

## Planning in England's National Parks

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### Abstract

The English National Parks are category V IUCN protected areas. The governance of the Parks is structured to achieve two purposes: 1) to conserve and enhance the natural beauty, wildlife and cultural heritage and 2) to promote opportunities for the understanding and enjoyment of the special qualities. There is also a secondary duty to foster the economic and social well-being of local communities within the Park areas. Planning powers have been used in relation to the two purposes throughout the sixty year history of National Parks in England. However, while historical analysis reviews Park planning limited research has been undertaken in the last two decades. This paper discusses the role that planning powers play in the pursuit of the purposes/duty.

### Keywords

England's National Parks, planning powers, relationships with stakeholders

### Introduction

The English National Parks system was founded following the 1949 National Parks and Access to the Countryside Act. Seven National Parks were designated in upland England in the 1950s. A lowland area (The Broads) was effectively added in the 1980s with two new Parks designated in the south east of England since 2005. Parks now cover 9.3% of the land area of England. There is no National Parks administration as such. Instead each Park is governed by a free standing, special purpose local authority (or municipality) known as a National Park Authority (NPA). The purposes of the English National Parks are: 1) to conserve and enhance the natural beauty, wildlife and cultural heritage of the Parks and; 2) to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by to public. In pursuing these purposes, the NPAs should seek to foster the economic and social well-being of local communities within the National Parks.

Since the establishment of the National Parks the statutory town and country system has been central to the pursuit of the two statutory purposes. Planning powers are the principal regulatory mechanism that the Authorities can use. While there are various public bodies involved in Park governance NPAs have the lead responsibility for achieving the purposes and duty. NPAs exist alongside conventional local councils who deliver a range of services in the Park areas. The NPAs are legally accountable to the national government department responsible for the environment while the conventional authorities are accountable to the department responsible for communities and local government. All NPAs are responsible for development control (planning decisions) and strategic (or long term) planning in the Park areas, just as conventional local authorities are in the rest of the country. Professional planners work alongside Authority members constituted as a planning committee in the decision making process. However, unlike other local planning authorities NPAs have a statutory duty to prepare, and regularly review, management plans for the Parks. The Authorities deliver these management plans in partnership with a range of other organisations and stakeholders. The governance system for National Parks in England is the result of a complex history that has involved many compromises. Proponents of the Parks system fought hard for NPAs to have planning powers believing them to be vital to conservation. It is therefore important to question the role of planning in achieving the objectives of designation.

In this paper we question, in line with the themes of the 5<sup>th</sup> Symposium for research in protected areas, the extent to which planning functions assist with achieving the purposes/duty. To achieve this we first review the literature. Drawing on this review and other evidence we then critically analyse the extent to which planning powers help achieve the purposes/duty before turning, by way of conclusion, to the question the future role of planning in Park management.

### Insights from the literature

In the run up to the creation of the Scottish National Parks research examined the ways in which design is addressed in planning and development control in the English Parks (LUC 2001). This study found that design standards were very high. The NPAs had sought to protect local character by adopting conservative approaches which precluded the introduction of modern architecture. The overall result was that "...the ethos of restriction in relation to design is often applied, in an uncritical manner, to new development, Planning policy, in relation to design, is rooted in restrictions, rather than in opportunity, and creativity" (p.7). While each Authority had

adopted a different approach to public participation officers were concerned that this often meant hearing the views of a vocal group with a strong pro-conservation agenda. Resources were also constraining what NPAs could do with regard to engagement. The report concludes by recommending that NPAs look again at their approach to design and the implications for planning decisions stating that “innovation linked with community needs and economic development need not necessarily reduce the overall quality of a protected area” (p.49).

LLOYD et al. (2004) examined commercial and Industrial Developments in English Parks. They analysed development control statistics for 1997 to 1999. The data suggests consistently low demand for new commercial and industrial development. They argued that there is a general acceptance amongst planners that Park purposes rely on a sound rural economy. But despite this decision makers were often unwilling to conceptualise development as capable of enhancing natural beauty (p.293). LLOYD et al. also found that conservation interests dominated public consultation. They argued for using other ways of communicating with the public to ensure that not just a vocal minority are engaged in the planning process.

Other papers have focused on particular aspects of the planning system. RICHARDS & SATSANGI (2004) examine the policy framework for the provision of affordable housing in National Parks. They begin by looking at the use of the concept of sustainable development to restrict affordable housing development in the English countryside and the adverse socio-economic impacts that have resulted. The paper takes the Peak District National Park. They found ample evidence of housing need in the Peak District but also found that planning policy restricted new development with the only sites allocated for new housing being in the town of Bakewell. Elsewhere routes to provision were very limited. Richards and Satsangi argued that in the Peak District designation had restricted access to affordable housing by inflating house prices and limiting supply of land to exception sites. Furthermore, although the relevant provider of affordable homes understood the design policies of the NPA the public funding available to support building was insufficient to cover the extra costs incurred as a result of the design specifications.

Sustainability and National Park management is the focus of a paper by POWELL et al. (2002). This highlighted the importance of the management planning process concluding that “sympathetic socio-economic activity...was pivotal to sustaining characteristic environments” but that it was vital to maintain a close check on the various ‘capitals’ within the protected area to ensure that these were being reinforced rather than eroded (p.294).

Other literature on National Parks planning is useful for providing historical context. The MACEWENS (1987;1982) and BLUNDEN & CURRY (1989) both provide a comprehensive overview of the National Parks system, tracing why planning powers have been so significant to Authorities and the limitations of planning in shaping the evolution of Park landscapes. Other historical papers give some insight into particular aspects of planning. BROTHERTON (1982) observed that the planning system in National Parks was the subject of frequent complaint as too restrictive, confusing and inconsistent. He also traces the increasing pressures for development expressed in the growing number of planning applications. PATMORE (1987) argued that Park planning was confused and compromised. He traces how different government agencies were pursuing contradictory objectives that the Committee could do little about.

In 1964 BLENKINSOP published a study of the National Parks of England and Wales. His detailed paper includes a section on the NPAs as planning authorities (p.38), arguing that planning controls had been tightened since designation. Whether National Park designation makes a difference in planning decisions was also the topic of a 1992 paper by Nigel CURRY. He examined time series data on planning applications and refusals. He found that between the early 1960s and early 1970s refusal rates were similar to national trends. During the 1970s and 1980s refusal rates were higher in Parks than nationally (p.116). Today, it is the perception if not the reality, that planning in the Parks is more restrictive.

## **Planning and the Purposes/Duty**

In this section the two purposes and the duty are reviewed to critically analyse the extent to which planning functions assist with achievement:

### 1) Conservation

There is a strong case for arguing planning has been central to conserving natural beauty if this is interpreted as the visual appearance of the landscape. Indeed, critics often argue that preserving a particular landscape aesthetic has been so successful that the Parks are being preserved ‘in aspic’ rather than evolving to reflect changing nature/human interactions. Hence the planning system can also be argued to be effective with regard to cultural heritage if this is interpreted to mean the built heritage. Again, critics highlight this effect in pointing to the lack of innovation in design and the resistance to new development on conservation related grounds. The relationship between planning and biodiversity conservation is more complex. Low levels of new built development mean that controversies over the impact on particular habitats is relatively rare. However, the English system places limits on the regulatory powers of planners in land management. In particular there are few regulatory means of influencing agricultural practices beyond special types of designation and particularly damaging activities. Instead Park staff work outside the statutory planning system to co-operate with farmers and encourage them into positive environmental activities. This is principally through pillar two of the Common Agricultural Policy.

### 2) Understanding and Enjoyment.

Those who analyse the successes and failures of the English NPs system have often focused on the so-called ‘special qualities’ of the Parks. The concept that the Parks have an (often ill defined) set of attributes that make them special is even reflected in the legislative framework. As we argued above there are strong arguments that the special qualities have been remain special if you interpret this to mean the landscape has been preserved and

large scale development largely prevented. However, planning can not reach as far as directly promoting opportunities for understanding and enjoyment. This purpose is in certain respects beyond the reach of the statutory planning system. Instead the NPAs have needed specialist officers and projects to develop this area of their work. They have also needed wider partnerships of stakeholders including local businesses and community groups. This can be a challenge in terms of planning functions in two respects. The first is a long standing concern that there can be conflict between the two purposes, that creating opportunities has conservation consequences. By the 1970s the Sandford principle was introduced which stated that the first purpose should override the second in cases of conflict. This is a principle that planners must still follow today. The second challenge is that planning functions place regulatory duties on the NPAs while the second purpose and duty simultaneously give them a developmental role. Those who criticise the lack of new development in National Parks also point to the ways in which planning policy can work to the detriment of achieving the second purpose.

### 3) Economic and social well-being

Two broad bodies of thought on the duty, and the role of the planning system with regard to the duty, can be discerned. These are articulated by NGOs, officers and staff of NPAs, community representatives, politicians as well as researchers and journalists.

Some of those involved in National Parks highlight the tensions between development and conservation. They are often concerned that the duty results in the dilution of the two 'traditional' purposes. Often they voice a fear that developers will attempt to use the duty to override the purposes and damage the special qualities. But those who are cautious about the effect of the duty frequently acknowledged that some forms of development should be accommodated and that socio-economic development in certain forms should be encouraged (although not necessarily as a duty of the NPA). Often those who are cautious are sympathetic to community need but emphasise the economic benefits of the conservation of the special qualities. The first group tend to argue that planning functions should be exercised to maintain a tight control over development. They emphasise the importance of regulation and the historical success of the system. The second group focus on the role of planners in encouraging appropriate business and community development. They tend to have the view that more positive action would mean that the statutory purposes would be promoted through development. While aware of potential tension between purposes this group seek to find complementarities. They take a view of planners and planning which emphasises their collaborative role, the need to work with others to achieve the purposes and the duty.

The duty has been in place since 1995. The idea has always attracted debate and evidence on its impacts is mixed. NPAs can point to evidence that planners and other officers have used the duty to positive effect, in ways which help to achieve the purposes. However, some critics say that too little has been achieved and want the elevation of the duty to a full purpose. Other critics, especially those in the first group remain sceptical that the duty is of value and point to the potential ways in which it can be used by developers. Examining planning statistics and case histories can provide evidence that supports both sets of critics and those who point to the success of the duty.

## **Discussion and conclusions**

Thinking on the objectives and societal role protected areas has changed over the last two decades (MOSE 2007). The English National Parks system designed in the 1950s has evolved to reflect some of these changes but managers must still grapple with the contradictions and limitations of the original 1949 Act especially with regard to the two purposes. The introduction of the duty since the 1990s have brought into sharper focus a debate on the implications of designation and how NPAs should approach the implementation of planning powers. This debate remains active with different Authorities reflecting different mixes of the two bodies of thought outlined above. The debate places planners and planning committees centre stage. Their decisions reflect the broader approach of the NPA and their relations with other stakeholders provide an important context for the work of the wider Authority.

This brief paper has questioned the extent to which planning functions assist with achieving the purposes/duty. Planning powers have been vital to the English NPAs. They give the Authorities substantial responsibilities rendering them a regulator that must be listened to. NPAs have a track record of successes in stopping developments which would be detrimental to the special qualities (however these could be defined). There have, of course, been some notable failures documented in the literature (BLUNDEN & CURRY 1989; MACEWEN & MACEWEN 1987). In 2013 there are times when the ability to say 'yes' or 'no' remains crucial. Planning is a necessary power to the achievement of the purposes and the duty but it is not sufficient to achieve the sustainable development agenda the NPAs themselves wish to pursue. Alongside planning powers Authorities need a range of other tools to address aims that the statutory planning system can not. Areas of work will include recreational development, socio-economic development and advice for farmers and foresters. This point applies to achieving both purposes as well as the duty.

Where planning in the Parks differs from elsewhere is the implementation of management plans. These typically set out and plan the development of relations between the different parts of the NPAs and their wider partners/stakeholders. Analysis of plan content and progress towards achieving the objectives set out in management plans is crucial in building understanding on whether each individual NPA is achieving the purposes/duty.

There is also an imperative to think beyond decision making and the creation of plans. We can see in the debate on the duty a diversity of thinking on the role of the planner and the relationship between them and other stakeholders. As more emphasis is placed on the enabling role of planning so more has been invested in building and sustaining relations. The NPAs are placing more emphasis on partnership and participation. They are realising the challenges of doing this more effectively and collaboratively to include a range of interests.

Increasingly achieving the objectives of designation relies on an understanding of how to use relationships effectively to achieve desired outcomes in addition to more the traditional, but perhaps blunt, exercise of regulatory power.

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