appeal in the absence of other material considerations indicating that the decision should be taken otherwise than in accordance with the development plan. They agree with the Inspector that the proposed windfarm would cause serious harm to the landscape and visual amenities of the extensive area around the appeal site and that the necessity to develop a renewable source of energy in this location is insufficient to outweigh the resultant breach of the provisions of the development plan.</p>
<p><b>Additional Information/Notes</b></p>	<p>In 2015 - a further application for just one wind turbine was also refused.</p>
<p><b>Additional comments received from environmental groups during this study</b></p>	<p>There have been a number of planning applications just outside the Pembrokeshire Coast National Park boundary for significant renewable energy development that could be examined.</p> <p>The cumulative impact of single and multiple wind turbines in proximity to the Pembrokeshire Coast National Park boundary is the more significant issue, and a range of planning applications at this boundary given the size, scale and significance of some more recent wind farms and solar farms.</p>

## Case Study B

<b>Project name:</b>  Planning Authority (and National Park Authority if different): Reference Number:  Date application registered:  Location/Address:  Applicant's name:  Description:   Type of application:	<b>High and Low Newton By-pass - A590 - Lake District</b>  South Lakeland District Council (just outside Lake District NP) - but DoT scheme  First public inquiry 1993  High and Low Newton bypass on A590  Department of Transport  New off-line bypass, 300m west of the former A590 at High and Low Newton and Ayside villages. It provides direct access to the Furness Peninsular, the western coastal strip, and the southern Lake District attractions. The scheme is comprised of the following elements: <ul style="list-style-type: none"> <li>• 2.4 miles (3.8 km) of dual two lane carriageway.</li> <li>• 5 structures for crossing the bypass.</li> <li>• 2 grade-separated junctions at the northern and southern tie-ins.</li> <li>• False-cutting and earth mounding to mitigate the visual intrusion. Wildlife mitigation measures.</li> </ul> Highways scheme
<b>Decision-making process (summary):</b>  Date considered by  Final decision	Government scheme - DoT  Public inquiry held in 1993. After this earlier approval (possibly made in 1996, given the Minister's later comments included below), the scheme seems to have been debated in Parliament again in 1998 - then approval of scheme mentioned in local press 31 October, 2003.  Presume decision to include in annual highways development programme made in October 2003.
<b>Department of Transport and Government views</b>	This was a highways scheme - so proposed and considered by the Government for their inclusion in the annual highways development programme.  Questions asked in Parliament in 1998 - <a href="http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo980731/debtext/80731-11.htm">http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo980731/debtext/80731-11.htm</a> <i>Mr. John Hutton (Barrow and Furness): I warmly congratulate my right hon. Friend the Minister on his appointment and I wish him well for the future. I strongly welcome the strategies and principles that underpin the roads review that he has announced today. At long last, the Government are getting a grip on the shambles we inherited from the Conservative Government.</i> <i>My right hon. Friend will be aware that the Government have today announced that they will not be proceeding with the immediate construction of the Low High Newton bypass on the A590, which is near my constituency--even though the existing plans were endorsed and approved by a full planning inspector's report two years ago. Can my right hon. Friend confirm that the review of the environmental impact of the road on the Lake District national park- a perfectly understandable</i>

	<p><i>review--will be injected with a sense of urgency so that my constituents can look forward to improvements to that stretch of the road, for which they have been waiting for a long time, and which the previous Government failed to deliver?</i></p> <p><i>Mr. Jenkin: It was in our programme.</i></p> <p><i>Dr. Reid: Everything was in the previous Government's programme, but nothing was ever delivered.</i></p> <p><i>31 Jul 1998 : Column 666</i></p> <p><i>I am glad that my hon. Friend appreciates the nature of the problems with the A590 High and Low Newton bypass, to which he has given great support. A balance must be maintained between the economy and the impact on both the built and natural environment. That is one reason why we shall remit the scheme for further study of safety and environmental impacts.</i></p> <p>Later press article -</p> <p>Transport minister David Jamieson announced on Wednesday that the £22 million scheme had been included in the Government's road programme and would be built before 2010. Campaigners who have been fighting for more than 25 years were "delighted" but objectors said they were "appalled".....</p> <p>Mr Jamieson said the villagers had put forward a "very strong case" for the bypass.</p> <p><i>"I have listened very carefully to those people who are opposed to the scheme and, even though there aren't very many, their views are important.</i></p> <p><i>"If we go ahead with the bypass we have got to consider that it is in a national park and there are issues that will have to be dealt with.</i></p> <p><i>"We have got to now weigh up the road safety issues and the economic development issues in the area before making a decision".</i></p>
<b>Appeal?</b>	Not relevant
<b>SoS/WAG Called in?</b>	DoT decision
<b>Consultations/ Stakeholders' views</b>  Number of objections:  Reasons given for objecting:  Number supporting:  Reasons given for supporting:	<p>From 2003 press article -</p> <p><i>Environmental organisations opposed to the 2.4-mile bypass, which will run from Lindale bypass to Barrow Banks, said they were considering legal action.</i></p> <p><i>Policy officer for Friends of the Lake District, Jack Ellerby said: "We are utterly appalled by the Government's decision. The Government has effectively relegated the Lake District's landscape to the dustbin.</i></p> <p><i>"We are going to assess the evidence on which the decision was made immediately, and if we find something has not been done correctly we will consider taking it to judicial review." The Highways Agency said until a legal challenge was made it could not predict what would happen.</i></p>
<b>Additional Information/Notes</b>	Approval of the scheme mentioned in local press 31 October, 2003
<b>Additional comments received from environmental groups by email for this study</b>	None received

## Case Study C

<b>Project name:</b>  Planning Authority (and National Park Authority if different):  Reference Number:  Date application registered:  Location/Address:  Applicant's name:  Description:  Type of application:	<b>Bluestone Holiday Complex</b>  Pembrokeshire Coast NPA for one element of the scheme (but outline permission granted by Pembrokeshire County Council for main scheme).  NP/02/570 (NP element)  14.11.02  Land comprising and adjacent to Newton Farm, Canaston Bridge, Narberth SN0669013397  Bluestone Holdings Ltd  Holiday village - (340 timber lodges, a health spa, sports club and subtropical water world -outside NP) landscaping and creation of lake and servicing in association with proposed leisure facilities on adjoining land.  Planning
<b>Decision-making process (summary):</b>  Officer's recommendation:  Date considered by planning authority -  Planning Authority's decision (or recommendation):  Appeal? Decision?  Called in? Decision?  Final decision	PCNPA - initially recommended defer to gain more information, then finally recommended refusal.  28.01.04  Approval (committee papers only go back to 2006 on line)  Not relevant  Call in requested by CNP - but declined  Approved
<b>Planning Authority view</b>  Officer's recommendations: <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul> Members' decision: <ul style="list-style-type: none"> <li>Grounds for their decision - Does this include consideration of major development</li> </ul>	Initially recommended defer to gain more information, then finally recommended refusal. <i>At the start of the meeting the park's planning officers said if the application was given approval the integrity of the park could be at stake. They said the proposed lodges were not in keeping with the surrounding area and the application was contrary to park policies. (from BBC report)</i>  Approval (voted eight to four in favour of accepting the plans).  <i>But those who spoke in favour of the development said Pembrokeshire was an Objective One area where rural poverty was rife. They said economic and social considerations had to take priority over other concerns. (from BBC report).</i>

policy/national need/local benefits?	
<b>Appeal</b>	Not relevant
<b>SoS/WAG Called in?</b>  Date if it was called in:  Decision <ul style="list-style-type: none"> <li>• grounds for calling in or not?</li> <li>• grounds for decision?</li> </ul> Did stakeholders want it to be called in?	Call in requested by CNP and others  WAG refused to call in (prior to final NPA decision).  Jan 2004  <i>The assembly government said the application did not involve any issues which warranted taking the decision away from the NPA (BBC report)</i>  CNP asked for a judicial review; following refusal of NAW to call in. The CNP challenged the decision at a hearing scheduled for three days, starting on 23 November 2004.  But case lost when, the High Court (Mr Justice Jack) ruled that the granting of outline planning permission by the park authority was not unlawful. The Council for National Parks (CNP) had claimed there were flaws in the planning process and had argued that the Pembrokeshire park authority had disregarded its own policies when granting planning permission in January. But the judge ruled there was no case of bias at a hearing in Swansea last month.
<b>Additional Information</b>	<p>Although the majority of the Bluestone proposal decided by Pembrokeshire County Council, a key element comprising the log cabins and traditional village is sited on national park land close to the upper reaches of the River Cleddau, a Site of Special Scientific Interest.</p> <p>Today (April 2003) Pembrokeshire County Council officers will recommend the scheme is approved, despite (officer) objections from the neighbouring Pembrokeshire Coast National Park authority and the Campaign for the Protection of Rural Wales. The Countryside Council for Wales has also expressed concern. Pembs CC Council planning officers say the economic benefits that would accrue from developing a major all-year-round tourist and leisure facility outweigh objections concerning its impact on the countryside.</p> <p>Grant package worth more than £16m pledged to a tourism village project aiming to make Pembrokeshire a world class tourist destination. From the Welsh Assembly and four other public agencies. Welsh Economic Development Minister Andrew Davies said the project was of "the highest quality". "This demonstrates our determination to build the local economy and help local entrepreneurs develop quality jobs and business opportunities in the area." (BBC report 13 Nov.2002)</p>
<b>Comments from environment groups received during our study</b>	Concerns focused on:  1. This development is in conflict with the two statutory purposes of the National Park. Where there is conflict between the two purposes, then conservation interests will prevail. The National Trust is concerned about the damage that will be done to the long term national strategy for the protection of natural beauty by approving this development if the tests in the policy are not satisfied.

	<p>2. Need to give consideration to other recently approved competing proposals within the 2 hour drive catchment of Bluestone.</p> <p>3. Criteria used to determine the suitability of the site give the impression of being selected after the site was chosen and may restrict consideration of reasonable alternative ways of meeting the need for the development.</p> <p>4 Impacts on the National Park, especially visual and tranquillity, in the area where the development is located: visitor pressure would seriously harm the tranquillity of the local area.</p> <p>Additional concerns expressed by other groups:</p> <p>At the relevant NPA meeting, there was an impression that the main issue for County Councillor Members was that the potential for full-time, all year round jobs overrode any planning and environmental concerns. At both meetings, all the County Councillor Members voted for the proposal, and all the WAG Members voted against. The outcome suggests that economic factors weigh more strongly than environmental considerations when there is a conflict, which reverses the priority given in statute to the first purpose of National Parks.</p> <p>They were also disappointed when the Minister declined to call in the proposal on the grounds that the application only had `local importance` (particularly as the case seemed to satisfy five out of six of the criteria by which call ins are assessed), and supported CNP's decision to refer this case to the High Court.</p>
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## Case Study D

<b>Project name:</b>	<b>Moss Rake Quarry Extension, Peak District</b>
Planning Authority	Peak District NPA
Reference Number:	NP/DDD/1006/0966
Date application registered:	26/10/2006
Location/Address:	Bradwell
Applicant's name:	Netherwater Environmental Ltd
Description:	Quarry extension, submitted due to enforcement action; opencast vein mineral extraction with associated mineral processing plant
Type of application:	Minerals and Waste
<b>Decision-making process (summary):</b>	
Officer's recommendation:	Refusal
Date considered by planning authority -	18/04/08
Planning Authority's decision:	Refusal
Appeal?	No
<b>Planning Authority view</b>	
Officer's recommendations:	Refuse -
<ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul>	No national need or overriding circumstances for this major development; insufficient information provided and lack of clarity as to whether adverse impact will be mitigated, inadequate environmental information supplied.
Members' decision:	Refused - 18-04-08 - justification as for officer's recommendation
<b>Appeal?/Call in?</b>	No
<b>Consultations/ Stakeholders' views</b>	
Number of objections:	10 comments - DCC Highways, DDDC Environmental Health, Bradwell Parish Council, Environment Agency, Natural England, NPA Footpaths, NPA Archaeology, NPA Landscape, Ramblers Association.
Reasons given for objecting:	2 objections - previous history of company; lack of compliance with conditions, and lack of restoration of site
Number supporting:	6 supporting letters
Additional comments provided by environmental groups during this study.	

## Case Study E

<b>Project name:</b>  Planning Authority (and National Park Authority if different):  Reference Number:  Date application registered:  Location/Address:  Applicant's name:  Description:  Type of application:	<b>Brighton and Hove Albion Football Stadium</b>  Brighton and Hove City Council (and Lewes DC involved in small area). Application predates South Downs NPA designation (although likelihood of designation was a consideration in the process).  BH2001/02418/FP  9 October 2001 -  Land North and South of Village Way, Falmer, Brighton - Land on edge of proposed NPA and in AONB.  Brighton and Hove Albion Football Club  Football stadium and ancillary infrastructure - Amex Community Stadium  Planning
<b>Decision-making process (summary):</b>  Officer's recommendation:  Date considered by planning authority -  Planning Authority's decision (or recommendation):  Called in? Decision?  Final decision	  June 2002 first time. Later decision made 27 November 2005.  Approval (on both occasions)  Called in twice.  Finally approved, 2007
<b>Planning Authority view</b>  Officer's recommendations:  Members' decision:	1st application made in October 2001.  Decision to grant permission made in June 2002 by B&HCC Planning Applications Sub Committee.
<b>Appeal?</b>	Not relevant
<b>SoS/WAG Called in?</b>  Date if it was called in:  Decision <ul style="list-style-type: none"> <li>• grounds for calling in or not?</li> <li>• grounds for decision?</li> </ul> Did stakeholders want it to be called in?	Called in by SoS; - public inquiry held in 2003; SoS needed more information. - 2nd public inquiry held in 2005: SoS approves in October 2005.  Inspector's decision letter ( <a href="http://wam.brighton-hove.gov.uk/PlanningWAM/doc/Decision-391046.pdf?extension=.pdf&amp;id=391046&amp;location=VOLUME1&amp;contentType=application/pdf&amp;pageCount=27">http://wam.brighton-hove.gov.uk/PlanningWAM/doc/Decision-391046.pdf?extension=.pdf&amp;id=391046&amp;location=VOLUME1&amp;contentType=application/pdf&amp;pageCount=27</a> ) includes consideration of PPS7 and requirements to protect the NP from 'major development'.

	<p>The first Inspector recommends refusal.</p> <p>However - SoS overturns this refusal (largely because of no alternative sites).....</p> <p>are to the first Inspector's report and IRb to the second Inspector's report. For the reasons given below, the First Secretary of State disagrees with the first Inspector's recommendation and grants planning permission for all 4 applications. In reaching this decision, he agrees with the conclusion of the second Inspector that there are no viable alternative sites.</p> <p>68. Accordingly, for the reasons given above, the Secretary of State rejects the first Inspector's recommendation. He hereby grants planning permission for your client's applications for planning permission for:</p> <p>Overall, the Secretary of State concludes that the significant local need for a stadium, the national interest to regenerate some of the most deprived wards in the country, the significant contribution the proposal would make towards achieving regeneration, and the impact of refusing permission upon the local economy amount to national considerations that weigh in favour of the proposed development.</p> <p>Decision challenged by Lewes District Council due to boundary issues; planning permission withdrawn in November 2006.</p> <p>SoS reconsiders decision in February 2007, but subsequently approved again. Detailed info on this at: <a href="http://www.brighton-hove.gov.uk/content/planning/major-developments/community-stadium-history">http://www.brighton-hove.gov.uk/content/planning/major-developments/community-stadium-history</a></p>
Additional information	<p>From Wikipedia -</p> <p><i>Further complications were due to both vacant fields, and the campus of the adjacent University of Sussex, being included in the South Downs Area of Outstanding Natural Beauty, although outside the National Park. This led to the designation of the stadium plans being the subject of a separate planning inquiry by the Office of the Deputy Prime Minister.</i></p> <p><i>John Prescott, then Deputy Prime Minister, approved the plans on 28 October 2005. However, Lewes District Council immediately mounted a new legal challenge to the stadium plan. In April 2006, Prescott admitted that he had given his approval based on the misconception that only a small part of the stadium site lay on the Lewes side, and withdrew it.</i></p> <p><i>Hazel Blears, the Secretary of State responsible for planning, re-affirmed the approval on 25 July 2007. Her decision went against the advice of planning inspectors. Lewes District Council, Falmer Parish Council and the South Downs Joint Committee (the three main opponents) announced shortly afterwards that they would not mount a high court challenge. On 4 September 2007, the deadline for appealing the new grant of permission expired and the club received full permission to proceed.</i></p>
Comments from environmental groups received during our study	<p>Concern was expressed about both the decision and the process. The main justification by the Deputy Prime Minister in overruling the recommendations of planning inspectors against the stadium, was that it would contribute to local regeneration, and that was a national priority.</p>

## Case Study F

<b>Project name:</b>  Planning Authority  Reference Number:  Date application registered:  Location/Address:  Applicant's name:  Description:  Type of application:	<b>Dry Rigg Quarry, Yorkshire Dales National Park</b>  Yorkshire Dales NPA  C/49/603D  13/01/2011  Dry Rigg, Helwith Bridge  Lafarge Aggregates Ltd  Continuation of mineral working until December 2021 by deepening the current extraction area, including revised restoration proposals Minerals and waste
<b>Decision-making process (summary):</b>  Officer's recommendation:  Date considered by planning authority -  Planning Authority's decision (or recommendation):  Appeal? Decision?  Final decision	Approve subject to conditions  28/02/2012  approved subject to s.106 agreement - Planning committee 9 August 2011. Letter issued on 28 February granting planning permission with conditions specified.  Not relevant  Approval
<b>Planning Authority view</b>  Officer's recommendations: <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul> Members' decision: <ul style="list-style-type: none"> <li>Grounds for their decision - Does this include consideration of major development policy/national need/local benefits?</li> </ul>	Approve subject to conditions - 28/02/2012 - But the report seems very finely balanced. Pros: "1. The retention of employment; 2. The provision of an additional resource of 3.5 million tonnes of high specification aggregate; 3. The complete removal of the north-west quarry tip. Cons: 1. The continuation of the HGV traffic impacts on local residents, the environment of the NP, the local tourist and commercial economy. 2. The postponement of full restoration of the site."  Officer's report also considers policy - <i>It is considered that the principal planning policies relevant to determination of this application are the assessment criteria for major mineral developments in national parks set out in paragraph 14 of MPS1 and the balance of benefits referred to in Local Plan Policy MLP2.</i>  Approved, subject to s.106 agreement (including transport by rail).  Retention of local employment, production of a regionally and nationally scarce high specification aggregate, existing quarry will be deepened but not extended over a larger area, restoration to be carried out to high environmental standards
<b>Appeal?</b>	Not relevant

<b>Consultations/ Stakeholders' views</b>	<p>Many objections - public and parishes. Also support from parishes.</p> <p>Yorkshire Dales Society did not object to this application. The Society asked that stringent conditions are imposed on the times that lorries arrive at the quarry.</p> <p>Campaign to Protect Rural England did object to the proposals and "believe that national park purposes have to be given the highest priority. Quarrying within this National Park seriously compromises the Authority's remit to conserve and enhance the natural beauty of the countryside and its wildlife.</p>
<b>Additional Information/Notes</b>	<p>From Officers' report - <i>"Over recent years, the Authority has granted permission to extend the lives of existing quarries where there have been clear environmental and other benefits in doing so. For example, the 10 year extension at Swinden Quarry in Wharfedale with the closure and restoration of Threshfield Quarry and increased transport of stone by rail. Similarly, an additional five years of life at Ingleton Quarry was linked to the closure and restoration of Old Ingleton Quarry. In the case of Dry Rigg, although employment and production would be maintained (as at Swinden and Ingleton) any environmental benefits would be limited to the removal of the north west quarry tip and an improved water management scheme for the restored site. The current approved restoration scheme is perfectly satisfactory and could be implemented within 12 months."</i></p>
<b>Comments from environmental groups received by email for this study</b>	<p>Concerns about:</p> <ol style="list-style-type: none"> <li>1. The wider environmental implications of the proposed quarrying and the effects of continued transport by road of the output of the quarries on the national park and local settlements.</li> <li>2. The implications of continued road transport on the environment in general, particularly CO2 emissions.</li> <li>3. Clearly contrary to policy in their present form. National planning policy requires that development proposals in a national park have to demonstrate an overriding need to outweigh the heavy presumption against development.</li> </ol> <p>Other comments -</p> <p>The major development test (NPPF para 116) is neither effective nor well understood in the YDNPA context. It is too vague and subjective. The arguments that a) there is no overriding need for development in that the same stone is available elsewhere, outside the park, b) the need can be met effectively outside the designated area and c) there would be significant detrimental effect on the environment, landscape and recreational opportunities, appear to be indisputable. But the 'impact of permitting it or refusing it upon the local community' always appears to sway the planning committee.</p>

## Case Study G

<p><b>Project name:</b></p> <p>Planning Authority</p> <p>Reference Number:</p> <p>Date application registered:</p> <p>Location/Address:</p> <p>Applicant's name:</p> <p>Description:</p> <p>Type of application:</p>	<p><b>King Edward VII Hospital redevelopment</b></p> <p>South Downs NPA</p> <p>SDNP/11/03635/FULNP</p> <p>Several applications: most recent submitted in November 2011</p> <p>King's Drive, Easebourne, Midhurst</p> <p>City and Country Group</p> <p>Redevelopment of old sanatorium site - around 330 homes, sheltered housing for 79 people, a swimming pool, cafe and shop on a 50 hectare site</p> <p>Planning</p>
<p><b>Decision-making process (summary):</b></p> <p>Officer's recommendation:</p> <p>Date considered by planning authority -</p> <p>Planning Authority's decision (or recommendation):</p>	<p>Approve with s.106 agreement</p> <p>14 -November-11</p> <p>Approve</p>
<p><b>Planning Authority view</b></p> <p>Officer's recommendations:</p> <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul> <p>Members' decision:</p>	<p>Approve with s.106 agreement - 14 November-11</p> <p>Public benefit of conserving heritage outweighs disbenefits of development, on-site provision of facilities, landscape enhancement and ecological management on-site, mitigation measures to protect ground nesting birds, provision of affordable housing, reduced impact of building programme</p> <p><i>"10.1 It is recognised there is a strong presumption against major development within the national park and the disbenefits of departing from the development plan are considerable. There is no requirement for this amount of housing to meet local needs and it is likely to unbalance the community with such a high proportion of new residents in a single location. The location has limited access to services and facilities and there is no doubt it would result in an increased reliance on use of the private car. Both in construction and use the development would result in a level of activity which would disturb the tranquil character of this remote area.</i></p> <p><i>10.2 However there is a very strong presumption in favour of bringing these nationally important heritage assets back into beneficial use, both as part of the first purpose South Down National Park designation and the requirements of PPS5 policy HE 9. Mitigation to development in this unsustainable location is to be provided through the travel plan and onsite provision of facilities..."</i></p>

<ul style="list-style-type: none"> <li>• Grounds for their decision - Does this include consideration of major development policy/national need/local benefits?</li> </ul>	<p>Approved (It was proposed and seconded to refuse permission for application 11/03635; but following a vote the proposal fell - 5 against / 3 in favour).</p> <p><i>"178. The Committee discussed the applications recognising that this was a difficult case in which the benefits and disbenefits of the proposal had to be carefully balanced.</i></p> <p><i>179. It was noted that the Purposes and Duty of the National Park included that of conserving and enhancing the cultural heritage of the area." (unconfirmed minutes noting the debate in Committee - 14/11/11))</i></p>
<b>Appeal?</b>	Not relevant
<b>SoS/WAG Called in?</b>	No
<b>Consultations/ Stakeholders' views</b>  Number of objections:  Reasons given for objecting:  Number supporting:  Reasons given for supporting:	<p>Details given in officer's report: 9 consultees, 7 representations, 25 objectors and 1 open letter.</p> <p>National Trust, CPRE and South Downs Society objected.</p> <p>Over development, large range of impacts listed.</p>
<b>Additional Information/Notes</b>	<p>Initial redevelopment plan submitted to Chichester District Council in 2008 (EB/06/03700/FUL) - results not available on website. Permission granted but expired in Feb 2011.</p> <p>Second application submitted to Chichester DC in 2010 (10/04389/FULNP).</p> <p>English Heritage objected, so developers submit a third application but, before this is registered, the previous application is considered by Chichester DC Planning Committee who recommend to SDNPA that permission is granted. In July 2011, SDNPA consider both applications and refuse consent. The developer lodges an appeal and a Public Inquiry is held in January 2012.</p> <p>But in November 2011 a revised fourth application is considered by SDNPA - Officer recommends approval with conditions.</p>
<b>Comments received by email from environment groups during this study</b>	<p>Concerns summarised:</p> <ol style="list-style-type: none"> <li>1. The `price` of redevelopment (requiring a large number of new houses) was too high, even though supported the idea of restoring the listed building.</li> <li>2. Did concerns about previous permissions given by Chichester DC before the park was set up, influence the decision?</li> <li>3. Concerns about the design, particularly around the new-build.</li> </ol>

## Case Study H

<b>Project name:</b>  Planning Authority (and National Park Authority if different):  Reference Number:  Date application registered:  Location/Address:  Applicant's name:  Description:  Type of application:	<b>Aller Solar Farm</b>  West Somerset District Council (near Exmoor NP)  3/28/13/005  04/07/2013  East of Woodford and north of Monksilver, Williton (within 1km of NP boundary)  TGC Renewables  Solar Farm  Planning	<b>Aller Solar Farm</b>  West Somerset District Council  3/28/14/005  East of Woodford and north of Monksilver, Williton  TGC Renewables  Solar farm (scaled down- 8 ha)  Planning
<b>Decision-making process (summary):</b>  Officer's recommendation:  Date considered by planning authority -  Planning Authority's decision (or recommendation):  Appeal? Decision?  Called in? Decision?  Final decision	Refusal  30.09.13  Refused  11.05.13  Decision made at appeal by SoS  appeal refused - 10.08.14	Refusal  Refused  07/07/2015  Planning Inspectorate appeal refused  22/01/2016
<b>Planning Authority view</b>  Officer's recommendations: <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul> Members' decision: <ul style="list-style-type: none"> <li>Grounds for their decision - Does this include consideration of major development</li> </ul>	Refusal  Refuse  does not specify in minutes 26/09/13	Refusal  Adverse and harmful effects on protected landscapes of Exmoor NP and Quantocks AONB, proximity to public right of way and long distance footpath  Refuse  visual impact of a large industrial development in an inappropriate location



policy/national need/local benefits?		
<b>Appeal?</b>		
Date appeal submitted:	11.05.13	07/07/2015
Who considered it:	Decision made at appeal by SoS	Planning Inspectorate
Date decision made:	appeal refused - 10.08.14	appeal refused - 22/01/2016
Reasons given - Does this include consideration of major development policy/national need/local benefits?	Impact on character and appearance of surrounding area, effect in relation to archaeology.	Significant degree of harm to the character and appearance of the landscape, detract from important views out of the National Park and the AONB, and make rights of way in the vicinity less attractive to users. Proposal fails to accord with the development plan, and there are no material considerations of sufficient weight to justify a decision contrary to it.
<b>SoS/WAG Called in?</b>	Not relevant	
<b>Consultations/ Stakeholders' views</b>		17 (overwhelmingly objecting) plus 21 letters of objection from public consultation
<b>Comments from environment groups received during our study</b>	Concerned about the impact of this development on the important long distance footpath the Coleridge Way, which passes close by, linking the Quantock Hills AONB with Exmoor National Park. This route is very popular with walkers, riders and cyclists. The Coleridge Way has also boosted the local economy in the peaceful vale between the two protected landscapes.	Not opposed to solar PV installations but believe that their scale and location must be considered against their environmental impact. Concerned about the visual and aesthetic impact on landscape character and the loss of agricultural land in this case.

## Case Study I

<p><b>Project name:</b></p> <p>Planning Authority (and National Park Authority if different):</p> <p>Reference Number:</p> <p>Date application registered:</p> <p>Location/Address:</p> <p>Applicant's name:</p> <p>Description:</p> <p>Type of application:</p>	<p><b>Circuit of Wales, Brecon Beacons</b></p> <p>Blaenau Gwent County Borough Council (adjacent to Brecon Beacons NP)</p> <p>C/2013/0062</p> <p>15/02/2013</p> <p>Land north of Rassau Industrial estate, Ebbw Vale, Blaenau, Gwent</p> <p>Heads of the Valley Development Company (HOTVDC)</p> <p>Circuit of Wales racing track and associated development - Large scale motor racing circuit on 334Ha of undeveloped upland moorland on the edge of the national park - "unprecedented in size and scale and potentially transformative for the local economy". Includes a technology park for research, hotel and conference facilities, business and leisure complex, solar farm, camp site, riding school and other developments.</p> <p>T&amp;CP Act</p>
<p><b>Decision-making process (summary):</b></p> <p>Officer's recommendation:</p> <p>Date considered by planning authority -</p> <p>Planning Authority's decision (or recommendation):</p> <p>Called in? Decision?</p> <p>Final decision</p>	<p>Approve</p> <p>10/7/13</p> <p>Approve subject to S 106 agreement socio-economic benefits to the borough and the region approved (full minutes of Special council committee available)</p> <p>Call in requested by environmental groups - but declined</p> <p>Approved</p>
<p><b>Planning Authority view</b></p> <p>Officer's recommendations:</p> <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul>	<p>Officers recommendations: Approve outline application subject to conditions listed in officer's report (Section 22.20 of report, pp128-129 and Section 27, p139)</p> <p>Evidence used to support their views: very detailed - see officer's report to Special Council Committee 10/7/2013</p> <p><i>"1.13 I have no doubt that if approved, CoW will irrevocably change the noise, visual and ecological environment of the site and its environs."</i></p> <p><i>"26.4 Provided Members are convinced of the scale and likelihood of jobs materialising and that appropriate environmental mitigation is in place, they are entitled to grant planning permission. It is on that basis that my recommendation to approve the scheme is made. There is an overriding public interest in favour of creating employment. The current and likely future economic conditions are such that an employer on this</i></p>

<p>Members' decision:</p> <ul style="list-style-type: none"> <li>• Grounds for their decision - Does this include consideration of major development policy/national need/local benefits?</li> </ul>	<p><i>scale could make an enormous positive difference. In this case this outweighs other issues."</i> (Officer's Report )</p> <p>Acknowledges views of the BBNPA but against this the argument of economic development is strong and the BG councillors need to bear this in mind; the fact that the site abuts the NP should not preclude the possibility of approval.</p> <p>Members decision: Special Council Committee - 10/7/2013 - unanimous decision.</p> <p>Officer's report makes mention of the development as 'unprecedented' and 'transformational', which could possibly become a significant motor racing site in the UK but no specific mention of national importance. Does include a section on consideration of alternative sites investigated in the UK.</p> <p>Outline planning permission granted in July 2013, by the end of that month the Welsh government considered whether they needed to 'call in' the scheme; decided by August 2013 that the decision rests with BGCBC</p> <p>Sept 2013: Section 106 agreement signed with the developer.</p>
<p><b>SoS/WAG Called in?</b></p> <p>Date if it was called in:</p>	<p>Call-in requested by BBNPA; was considered by Minister for Housing and Regeneration, but decision passed back to BGCBC</p>
<p><b>Consultations/ Stakeholders' views</b></p> <p>Number of objections:</p> <p>Reasons given for objecting:</p> <p>Number supporting:</p> <p>Reasons given for supporting:</p>	<p>18 external consultee responses (listed in officers report);</p> <p>Internal (BGCBC) - 6: Head of Environmental Health, Chief Regeneration Officer, Chief Technical Officer, Head of Leisure, Head of Estates and Asset Management, Head of Waster Services. Responses range from clear objection with grounds specified to more vague consideration of issues and how to deal with them.</p> <p>External: 28: some statutory consultees plus local organisations. Also received comments from local residents and groups; 36 letters/emails of objection and 635 in support.</p> <p>Any obvious omissions: BBNPA included: consulted at scoping stage but then appears to have been left out when discussions of mitigation measures began.</p>
<p><b>Additional Information/Notes</b></p>	<p>2014 controversy over political interference (noted In Wikipedia). 'Misconduct' issues in decision-making process raised (around 2015 common land transfer).</p> <p>Plans currently 'frozen' by economic circumstances (due to no financial support from WAG currently forthcoming).</p>
<p><b>Comments from environmental groups during our study</b></p>	<p>Concerns summarised:</p> <ol style="list-style-type: none"> <li>1. Very concerned that the scheme was not called in by the Welsh Government, and the pressures on the local planning authority to approve the scheme to boost jobs and regeneration.</li> <li>2. The scheme raised issues of more than local importance, it conflicted with local and national planning policies, it would have wide reaching effects beyond Ebbw Vale and Blaenau Gwent. It would irreparably affect sites of scientific, nature conservation, historic/archaeological interest and it was directly adjacent to a designated area of landscape importance.</li> </ol>

## Case Study J

<p><b>Project name:</b></p> <p>Planning Authority (and National Park Authority if different):</p> <p>Reference Number:</p> <p>Date application registered:</p> <p>Location/Address:</p> <p>Applicant's name:</p> <p>Description:</p> <p>Type of application:</p>	<p><b>Rampion Offshore Wind Farm</b></p> <p>West Sussex County Council and South Downs NPA (but defined as a NSIP - so consulted only)</p> <p>EN010032</p> <p>March 2013</p> <p>Offshore: approximately 13 to 23 kms off the South coast</p> <p>E.On Climate and Renewables Ltd</p> <p>Offshore wind farm (175 turbines) with a generating capacity of 700MW together with offshore and onshore electrical infrastructure including cable route from the coast to a new substation near the existing Bolney Substation in Mid Sussex. The proposed onshore cable route is approximately 26.4km long and will pass through part of the South Downs National Park.</p> <p>Development Consent Order under the Infrastructure Planning Regulations 2009a (Nationally Significant Infrastructure Project so the application did not go through a local planning authority)</p>
<p><b>Decision-making process (summary):</b></p> <p>Officer's recommendation:</p> <p>Date considered by planning authority -</p> <p>SoS decision -</p>	<p>SDNPA invited to comment on the proposal and described it as a major development. Recommended refusal due to unacceptable and detrimental impact on the NP.</p> <p>Decision made by Secretary of State to grant an order for this development on 16th July 2014. An examination of the project was made by the Planning Inspectorate between July 2013 and January 2014, recommending approval.</p>
<p><b>Planning Authority view</b></p> <p>Officer's recommendations:</p> <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul>	<p>Letter to Planning Inspectorate from SDNPA - 8 Jan 2014 - asks that consent is refused, due to -</p> <ol style="list-style-type: none"> <li>The proposed wind turbines will have a detrimental and unacceptable impact upon the Sussex Heritage Coast</li> <li>The proposed wind turbines will have a detrimental and unacceptable impact upon the landscape character of the National Park</li> <li>The proposed cable corridor and associated construction works will have a detrimental and unacceptable impact upon the landscape character of the National Park. This will include, as accepted by E.ON, an irreversible detrimental impact to the area of Chalk Grassland at Tottington Mount</li> <li>The proposed cable corridor will restrict access to the National Park harmful to the enjoyment of users of the National Park and the local tourist economy</li> <li>The proposal does not include a s106 agreement of appropriate scope or value to either acceptably mitigate the above impacts or enhance the National Park</li> </ol>
<p><b>Appeal?</b></p>	<p>Not relevant</p>

<b>SoS/WAG Called in?</b>	NSIP scheme
<b>Consultations/ Stakeholders' views</b>	SDNPA invited to comment on the proposal and described it as a major development. Recommended refusal due to unacceptable and detrimental impact on the NP.
<b>Additional Information/Notes</b>	Some mitigations negotiated - fewer turbines - 116 (reduced those particularly close to the coast). The Secretary of State also required E.ON to support further mitigation and monitoring through more than £350,000 payment (£242,500 for mitigation and £116,000 for monitoring) to the South Downs NPA. This is in addition to built in mitigation which will be delivered by E.ON. Still issues over length of pipeline through the NP.
<b>Additional comments received from environmental groups during the study</b>	<p>Concerns summarised:</p> <p>Some environmental organisations expressed general support for renewables. But pressed for a full justification for the selection of the location of connection to the Grid (which they felt did not happen); a shift in the array to reduce visual impact on the NP and heritage coast (successful); and adequate compensation for damage to the NP (partial success).</p> <p>Other comments suggested it was not clear how far the governmental body which decided Rampion took account of SDNPA comments and impact on the NP.</p>

## Case Study L

<b>Project name:</b>	<b>Cwrt y Gollen Housing scheme</b>	<b>Cwrt y Gollen Housing revised scheme</b>
Planning Authority	Brecon Beacons NPA	Brecon Beacons NPA
Reference Number:	09/03405/OUT	12/08575/OUT– Revised scheme
Date application registered:	2009	19/10/2012
Location/Address:	Former army camp, Glangrwyney Nr Crickhowell	Former army camp, Glangrwyney Nr Crickhowell
Applicant's name:	Crickhowell Estates	Crickhowell Estates
Description:	Major housing and mixed use development (outline application - but possibly c.200 dwellings?).	Major housing and mixed use development - but revised down to 68 dwellings
Type of application:	Planning	Planning
<b>Decision-making process (summary):</b>		
Officer's recommendation:	approve subject to S 106 agreement	Approve subject to s.106 agreement
Date considered by planning authority -	08/06/2010	21/10/2014
Planning Authority's decision (or recommendation):	refused	Permitted
Appeal? Decision?	Appeal dismissed (Inspector recommended, WAG agreed) - Nov.2011	
Final decision	Refusal	Permitted
<b>Planning Authority view</b>		
Officer's recommendations: <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul>	<p>Approve subject to S 106 agreement</p> <p>Economic benefits to local area Evidence used to support their views - (not obvious - but suggestion from a member that the officers have 'driven' this development in PAROW minutes).</p>	
Members' decision: <ul style="list-style-type: none"> <li>Grounds for their decision - Does this include consideration of major development policy/national</li> </ul>	<p>Refuse -</p> <p>Recorded in planning committee minutes 08/06/10. Included impacts on landscape, local services, traffic and contrary to NP purpose</p>	

need/local benefits?		
<b>Appeal?</b>  Date appeal submitted:  Who considered it:  Date decision made:  Reasons given - Does this include consideration of major development policy/national need/local benefits?	Appeal ref: APP/P9502/A/10/2132455  2011: inquiry held in Feb  Inspector makes recommendations; Welsh Minister for environment and sustainable development makes decision Nov-11  Appeal dismissed -  size and scale of development are contrary to statutory purposes of NP and will impact on its special qualities, Location of development will result in reliance on private car - not sustainable development.  2011 Inspector's Report concludes that: "(i) the development is not of national significance and therefore not to be given special consideration. No overriding public need for it and the impact is on the local, not national, economy. (ii) current NP Local Plan does not consider the site to be development land but categorises it as open country. Therefore proposed development does not accord with the Local Plan. (iii) no evidence that alternative sites for housing were considered. (iv) visual impact of scale of development: more dense than existing buildings (some of which have been demolished, leaving the site with an open feel to it). existing village is very small so the development is big by comparison."	
<b>SoS/WAG Called in?</b>	Inspector made recommendation, Welsh Minister agreed...  Minister's letter agrees with recommendations of the inspector and states: (i) special considerations that apply to major developments proposals which are more national than local in character does not apply to this proposal.	

	<p>(ii) nothing in proposed development, despite its scale, that renders it necessary to consider as of national interest, so local policies relevant.</p> <p>(iii) proposed development does not accord with the development plan of the BBNPA</p> <p>(iv) UPD allocation of the site for mixed use does constitute a material consideration but does not override other UDP policies.</p> <p>(v) emerging LDP as a material consideration; should not make a decision for such a big project in advance of its inspection.</p> <p>(vi) statutory purposes of the National park are central to the case; development would have major visual and landscape impacts that affect the settlement pattern, and thus cultural heritage.</p> <p>(vii) development is contrary to local plan housing policy and local employment development policy.</p> <p>(viii) development does not represent a sustainable form of development: location of the development will result in increased traffic (private car journeys) and size and location of development will affect natural beauty and cultural heritage.</p> <p>Conclusion that the size and location of the proposed development and its consequences on the special qualities of the National Park represent a fundamental objection to the scheme.</p>	
<p><b>Consultations/ Stakeholders' views</b></p> <p>Number of objections:</p> <p>Reasons given for objecting:</p> <p>Number supporting:</p> <p>Reasons given for supporting:</p>	<p>36 letters/ emails objecting</p> <p>635 letters/emails supporting</p> <p>From public consultation with local residents, grounds for objection included the size and scale of development (200 homes considered to be too many in relation to existing services), likely traffic congestion on the A40 and location on a flood plain.</p>	
<p><b>Additional Information/Notes</b></p>		<p>Application resubmitted in 2012 (12/08575/OUT - 68 dwellings - so much reduced in scale) and approved by BBNPA in October 2014. Application considered at</p>



		<p>Sept PAROW meeting (9.9.14) but decision deferred to October meeting (21.10.14) to allow a site visit. Application approved at October meeting, despite continued objections by the Community Council and residents (officers report - <a href="https://governance.beacons-npa.gov.uk/documents/g142/Public%20reports%20pack%2021st-Oct-2014%2013.00%20Planning%20Access%20and%20Rights%20of%20Way.pdf?T=10">https://governance.beacons-npa.gov.uk/documents/g142/Public%20reports%20pack%2021st-Oct-2014%2013.00%20Planning%20Access%20and%20Rights%20of%20Way.pdf?T=10</a>) .</p> <p>Later application became part of accepted Local Development Plan - providing stronger policy justification for scheme.</p>
<p><b>Comments from environmental groups made by email during this study.</b></p>		<p>Concerned that the planning inspector for the Local Plan directed that more land had to be allocated for housing and then suggested the Cwrt-Y-Gollen site. Considers that the NPA had no alternative but to agree, and that this was the result of pressure to increase house building from the WG via the Inspector.</p>

## Case Study M

<b>Project name:</b>  Planning Authority (and National Park Authority if different):  Reference Number:  Date application registered:  Location/Address:  Applicant's name:  Description:  Type of application:	<b>YPL Potash Mine, North York Moors</b>  North York Moors NPA, and Redcar & Cleveland Borough Council  (NYM/2013/0676/MEIA - 2013 planning application- withdrawn by the company in January 2014). Revised application NYM/2014/0676/MEIA  09/10/2014  Sneatonthorpe - Dove's Nest Farm and Haxby Plantation  York Potash Ltd  Potash mine and mineral transport system - including 35.5kmtunnel and three intermediate access shafts. Minerals
<b>Decision-making process (summary):</b>  Officer's recommendation:  Date considered by planning authority - Planning Authority's decision (or recommendation):  Appeal?  Called in? Decision?  Final decision	No recommendation  30/06/2015  Approved - subject to s.106 agreement and Landscape Compensation Fund  Not relevant Request for call in made by CNP, but SoS states decision must be made by NPA  Approved - subject to s.106 agreement and Landscape Compensation Fund
<b>Planning Authority view</b>  Officer's recommendations: <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul> Members' decision: <ul style="list-style-type: none"> <li>Grounds for their decision - Does this include consideration of major development policy/national need/local benefits?</li> </ul>	The final conclusion of the officer's report (over 200 pages) states clearly that the proposal does not represent exceptional circumstances and the benefits do not outweigh extent of harm and conflict with NP objectives. However, there is no final recommendation. There is the statement " <i>Members will need to individually assign weight to these opposing issues and reach their own planning balance.</i> "  Approved - subject to s.106 agreement and Landscape Compensation Fund A draft resolution was approved by 8 votes to 7 on 30 June. This was formally approved by Members at the Planning Committee meeting held on 20 August 2015 as part of the approval of the Minutes of the Special Planning Committee Meeting of 30 June.  Final approval resolution read... <a href="http://www.northyorkmoors.org.uk/planning/york-potash/Resolution-3.pdf">http://www.northyorkmoors.org.uk/planning/york-potash/Resolution-3.pdf</a>

	<p><i>This decision is based on Members concluding:</i></p> <p><i>(a) that the potential economic benefits from the proposal represents a transformational opportunity for the local and regional economy;</i></p> <p><i>(b) that the likelihood of establishing a global market for polyhalite fertiliser is such that Phase 2 production levels will be achievable, resulting in economic benefits that are significant at a national level;</i></p> <p><i>(c) that the innovative nature of the mine design and associated landscaping result in an acceptable reduction in the long term environmental impacts of the development;</i></p> <p><i>(d) that there was no realistic scope for locating the development elsewhere outside the designated area.</i></p> <p><i>(e) Members attach greater weight to these benefits than the environmental impacts during the construction period and the long term harm to the Special Qualities of the National Park at the minehead site and consider that:</i></p> <p><i>(i) the proposal represents exceptional economic circumstances which outweighs the extent of the conflict with the Development Plan;</i></p> <p><i>(ii) therefore the public interest lies in approving the application.</i></p> <p><i>In reaching this decision Members have taken into account the applicant's S106 proposals ... reasonably related in scale and kind to the development and necessary to address the identified residual harmful impacts and make the development acceptable in planning terms.</i></p>
Appeal?	Not relevant
SoS/WAG Called in?	Request for call in made by CNP, but SoS states decision must be made by NPA
Decision <ul style="list-style-type: none"> <li>• grounds for calling in or not?</li> </ul>	<p>The SoS decided not to call in the application setting the case "<i>against the call-in policy, as set out in the Written Ministerial Statement by Nick Boles on 26 October 2012. The policy makes it clear that the power to call in will only be used very selectively. The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible.</i>" (para. 2 DCLG SoS decision letter 14-7-2015)</p>
Consultations/ Stakeholders' views  Number of objections: Number supporting:  Reasons given for objecting:	<p>From NYMNPA web page (<a href="http://www.northyorkmoors.org.uk/planning/york-potash">http://www.northyorkmoors.org.uk/planning/york-potash</a>) A total of 919 third party representations were received in connection with the planning application. 846 (92.1%) were in support of the proposed development, 69 (7.5%) were objecting and 4 (0.4%) were neutral.</p> <p>From Officer's Report (NYMNPA 30-6-2015) -  <i>The main reasons for objection relate principally to the application being contrary to the aims and objectives of the National Park designation and to the proposal not satisfying the Major Development Test in the National Planning Policy Framework. The objectors consider that the National Park is a unique environment that is worth protecting at any cost irrespective of the employment or other economic benefits to the region, the UK or globally. If planning permission were to be granted for this major industrial scale development this may undermine the policies for the protection of this and other National Parks and other specially protected areas. The objectors are also concerned that there is no overriding need for the mine as there is no shortage of potash in this Country or elsewhere in the world and that a further mine may lead to the closure of Boulby mine. The objectors consider that the site</i></p>

Reasons given for supporting:	<p><i>including the proposed buildings and the spoil heaps will be visually prominent in the landscape and that the traffic disruptions particularly during the construction phase, will be detrimental to existing residents and to tourism in the area. In addition the objectors consider that issues relating to possible pollution and subsidence have not been fully addressed and it is unclear whether there are sufficient resources for the necessary future monitoring of the development. The objectors are also concerned that York Potash is an exploratory company with no mining experience.</i></p> <p><i>The overwhelming reason for supporting the application relates to the perceived boost that the proposed mine will bring to the area, the region and the Country in terms of job creation and in terms of the UK's economy. Many of the supporters have highlighted the decline of the region and the lack of all year round well paid jobs and in this respect the mine could provide jobs to those no longer employed in farming, agriculture, tourism and those made redundant following the closure of local businesses. ....The supporters consider that the economic benefit is so great as to outweigh the disruption to what many perceive to be a small unattractive area of the National Park landscape and that in any case the revised application has been well considered and designed so as to minimise its environmental impact.</i></p>
Additional Information/Notes	<p>Policy considerations (extract from NYMNPA web page - <a href="http://www.northyorkmoors.org.uk/planning/york-potash">http://www.northyorkmoors.org.uk/planning/york-potash</a>)</p> <p><i>"The National Park is afforded the highest level of landscape protection and central government policy as set out in Paragraph 116 of the National Planning Policy Framework 2012 (the 'Major Development Test') applies to proposals for large developments such as the York Potash mine and mineral transport system.....</i></p> <p><i>Core Policy E, Minerals of the Authority's Core Strategy and Development Policies DPD (November 2008) confirms that proposals for minerals developments (apart from stone quarrying for local building needs) will be considered against the Major Development Test.</i></p> <p><i>Consideration of the application involved an objective and rigorous assessment of the proposals in the context of local plan policies and government policy set out in the National Planning Policy Framework. The conclusions of the assessment were set out in paragraph 19.45 of the Director of Planning's report to Committee (see link in Update section above). Members considered the report and, in reaching a decision, took account of the environmental impacts of the development as well as the large scale potential economic benefits at national, regional and local level. The Members' Resolution concluded that the circumstances were exceptional and that it was in the public interest for the proposals to be approved."</i></p>
Additional comments received from environmental groups during this study.	<p>Concerns summarised:</p> <ol style="list-style-type: none"> <li>1. There is no national need for two potash mines in the national park, as the Boulby mine currently meets the needs of the UK, and thus the major development test is not met.</li> <li>2. Concern about the level of local authority resources needed to adequately consider schemes of this size..</li> <li>3. A formal public inquiry might have been a better process for considering this scheme.</li> </ol>

## Case Study N

<b>Project name:</b>  Planning Authority (and National Park Authority if different): Reference Number:  Date application registered:  Location/Address:  Applicant's name:  Description:  Type of application:	<b>Kirkby Moor Wind Turbines</b>  South Lakeland District Council (just outside Lake District NPA)  SL/2014/1220  28/01/2015  Kirkby Ireleth, Kirkby in Furness  RWE Innogy UK Ltd  6 large wind turbines, replacing 12 smaller ones  T&CP Act
<b>Decision-making process (summary):</b>  Officer's recommendation:  Date considered by planning authority -  Planning Authority's decision (or recommendation):  Appeal?  Final decision	SLDC recommend refusal  26/11/2015  Refused  No  Refusal
<b>Planning Authority view</b>  Officer's recommendations: <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul> Members' decision: <ul style="list-style-type: none"> <li>Grounds for their decision - Does this include consideration of major development policy/national need/local benefits?</li> </ul>	SLDC report lists the following reasons for refusal: <ol style="list-style-type: none"> <li>1. Significant harmful effect on landscape character and appearance of the area and visual amenity of the NP,</li> <li>2. proximity to designated heritage sites,</li> <li>3. interference with MOD air traffic control radar,</li> <li>4. insufficient evidence that development would not have an adverse impact on the archaeology of the area,</li> <li>5. likely damage to an SSSI - inadequate mitigation measures.</li> </ol> No mention of national need. Local benefits noted as economic but not considered to be substantial.  Refusal  Same as above: 5 separate reasons
<b>Appeal?</b>	No
<b>SoS/WAG Called in?</b>	Not relevant

<p><b>Consultations/ Stakeholders' views</b></p> <p>Number of objections:</p> <p>Reasons given for objecting:</p> <p>Number supporting:</p> <p>Reasons given for supporting:</p>	<p>532 letters of objection in addition to responses from over 50 organisations, including statutory consultees (mainly objecting)</p> <p>Various, listed in pp31-34 of officers report</p> <p>141 letters of support</p> <p>Mainly economic - attracting inward investment, renewable and non-nuclear energy source, and diversification from tourism.</p>
<p><b>Additional Information/Notes</b></p>	<p>The existing windfarm was granted permission in 1992, after being called in by the SoS. That permission expired in 2018.</p> <p>A new planning application was received to extend the life of the existing windfarm, on 28<sup>th</sup> July 2016 (ref SO/2016/0001) - ongoing.</p>
<p><b>Comments from environmental groups received by email during this study</b></p>	<p><b>Concerns summarised:</b></p> <p>1. The proposed development would result in detrimental impacts <i>per se</i> on land owned or controlled by the Trust. This would impact on visitor enjoyment at those properties.</p> <p>2. Assessment of the impacts in several locations should be classified as having major/moderate landscape effect and so should be considered as significant. In the case of Sandscale Haws (SPA/SAC/ SSSI) effects are under-recorded, and in the case of the Coniston area, the turbines will appear as intrusive and damaging features in a highly valued landscape in a relatively unspoilt section of the NP.</p>

## Case Study O

<b>Project name:</b>	<b>Limolands Solar Farm</b>
Planning Authority	New Forest NPA
Reference Number	14/00817
Date application registered:	9 <sup>th</sup> October 2014
Location/Address:	Hordle, south west edge of NP
Applicant's name:	Mr Wilkinson, Locogen Ltd
Description:	Construction of a 14 hectare solar farm on two fields, to include solar panels to generate electricity (5MW), associated plant buildings; perimeter fencing; cctv cameras; landscaping and associated works.
Type of application:	Planning
<b>Decision-making process (summary):</b>	
Officer's recommendation:	Refusal
Date considered by planning authority -	17 <sup>th</sup> December 2014
Planning Authority's decision (or recommendation):	Refused
Appeal? Decision?	Yes, Inspector allowed appeal - November 2015
Called in? Decision?	Yes - SoS over-turned Inspector's decision - March 2016
Final decision	Refused
<b>Planning Authority view</b>	
Officer's recommendations: <ul style="list-style-type: none"> <li>Evidence used to support their views</li> <li>Does this include consideration of major development policy/national need/local benefits?</li> </ul>	<p>Refuse:</p> <p>Does not comply with policy CP5 of the NP, not small scale; will impact on landscape character and special qualities of the NP, road safety; inadequate access to the site; loss of back-up grazing lands essential to the future of commoning</p> <p>No mention of major development, national need or local benefits (other than to the landowner) in the officer's report.</p>
Members' decision: <ul style="list-style-type: none"> <li>Grounds for their decision - Does this include consideration of major development policy/national need/local benefits?</li> </ul>	<p>Refused:</p> <p>detrimental impact on landscape character of the area and special qualities of the NP ; not small scale ; not considered to be agricultural diversification and so contrary to NP policies of the Core Strategy, NPPF and NPPG; loss of back-up grazing land essential to the future of commoning</p>
<b>Appeal?</b>	Yes - APP/B9506/W/15/3006387
Date appeal submitted:	March 2015

<p>Who considered it:</p> <p>Date decision made:</p> <p>Reasons given - Does this include consideration of major development policy/national need/local benefits?</p>	<p>Planning Inspectorate</p> <p>November 2015</p> <p>Grants appeal, on the grounds that:</p> <ul style="list-style-type: none"> <li>- after mitigation, impacts on landscape character and quality are limited</li> <li>- screened planting will reduce visual impacts and so not affect public enjoyment of the park's special qualities</li> <li>- re scale, the authority has already granted permission to three other solar farms of a similar size</li> <li>- re grazing, the development is temporary and the land can be restored, with most of it being grade 3b rather than 3a agricultural land.</li> <li>- the project will make a positive contribution to renewable energy targets</li> <li>- impacts have been addressed; public benefits outweigh the identified harm.</li> </ul>
<p><b>SoS/WAG Called in?</b></p> <p>Date:</p> <p>Reasons</p>	<p>Yes</p> <p>Decision made by SoS in March 2016 to dismiss appeal.</p> <p>Listed in SoS report:</p> <ul style="list-style-type: none"> <li>- scheme will result in a semi industrial landscape at odds with the rural character of the site;</li> <li>- negative impact on visual amenity: impacts are greater than Inspector reports;</li> <li>- proposal is major development within a national park (p4) and exceptional circumstances for the scheme on this site have not been demonstrated;</li> <li>- scheme would still result in loss of some high grad agricultural land;</li> <li>- re reversibility; 30 years is a considerable period of time.</li> </ul>
<p><b>Consultations/ Stakeholders' views</b></p> <p>Number of objections:</p> <p>Reasons given for objecting:</p> <p>Number supporting:</p> <p>Reasons given for supporting:</p>	<p>4 letters of objection from local residents, 1 from New Forest Association</p> <p>visual, inappropriate development, scale and loss of common grazing land</p> <p>1 letter of support</p> <p>Support for green energy and site not visible</p>
<p><b>Additional Information/Notes</b></p>	<p>A previous application was submitted earlier in 2014 (14/00470) and withdrawn in August 2014 before consideration by the Planning Committee. For the 2<sup>nd</sup> application, the Planning Officer states in their report that concerns from the first application have been addressed and lists them, but other concerns remain.</p>
<p><b>Additional comments from environmental groups received by email during this study</b></p>	<p>None received</p>



## **APPENDIX E - Semi-Structured Interview Questions for National Park Planning Officers**

Explain the study briefly, explain the interview is being recorded, and repeat information about anonymity. Confirm they don't have to answer anything they would rather not.

1. What is your current role and how long have you worked at the NPA (in this or in previous roles – what were they)?
2. There appear to be some ambiguities around the definition of Major Development. Does your NPA use any specific definitions in their policies?
3. What is your view of current Major Development policy and recent changes?
4. Policy implementation - any particularly contentious issues at a local level?
5. Are the cumulative impacts of developments considered and is this a challenge?
6. Any comments on the current Appeal and call in process and relevant decisions?
7. Any comments on policy implementation of adjacent authorities in relation to developments affecting the national park?
8. Can you suggest any improvements to the Major Development policy and process which would help to protect our national parks more effectively?

## **APPENDIX F - Email request for Comments to National Park Societies, CPRE Groups and National Trust Planning Advisers**

Dear.....

I hope you may already be aware of our small research study, commissioned by the CNP, CPRE and the National Trust, to explore trends in major development cases within and on the boundaries of our national parks. Our clients have suggested it would be helpful to contact you to obtain your views and local experiences concerning major development affecting national parks. It seems easiest to do this by email. It would be most helpful to us if you could possibly reply to the questions below before the end of August.

Our small study will summarise local policy context concerning major development, provide a general overview of cases over the last ten to twenty years (maybe less if this is unrealistic). We also intend to develop some specific case studies about particular examples which might help to illustrate more general issues. The aim of our final report is to suggest improvements to current policy to enable the better protection of our national parks, and to inform groups campaigning on these important issues. We hope this will also be of interest to each NPA and also to assist in your work.

It would therefore be helpful if you could consider the following queries and provide a short written response to each, based on your local experience. It would also be helpful if you could illustrate any of your comments with reference to specific schemes. The final question relates to a specific case study in your area (which we have agreed with our clients).

1. What is your view of the impact of changes in national policies relating to major development in and close to our national parks?
2. Do you feel the major development test is currently effective and well understood by local decision makers – and if not, how could it be improved?
3. How are major development cases considered by both planning officers and local members within your national park authority? Has this changed over the last ten years?
4. How are major development cases outside but affecting your national park considered by the adjacent local planning authorities? Has this changed over the last ten years?
5. Do you perceive any trends in how the Secretary of State/ Welsh Assembly Government treats major development cases in your national park (for example, willingness to call in applications, or consideration of National Infrastructure Projects)?
6. We intend to focus on the XXXX as case studies for our research. Do you have any views on the decision making process in relation to this case? And it would be most helpful if you could send us any documents (such as objections or letters of support from your organisation) in relation to this case.

Many thanks, in anticipation, for your support in our small study. We appreciate that the above questions can be very complex and you may feel you cannot do the research justice in such a short timescale. But your views will really help provide us with an overview of national park society views across England and Wales.

Regards

Lynn Crowe

Professor of Environmental Management  
Department of the Natural and Built Environment  
Faculty of Development and Society  
Sheffield Hallam University  
City Campus, Sheffield S1 1WB

## **APPENDIX G - NATIONAL PARK SOCIETIES AND OTHER CAMPAIGNING GROUPS**

The following is a list of all the national park societies, CPRE groups and National Trust planning advisers who have assisted us with this study. Their local insight and expertise, along with their shared knowledge of the details of specific cases, have been invaluable.

National Trust (Lake District)

National Trust (Peak District)

National Trust Wales

CPRE - North Yorkshire

CPRE - Somerset

CPRE - Sussex

Brecon Beacons Society

Dartmoor Preservation Society

Exmoor Society

Friends of the Peak District

Friends of Pembrokeshire Coast National Park

North Yorkshire Moors Association

Snowdonia Society

South Downs Society

Yorkshire Dales Society

**National Parks  
and Major Developments**

**Broads Authority**

Project Name	Cantley Sugar Factory	River Thurne flood defence works	Generation Park, Norwich	The Deal Ground, Trowse	The Maltings, Ditchingham	Ivy House Farm holiday lodges	The Old Granary, Staithe	Transco land, Cremorne Lane	Pegasus Marine development	Irstead Manor	Plus at least another 6 'smaller' major development cases
General Information:											
Reference Number	BA/2008/0307/FUL	BA/2010/0084/FUL	BA/2015/0225/FUL	BA/2011/0048/OUT	BA/2012/0005/FUL	BA/2007/0316/OUT	BA/FUL/2009/0137 /FUL		BA/2011/0279/FUL	BA/2012/02/71/FUL	BA/2013/01/32/OUT
Location	Cantley Sugar Factory, Station Road, Cantley, Norwich, Norfolk, NR13 3ST	River Thurne, Ludham and Potter Heigham	Generation Park, Hardy Road, Norwich	The Deal Ground, former May Gurney Ltd., The Street, Trowse.	The Maltings, Pirnhow Street, Ditchingham, Bungay	Ivy House Farm, Ivy Lane, Lowestoft	The Old Granary, Staithe, Stalham	Transco land, Cremorne Lane, Norwich	Pegasus Marine, Caldecott Road, Lowestoft	Irstead Manor, Hall Road, Irstead	
Description of development	Proposed construction of new Evaporator plant as part of energy reduction scheme plus construction of new buildings and plant for processing of raw sugar	Flood defence improvement works, including dyke excavation and footpath diversion	Demolition & redevelopment of the United Utilities site for a biomass fuelled energy centre, 435 units of student accommodation - etc.	Outline application for 682 dwelling plus commercial retail development	Proposal to create 92 houses and 13 residential apartments, plus car parking & demolition of ancillary buildings at original silk mill.	Erection of 53 timber holiday lodges	Extension to original building to provide 4 additional apartments, plus 7 holiday units	Erection of 10 dwellings	Redevelopment of former boat-yard to provide 76 dwellings, and new boatyard facilities	Demolition of existing fire damaged building and erection of replacement dwellings, plus boathouse and lodge.	
Applicant's name											
Planning Authority	Broads	Broads	Broads	Broads (but led by Norwich CC)	Broads	Broads	Broads	Broads	Broads	Broads	Broads
Consent regime											
Date first registered		19-Sep-08	02-Mar-10	06-Aug-15	24-Feb-11	04-Jan-12	27 Dev 2007	17-Sep-09	24-Aug-11	23-Aug-12	15-May-13
Date decided											
Officer's recommendation						Refusal					
Officer's reasons for recommendation						Landscape and other grounds cited - but no mention of major development test.					
Authority Decision	Approved - s106	Approved with conditions	Pending	Application withdrawn (after many objections registered)	Approved with s.106	Refused	Approved with conditions	Withdrawn	Approved with conditions	Approved with conditions	
Justification for decision											
Appeal Process (if relevant):											
Date appeal submitted											
Who made final decision											
Appeal decision											
Date decision made											
Reasons for decision											
Government called in?											
Date decision made											
Decision											
Other processes??											
Additional information				Concerns from local groups - visibility not only from Whitlingham Country Park but also from a distance in the low lying landscape. There are important views towards the city from Whitlingham Broad, inadequate information to illustrate the impact of the proposed development. ....tall buildings along the riverside will have considerable visual impact when viewed from the water..... Suggest that the height of the buildings be reconsidered.		Over eighty letters of objection received - including Broads Society..					

**National Parks  
and Major Development Cases**

**Brecon Beacons**

Project Name	Bryn Henllys	Cwrt-y-Gollen	Cwrt-y-Gollen	Circuit of Wales	Cwmffaldau Fields	Gilesone Talybont-On-Usk	Fifth Avenue Hirwaun Industrial Estate	Former mid Wales Hospital	Garwnant Coed Taff Forest	Cerrigochion Rd, Brecon	Plus 7 smaller 'major applications' outlined by BBNPA)
<b>General Information:</b>											
Reference Number	P61/755	09/03405/OUT	12/08575/OUT – re-submitted outline planning application	c/2013/0062	08/01751/FUL	08/01957/FUL	08/02488/FUL Fifth Avenue Hirwaun Industrial Estate, Aberdare	12/07922/FUL	15/12957/FUL	16/13596/FUL	
Location	Upper Cwmtwrch, Powys	Cwrt-y-Gollen army camp, Glangrwyney Nr Cri	Cwrt Y Gollen Army Camp, Crickhowell, Powys the re-development of the former army camp at Cwrt Y Gollen for mixed use development - residential development, but far fewer	Land north of Rassau Industrial estate, Ebbw Vale	Cwmffaldau Fields, Brecon	Gilesone Talybont-On-Usk, Brecon Change of use from farm to cafe and camping & Caravan site	Former Mid Wales Hospital, Talgarth, Powys	Garwnant Coed Taff Forest, Merthyr Tydfil	Land adjacent to Cerrigochion Rd, Brecon		
Description of development	open cast coal mining	major housing and mixed use development (outline - but possibly 200 homes)		Circuit of Wales racing track and associated development	Residential development - 69 units plus infrastructure	Sustainable waste recovery park	mixed use redevelopment - 76 homes etc.	New holiday cabin site - 40 cabins	Change of use of agricultural land to 119 residential units		
Applicant's name	British Coal Corporation?	Crickhowell Estates	Crickhowell Estates	Heads of the Valley Development Company (HOTVDC)							
Planning Authority	Powys County Council?	Brecon Beacons NPA	Brecon Beacons NPA	Blaenau Gwent County Borough Council	Brecon Beacons NPA	Brecon Beacons NPA	Brecon Beacons NPA	Brecon Beacons NPA	Brecon Beacons NPA	Brecon Beacons NPA	
Consent regime	Minerals	T&CP Act with appeal to SOS wales	T&CP Act with appeal to SOS wales	T&CP Act and called in by SoS WAG							
Date first registered		1993	2009	19/10/2012	15/02/2013	04/04/2008	15/07/2008	10/11/2008	05/04/2012	02/12/2015	27/05/2016
Date decided		1993	08/06/2010	21/10/2014	10/7/13 (Special Council Committee meeting)	16-May-11	08/10/2010	21/12/2010	02/05/2013	Case ongoing	Case ongoing
Officer's recommendation		approve subject to S 106 agreement	Approve -subject to s.106 agreement	approve subject to S 106 agreement				Refuse Size, scale, location, lack of affordable housing, highways issues	Ongoing discussions around s.106 agreement - presumably to form basis of officer's recommendation. Case ongoing?	Ongoing	
Officer's reasons for recommendation		economic benefits to local area		socio-economic benefits to the borough and the region approved unanimously (S.106 agreement)	Approved subject to s.106	Finally Disposed Article 25(11) GDPO	Approved subject to s.106	Refused			
Authority Decision	refused	Refused	Approve								
Justification for decision		recorded in planning committee minutes 08/06/10. Include impacts on landscape, local services, traffic and contrary to NP purpose		See full report - Special Planning committee 10 July 2013				Same as officers - reference to Cwrt - y-gollen scheme also mentioned			
<b>Appeal Process (if relevant):</b>											
Date appeal submitted		1993	2011: inquiry held in Feb								
Who made final decision	Welsh SoS approved	Inspector makes recommendations; Welsh Minister for enviro and sustainable development makes decision									
Appeal decision			Nov-11								
Date decision made		13/05/1993	appeal dismissed								
Reasons for decision		size and scale of development are contrary to statutory purposes of NP and will impact on its special qualities,location of development will result in reliance on private car - not sustainable development.									
Government called in?		Inspector makes recommendations; Welsh Minister for environment and sustainable development makes decision		Call-in requested by BBNPA; was considered by Minister for Housing and Regen but decision passed back to BGCBC							
Date decision made											
Decision		Agreed refusal of scheme									
Additional information		Application resubmitted in 2012 (12/08575/OUT) and approved by BBNPA in October 2014 (after inclusion of site in LDP - and much reduced in scale - 68 dwellings)		'Misconduct' issues in decision-making process raised. Plans currently 'frozen' by economic circumstances - due to no financial support from WAG							

**National Parks  
and Major Developments**

**Dartmoor**

Project Name

Linhay Hill quarry extension

**General Information:**

Reference Number

0322/16

Location

North of Ashburton

Revised application - 32 hectares rather than 44 in original one. Quarrying over a 60 year period in 5 phases, progressively deepening the site, with the 6<sup>th</sup> phase as restoration.

Description of development

Applicant's name

Glendinning Ltd

Planning Authority

Dartmoor NPA

Consent regime

Minerals

Date first registered

16/06/2016

Date decided

ongoing

Officer's recommendation

Officer's reasons for  
recommendation

Authority Decision

Justification for decision

**Appeal Process (if relevant):**

Date appeal submitted

Who made final decision

Appeal decision

Date decision made

Reasons for decision

**Government called in?**

Date decision made

Decision

Additional information

Main local groups not objecting

National Parks and Major Developments		Exmoor		
Project Name	Haddon Hill	Batsworthy Cross	Aller Farm 1	Aller Farm 2
General Information:				
Reference Number	*6/30/15/101	43272	3/28/13/005	3/28/14/005
Location	car park on Haddon Hill, Skilgate	Batsworthy Cross, South Molton	East of Woodford and north of Monksilver, Williton (within 1km of NP boundary)	East of Woodford and north of Monksilver, Williton
Description of development	telecommunications mast	wind farm	Solar farm - 20 Ha	solar farm (scaled down in size; 8 ha)
Applicant's name	Arquiva Ltd	RWE Innogy	TGC Renewables	TGC Renewables
Planning Authority	Exmoor NPA	North Devon District Council	West Somerset Council	West Somerset Council
Consent regime	T&CP Act	T&CP Act	T&CP Act	T&CP Act
Date first registered	16/09/2015	2009	04/07/2013	12/09/2014
Date decided	04/11/2015	22/06/2009	30.09.13	02.04.15
Officer's recommendation	not specified	not known	refuse	refuse
Officer's reasons for recommendation				adverse and harmful effects on protected landscapes of Exmoor NP and Quantocks AONB, proximity to public right of way and long distance footpath
Authority Decision	approved subject to conditions	refused See minutes 22/06/09.	refused	refused
Justification for decision	Not given (note - not considered major development)	Include impacts on landscape and tranquility and historic environment	does not specify in minutes 26/09/13	visual impact of a large industrial development in an inappropriate location
Appeal Process (if relevant):	Not relevant			
Date appeal submitted		04/11/2011	11.05.13?	07/07/2015
Who made final decision		Planning inspectorate	SoS	Planning Inspectorate
Appeal decision		permission granted	appeal refused	appeal refused
Date decision made		22/10/2012	10.08.14	22/01/2016
Reasons for decision				Causes a significant degree of harm to the character and appearance of the landscape, detract from important views out of the National Park and the AONB, and make rights of way in the vicinity less attractive to users. proposal fails to accord with the development plan, and there are no material considerations of sufficient weight to justify a decision contrary to it.
Government called in?				
Date decision made				
Decision				
Other processes??				
Additional Information				

<b>National Parks and Major Development</b>		<b>Lake District</b>		
Project Name	Kirkby Moor 1	Whinash	Kirkby Moor 2	High and Low Newton
<b>General Information:</b>				
Reference Number		03/0906	SL/2014/1220	
Location			Kirkby Ireleth, Kirkby in Furness	South Lakeland DC - but DoT scheme
Description of development	extension of existing wind farm	27 wind turbines	6 large wind turbines, replacing 12 smaller ones approved earlier	Bypass on A590
Applicant's name		Chalmerston Wind Power and West Coast Energy	RWE Innogy UK Ltd	Department of Transport
Planning Authority	South Lakeland District Council	Eden District Council	South Lakeland District Council	not given
Consent regime	T&CP Act	Electricity Act 1989, T&CP Act 1990	T&CP Act	Highways scheme
Date first registered		30/09/2003		28/01/2015
Date decided		03/02/2006		26/11/2015
Officer's recommendation		refuse		Public Inquiry held in 1993. Then delayed due to omission from DoT roads building programme. Finally included in programme in 2003
Officer's reasons for recommendation			Significant harmful effect on landscape character and appearance of the area and visual amenity of the NP, proximity to designated heritage sites, interference with MOD air traffic control radar, insufficient evidence that development would not have an adverse impact on the archaeology of the area, likely damage to an SSSI - inadequate mitigation measures.	
Authority Decision	Approved	Delegated	refused	
Justification for decision		Recommended for refusal - but then SoS called in the decision and refused.	see letter 26/11/15, for full details. includes harmful effect on the appearance and character of the landscape, proximity to designated heritage assets, interference to air traffic control radar, lack of evidence re mitigation	Clear from media reports that SoS DoT focusing on the quality of life of local residents, and local economic benefits.
<b>Appeal Process (if relevant):</b>				
Date appeal submitted				
Who made final decision				
Appeal decision				
Date decision made				
Reasons for decision				
Government called in?		yes		
Date decision made		03/02/2006		
Decision		refused		
Additional information		Countryside Agency objected. Both LDNPA and YDNPA also objected. 532 letters of objection		Friends of LD extremely concerned about proposals throughout the process. Delayed due to omission from DoT roads building programme. Finally included in programme in 2003
		Objectors such as CNP and CPRE	141 in support	
		Supporters such as Greenpeace and FoE		



## National Parks and Major Developments

### New Forest

Project Name	Limolands Farm	Lepe Road, Exbury	Dibden Bay Port expansion	Navitus Bay Offshore Wind Park
General Information:				
Reference Number	14/00817	14/01004		
Location	Hordle, south west edge of NP	Exbury	West side of Southampton Water	Between Purbeck and the Isle of wight
Description of development	solar array	solar array	port expansion	offshore wind park
Applicant's name	Mr Wilkinson, Locogen Ltd	MTS Exbury Solar Ltd	Associated British Ports	Navitus Bay Development Ltd
Planning Authority	New Forest National Park Authority	New Forest National Park Authority	New Forest District Council	several planning authoritiesaffected but referred to Planning Inspectorate
Consent regime				Nationally Significant Infrastructure Project
Date first registered		09/10/2014	11/12/2014	May 2014?
Date decided		17/12/2014	18/02/2015 2000?	
Officer's recommendation	refuse	refuse		
Officer's reasons for recommendation	detrimental impact on landscape character and loss of grazing land essential to the future of commoning	Detrimental impact on the landscape character, - not small scale, adverse impact on special qualities of teh NP, cumulative impact on the intrinsic landscape character of the NP, contrary to NPA and national policy on agricultural diversification, failure to note locally important flora		
Authority Decision	refused	refused	'delegated' - and called in before decision made	
Justification for decision	detrimental impact on landscape character and loss of grazing land essential to the future of commoning	As above and also it was not demonstrated that the proposal would not result in the loss of high grade agricultural land		
Appeal Process (if relevant):	yes	yes, ref APP/B9506/W/15/3132171		
Date appeal submitted	01/03/2013	8.01.16		
Who made final decision	Inspector recommended approval (but then called in)	Inspector recommended refusal (but then called in)		
Appeal decision				
Date decision made				
Reasons for decision				
Government called in?	yes; SoS made decision	yes;SoS made decision	yes	yes
Date decision made	30.03.16	8.04.16		Apr-04 Sep-15
Decision	Refused; significant effect on landscape character and harmful to the special qualities of the NP, visual amenity, scale of development in an NP, impact on 'best and most versatile' agricultural land, 30 year lifespan of scheme; not 'temporary'	Refused: conflicts with Development Plan, significant adverse effects on landscape and visual amenity, loss of high value agricultural land, limited local benefits do not outweigh damaging effects of the proposal	permission refused by Transport Minister - Public Inquiry held in 2004	Planning examination held from Sept 2014 to March 2015 - permission refused by SoS
Additional information	4 letters of objection from local residents, 1 from New Forest Association	55 objections received	petition of 1300 mentioned by local MP in Inspectors report	
	visual, inappropriate development, scale and loss of common grazing land 1 letter of support support for green energy and site not visible	numerous - listed in officers report 9 representations of support		

National Parks and Major Developments		Northumberland						
Project Name	Otterburn Military Training Area	Otterburn Hall Grounds	Westnewton Bridge	Once Brewed visitor centre	Wilkwood Battle shooting Area	Billsmoorfoot Caravan site	Langleeford track	Plus a further 5 cases such as changing conditions and moorland access tracks
General Information:								
Reference Number	11NP0002/0003/0004 /0005	15NP0042	16NP0032/ 15NP0036	14NP0038	11NP002/ 10NP0018	09NP0007	16NP0036	
Location		Otterburn Hall Estate	West Newton Bridge, Wooler	Once Brewed Visitor Centre, Bardon Mill	Wilkwood Battle shooting area, Otterburn	Billsmoorfoot	Langleeford track, Wooler	
Description of development	Upgrading 51kms of road, for infantry training, accom. for 725 troops	26 new build holiday lodges	Provision of protection for highway bridge	Demolition of existing centre & replacement, plus youth hostel	Construction of 7 sangar towers & associated works	Extension to existing caravan site to provide 25 static caravans	New track to provide access	
Applicant's name	MOD	Pay U Today Ltd		NNPA		MJ & NJ Carruthers	Lilburn Estates Farming Partnership	
Planning Authority	Northumberland NPA	Northumberland NPA	NNPA	NNPA	NNPA	NNPA	NNPA	
Consent regime	MOD	T&CP act	T&CP act	T&CP act		T&CP act	T&CA act	
Date first registered			27/05/2015		10/02/2014		18/02/2009	13/04/2016
Date decided	2001		11/11/2015		17/09/2014		14/04/2009	29/04/2016
Officer's recommendation		refused		Approval - subject to conditions		Refusal		
Officer's reasons for recommendation		exceptional circumstances for a major development not proven, harm to the historic setting of a former country estate, risk of pollution to watercourses and wildlife, unacceptable risk of flooding		Exceptional circumstances required to permit major development in the National Park met - demonstrated in the public interest & a need for the development. The economic benefits & significant increase in opportunities for visitor recreation, education & understanding of the NP's special qualities outweigh the presumption against major development			NNPA landscape officer submitted objections due to detrimental impact on landscape and character of moorland	
Authority Decision	Approved	refused		Approved with conditions	Granted conditionally	Refused	Applications was withdrawn	
Justification for decision		as above, with one clause added on harmful visual impact resulting from size, scale and design of site; overconcentration of development				Inappropriate development on greenfield land in an unsustainable location, significant additional car use contrary to PPS7 & Local Core Strategy.		
Appeal Process (if relevant):		No						
Date appeal submitted								
Who made final decision								
Appeal decision								
Date decision made								
Reasons for decision								
Any additional consideration								
Government called in?				A 3rd party request to DCLG to 'call in' the application was made - but they declined.				
Date decision made								
Decision								
Other processes??								
Additional information		17 groups or individuals objected (in addition to supporting statutory consultees) - on scale, traffic, impact on landscape, heritage etc. All statutory consultees supported.						
		Public inquiry held in 1997?						

<b>National Parks and Major Developments</b>	<b>North York Moors</b>					
Project Name	Spaunton Quarry	RAF Fylingdales	Boulby Potash	Ebberston and Thornton-le-Dale	York Potash mine, Sneatonthorpe	Ebberston Moor
<b>General Information:</b>						
Reference Number	NYM/2010/0097/FL		??	NY/2010/0159/ENV AND NYM/2010/0262/EIA	NYM/2013/0676/MEIA, revised application NYM/2014/0676/MEIA Sneatonthorpe - Dove's Nest Farm and Haxby Plantation	NYM/2014/0587/EIA
Location			Boulby, near Staithes	Givendale head Farm, Ebberston		South Well Site, east Knapton
Description of development	Extension of existing quarry	Ballistic missile early warning radar and space tracking station	Potash mine	Extraction of gas from Ebberston and processing at Thornton-le-Dale	Potash mine and mineral transport system (tunnel)	Extraction of natural gas and 14km long pipeline
Applicant's name		MOD	ICI (then Cleveland Potash)	Moorland Energy Ltd.	York Potash	Third Energy Ltd and Moor Energy Ltd
Planning Authority	North York Moors NPA	North York Moors NPA	North York Moors NPA	North York Moors NPA and Ryedale Minerals	North York Moors NPA and Redcar and Cleveland Borough Council	North York Moors NPA
Consent regime	Minerals and Waste	MOD	Minerals		Minerals	Minerals
Date first registered	1997?	2002/3?		1969		
Date decided				22/7/10 1st planning committee meeting	09/10/2014 30/06/2015	19/08/2014 09/11/2015
Officer's recommendation				refuse No evidence of significant national need and therefore contrary to Major Development Test, insufficient reserves of gas to justify development, insufficient info on safety risks, noise and light emissions, visual harm and impact on special qualities of the NP, inadequate demonstration that no alternative sites suitable, insufficient info on restoration plans for the site.	No recommendation made (although conclusion of report clearly states 'no exceptional circumstances apply')	approve subject to conditions
Officer's reasons for recommendation					Proposal does not represent Exceptional Circumstances and so benefits do not outweigh extent of harm and conflict with NP objectives...However Members need to "individually assign weight to these opposing issues and reach their own planning balance."	Planning permission has already been granted at two other sites (Ebberston North and ebberston South) for gas extraction, no significant risks of water pollution or land stability, national benefits from this development (in the form of a bridging energy supply) are exceptional circumstances
Authority Decision	refused	approved	Refused - but approved at appeal (see notes below)	Refused - but then approved on appeal by SoS	approved	approved subject to 106 agreement
Justification for decision					Proposal represents exceptional economic circumstances which outweighs the extent of the conflict with the Development Plan; (ii) therefore the public interest lies in approving the application.	not given in minutes
<b>Appeal Process (if relevant):</b>				yes	Not relevant	Not relevant
Date appeal submitted				02/08/2011, public inquiry held in Oct and Nov 2011		
Who made final decision				SoS		
Appeal decision				approved with conditions		
Date decision made				29/06/2012		
Reasons for decision				benefits to national economy, no material considerations of sufficient weight to justify refusing permission		
Government called in?				yes: decision made by SoS	request for call in made but SoS states decision must be made by NPA	
Date decision made				29/06/2012		
Decision				Approve with conditions		
<b>Additional information</b>			3 planning applications for potash mining ventures were submitted in late 1960s which would have provided for around two and a half times the UK consumption of potash at that time. Cleveland Potash's dry mining proposal was the first to be granted planning permission (a subsequent 1996 Review of Old Mineral Permission (ROMP) extended the original temporary permission to 2023) and the others, Yorkshire Potash's dry mining and Whitby Potash's solution mining proposals, were approved by the H&LG Minister in 1970 with 'considerable weight' being given to 'balance of payments' arguments. Only Cleveland Potash mine was developed.		Over 900 representations. The majority supporting, but main environmental groups objecting.	approx 200 letters of objection

National Parks and Major Developments	Peak District								
Project Name	Goddards Quarry	Moss Rake Quarry	Former Cintride Factory in Bakewell	Riverside Business Park, Bakewell	Hartington Cheese factory	Bradfield Cliff Farm	Carsington Pastures	Ryder Point	Carsington Pastures Griffe Grange
<b>General Information:</b>									
Reference Number	WED0793331	NP/DDO/1006/0966	NP/DDO/0115/0043	NP/DDO/0316/0280	NP/DDO/1014/1045 (revised application, after a previous one refused)	NP/5/1214/1273,(revised - NP/5/0316/0281 - decision pending,)	07/00083/FUL	12/00723/FUL	14/00224/FUL
Location		Bradwell	Former Cintride Factory in Bakewell	Riverside Business Park, Bakewell	Dove Dairy Stonewell Lane Hartington	Cliffe House Farm, Loxley Road, Sheffield Brassington			
Description of development	5.6 hectare extension to existing quarry site with associated landscaping	quarry extension, submitted due to enforcement action; opencast vein mineral extraction with associated mineral processing plant	Demolition of existing industrial and office buildings. Construction of new food store, car park, etc	replacement industrial units	Demolition of factory and construction of 26 new dwellings including 4 'affordable' houses	Erection of 2 agricultural buildings	Erection of 4 wind turbine generators, substation, access tracks and ancillary equipment	wind farm development	5 turbine wind farm
Applicant's name Planning Authority	Thomas R Ward (Roadstone) Ltd. Peak District NPA	Netherwater Environmental Ltd Peak District NPA	Aldi Stores Ltd Peak District NPA	Riverside Business Park Ltd Peak District NPA	Cathelco Ltd. Peak District NPA	Peak District NPA	Carsington Wind Energy Derbyshire Dales DC	Derbyshire Dales DC	Derbyshire Dales DC
Consent regime	Minerals and Waste	Minerals and Waste		T&CP Act	T&CP Act	T&CP Act	T&CP Act	T&CP Act	T&CP Act
Date first registered	14/07/1993	26/10/2006	29/01/2015	30/03/2016	13/10/2014	09/02/2015	Jan-07	2012	2016?
Date decided	06/10/1995	18/04/08?	14-Aug-15	15/07/2016	13/02/2015	27/05/2015	21/07/2007		
Officer's recommendation		refuse	Approve - with conditions Exceptional circumstances - an identified capacity for the store; less than significant impact on the town centre; lack of alternative sites in or on the edge of the centre; opening up adjacent allocated employment site for future development; significant visual enhancement proposed; considerable local support and planning gain offered up, when considered together, constitute the exceptional circumstances.that would warrant approval of the proposals.	Approve - with conditons	APPROVED with \$106 agreement	Approve			
Officer's reasons for recommendation		No national need or overriding circumstances for this major development, insufficient information provided and lack of clarity as to whether adverse impact will be mitigated, inadequate environmental information supplied			Considered local and national policy - do the exceptional circumstances necessary to justify major development in the PDNP. with reference to: character landscape & Hartington Conservation Area, the provision of community benefits; and, the economic viability of the development proposals.	The proposed development, although large in scale, is required to meet the agricultural needs of the current farm business operating from the site. Therefore meets 'exceptional circs' of MDT			
Authority Decision	approved with conditions	refused	Granted with conditions	Granted Conditionally	Refuse	Refused	refused by DDDC, with NPA supporting thsi position. appeal lost in 2009	approved by DDDC in 2013	refused
Justification for decision		as for officers recommendation			The public benefits of permission would not amount to the exceptional circumstances necessary to justify a major development in the National Park. 2. size and scale ,design, siting layout and landscape design. Would not be in keeping with local building traditions and would be insensitive to the locally distinctive character landscape setting and the settlements overall pattern of development. Plus energy saving measures	The large scale and siting would have a harmful impact upon the landscape contrary to Development Plan Policiesand Paragraphs 115 and 116 of the National Planning Policy Framework (NPPF).			
Appeal Process (if relevant):		no			Yes	Yes	yes		yes - still live
Date appeal submitted					Not yet decided	03/09/2015	Refused	03/11/2015	2008
Who made final decision							Planning Inspectorate appeal upheld		
Appeal decision								Sep-08	
Date decision made									
Reasons for decision						consideration of major developments should be refused in National Parks except in exceptional circumstances and where it can be demonstrated they are in the public interest.....I conclude that the proposal would have harmful impact on the character and appearance on the landscape of the countryside and the National Park.	visual impact of development was relatively limited in nature and extent and insufficient to outweigh the benefits of renewable energy.		
Government called in?									
Date decision made									
Decision							DDDC and PDNPA appeal against the Planning Inspectorate's decision; case heard in June 2009 and decision in July 2009; appeal dismissed (judicial review?)		
Other processes??									
Additional Information				In January 2012, this application was refused planning permission by the Authority's Planning Committee and the subsequent appeal was dismissed in March 2013 following a public inquiry.	Lots of objections - strong case made by the Loxley Valley Protection Society - Landscape impact in remote valley	Note PDNPA/DDDC appeal lost partly "the judge accepted that if there had been specific national or local policy guidance requiring consideration of alternatives, as in the advice in PPS7 relating to major development within national parks, failure to have regard to it might provide grounds for intervention by the Court." i.e. no MDT outside the NP			

<b>National Parks and Major Developments</b>		<b>Pembrokeshire Coast</b>			
Project Name	Pantgwyn and Trefigin	Bluestone	Mynydd Cilciffeth	Jordanston	Wogaston farm
<b>General Information:</b>					
Reference Number	NP08/418	NP/02/570	98/0996/PA	97/0520/PA	99/0697/PA
Location		Canaston Bridge, Narberth	6kms south of Fishguard	Jordanston, Fishguard	Angle, Pembroke
Description of development	quarry extension	Holiday complex	wind farm	Wind Farm Comprising 17 Wind Turbine Generators, Access Tracks, Substation & Ancillary Equipment.	wind turbines
Applicant's name		Bluestone Holdings Ltd	National Wind Power Ltd	National Wind Power Ltd	TXU Europe Power Ltd
Planning Authority	Pembrokeshire NPA	Pembrokeshire NPA for part of scheme (but main scheme - outline permission granted by Pembrokeshire Council 2013)	Pembrokeshire County Council	Pembrokeshire County Council	Pembrokeshire County Council
Consent regime	Minerals and waste	T&CP Act	T&CP Act		T&CP Act
Date first registered	2009	14.11.02	Mar-99	Sep-97	30.11.99
Date decided		28/01/2003	Nov-99	Dec-97	19.04.00
Officer's recommendation		initially defer to gain more information, then recommended refusal	not available	not available	
Officer's reasons for recommendation		documents not available - but media reports refer to "if the application was given approval the integrity of the park could be at stake. They said the proposed lodges were not in keeping with the surrounding area and the application was contrary to park policies."	not available	not available	
Authority Decision	Refused	approval	Refused	Refused	Refused
Justification for decision		minutes not available - but media report refers to "those who spoke in favour of the development said Pembrokeshire was an Objective One area where rural poverty was rife. They said economic and social considerations had to take priority over other concerns"	not available	not available	
<b>Appeal Process (if relevant):</b>			No?	yes, ref N6845/A/98/51	Yes
Date appeal submitted				1998?	
Who made final decision				Planning Inspectorate refer it to NAW in 1999	
Appeal decision				Inspector recommends refusal	
Date decision made				04/03/2000	
Reasons for decision					conflict with Local Plan: negative impact on landscape and visual amenity, disturbance to badger setts, not enough information to determine whether impact on tourism would be positive or negative.
Government called in?		CNP asked for decision to be called in - but WAG declined (saying application was only of local importance). Subsequently CNP also challenged the decision in the High Court - but no evidence of breach of law or process found.	yes		
Date decision made				Sep-01	
Decision			refused		
Additional information		Grant package worth more than £16m pledged (2002) to a tourism village project aiming to make Pembrokeshire a world class tourist destination. From the Welsh Assembly and four other public agencies.		NAW decision letter and Inspectors recommendations available	

**National Parks  
and Major Developments**

**Snowdonia**

Project Name	Snowdon Summit Visitor Centre	Llechwedd Quarry Wind Farm	Glyn Rhonwy Pump storage scheme
<b>General Information:</b>			
Reference Number	NP3/12/34D	C14/0421/03/SO	C12/1451/15/LL (2012 application)
Location	Snowdon summit	Blaenau Ffestiniog: in central 'hole' so outside NP	Glyn Rhonwy Quarry, above Llanberis
Description of development	Redevelopment of and refurbishment of existing summit building with new café, shop and kitchen areas with amenities	11 wind turbines (originally 26 in 2002?)	Pump storage hydro scheme at former slate quarry - original scheme 2012. Revised scheme 2015 The Quarry Battery Company Ltd/ Snowdonia pump hydro scheme
Applicant's name	Snowdonia NPA	Moelwynt Cyf	Gwynedd County Council
Planning Authority	Snowdonia NPA	Gwynedd County Council	2012 application considered by GCC, but now Nationally Significant Infrastructure Project
Consent regime	T&CP Act	T&CP Act	
Date first registered	07-Jul-03	30/04/2014	30/10/2012
Date decided	21-Jan-04	Scoping opinion - 16/06/2014	first application - 31/12/2012
Officer's recommendation			
Officer's reasons for recommendation			
Authority Decision	Permitted with conditions	Scoping notice suggested unlikely to be permitted.	2012 scheme permitted by GCC. Revised scheme still being considered (as NSIP)
Justification for decision		Impact on landscape and national park made strongly	
<b>Appeal Process (if relevant):</b>			
Date appeal submitted			
Who made final decision			
Appeal decision			
Date decision made			
Reasons for decision			
<b>Government called in?</b>			
Date decision made			
Decision			NSIP - Accepted by SoS Nov 2015
Other processes??			
<b>Additional information</b>			
		2002 feasibility studies carried out; original idea was for 26 turbines. this was subsequently reduced to 15, then 11 and by 2015 just 3, to address concerns around visibility from within the NP	Timetable suggests completion of examination by September 2016??
		C15/0626/03/SO - further scoping application made for 3 turbines in 2015 - scoping opinion letter still very resistant	

<b>National Parks and Major Developments</b>	South Downs			
Project Name	King Edward VII Hospital	Causeway Farm housing scheme	Brighton and Hove American Express Community Stadium	Rampion Offshore Wind Farm
<b>General Information:</b>				
Reference Number	SDNP/11/03635/FULNP	SDNP/13/05719/OUT		EN010032
Location	King's Drive, Easebourne, Midhurst	Petersfield	Land on edge of proposed NPA and in AONB	offshore: approximately 13 to 23 kms off the coast
Description of development	Around 330 homes, sheltered housing for 79 people, a swimming pool, cafe and shop on a 50 hectare site	dwelling following demolition of 104 The Causeway, a community building, allotments, 15.7 hectares of informal open space, offsite highway and landscaping works, associated road, parking, footpaths, landscaping, drainage works and stream enhancements	Football stadium	Offshore wind farm - generating capacity of 700MW, offshore & onshore electrical infrastructure, cable route from the coast to a new substation near existing Bolney Substation in Mid Sussex.
Applicant's name	not given in officers report - thought to be City and Country Group	Barrett Homes, Bovis Homes and 4LL	Brighton and Hove Albion Football Club	E.ON Climate and Renewables UK Rampion Offshore Wind Ltd
Planning Authority	South Downs NPA	South Downs NPA	Brighton and Hove City Council (and Lewes?)	South Downs NPA and West Sussex County Council
Consent regime	T&CP Act	T&CP Act	T&CP Act	Nationally Significant Infrastructure Project - local planning authority asked for comments
Date first registered	several applications: most recent submitted in August 2011			
Date decided	14/11/2011	12/12/2013	11/04/2014	Oct-01
Officer's recommendation	approve with conditions (s.106 agreement)		not known	Jun-02
Officer's reasons for recommendation	public benefit of conserving heritage outweighs disbenefits of development, on-site provision of facilities, landscape enhancement and ecological management on-site, mitigation measures to protect ground nesting birds, provision of affordable housing, reduced impact of building programme			
Authority Decision	approved with s.106 agreement	refused	granted	SDNPA recommended refusal due to detrimental and unacceptable impact on the NP. Jan 2014
Justification for decision		detrimental impact on landscape character of the site and wider area including the NP, no exceptional circumstances to justify granting permission, inadequate and insufficient mitigation measures	not known	Decision made by Secretary of State for Energy and Climate Change to grant an order for this development on 16th July 2014. An examination of the project was made by the Planning Inspectorate between July 2013 and January 2014, recommending approval.
<b>Appeal Process (if relevant):</b>	yes: appeal ref APP/Y9507/A/14/2217804			
Date appeal submitted				
Who made final decision		Planning Inspector		
Appeal decision		appeal dismissed		
Date decision made		29/01/2015		
Reasons for decision		harm to surrounding area resulting from development - character and appearance of the NP, detrimental effects not sufficiently moderated - not sustainable development		
<b>Government called in?</b>	yes			
Date decision made	2005, withdrawn 2006, reconsidered 2007			
Decision	Approved by SoS			
Additional information	Some mitigations negotiated - fewer turbines (reduced those particularly close to the coast). The Secretary of State required E.ON to support further mitigation and monitoring through more than £350,000 payment (£242,500 for mitigation and £116,000 for monitoring) to the South Downs NPA. This is in addition to built in mitigation which will be delivered by E.ON.			
	2 public inquiries held: 2003 and 2005			

<b>National Parks and Major Developments</b>	<b>Yorkshire Dales</b>						
<b>Project Name</b>	Yorkshire Dales Swinden Quarry	Swinden Quarry	Swinden Quarry	Dry Rigg Quarry	Ingleton Quarry	Armistead Wind Farm	Killington Wind Farm
<b>General Information:</b>							
Reference Number	YD/5/23/67	C/23/76A	C/23/67G	C/49/6030	C/45/307L	SL/2008/0318	SL/2012/0845
Location	Swinden Quarry, Cracoe	Swinden Quarry, Cracoe	Swinden Quarry, Cracoe	Dry Rigg, Helwith Bridge	Ingleton Quarry	Crosslands Farm, Old Hutton	Killington wind farm, which would have been located to the south of the A684 Sedbergh Road
Description of development			Full planning permission for extension of the extraction area/continuation of mineral working until 2030 together with revised schemes of working and restoration	Continuation of mineral working until December 2021	Full planning permission - continuation of mineral extraction, processing & ancillary development until May 2020,extended area of working, & a revised restoration scheme	ERECTOR OF 6 WIND TURBINES, CONTROL ROOM, ANEMOMETER MAST AND ASSOCIATED ACCESS TRACKS	Three turbine wind farm BANKS RENEWABLES (KILLINGTON WIND FARM) LTD
Applicant's name			Tarmac	LaFarge Aggregates Ltd	Hanson UK	HJ Banks & Co Ltd	
Planning Authority	Yorkshire Dales NPA	Yorkshire Dales NPA	Yorkshire Dales NPA	Yorkshire Dales NPA	Yorkshire Dales NPA	South Lakeland District Council	South Lakeland District Council
Consent regime	Minerals and waste	Minerals and waste	Minerals and waste	Minerals and waste	T&CP Act	T&CP Act	T&CP Act
Date first registered	14/10/1993	19/12/1994	2007	13/01/2011	22/06/2015		01/10/2012
Date decided		01/02/2010		28/02/2012	13/01/2016	10/11/2008	Jun-14
Officer's recommendation		Refusal (as reported in PQ below)	Committee papers not available on line	approve subject to conditions	Approve subject to s.106 agreement		Refuse - very lengthy officers report
Officer's reasons for recommendation				Seemed finely balanced - benefits: 1. The retention of employment 2. The provision of an additional resource of 3.5 million tonnes of high specification aggregate 3. The complete removal of the north-west quarry tip. The disadvantages: 1. The continuation of the HGV traffic impacts on local residents, the environment of the NP, the local tourist and commercial economy. 2. The postponement of full restoration of the site.	The principal benefit of the proposal is that it would maintain existing levels of employment at the site for a further four years. There are no significant benefits in terms of landscape, the visual impact or the final restoration scheme.		Extensive - including impacts on YDNP and Howgills - and cumulative impact of nearby developments approved by LPA (subject to 106 agreement) but called in by SoS - to make decision (19-3-2014) & withdrawn at public inquiry stage
Authority Decision	Refused	Granted	Granted (with s.106 agreement)	approved	Approve subject to s.106 agreement	refused by SLDC (but approved by the Inspector on appeal)	
Justification for decision				retention of employment, production of a regionally and nationally scarce high specification aggregate, existing quarry will be deepened but not extended over a larger area, restoration to be carried out to high environmental standards		(1) unacceptable harm to the character and appearance of the landscape and its surroundings (including national park), (2) harmful influence on the living conditions currently enjoyed by neighbouring residents by reason of the scale, proximity and visual impact of the turbines.(3) The turbines and their associated development would impinge, to an unacceptable extent, on the peace and quiet of the bridleway	Members debated whether the significant adverse landscape impacts outweighed the need to increase renewable energy production and other benefits. They concluded that the need to reduce carbon emissions and influence climate change outweighed the adverse landscape and visual impacts.
<b>Appeal Process (if relevant):</b>				No		yes	
Date appeal submitted							05/01/2009
Who made final decision						Planning Inspector Allowed	
Appeal decision							
Date decision made							22/07/2009
Reasons for decision							
Government called in?		Parliamentary Qu. asked why it wasn't called in - 21 June, 1995. Request to 'call in' supported by 55 letters and a petition (response to PQ).					approved by LPA but called in by Secretary of State - to make decision (15 March 2014).
Date decision made		<i>The Secretary of State decided (not to call in) on the basis of the information before him that the application did not raise issues of more than local importance.</i>					
Decision				Yorks Dales Soc did not object. CPRE North Yorks did object.			withdrawn by developers at public inquiry stage
Additional information		<i>"..... the Swinden Quarry, near Grassington, which a few years ago escaped closure only by the chairman's casting vote of the Yorkshire Dales National Park - a local born and bred who understood the crucial importance of quarrying to local working folk. "</i> <a href="http://www.daelnet.co.uk/news/weekend/weekend_13032009.htm">www.daelnet.co.uk/news/weekend/weekend_13032009.htm</a> , 2009)	<i>From Officers' report - Over recent years, the Authority has granted permission to extend the lives of existing quarries where there have been clear environmental and other benefits in doing so. For example, the 10 year extension at Swinden Quarry in Wharfedale with the closure and restoration of Threshfield Quarry and increased transport of stone by rail. Similarly, an additional five years of life at Ingleton Quarry was linked to the closure and restoration of Old Ingleton Quarry. In the case of Dry Rigg, although employment and production would be maintained (as at Swinden and Ingleton) any environmental benefits would be limited to the removal of the north west quarry tip and an improved water management scheme for the restored site. The current approved restoration scheme is perfectly satisfactory and could be implemented within 12 months.</i>		Yorkshire Dales Society commented - mentioning continuing blight of quarries in this area on the landscape and 'no national need' proven.	Farmers at Gilmere Farm, Killington, asked a judge to quash a Government Inspector's decision last July to grant planning permission for the erection of six wind turbines, each likely to be 100 metres tall, on a 208 hectare site to the east of Crosslands Farm, Old Hutton, Kendal. However, deputy judge George Bartlett QC today ruled that the decision must stand, and left the couple with a £15,000 legal costs bill, on top of their own lawyers' bills. (from planning blog).	YDNP objected due to landscape impact on NP. Natural England also objected due to impact on YDNP (referring to NPFF 116 and - We also note the cumulative magnitude of impact from the proposal, Armistead and Lambrigg turbines on the Southern Howgill Fells is acknowledged as being greater than the proposal alone



*An Examination of the Development and Implementation of Planning Policy Relating to Major Development in the English and Welsh National Parks*

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