



Growth and Infrastructure Bill

House of Commons, Second Reading, 30 October 2012

Campaign for National Parks Briefing

Overview

1. The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation’s green treasures.
2. The Growth and Infrastructure Bill (the Bill) introduces a number of changes to existing legislation which are primarily aimed at reforming planning and stimulating economic growth. It includes proposals with significant implications for National Parks in both England and Wales and the Broads (collectively described as National Parks throughout this briefing).
3. The Campaign for National Parks has particular concerns about proposed changes as set out in summary form at paragraph 5 and addressed in greater detail in the body of this briefing note. The Bill seeks to remove some of the special protection afforded to National Parks and Areas of Outstanding Natural Beauty (AONB) in recognition of their natural beauty and thereby risks undermining the legislation which established these protected areas in the first place. This risks setting a dangerous precedent and we are particularly concerned that such a fundamental change is being introduced without any consultation. Given the lack of opportunity to consider the proposals in advance, it is essential that MPs now ensure that there is sufficient time allowed for proper scrutiny during the Bill’s passage through Parliament.
4. As MPs with a particular interest in National Parks, we trust that we can count on your support for our concerns. Please do contact us if you require any further detail, would like to meet with us to discuss our concerns, or would like a briefing over the phone.

Our key concern

5. **Exemption from the duty to have regard to National Park purposes (for details see paragraphs 6 to 16 below)**
 - a. The Campaign for National Parks recognises the importance of providing faster broadband in rural areas but believes that this is best done in a planned and co-ordinated way which takes account of the special status of all designated landscapes. **There is no evidence that the additional protection afforded**

designated landscapes has acted as a barrier to rural growth or delayed the roll-out of broadband. In fact National Park Authorities (NPAs) are taking a proactive approach to facilitating broadband delivery in a way which minimises the visual impacts.

- b. The Campaign for National Parks believes that **this clause should be removed from the Bill. Failure to do so will set a dangerous precedent** by introducing an exemption for the Secretary of State from the duty to have regard to the purposes for which National Parks are designated and the equivalent duties relating to the Broads and AONBs.
- c. Although the proposed exemption only relates to telecommunications infrastructure, allowing it to go ahead would lead to increased pressure for the duty to be removed for other purposes. **It also risks undermining the founding legislation for National Parks and the Broads** and could result in a significant degradation of these protected landscapes with no guarantee of economic growth as a result.
- d. **This proposal also represents another u-turn.** In the last year, the Government has clearly stated its intention not to relax the rules with regard to overhead telecommunications infrastructure in designated landscapes and has emphasised the special status that these areas should be afforded in planning policies and decisions.
- e. By excluding Sites of Special Scientific Interest (SSSIs) from these changes, **the Government has acknowledged that there are certain areas where environmental considerations should always be given greater weight.** The same consideration should apply to areas which have been designated for their natural beauty, namely National Parks and AONBs.
- f. This measure **will not tackle the real barrier to broadband roll-out.** Currently the Government does not have the EU's permission to spend the £530 million it wants to allocate to broadband.

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Further details on our key concern

Exemption from the duty to have regard to National Park purposes [Clause 7]

6. This clause introduces amendments to the Communications Act aimed at making it easier for broadband providers to install street cabinets and other infrastructure so that super-fast broadband can be rolled out more easily in rural areas. The measures will change the considerations which the Secretary of State must have regard to when making regulations, conditions and restrictions on the applications of the Electronic Communications Code. These include **removing the duty for the Secretary of State to have regard to the National Park purposes** as set out in the National Parks and Access to the Countryside Act 1949 (the 1949 Act) and the equivalent provisions relating to the Broads in the Norfolk and Suffolk Broads Act 1988. In addition, 'promoting economic growth' will be added to the list of considerations.
7. The Campaign for National Parks recognises the importance of providing faster broadband in rural areas, but we believe that what the Government is proposing could actually have a negative impact on economic growth if it leads to a proliferation of radio masts and other intrusive telecommunications infrastructure in National Parks. The local economy in many National Parks relies heavily on tourism and many visitors are specifically attracted by the wildness and beauty of these areas.
8. **There is no evidence that the additional protection afforded designated landscapes has acted as a barrier to rural growth or delayed the roll-out of broadband in these areas.** In fact there are good examples of NPAs working with telecommunications providers and other stakeholders to ensure that broadband and mobile phone coverage is improved with as little visual impact on National Parks as possible. Examples include:
 - a. In Northumberland, the NPA has worked with their Local Enterprise Partnership to gain £1m for a Rural Growth Hub in the National Park. This includes delivering high speed broadband to three large estates (one of which is due to be a pilot for high speed satellite broadband). The NPA has also worked with Northumberland County Council to secure £1m from the Rural Community Broadband Fund (RCBF) which will deliver improvements to 3000 premises.
 - b. In the Peak District National Park, some mobile phone operators have discussed their roll-out plans with the NPA and third parties prior to submitting an application. This has made it possible to avoid citing masts in the most damaging locations in wild corridors (e.g. A57 Snake Pass) or to design them in a way which minimises their visual impact. Examples include a telegraph pole design, a road sign using the mast as its support post, and a natural stone cabin with a small roof-based antennae.
 - c. In Exmoor National Park, the NPA has set up the Superfast Exmoor project with funding from the RCBF. This aims to get as many communities and households in the area as possible served by fibre optic broadband but also

involves exploring a range of broadband options, including wireless and satellite.

- d. Both South Downs and New Forest NPAs are members of the Rural Economy Action Group of the Enterprise M3 Local Enterprise Partnership that has secured Growing Places funding to pilot broadband proposals for local businesses. The New Forest NPA is also working with several parishes to assist them in a bid to the RCBF and the South Downs NPA has supported bids by Hampshire County Council and West Sussex County Council to Broadband Delivery UK (BDUK).
 - e. The North Yorks Moors NPA has recently granted approval for two separate masts for broadband delivery in sensitive locations with only minimal planning interventions to achieve improvements in design. These included improvements to the number and appearance of solar cells used to supply power and modifications to ensure that the mast was not used by birds of prey.
9. **It is essential that a planned and co-ordinated approach can be used to deliver future telecommunications networks in National Parks and AONBs.** This will ensure that the amount of infrastructure required can be minimised (for example, by considering whether there are opportunities to share masts) and placed in the most appropriate location. However, this will only happen if the Secretary of State continues to have a duty to have regard to the special status of National Parks in connection with the Electronic Communications Code. **This is why we are calling for this clause to be removed from the Bill.**
10. **Inclusion of this clause risks setting a dangerous precedent.** National Parks are our finest landscapes with the highest level of protection. Their statutory purposes are to conserve and enhance wildlife, cultural heritage and natural beauty, and to promote opportunities for public enjoyment and understanding of their special qualities. In pursuing these purposes, National Park Authorities (NPAs) also have a statutory duty to foster the economic and social well-being of communities living within the National Park.
11. These purposes were established in the 1949 Act and are just as relevant today as they were 63 years ago. The duty to have regard to these purposes currently applies to Government Ministers, public bodies, statutory undertakers and any person holding public office. Providing exemptions to this duty, even if only for one Secretary of State and for one specific purpose, will result in increased pressure for the duty to be removed for other purposes and for others to whom it applies.
12. The fact that the exemption would be granted for a limited period (until 2018) also means that operators will rush to deliver the cheapest, fastest solutions rather than working with NPAs and others to deliver well designed solutions which are appropriate to designated landscapes.
13. The introduction of this proposal is also **another u-turn for the Government.** Less than a year ago the Government published a consultation on overhead telecommunications linesⁱ which clearly stated that 'National Parks, Areas of

Outstanding Natural Beauty (AONB), conservation areas, areas of special scientific interest (SSSIs), the Broads and World Heritage Sites will require planning permission, as is currently the case.’ (paragraph 3.5)

14. As recently as March this year, the Government emphasised the special status that these areas should be afforded in planning policies and decisions. Paragraph 115 of the National Planning Policy Frameworkⁱⁱ states that ‘Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.’
15. **The Government clearly recognises that there are certain areas where a more careful assessment will always be required in order to determine the appropriateness of installing new infrastructure** as the proposed changes do not apply to SSSIs where approval will still be required to install telecommunications infrastructure. National Parks and AONBs were created under the same legislation as SSSIs as all three designations were introduced through the 1949 Act. Whilst the reasons for designating SSSIs are different from those for designating National Parks and AONBs, what led to the creation of all three was the recognition that the special qualities of some areas of land are so important that they need to be conserved and enhanced for future generations. This remains as true today as it was in the 1940s and National Parks and AONBs should continue to be treated in the same way as SSSIs.
16. **The real barrier to broadband roll-out is the absence of state-aid clearance from the EU.** The Government does not yet have the EU’s permission to spend the £350 million it wants to allocate to broadbandⁱⁱⁱ. The Government should focus on resolving this issue rather than further changes to the planning system which will not address the key issues stalling development.

ⁱ Department of Culture, Media and Sports, November 2011, Relaxing the restrictions on the deployment of overhead telecommunications lines (http://www.culture.gov.uk/images/consultations/condoc_restrictions-telecoms-lines-NOV2011.pdf)

ⁱⁱ Department for Communities and Local Government, March 2012, National Planning Policy Framework (<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>)

ⁱⁱⁱ <http://www.ispreview.co.uk/index.php/2012/10/eu-requests-minor-changes-for-broadband-delivery-uk-state-aid-clearance.html>