

Agenda Item No.	Page Number	Paragraph	Update	Source/Reason
6(b)	44	7.6	<p>A further SDNPA concern that the diversion will result in the loss of an opportunity for the public to enjoy the special qualities of the National Park, is not directly relevant to the legal tests for diversion SDNPA comment: The diversion would be contrary to the second National Park purpose which is defined as “..promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public”. In considering a diversion the County Council must have regard to the purposes for which National Parks are designated.</p> <p>Officer comment: In determining whether the legal tests for diversion are met, in particular the tests concerning the effect on public enjoyment (para 5.3.2(a) and 7.5), and convenience (para 5.3.1 and 7.4), regard has been given to the SDNPA’s purposes. It is considered that this purpose will not be diminished as a result of the diversion and does not alter the conclusion on the confirmation tests.</p>	Correction - WSCC is under a duty to have regard to the SDNPA’s purposes in exercising powers in relation to land under the Highways Act 1980.
6(c)	58	7.5	<p>A further SDNPA concern that the diversion will result in the loss of an opportunity for the public to enjoy the special qualities of the National Park, is not directly relevant to the legal tests for</p>	Correction - WSCC is under a duty to have regard to the SDNPA’s purposes in exercising powers in relation

Agenda Item No.	Page Number	Paragraph	Update	Source/Reason
			<p>diversion SDNPA comment: The diversion would be contrary to the second National Park purpose which is defined as “..promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public”. In considering a diversion the County Council must have regard to the purposes for which National Parks are designated.</p> <p>Officer comment: In determining whether the legal tests for diversion are met, in particular the tests concerning the effect on public enjoyment (para 5.3.3(b) and 7.4.1), and convenience (para 5.3.2), regard has been given to the SDNPA’s purposes. It is considered that this purpose will not be diminished as a result of the diversion and does not alter the conclusion on the confirmation tests.</p>	to land under the Highways Act 1980.