

Dartmoor National Park Authority

Local Plan Review 2018 – 2026

Examination in Public

Further Statements on behalf of E&JW Glendinning Ltd Respondent 005

Day 1. 2 March 2021 - Matters 1 and 2

Matter 1 Procedural/legal requirements - Social economic issues

Representation 1 We do not wish to add anything further to what has been stated in respect of this representation.

Representation 2 (on page 9 of the list of representations) concerns references in para 1.1.4 to the Statutory Duty being 'secondary' to the National Park Purposes.

The DNPA have declined to make changes in respect of this representation, stating:

'The socio-economic duty is put upon the Authority to undertake whilst pursuing National Park purposes.'

The DNPA goes on to say:

'The duty is only therefore pursued where there is compliance with the purposes. It is inherently therefore secondary to the purposes. The purposes form the primary and principal reason for the designation of National Parks. The duty does not, and must always be carried out in compliance with the purposes.'

This is a rather strange interpretation of how the duty is to be engaged and is contradictory to the first quoted sentence in the DNPA response.

To suggest that the duty must be carried out only where there is compliance with the purposes is the opposite of saying that the Authority must undertake the duty whilst pursuing the purposes.

It is also the opposite of the legal wording for the duty which is: *"in pursuing the purposes, to seek to foster the economic and social well-being of local communities within the National Park by working closely with the agencies and local authorities responsible for these matters"*.

No other National Park Authority has sought to degrade the duty to 'secondary', instead they have placed it in its proper context. We think the DNPA should do the same.

Equivalent wording in other National Park Local Plans

South Downs: first sentence = *'This is a landscape led Local Plan, for the first time looking at the South Downs as a whole with National Park purposes and our duty to the fore'*.

Brecon Beacons: para 1.3.3 = *'These twin purposes are underpinned by the Sandford Principle which asserts the primacy of the first purpose over the second in cases of irreconcilable conflict. In addition to the two statutory purposes, Section 62 of the Environment Act places a duty onto the National Park to "foster the economic and social well-being of local communities, within the National Park". This duty should be fulfilled in the pursuit of the National Park purposes.'*

Pembrokeshire: Almost equivalent wording in para 3.10, and in Policy 1 =:

“Policy 1 NATIONAL PARK PURPOSES AND DUTY (Strategy Policy)

Development within the National Park must be compatible with:

- a) the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the Park, and*
- b) the public understanding and enjoyment of those qualities.*

In determining proposals, due regard will be paid to the need to foster the economic and social well-being of the local communities within the Park provided this is compatible with the statutory National Park purposes embodied in the foregoing considerations.”

Yorkshire Dales: para 1.12 = *“The Yorkshire Dales National Park Authority was established as an independent body to pursue the statutory purposes in 1997. It has a duty under Section 62(1) of the Environment Act:*

- in taking forward the national park purposes, [to] seek to foster the economic and social well-being of local communities within the National Park*

The ‘socio/economic duty’ is therefore a key driver of planning policy throughout the Local Plan.” (Emphasis added).

Snowdonia: paras 1.17 and 1.18 = *“In addition to these purposes, the Authority has a duty in taking forward these purposes to:*

- Seek to foster the economic and social wellbeing of local communities within the National Park*

“The National Park purposes and socio-economic duty, supported by the Sandford principle⁴ and the Silkin tests⁵ set a clear statutory framework for development planning within the National Park.”

New Forest: in the Foreword =

“The vision, strategic objectives and planning policies within the Plan are framed around the two National Park purposes and associated socio-economic duty established in the ‘National Parks & Access to the Countryside Act 1949’. The Local Plan sets out what sustainable development means within the context of a nationally protected landscape”.

Northumberland: top of page 8 =:

- “The Statutory Purposes and Duty – The two statutory purposes¹ of National Parks are: 1) ‘to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park’ and; 2) ‘to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public’.*
- In addition, there is a statutory duty on the National Park Authority, in pursuing these purposes ‘to seek to foster the economic and social well-being of local communities’ and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park”*

Lake District: Para 2.1.1 and 2.1.2 = “*The purposes of National Park designation were established in the National Parks and Access to the Countryside Act 1949, and amended by the Environment Act 1995, to:*

- *conserve and enhance the natural beauty, wildlife and cultural heritage (of the National Parks); and*
- *promote opportunities for the understanding and enjoyment of the special qualities (of the National Parks) by the public.*

In pursuing the statutory purposes, National Park Authorities have a duty to:

- *seek to foster the economic and social well-being of local communities.”*

Peak District para 3.5 = “*This Core Strategy sets out policy principles to achieve the statutory purposes as defined in the Environment Act 1995: primary legislation underpinning national park designation. In pursuing these purposes the Authority and its partners must seek to foster the social and economic well-being of the area’s resident and business communities. The strategy directs development to the most sustainable locations, and in doing so helps to conserve and enhance the valued characteristics³ that define the National Park.”*

Exmoor para 1.2 = “*...National Parks have two statutory purposes, as defined in the Environment Act 1995, and National Park Authorities have a duty to seek to foster the economic and social well-being of local communities. These form the starting point for the Local Plan as set out in General Policy 1”*