

## Introduction

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The paucity of the availability of new employment sites within the Lake District National Park and South Lakeland, especially around Kendal, has endured for over 15-20 years: a sustained period that has exceeded the duration of both the Lake District National Park and South Lakeland Local Plans, and extended into the new planning regime of Local Development Frameworks [LDFs]. The absence of allocated land is evidently threatening the sustainability of small and medium sized enterprises in the locality that have been forced to remain in inappropriate premises: thereby having their competitive advantage eroded away by matters outwith their control. Re-examining those sites that have failed, for fundamental intrinsic reasons, to come forward through the Local Plan process, via the LDF process, will not eventually yield any more favourable assessment of them, and will be viewed as bureaucratic procrastination in times of the worst general economic downturn in financial history: an expedient and transformational cultural approach is urgently required.

The availability, suitability and potential of this site was first specifically made known to the LDNPA at the end of August 2008 in time to be considered by the LDF Employment Sites and Premises Study being undertaken by Capita: an event of reasonable expectation that did not occur. Since that time this site has been subjected to a standard of rigorous methodological scrutiny an order of magnitude higher than any other identifiable candidate prospective site: to verify its evident sequential superiority.

On 12 January 2009 a request was made to the Lake District National Park Authority [LDNPA] (as planning authority) under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, for a determination as to whether the development of a business park (of B1, B2 & B8 uses) and ancillary modal transfer facility on land at Ratherheath would be likely to have significant effects on the environment such as to constitute EIA development.

The Lake District National Park Authority's summary response to the request under Regulation 10 of the 1999 Regulations for an opinion was that:

*The proposed development of a business park at Ratherheath is, by virtue of its nature, size and location, likely to have significant environment impacts upon the surrounding area. It is the expectation of the Lake District National Park Authority therefore that any future application will be have been subject to an Environmental Impact Assessment and will be accompanied by an Environmental Statement. The scope of the statement is expected to consider: landscape and visual impacts; ecology, flora and fauna; impacts upon water and hydrology; archaeology; traffic and transport implications; noise, air and other pollution. The likely impacts of development will be discussed in terms of duration, permanence, extent and significance (not just in isolation but also as cumulative effects). The discussion of alternatives will also be expected.*

As set out in the Environment Act 1995, the Lake District National Park Authority's statutory purposes are:

- *To conserve and enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park; and*
- *To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.*

It also has a duty in pursuing those 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, but without incurring significant expenditure.*

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Section 62 of the Environment Act 1995 makes clear that if National Park purposes are in conflict then conservation must have priority. This is known as the 'Sandford Principle' and stems from the Sandford Committee's recommendation, in 1974, that enjoyment of the National Parks '*shall be in a manner and by such means as will leave their natural beauty unimpaired for the enjoyment of this and future generations*'.

The proposed development could be considered by some to be more than "*significant*" rather a "*major*" transformational development, and in the chastened economic circumstances that currently prevail it is clearly in the "*national interest*" that the Lake District National Park [LDNP] has a contributing "*prosperous economy*" as identified in the Lake District National Park Partnership [LDNPP] strategy document "*A Vision for the Lake District National Park in 2030: And how to realise it.*"

The LDNPA Business Plan 2010-2013 states that "*we will know we are succeeding in contributing to a Prosperous Economy when: There is planning approval for at least one new Business Park, for new and developing small businesses, within the National Park by 2012.*"

The standard that ought to be achieved in considering the planning merit of any employment land proposal, either at Ratherheath, or an alternative, that effectively seeks a permanent change of use of nationally protected landscape is enshrined in the long established 'Silkin' test which is set out in Planning Policy Statement 7.

PPS7 specifically says that:

*"Major developments should not take place in these designated areas, except in exceptional circumstances. This policy includes major development proposals that raise issues of national significance. Because of the serious impact that major developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for all such developments should be subject to the most rigorous examination. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:*

- (i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- (ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- (iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

By adopting the principles of best practice objective methodologies, analysis and assessment, this substantiation of the planning merit of the proposal seeks to assuage any concern that the granting planning permission at Ratherheath, for the employment land that needs to be provided, on its evident merits, is anything other than the correct decision.