

Council Business Committee

Consultation – Lakes to Dales Landscape Designation Project: Proposed extensions to Lake District and North Yorkshire National Parks

14th January 2010

Report of Head of Planning Services

PURPOSE OF REPORT

To respond to the Lakes to Dales Landscape Designation Project consultation by Natural England on proposals to include parts of Lancaster District within the Yorkshire Dales National Park.

This report is public

RECOMMENDATIONS

- (1) That subject to the submission of comments relating to the preparation of a future Local Development Framework for the Yorkshire Dales National Park, that no objections be raised to the assessment process or the proposal to designate Leck Fells as part of the Yorkshire Dales National Park.

1.0 Introduction

- 1.1 Natural England began studying parts of Eastern Cumbria and Northern Lancashire in 2004 to assess whether parts of the existing landscapes around the fringes of the existing Lake District and Yorkshire Dales National Parks meet the essential criteria which might justify them being designated as extensions to those national parks. Following initial analysis they concluded that there were eleven areas which could be considered as candidates for consideration and further work was commissioned from landscape consultants to examine the detailed landscape and socio economic criteria which must apply to justify designation as part of a national park.
- 1.2 Alongside the landscape consultants commissioned by Natural England to undertake this work, Natural England formed a Technical Advisory Group to assist them. The group was made up of a panel of experts from a variety of local authorities and statutory bodies affected by the proposals to provide Natural England with detailed local knowledge about the areas under consideration and information about localised constraints and impacts. The Head of Planning Services was a member of that panel.

- 1.3 There was a period of delay in continuing the project whilst a legal challenge was heard into a designation issue relating to one of the new generation of National Parks in the south of England. Momentum returned however in early 2009 and Natural England are now in a position to undertake formal consultations with the public, statutory bodies, and local authorities about their conclusions before considering whether to make formal designations.

2.0 Proposal Details

- 2.1 National Parks are extensive areas that have been designated (ie given legal protection) because their natural beauty and the opportunities they provide for recreation are of national significance. The two main national parks in the North West region are the Lake District and the Yorkshire Dales. National Parks have their own National Park Authorities which among many other nature conservation and land/recreational management duties, act as the sole planning authority and are responsible for preparing the Local Development Frameworks for the areas within the national park, and determining all planning applications within the boundaries.

- 2.2 After considering eleven individual areas initially the Lakes to Dales Landscape Designation Project proposes five proposed extensions to the existing national parks:-

- A proposed southern extension to the Lake District around the Lyth Valley and Sizergh Fell.
- An eastern extension to the Lake District (Birbeck fells to Whinfall) bounding the M6.
- A northern extension to the Yorkshire Dales to include the northern Howgills.
- A western extension to the Yorkshire Dales which includes the Barbon and Leck Fells.
- A designation for Orton Fells to the north east of Tebay as either a Lake District or Yorkshire Dales extension.

The areas under consideration are shown on the map appended to this report. It is the proposed western extension to the Yorkshire Dales National Park which affects Lancaster District directly as the area covering Leck Fell, and the villages of Leck, Ireby, and Hipping Hall would be included in the extended national park.

- 2.2 There are implications for the local authorities who administer these areas arising from designation. These implications do not by any means remove all the statutory duties from the local authorities and transfer them to the national park authority. They do however transfer a number of significant duties, and at the same time provide the local authorities with membership of the national park authority. If the Leck Fell area were to be designated, Lancaster City Council would be entitled to have one Member represent its interests on the National Park Board.

- 2.3 The duties which would be transferred to the Yorkshire Dales National Park Authority would be the preparation of the Local Development Framework, Development Control, Minerals and Waste plans and planning applications (Currently a Lancashire County Council function), access and public rights of way, and traffic regulation orders relating to green lanes. The national park authority also prepares a National Park Management Plan for its area. The National Park authority is funded directly by the Government and the implications of adding these extra areas to the parks will be accounted for in future grant awards. There is no expectation that Lancaster City Council will have to provide funding directly to the national park authority. Equally the area proposed to be taken into the national park generates relatively few planning

applications, and includes a very small population hence it is not anticipated that the transfer of the largely planning related functions as proposed would make a significant difference to operational or revenue grant related expenditure.

3.0 Details of Consultation

- 3.1 The City Council is being consulted as part of Natural England's formal consultation process. The Parish Councils who represent the areas covered by the proposed extensions will also be part of the consultation process as will individual households. The City Council has not undertaken a separate consultation exercise and is content with the arrangements being properly undertaken by Natural England. After the consultation exercise Natural England will consider any responses and decide whether to proceed with the National Park designations. They will then make Designation Variation Orders to the Secretary of State who, at the time he considers them will also consider any further representations and potentially could call for a public inquiry or informal hearing to consider representations before reaching a final decision.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 **Option 1** To agree that project has properly assessed the Leck Fell areas natural beauty and its opportunity for outdoor recreation, that it is appropriate for designation as part of the Yorkshire Dales National Park, and that the boundaries suggested for the national park extension are correct.
- 4.2 **Option 2** To disagree that the project has properly assessed the Leck Fell area as an area of natural beauty with opportunities for outdoor recreation and to object to the proposal to designate it as national park. This option would also require an objection to be raised to the proposed boundaries as new boundaries excluding the area within Lancaster District would be required.

5.0 Officer Preferred Option (and comments)

- 5.1 The preferred option is Option 1. By being represented on the Technical Advisory Group the City Council's representative has been able to be satisfied by the quality of the landscape and socio economic information that has been used to assess whether the area meets the criteria for designation. The area within Lancaster District forms a seamless landscape with that adjoining it in South Lakeland District which is also within the proposed extension. The extension area also blends seamlessly with those fells already within the national park designation and it makes no sense in landscape terms for the current designation boundary to divide them. The sensible boundary between the Yorkshire Dales National Park and the Lune Valley should be along the A65 and this is largely the boundary chosen for the new designation. There are considerable advantages for the landscape and communities proposed to be designated in terms of a higher level of protection from inappropriate developments. (The fells in this location have been scrutinised by potential wind farm operators in recent years). There are also advantages for the City Council in securing representation on the National Park Board given the importance of national park designation to tourism in the upper Lune Valley and neighbouring Bowland.
- 5.2 There appear to be very few disadvantages to the City Council from the loss of planning controls, with the exception of concerns your officers have about the logic of how Local Development Frameworks apply to national parks. A Local Development

Framework is a spatial plan which is among other things has to consider how settlements and rural hinterlands inter-react with each other. A national park is an artificial landscape and conservation designation which doesn't often coincide with one single spatial geographical area. It might, like the Lake District, include several areas which spatially relate (in terms of travel to work, social and cultural links) to other areas outside the park. This reality means that a single Local Development Framework for a national park contradicts the main purpose of LDF's which is to understand and enhance spatial relationships between places and communities.

- 5.3 There is already evidence (with South Lakeland District, and the Lake District National Park) of LDF preparation failing to properly consider the relationship between place and communities within and outside the national park. If part of Lancaster District and its existing communities is to become part of that designation, then it should be a requirement that the Yorkshire Dales National Park Authority prepares its Local Development Framework to spatially align with the Lancaster District Local Development Framework Core Strategy where appropriate to do so. This should ensure that the national parks LDF recognises that the communities in Leck and Ireby spatially relate to Lancaster, Kendal and Kirby Lonsdale.

6.0 Conclusion

- 6.1 That subject to the submission of comments relating to the preparation of a future Local Development Framework for the Yorkshire Dales National Park, that no objections be raised to the assessment process or the proposal to designate Leck Fells as part of the Yorkshire Dales National Park.

RELATIONSHIP TO POLICY FRAMEWORK

The proposed designation fits well with the aspirations in the Corporate Plan and the Local Development Framework to protect and enhance the districts high quality landscapes, and to secure improved economic and social benefits from an enhanced tourism and outdoor recreation offer. Representation on the National Park Board could also be advantageous for the City Council for the reasons highlighted in the report.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

It is considered that the rural communities in this remote area of the district will benefit from the support and additional access to funding for rural land management afforded by national park designation.

FINANCIAL IMPLICATIONS

As the National Parks Authorities have the power to levy, potentially this could have implications for the Council's budget, but it is understood that they are very unlikely to use such powers as this would have other implications for the Park Authority itself. (If any levy was ever raised, it would form part of the overall Council Tax for the district; it would *not* be chargeable just to that part of the district included within the Park's boundaries.)

At this time therefore, there appear to be no significant financial implications arising from the proposal for the City Council itself, i.e. it is expected to be cost neutral.

As referred to within the main body of the report the City Council will require the Yorkshire Dales National Park Authority to prepare its local Development Framework to spatially align with the Lancaster District Local Development Framework Core Strategy and is likely to object if they do not do so. The benefits of extending the boundary far outweigh any potential weaknesses of any future LDF, however.

It is assumed that responsibility for allowances and expenses for any Member designated to sit on the National Park Board will be paid by the National Park Authority in line with their current normal practice. There may also be occasions where Council Officers have to carry out site visits to consider views as consultees on planning applications made to the National Park Authority, but as this is already common practice for the areas involved within current boundaries there should be no additional costs associated with this.

SECTION 151 OFFICER'S COMMENTS

The s151 officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

There are no legal implications directly arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

Lakes to Dales Landscape Designation
Project consultation document Dec 09

Assessment of landscape criteria for
designation by Alison Farmer Associates.

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