



Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

T 03459 335577
helpline@defra.gsi.gov.uk
www.gov.uk/defra

Mr J. Cross
Chief Executive
Natural England
4th Floor, Foss House,
Kings Pool,
1-2 Peasholme Green
York
YO1 7PX

23 October 2015

The Rt Hon Elizabeth Truss MP
Secretary of State

Dear Mr Cross

EXTENSIONS TO THE LAKE DISTRICT NATIONAL PARK

1. The Secretary of State has now considered with care the proposed extensions to the Lake District National Park ("LDNP") as reflected in the Lake District National Park (Designation) (Variation) Order 2012.
2. The Secretary of State has considered in particular the report of the Inspector, Mr Roy Foster MA MRTPI ("the Inspector"). The Inspector held a public local inquiry under Part I of the First Schedule to the National Parks and Access to the Countryside Act 1949 ("NPAC 1949"), paragraph 2(2)(a).
3. This letter sets out the decisions reached by the Secretary of State following the conclusions and recommendations made by the Inspector.

Background to the Inquiry and the Inspector's Report

4. In January 2012, following extensive consultation on its initial proposals, Natural England made two Variation Orders for proposed extensions to the Lake District National Park ('LDNP') and the Yorkshire Dales National Park ('YDNP').
5. The Variation Order in respect of the LDNP proposed to extend the National Park by approximately 3%¹ in two separate areas, hereinafter referred to as the Lake District Southern Extension Area ('LDS') and the Lake District Eastern Extension Area ('LDE').

¹ The Secretary of State notes that the Inspector erroneously quotes this figure as 7% in paragraph (i) of the Introduction to his Report on page 2. This appears to be a typographical error. The Secretary of State is aware of the correct figure and does not consider the error in the Inspector's report to be material to his decision as set out further below.

6. The LDNP was designated in the 1950s, and much of the land proposed for inclusion by Natural England had previously been earmarked for potential inclusion at that time. However the land was not previously included due to an emphasis on administrative boundaries and main roads in determining the boundaries at that time (as discussed at 3.206 of the Inspector's Report ('IR')).
7. During the six week consultative deposit period Defra received over 3000 representations about the Orders. About 7% of the representations expressed outright objection to the designation of some or all of the land in the extension areas while about 90% expressed either total or partly-qualified support.
8. There were objections from five local authorities. Given that it is a statutory requirement to hold a Public Inquiry if any local authority within an affected area raises an objection (Schedule 1 paragraph 2(2) of NPAC 1949), the Secretary of State asked the Planning Inspectorate to convene an Inquiry which was held in June 2013.
9. The remit of the Inquiry was to provide advice as to whether:
 - a. the extension areas, as specified in the two Orders, when taken together with the designated land to which they would be added, meet the criteria and purposes of designation as a National Park as set out in the NPAC 1949; and
 - b. the new boundaries proposed in the two Orders should be modified to include or exclude any areas specifically referred to by objectors, bearing in mind the criteria and purposes of designation.
10. The Inspector submitted his Report to the Secretary of State on 15 October 2013. That report is being made public alongside this letter and is available on the National Parks pages at www.gov.uk/defra (References to this report appear as 'IR' below).
11. In terms of the LDNP the Inspector recommended that the Order setting out the two proposed extension areas to the LDNP i.e. the LDS and LDE should be confirmed without modification since they meet the statutory criteria for inclusion in the LDNP (IR 5.1-5.2).
12. Accordingly, the Secretary of State's decisions are to be made against a background of an extensive and inclusive examination of the issues. All those who are interested in the proposals have had the opportunity to make their views known during the Inquiry and the issues have been examined in considerable detail by an expert and experienced Inspector. The Secretary of State has placed very considerable weight on his conclusions.

Summary of the Secretary of State's conclusions

13. The Secretary of State has discretion, after considering the Inspector's report, to confirm the Order with or without modifications: see paragraph 2(2) of Schedule 1 to NPAC 1949.

14. Following that consideration and for the reasons set out in more detail at Part 1 of this letter, the Secretary of State has reached the following conclusions in relation to the LDNP:
 - a. The Inspector's recommendations should be accepted in their entirety i.e. the Order setting out two proposed extension areas to the LDNP should be confirmed without modification since the areas meet the statutory criteria for inclusion in the LDNP (including the requirement that it is especially desirable that the necessary measures are taken for the purposes specified in s5(1) of the 1949 Act i.e. the statutory National Park purposes).
 - b. The Order should take effect from 1 August 2016 to permit local arrangements to be made to transfer the planning role and address the make-up of the Lake District National Park Authority (LDNPA). For the avoidance of doubt the Secretary of State intends to consult upon and, as necessary following that consultation, make any appropriate amendments to the membership of the LDNPA.
15. Once the extensions take effect, the Secretary of State's expectation is that, consistent with the duty under section 11A(1) of the NPAC 1949, the LDNPA will seek to foster the economic and social well-being of local communities within the extended National Park and will co-operate with the relevant local authorities and other public bodies whose functions include the promotion of economic or social development within the Park. The Secretary of State expects that the LDNPA will discharge their duty in a manner which is congruent with the distinctive features of the LDNP.
- 16.

Part I - The Secretary of State's detailed consideration of the proposed extensions

The statutory tests

17. The Inquiry addressed whether the two proposed extension areas met the statutory criteria and purposes of designation as a National Park set out in NPAC 1949.
18. Section 5 of NPAC 1949 provides, so far as material, as follows:
 - '5 National Parks
 - (1) The provisions of this Part of this Act shall have effect for the purpose—
 - (a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and
 - (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
 - (2) The said areas are those extensive tracts of country in England . . . as to which it appears to Natural England that by reason of—
 - (a) their natural beauty and

(b) the opportunities they afford for open-air recreation, having regard both to their character and to their position in relation to centres of population,
it is especially desirable that the necessary measures shall be taken for the purposes mentioned in the last foregoing subsection.

(2A) Natural England may—

- (a) when applying subsection (2)(a) in relation to an area, take into account its wildlife and cultural heritage; and
- (b) when applying subsection (2)(b) in relation to that area, take into account the extent to which it is possible to promote opportunities for the understanding and enjoyment of its special qualities by the public.’

19. The reference to “conserving and enhancing the natural beauty of areas” in s.5(1)(a) is to be construed as including references to the preservation or conservation of its flora, fauna and geological and geophysical features (see s.114(2) of NPAC 1949).
20. As regards the definition of “natural beauty” in section 5(2)(a) of NPAC 1949, section 99 of NERC 2006 provides as follows:

‘99 Natural beauty in the countryside

The fact that an area in England or Wales consists of or includes—

- (a) land used for agriculture or woodlands,
- (b) land used as a park, or
- (c) any other area whose flora, fauna or physiographical features are partly the product of human intervention in the landscape,

does not prevent it from being treated, for the purposes of any enactment (whenever passed), as being an area of natural beauty (or of outstanding natural beauty).’

S5(2)(a)&(b) criteria: natural beauty and open air recreation

21. At paragraphs 2.32-2.38 the Inspector sets out his conclusions on these criteria in respect of the LDS. The Secretary of State agrees with the Inspector’s conclusions and reasoning.
22. At paragraphs 2.74-2.86 the Inspector sets out his conclusions on these criteria in respect of the LDE. The Secretary of State agrees with the Inspector’s conclusions and reasoning.

Especially desirable

23. At paragraphs 3.253-3.271 of his Report the Inspector sets out his conclusions on whether it is “especially desirable” that the necessary measures are taken for the purposes specified in s5(1) of the 1949 Act i.e. the statutory National Park purposes. In those paragraphs the Inspector addresses why it would be especially desirable for the extensions to be made to both the LDNP and the YDNP.
24. In particular the Inspector makes the following key points in support of his conclusion that it is “especially desirable” that the necessary measures are taken for

the purposes specified in s5(1) of the 1949 Act i.e. the statutory National Park purposes:

- a. In contrast to local authorities (which were finding it difficult to maintain consistent contributions to the s.5(1) purposes) the two National Park Authorities (NPAs) were far more likely to be able to deliver “*strategic ‘landscape-led’, ‘multi-purpose’ and ‘joined-up’ long-term programmes and initiatives of the type likely to assist the necessary measures across all aspects of the two NP purposes*” thereby ensuring a “*clearer focus*” on those purposes (IR 3.258 & 3.259).
- b. In the case of the LDNP, the long-term 25-year vision of the 24-member Partnership permits a very wide range of bodies to bring to bear their various powers and resources on the focused long-term achievement of the statutory purposes through the mechanism of the more frequently reviewed Management Plan. This is an indication of the ways in which, even in times of public sector cuts, NPAs will be better able to maintain a clearer focus on NP purposes, notwithstanding that their overall resources may be under pressure (IR 3.259).

25. The Inspector also concluded that there were various misconceptions about the effects of designation and the ways in which NPAs function (IR 3.260-3.265). These included a misconception that NPAs play an actively interventionist role in land management (IR 3.260). Other misconceptions were that increased bureaucracy would result from designation and that NPAs engage in aggressive promotion of ‘tourism’ (IR 3.261-3.262).

26. On the question of whether it is “especially desirable” that the necessary measures are taken for the purposes mentioned in sub-section (1) of section 5 (see sub-section 5(2)), the Secretary of State agrees with the conclusions and reasoning given by the Inspector at paragraphs 3.253-3.271 of his Report.

27. In addition the Secretary of State considers that the ‘especially desirable’ test is also satisfied in respect of the LDS and LDE, for the following additional reasons:

- a. The LDE is a central, pivotal area in this part of upland England and one where the resources, advice and assistance of the NPA could do much to assist with helping farm diversification in relation to local food, tourism, outdoor recreation (including the improvement of access), commons management, habitat management, and assisting with agri-environment schemes (IR 3.141).
- b. Public Rights of Way (PROWs) provide the main ways in which people enjoy the special qualities of National Parks and are crucial to the second National Park purpose (IR 3.120). NPAs have a better record of regular maintenance of PROWs (IR 3.126, 3.196).
- c. NPAs employ staff with specialist skills relevant to NP purposes. NPAs undeniably have more available expertise to do this than the existing local authorities. In addition, the NPAs can call upon the assistance of a very large volunteer reserve which does not exist elsewhere (IR 3.81).
- d. The National Trust (‘NT’) already owns about 20% of the existing LDNP and is very used to working in partnership with the LDNPA and so the extent of NT ownership in the LDS area offers opportunities for extending this joint working (IR 3.139).
- e. The LDS is of particular benefit in terms of its position in relation to centres of population i.e. its proximity to the M6 motorway which makes the LDS

- particularly accessible to conurbations in the north west of the country. The valley also forms a quiet corridor for a cycle route into the LDNP (IR 3.139).
- f. LDNPA's practice with regard to valley planning is an important method of bringing positive advantages for landowners and could be extended to the Lyth Valley in the LDS (IR 3.140).
 - g. National policy on biodiversity, including the 2010 Natural Environment White Paper and the subsequent 2011 Biodiversity Strategy (Biodiversity 2020), stresses the importance of improving connectivity across wide areas to benefit biodiversity and wildlife. A key aspect of these policies is that greater priority should be given to achieving sites for nature that are better, more in number, larger in size and more joined-up. The extensions will achieve integrated NPA management over a wider area and assist Government's ambition to halt biodiversity loss by 2020 (IR 3.79).

Conclusion

28. In conclusion therefore, the Secretary of State is satisfied that the statutory requirements set out in section 5 of NPAC 1949 are established in respect of the LDS and LDE extension areas.

Part II – Other Issues

Funding

29. In making the decision to confirm the Order, the Secretary of State has considered the issue of funding. In Section 4 of the Inspector's report at paragraphs 4.35-4.43 the Inspector records a number of different views about the availability of funding in the context of the proposed Orders. The Inspector correctly noted that this issue fell outside the scope of the Terms of Reference of the Inquiry, but nevertheless considered it appropriate to draw these matters to the Secretary of State's attention without making recommendations.
30. The Secretary of State is therefore fully aware of the views expressed in those paragraphs of the Inspector's report, including the view of Natural England that it would not be worth taking additional land into the two NPs without some increase in resources and that Natural England would expect some increase in funding for the two NPAs, commensurate with the increase in size and administrative complexity involved (see IR 4.40). The Secretary of State is also aware that the two NPAs expressed similar views (see IR 4.42).
31. The Secretary of State has taken into account these views. The Secretary of State considers that it is appropriate to designate the land because it satisfies the statutory tests for designation, and it is not considered that the current spending constraints should affect that decision.
32. Further the Secretary of State considers that there are considerable benefits to designation which are not contingent upon an increase in funding. In particular:
 - a. As recognised by the Inspector at 3.257 of his report (when setting out his conclusions on the "especially desirable" requirement), designation "is for the long term" and is not merely a short-term measure. Consequently whilst

there are limitations on funding at the present time, this may not persist in the longer-term. The advantages of designation go well beyond current plans and projects and extend well into the future.

- b. Some of the key benefits of designation and the reasons why it is especially desirable in the present circumstances are the considerable benefits which will flow from a strategic approach of the two NPAs across these areas and the integrated and knowledgeable management this will bring. As stated at IR 3.259:

“the evidence produced to the inquiry, especially in the statements of the two NPAs, shows that these bodies are far more likely to be able to deliver what have been variously described as strategic ‘landscape-led’, ‘multi-purpose’, and ‘joined-up’ long-term programmes and initiatives of the type likely to assist the necessary measures across all aspects of the two NP purposes. In the case of the LDNP the long-term 25-year vision of the 24-member Partnership permits a very wide range of bodies to bring to bear their various powers and resources on the focused long-term achievement of the statutory purposes through the mechanism of the more frequently reviewed Management Plan. This is an indication of the ways in which, even in times of public sector cuts, NPAs will be better able to maintain a clearer focus on NP purposes, notwithstanding that their overall resources may be under pressure.”

- c. Although the NPAs’ main financial resources come from the Defra core grant (57% in the LDNP), the NPAs are also very successful in gaining complementary funds from other sources including charitable organisations, such as the £4m secured from the Heritage Lottery Fund towards the Fix the Fells project in LDNP. Other income is raised through the NPA’s activities. NPA spending also has a local multiplier effect (see IR 3.80). In addition future Government funding decisions will take account of the planning function they will inherit from the local authorities in respect of these areas.
- d. Designation also means the benefits of experienced and dedicated volunteer networks who are able to be called upon by NPAs to promote the objectives of NPs (as recorded, for example at IR 2.145, 3.81, 3.175, 3.205, 3.212 of the Inspector’s report).

Strategic Importance of Major Infrastructure Corridor

33. The M6 motorway and the West Coast Mainline railway run close together in the gap between the YDNP and the LDNP. Considerable energy and communications infrastructure make use of the same corridor and/or is earmarked for doing so in the future. The extensions will impact upon a significant proportion of this gap, taking boundaries close to the M6 or railway in places.
34. During the development of the extension proposals in respect of the YDNP and the LDNP there were discussions between Natural England and the National Grid, which culminated in an agreed statement of common ground, on the basis of which the National Grid did not object to the proposed extensions (see paragraph 2.63 of

the Inspector's report). A copy of that statement of common ground is attached to this letter at the **Annex**.

35. At paragraphs 2.84-2.86 and 5.3 of his report the Inspector invites the Secretary of State to consider whether or not it is appropriate to issue some form of additional advice to the two NPAs and/or others, to reflect sub-paragraphs (a) and (b) of paragraph 7 of the statement of common ground which states as follows:

“In the light of the above and as a result of what is common ground between the parties, National Grid and Natural England recommend that the Inspector in his report expressly:-

a. recognises the importance of the area between the existing boundaries of the LDNP and the YDNP for existing national strategic infrastructure and of the prospect of future linear strategic infrastructure development there as a highly material consideration for authorities; and

b. records that as a highly material consideration, it is an issue which should be addressed in the National Park Authorities future Management Plans and Development Plans so as to recognise this national strategic importance and include appropriate provisions for the prospect of future linear strategic infrastructure development.”

36. The Secretary of State has confidence that the NPAs will act in accordance with paragraphs (a) and (b) above. In particular the Secretary of State has confidence that the LDNPA will:
- a. recognise the importance of the corridor for existing national strategic infrastructure and will view the prospect of future linear strategic infrastructure development there as a highly material consideration.
 - b. address the national strategic importance of the area in its future Management and Development Plans and include appropriate provisions for the prospect of future linear strategic infrastructure development.

Housing Affordability/“Democratic deficit” and accountability

37. In Section 4 of his report, at paragraphs 4.19-4.34, the Inspector records a number of concerns which had been expressed during the Inquiry about housing affordability. Natural England's response to these issues is recorded at paragraphs 4.27-4.29. Further, at paragraphs 4.44-4.45 of his report, the Inspector records a number of concerns which had been expressed during the Inquiry about the possibility that the Orders would lead to a “democratic deficit” through the loss of representation by elected rather than appointed members, with a consequent loss of ownership and accountability for local people. Natural England's response to these issues is recorded at paragraph 4.46. These were both issues which the Inspector concluded fell outside the Terms of Reference, but which he considered it was appropriate to bring to the attention of the Secretary of State without making recommendations.
38. Neither of these issues is relevant to the statutory test for designation. However, in any event, the Secretary of State does not consider that they detract from her decision to confirm the Order for the reasons set out below.

39. In terms of housing affordability and the availability and provision of affordable housing, the Secretary of State notes that house prices are already an issue within the extension areas; prices in the extension areas are already in the top quintile for Cumbria and the LDNP, higher than in the YDNP and higher than in areas which would remain outside the NPs (see IR 4.27). In addition there is no evidence to suppose that house prices would rise solely as a result of designation. In addition designation is unlikely to make it more difficult to meet the existing targets for affordable housing.
40. In terms of any “democratic deficit” or loss of accountability, the Secretary of State notes that the most recent review of National Park Governance (the Consultation on the Governance arrangements for the National Parks and the Broads 2010) sought and considered a wide range of views on these issues, and where changes were considered necessary, they have been addressed, or will be when a suitable legislative opportunity is available. The Secretary of State’s view is that local communities are well represented on the Boards of the Authorities.

Copies of this letter

41. This letter has been sent to all those who were heard at the inquiry or who have registered an interest in receiving the report, to local Members of Parliament, to the relevant Local Authorities and to other interested parties.

Best wishes,

A handwritten signature in blue ink, appearing to read 'Elizabeth Truss', is positioned below the text 'Best wishes,'.

Elizabeth Truss MP
Secretary of State for the Environment, Food and Rural Affairs

Annex

Statement of Common Ground between National Grid Plc and Natural England

1. This Statement of Common Ground has been prepared by Natural England and National Grid to assist the Inspector and through him the Secretary of State in their consideration of the 2012 Lake District National Park and the Yorkshire Dales National Park Variation Orders (the 2012 Orders).
2. National Grid has no objection in principle to the extension of National Parks and as a supporter of National Parks is committed to the protection and enhancement of the environment.
3. Natural England agrees that the existing National Grid infrastructure, the M6 and the West Coast mainline are of national strategic importance. Natural England also recognises that the area between the current boundaries of the Lake District National Park (LDNP) and the Yorkshire Dales National Park (YDNP) is of national strategic importance (NE/2, para 9.3) and that it provides an important location within which future north-south linear infrastructure could be located.
4. National Grid has expressed concerns in its statements to the inquiry (2440/1 and 2440/2) regarding the effect that confirmation of the 2012 Orders might have on its operations, unless appropriate safeguards are put in place to:
 - a. recognise the importance of the currently undesignated area between the existing boundaries of the LDNP and the YDNP and,
 - b. to make appropriate provision for the potential need for future strategic linear infrastructure development there.
5. National Grid currently operates infrastructure in areas within the existing National Park boundaries, in close proximity to the existing National Park boundaries and in some areas into which the 2012 Orders propose to extend the National Parks. National Grid is concerned for the reasons it gives in its statements, as to the constraints which confirmation of the 2012 Orders will place on its ability to maintain, upgrade, refurbish and reinforce its existing infrastructure as well as deliver future linear infrastructure.
6. Natural England acknowledges that there is likely to be a need for maintenance, upgrades and system reinforcements for National Grid's existing infrastructure within and between the two National Parks, but, for the reasons given in its written statements to the inquiry (NE2 and NE5), it does not accept that the effects foreseen by National Grid or the extent of them is borne out by the evidence. Natural England recognises, however, that there is inevitably a degree of uncertainty as to the result of decisions and policies in relation to linear strategic infrastructure development in the future.
7. In the light of the above and as a result of what is common ground between the parties, National Grid and Natural England recommend that the Inspector in his report expressly:-
 - a. recognises the importance of the area between the existing boundaries of the LDNP and the YDNP for existing national strategic infrastructure and of the prospect of future linear strategic infrastructure development there as a highly material consideration for authorities; and

b. records that as a highly material consideration, it is an issue which should be addressed in the National Park Authorities future Management Plans and Development Plans so as to recognise this national strategic importance and include appropriate provisions for the prospect of future linear strategic infrastructure development.

8. National Grid and Natural England consider that it would be appropriate for the Inspector to include this in his report as part of his reasoning in recommending confirmation of the 2012 Orders.

9. With these safeguards in place (as set out in paragraph 7 above), National Grid will not have any objection to the confirmation of the 2012 Orders.

Signed