

Annex 4: The role of planning in National Parks – Background Note (May 2018)

1. Background

- 1.1 In England and Wales, National Parks were introduced under the *National Parks and Access to the Countryside Act 1949*. Britain's first National Park, the Peak District, was established with full planning powers, but a range of different arrangements were put in place for the delivery of the planning function in the other National Parks designated in the 1950s.

2. The Edwards Review of National Parks (1991)

- 2.1 The Edwards Review of English and Welsh National Park Authorities proved decisive in modernising National Park structures. The Review proposed fully independent Park Authorities, which were adopted in the *Environment Act 1995*.

- 2.2 The Review Panel's terms of reference were to identify the main factors which affected the ability of National Parks to achieve their purposes; to assess the ways in which these purposes might most effectively be achieved in the future; and to recommend how these ways should be put into practical effect.

- 2.3 Focusing on the delivery of planning in National Parks, the Review stated that,

"The planning function of a National Park Authority is crucially important. Arrangements differ significantly between the Park Authorities, particularly in relation to development plans, and are considered unsatisfactory. The Park-wide Local Plan should be the primary document in determining planning applications, and Park Authorities should have the powers to produce such plans of right."

"We favour the principle that those who make the policies should also be responsible for their implementation. In the interests of efficiency and clarity, the National Park Authorities should therefore have sole responsibility for receiving, processing and determining planning applications."

- 2.4 The Panel recommended that National Park Authorities should have local planning powers as of right; and should be responsible for all aspects of the development control process. Applications should go direct to National Park Authorities and be processed and determined solely by them.

- 2.5 The Review Panel also examined the administrative arrangements for National Parks. The Panel concluded that the best option was for independent bodies, on the grounds that they could achieve a clarity of vision and self-confidence, a higher profile, complete freedom to manage their affairs, officer advice always focused on National Park activities, and assessments of resource needs not unduly influenced by wider council policies. The recommendation was therefore made that independent authorities should be established for all National Parks and that they should be formally titled National Park Authorities.

3. Environment Act 1995, Part III National Parks

- 3.1 The recommendations of the National Parks Review Panel (1991) led to updated primary legislation on National Parks contained within the *Environment Act 1995*. Introduced by the Conservative Government of the time, Part 3 of the Act sets out in statute the functions of National Park Authorities.
- 3.2 Section 67 of the Act confirms that, "...*the National Park Authority for the Park shall be the sole local planning authority for the area of the Park...*" and that functions conferred under the planning Acts on a planning authority shall, in relation to the National Park, "...*be functions of the National Park Authority, and not of any other authority.*"
- 3.3 The Environment Act 1995 ensures that National Parks are planned as a single entity by a single independent authority. National Park Authorities have therefore been established for all ten of the English National Parks with full planning powers, vested in independent authorities that have a clear focus on the delivery of the two statutory Park purposes (and related socio-economic duty). The New Forest National Park Authority was established in line with the requirements of the Act in 2005 and assumed its full planning powers in April 2006.
- 3.4 As independent authorities, National Park Authorities can assemble specialist staff dedicated to the delivery of the planning function in their area, free from other local authority responsibilities and priorities. This is why other local authority functions such as education, social care, highways, economic development, council tax and waste collection remain with the role of constituent councils, meaning National Park Authorities are able to focus on National Park specific issues.

4. UK Government National Parks Vision and Circular (2010)

- 4.1 The importance of the planning function resting with independent National Park Authorities continues to be recognised in national planning policy. The UK Government's *National Parks Circular (2010)* – cross-referenced within both the current NPPF (2012) and the draft revisions to the NPPF (March 2018) – states, "*The planning system is a key instrument in the achievement of National Park purposes. Planning legislation has a major impact on the form and location of development, is a vital tool for managing the impact of development on landscape and biodiversity and a key part of conserving and enhancing cultural heritage, including the built heritage in Park settlements.*" – paragraph 136

"*For these reasons Government has made the National Park Authorities the sole local planning authorities for the areas under section 4A of the Town & Country Planning Act 1990. Section 4A confers on a National Park Authority the responsibilities of a local planning authority, including minerals and waste planning and development control functions.*" – paragraph 137

5. Conclusions

- 5.1 A range of approaches to the delivery of the planning function were adopted in the British National Parks from the 1950s. This culminated in the review of National Parks in 1991, which concluded that the planning function of National Park Authorities is crucially important. Consequently, primary legislation through the Environment Act 1995 is clear that independent National Park Authorities shall be the sole local planning authority for their areas, with full planning powers.
- 5.2 Since 2006 the New Forest National Park Authority has developed a specialist staff resource dedicated to the delivery of the Park purposes and related duty. This includes a range of specialist officers focused on the natural and built environment of the New Forest.
- 5.3 Experience from the evolution of National Parks since the 1950s highlights the critically important role of National Park Authorities as independent bodies. This allows clarity of vision, a focus on National Park issues, and enables the use of resources in a manner that is not unduly influenced by wider council priorities.
- 5.4 While it is clear that National Park Authorities are expected to work collaboratively with partners (best illustrated by the role of National Park Partnership Plans), it is also vital that they retain their independence from other forms of local government.

The Membership of the New Forest National Park Authority

The New Forest National Park Authority (Establishment) Order 2005 was laid before Parliament on 3 March 2005 and came into force on 24 March 2005.

After statutory consultation with the council for every part of the area of the New Forest National Park on the local authority membership of the New Forest National Park Authority, the Establishment Order states that:

- The specified number of local authority members of the Authority shall be twelve;
- The specified number of members of the Authority to be appointed by the Secretary of State shall be ten; and
- The specified number of members of the Authority to be appointed by the Secretary of State who shall be parish members shall be four.

Section 5 of Part 2 of the Establishment Order states the local authority members of the Authority shall be appointed as follows:

- (a) Five members shall be appointed by Hampshire County Council;
- (b) One member shall be appointed by Wiltshire Council;
- (c) Four members shall be appointed by New Forest District Council;
- (d) One member shall be appointed by Salisbury District Council; and
- (e) One member shall be appointed by Test Valley Borough Council.

A review of the membership of the New Forest National Park was undertaken by the Government in 2012 and concluded that the existing model works well in ensuring both national and local views are represented on the Authority. The existing Statutory Instrument setting out the composition of the New Forest National Park Authority (2005) therefore remains in force.

The role of National Park Authority members

The *English National Parks and the Broads: UK Government Vision and Circular* (Defra, 2010) confirms that the membership arrangements are set out in the relevant Statutory Instrument.

Paragraph 168 of the Circular confirms that, "*All Authority members, no matter how they are appointed, have a primary responsibility to seek to ensure that the Authority furthers the statutory purposes...They should regard themselves first and foremost as members of the Authority, with a duty to act in the best interests of the Authority and of the Park, rather than as representatives of any interest group...all members should also acknowledge a corporate responsibility, as part of the Authority, to explain its purposes, procedures and policies.*"