

Responses received from the consultation on the Development Management Policies between
18th November 2016 and 27th January 2017

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From: Jean Howarth [REDACTED]
Sent: 18 November 2016 16:29
To: Policy
Subject: Peak District National Park Local Plan consultation 18th Nov 2016-27th Jan 2017

Dear Sir

Re: Consultation on Publication version of the Development Management Policies document, forming Part 2 of the Local Plan for the Peak District National Park

My comment on the policies is that wind turbines are eyesores which blight the country scene for miles around, and should never be allowed in a National Park. The Peak District is increasing in value as the population of Britain increases, providing an oasis of calm and beauty, reminding us of our rural heritage. Wind turbines constantly distract the eye as their blades turn, detracting from this serenity, and bringing a constant reminder of the industrial, hectic lifestyle of the conurbations which surround the park. The policies should ban them outright.

Mrs Jean Howarth

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From: Paul Tame <Paul.Tame@nfu.org.uk>
Sent: 01 December 2016 10:01
To: Policy
Cc: andrew critchlow
Subject: Peak District National Park local plan consultation

Many thanks for consulting the NFU about the latest stage of the local plan. We are very pleased to see policy DMH5 about ancillary dwellings in the curtilages of existing dwellings. You know our concern that farmers' children or parents have not been allowed to have houses developed on the farm even when the buildings are there to convert. So, many thanks to the Peak Park for listening.

We are, however, very concerned about policy DMC2 protecting and managing the Natural Zone. The Natural Zone covers at least one half of the Peak Park and part B of DMC2 means that farm buildings or other development on farm which makes land management easier will not be allowed. We are afraid that there will be no development allowed in the Natural Zone, or that permission will only be obtainable at disproportionate cost of surveys, analysis, reports etc to attempt to prove that the development does not affect the Natural Zone. We feel that the wording of policy DMC2 needs to be changed to indicate that farm buildings, diversification and new housing which blends in with the landscape will be allowed in the Natural Zone. As it stands it seems as though there will be a blanket ban on development.

Perhaps we can discuss this issue during the course of the consultation to try to iron out some wording.

Paul Tame, Regional Environment and Rural Policy Adviser, NFU East Midlands Region, Agriculture House, North Gate, Uppingham, Rutland, LE15 9NX, tel. 01572 824255, email paul.tame@nfu.org.uk

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From: Paul Tame <Paul.Tame@nfu.org.uk>
Sent: 14 December 2016 11:48
To: Taylor Brian
Cc: andrew critchlow
Subject: RE: Peak District National Park local plan consultation

Brian,

Many thanks for taking the time and trouble to see Andrew and myself yesterday. It was extremely helpful to us. We are extremely supportive of policy DMH5 about ancillary dwellings. We are concerned about policy DMC2 about protecting and managing the Natural Zone, however. You mentioned that you knew of six farmsteads within the boundary of the Natural Zone and there may be more on the boundaries of it. As you suggested, I wonder if our concern about the effects on the farmsteads within the Natural Zone and on its boundary could be overcome by the addition of a sentence or two at the end of paragraph 3.20 to the effect that:-

"There are a small number of farmsteads within the Natural Zone and on its borders. Policy DMC2 is not intended to curtail the normal farming activities within the Natural Zone or make farming unworkable. Applications for essential development and activities at these farmsteads will not be unreasonably restricted."

My planning wordsmithery is not up to scratch, but I'm sure you understand our concerns and can come up with something better.

Kind regards,

Paul Tame, Regional Environment and Rural Policy Adviser, NFU East Midlands Region

From: Taylor Brian [mailto:Brian.Taylor@peakdistrict.gov.uk] On Behalf Of Policy
Sent: 01 December 2016 11:12
To: Paul Tame; Policy
Cc: Andrew Critchlow
Subject: RE: Peak District National Park local plan consultation

Hello Paul

Thanks for your comments. The Natural Zone is a long established principle from the 1994 Structure Plan and 2001 Local Plan. The Core Strategy continued this principle through policy L1 adopted in 2011. So we are keen to see the strength of protection continued in the long term as the very nature of the Natural Zone is that it is the area representing the least development and possessing the closest thing we have to wilder natural areas (albeit managed in large part). As such there are very few properties actually within it. For this reason we need to make sure that policy criteria would represent the rule rather than the exception. There are of course exceptions and as you can see from our AMR data the Natural Zone designation has not prevented smaller development to existing properties.

The current consultation does nevertheless restate our intention for where these exceptional developments may lie and its here that it might be worth taking up your suggestion of a meeting.

Do you (and colleagues?) have some best dates when we could plan for this?

Best wishes
Brian Taylor

3. East Midlands Chamber (Derbyshire, Nottinghamshire, Leicestershire)

From: Nick Chischniak <Nick.Chischniak@emc-dnl.co.uk>
Sent: 01 December 2016 17:09
To: Wilkins Clare
Subject: RE: PDNP Local Plan consultation

Thank you for your response. Should I pass this on as your formal response, or are you still looking into linking your point to policy references.

Hi Clare – I'm not sufficiently clued-up on policy references, so please treat those comments as our response, feel free to ring me if you need to dig down any deeper, or if you'd like our assisting in convening a stakeholder consultation meeting in the future. Best wishes, Nick

From: Nick Chischniak [<mailto:Nick.Chischniak@emc-dnl.co.uk>]
Sent: 01 December 2016 12:56
To: Wilkins Clare
Subject: RE: PDNP Local Plan consultation

Many thanks for sharing the document, Clare.

I can't deny it was a somewhat dry and difficult read, owing to the volume & complexity of the policy Plans, Strategies, assessment statements it referred to.

That said, the laudable messages of conservation need to be balanced sensitively with the needs of business too, and the ability to support those living/working in the Peak District to discreetly run their operations in a way that allows them to be environmentally sensitive, and operate 'from home', as opposed to needing to drive to Manchester, for example.

Many are having to do this in the High Peak area... eg access problems to New Mills estates & inadequate space for ambitious firms there (to expand into) were cited to us just a few days ago, as a Chamber...

That's why p3's claim that there's 'no strategic need for any new employment sites' is at odds not only with the above observations, but also all three of the counties this Chamber covers.

One way of mitigating the impact of the weight of transport is to utilise the benefits of broadband technology; though I didn't notice this mentioned at all within the document – we consider this an essential 'utility' these days, and it would allow those small firms operating in the Peak (eg B&B's) to effectively showcase themselves within a UK/global marketplace. The Chamber is concerned about the limitations of Digital Derbyshire's roll-out in rural areas; and we'd hope that PDNP joins with us to help lobby for wireless/satellite solutions that might help alleviate the 'isolation' many Peak District firms tend to report: a dependable connection is all that's needed; it needn't necessarily be 'superfast'.

Making better use of heritage sites would be useful – or simply converting them for modern purposes, whilst retaining their character – would receive our strong support (eg barn conversions). We should also make

optimal use of the opportunities brought about by the boom in cycling: this could help generate wealth, as well as healthy lifestyle benefits, by encouraging more people to visit the area in overnight stays/weekend

breaks, as opposed to being day-trippers. The extension of the successful Monsal Trail is a perfect example....as well as a great case study of further untapped potential elsewhere.

3. East Midlands Chamber (Derbyshire, Nottinghamshire, Leicestershire)

The quarrying industry brings about economic opportunity for those in/around the Buxton area and – although it needs carefully managing – shouldn't be overshadowed by an over-abundance of environmental constraints.

Please bear in mind that the Chamber is always happy to extend its help as a neutral 'honest-broker' to assist PDNP with its consultation activities with business and other communities that you might otherwise find difficult to engage.

Best wishes
Nick

Nick Chischniak
Representation Manager
East Midlands Chamber (Derbyshire, Nottinghamshire, Leicestershire)

Chesterfield Commerce Centre
Canal Wharf
Chesterfield
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S41 7NA

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From: Wilkins Clare [<mailto:Clare.Wilkins@peakdistrict.gov.uk>]
Sent: 01 December 2016 10:59
To: Nick Chischniak <Nick.Chischniak@emc-dnl.co.uk>
Subject: RE: PDNP Local Plan consultation

Dear Nick

Thank you for your email.

I have attached the summary document which is a shorter overall look at the Development Management Policies document (also available on our website). Should you have any questions following from this please do not hesitate to get in touch.

Regards

Clare

From: Nick Chischniak [<mailto:Nick.Chischniak@emc-dnl.co.uk>]
Sent: 24 November 2016 15:23
To: Wilkins Clare
Subject: PDNP Local Plan consultation

Hi Clare

3. East Midlands Chamber (Derbyshire, Nottinghamshire, Leicestershire)

The Chamber is happy to participate in your Local Plan consultation; and rest assured you have indeed got the right email address . . . that said, we've never really seen any resulting 'actions' from previous engagement...and we'd prefer to make a meaningful contribution, as opposed to a cosmetic one.

Feel free to do this over the phone, or in a public consultation setting. Is there a way of responding without my having to read substantial PDF background docs on your website? If you could send me something succinct, we'd be happy to contact you with our perspective.

Best wishes

Nick

Nick Chischniak
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High Peak Borough Council
working for our community

16 December 2016

Ms Sarah Fowler
Chief Executive
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

PEAK DISTRICT NATIONAL PARK AUTHORITY	
ALLOCATED TO GROUP	SF
DATE REQD	19 DEC 2016
ACKNOWLEDGEMENTS	
REPLY:	
FILE ALLOCATION:	
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Dear Ms Fowler

DEVELOPMENT MANAGEMENT POLICIES CONSULTATION

Thank you for the opportunity to comment on the proposed development management policies. We have worked closely with you and your officers on the development of our Local Plans and value this cooperation.

My comments are those of High Peak Borough Council and have the support of all group leaders on the Council.

I would like to stress our support for the emphasis that the policies place on protecting the natural and built heritage in the Peak Park. We recognise that the Peak Park is an important and much-loved place for our residents and also as an attraction for visitors. However we believe that the proposed policies are too restrictive in a number of ways, but chiefly:

1. The unnecessary restriction on housing development to the detriment of local need and choice and which leads to pressure on communities neighbouring the Park such as Chapel-en-le-Frith;
2. The inappropriate restraint placed on economic investment and in particular the undermining of the drive to increase overnight stays and increase the economic impact of tourism;
3. Finally, the test for road and rail infrastructure places too much emphasis on the impact of the Park and gives insufficient attention to the impact on neighbouring communities such as Tintwistle and the other Longdendale villages.

Continued ...

-2-

Specifically, we have concerns on the following policies:

- We do not support the absence of a housing target. This undermines the national policy "to boost significantly the supply of housing". We understand and support the special purposes of the Park but in our view the purposes do not preclude appropriate house-building to contribute to the Government target and support the viability of local communities. In addition the lack of a target places increased pressure on those communities that are adjacent to the Peak Park who are required to provide land to accommodate the unmet supply from the Peak Park.
- We do not support the restrictive affordability criteria. This policy unnecessarily restricts demand and it does not contribute to choice in the housing market. In particular the policy makes no allowance for the expansion of the affordable housing products and in particular the introduction of starter homes.
- Under Recreation and Tourism we strongly believe that more attention would be paid in the policies to creating a planning framework which increases the number of overnight stays and increases the contribution of tourism to the local economy. To achieve this there should be more policies to encourage the appropriate growth of hotels and similar accommodation. Policy RT2 is too restrictive because it does not allow new additional hotel or restaurant space. We understand and support the special purposes but feel that this policy prevents appropriate investment and unnecessarily restricts the growth of the overnight visitor economy.
- Similarly Policy E2 is unnecessarily restrictive in confining job-creating investment. We believe that there should be more scope for economic growth especially where it supports high-value employment.
- Policy E1D is unnecessarily restrictive. The 12 month marketing requirement is too long and does not take sufficient account of the site viability. It is clear that given the length of time that has elapsed since active employment uses were on-site many of these sites could and should be made available for housing. The lack of development on brownfields in the Park places unnecessary pressure on greenfield sites adjoining the Park. Some or part of these sites should be form part of a housing allocation figure for the Peak District Local Plan.
- DME 4 and DME 5 are too restrictive. There is scope for appropriate employment uses within and outside the main towns and villages. The Local Plan should not seek to unduly restrict job-creating activity.

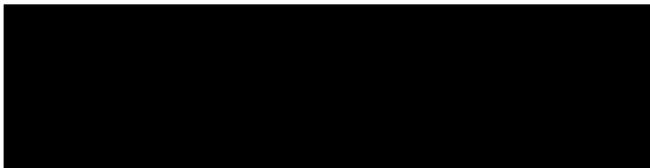
Continued ...

-3-

- There is a tension between policies T4 and T5 which needs to be resolved in our opinion. We support T4 and the ambition to shift more freight from road to rail. However one potential solution is the re-opening of the Buxton to Matlock rail line but policy T5 appears to place a number of difficulties in its path. We would like more detail on the requirement to re-route trails, footpaths and bridleways.
- We do not agree with the blanket presumption against cross-Park travel ("New roads or railways for cross-park travel will not be supported, and no proposals for a major alteration to an existing road or railway will be permitted"). The exception tests for environmental and economic impact are focused too much on the Park itself and gives insufficient attention to the impact on neighbouring communities such as Tintwistle in the north; on the various communities of the Hope Valley, the High Peak central area and most particularly Buxton in the south of our Borough. For example, the Mottram-Tintwistle by-pass is likely to significantly enhance the environmental amenity for the residents of the Longdendale villages. The re-establishment of the Buxton to Matlock rail link would also bring many economic and environmental benefits to our residents. In addition it would make a **significant contribution to the Peak Park's sustainable travel and freight ambitions. The Peak Park Local Plan should take these factors into account when assessing the impact on the area.**

I hope that these comments will be reflected in more balanced development management policies which reflect the wider context in which the Park sits and the concerns of those communities living in and adjacent to the Park.

Yours sincerely



**Cllr Tony Ashton
Leader, High Peak Borough Council**

cc. Cllr **Leslie Roberts, Chair Peak District National Park Authority**

From: Lynda Aylett-Green [REDACTED]
Sent: 04 January 2017 12:05
To: Policy
Subject: consultation

For a long while the Peak District landscape has been spoiled for residents and visitors by large-scale quarrying. This has often ruined the structure and very substance of the area, yet new building around the Midlands continues to use stone in estates and new developments. Until the 1600s Derbyshire village houses used a mainly timber and infill construction. Wood is a renewable resource and could be used again in a modern context, even though this would be a long-term change while more areas of woodland are developed for timber. Some extraction would still be necessary - sand for glass and materials for cement, but quarrying could be vastly reduced, with thoughtful use of waste and recycled materials brought into greater use. Permissions for new quarries have been reduced, but this good policy is often negated by permissions for extensions to old quarries and there are many examples in the Peak District and Dales. Builders do not want to put the extra effort and thought into the use of alternative materials - only the planning authorities can insist on a complete re-thinking of this coupled with rigorous enforcement. Many Peak landscapes have already been destroyed - please do what you can at local and national level to stop the ongoing use of stone - the fabric of the Peak District itself.

Lynda Aylett-Green

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10th January 2017

Policy Planning Team,
Peak District National Park Authority,
Aldem House,
Baslow Road,
Bakewell,
Derbyshire
DE45 1AE

Dear Sir,

**DEVELOPMENT MANAGEMENT POLICIES
PART 2 OF THE LOCAL PLAN FOR THE PEAK DISTRICT NATIONAL PARK
PUBLICATION VERSION FOR CONSULTATION**

I write on behalf of Stancliffe Stone Company Limited (SSCL) to submit representations in relation to the above document – specifically in relation to:

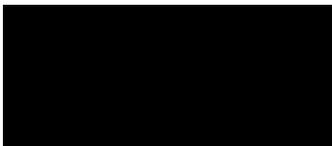
- sections 11.1 and 11.5 and policy DMMW1;
- section 11.20;
- policy DMMW7; and
- policy DMMW8.

Each of the attached notes sets out the company's representations in terms of a commentary, the reason(s) why the sections and/or policies are not considered to be "sound" and the modifications sought.

At this stage I would like to make a provisional arrangement to participate in the oral examination sessions on behalf of SSCL.

Should you wish to discuss any of the points raised please contact me at the e-mail address below.

Yours sincerely
for AECOM



John Hollister BA (Dual Hons) MA MRTPI MCIWM CEnv
Head of Planning (Minerals and Waste)

E-mail john.hollister@aecom.com



SECTIONS 11.1 AND 11.5 AND POLICY DMMW1

COMMENTARY

Strategic Context

Section 11.1 of the Development Management Policies (DMP) explains that “*minerals development*” means the winning and working of minerals (i.e. mineral extraction) and related development.

As the PDNPA has previously (when determining an application for planning permission) taken the unusual view that such “*related development*” includes development involving the storage of minerals at a site (other than a railhead or wharf) which is remote from a mineral working, the opportunity should be taken here to confirm the more conventional understanding – which is that minerals and related development is the same that defined for mineral related County Matters in Schedule 1 of the Town and Country Planning Act 1990.

The same section 11.1 of the DMP states that the “*policies in this DPD are applicable alongside the Core Strategy policies but only become relevant if an application is acceptable in principle when considered against the core strategy policy.*” [my emphasis].

This statement is contrary to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that “*if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*” and to section 2.1 of the DMP – which both make it clear that regard is to be had to the development plan as a whole and not just in respect of any part or on the basis that development plan policies are to be applied on a sequential basis.

The Justification for the Development

Section 11.5 of the DMP states that “*minerals development*” approved under policy MIN1 of the Core Strategy will only be permitted where justified in terms of the major development criteria. This statement is incorrect since policy MIN1 of the Core Strategy relates to “*mineral extraction*” only and not to “*mineral development*” (see above).

The statement also glosses over the fact that policy MIN1 of the Core Strategy applies the exceptional circumstances criteria in section 14 of (the now superseded) MPS1, whereas the DMP appears to seek to apply the major development criteria set out in NPPF paragraph 116. Although the two sets of criteria are very similar, they are not the same – so this distinction needs to be made explicit.

Importantly the statement also fails to recognise the separate policy regime which applies to proposals for fluorspar and small scale building and roofing stone extraction under policies MIN2 and MIN3 of the Core Strategy.



Related to this point is the need for a clear statement to be included in section 11.5 of the DMP to the effect that any proposals for minor extensions or deepening at existing building and roofing stone quarries will fall to be assessed in terms of policy MIN3(A)(III) and (B), rather than policy MIN1 of the Core Strategy. This clarification is needed to remove ambiguity and the prospect of calls for such applications to be justified in terms of the criteria set out in NPPF paragraph 116, even though it would be perverse to hold that any such proposal amounted to "major development".

SOUNDNESS

For the reasons given in the above commentary, DMP sections 11.1 and 11.5 and policy DMMW1 are considered to be unsound in that they have not been positively prepared, as required in paragraph 182 of the NPPF.

MODIFICATIONS

DMP sections 11.1 and 11.5 should be amended as indicated in the above commentary and policy DMMW1 (the justification for mineral and waste development) should be reworded as follows:

"A. Proposals for mineral extraction (other than fluorspar and small scale building and roofing stone extraction) and waste development will only be permitted where evidence is provided in relation to the criteria set out in NPPF paragraph 116. This must include or be accompanied by evidence of:

(i) the availability of other permitted or allocated mineral supply or the availability of secondary or recycled materials;

(ii) the availability of other permitted or allocated sites or developments, both within and outside the National Park;

(iii) Evidence of the proximity of the mineral extraction to the end-user market or the proximity of the waste operation to the supply-chain

(iv) Evidence by way of suitable geological and other information on the quality, availability and volume of the mineral reserves, ensuring that high quality materials are retained for appropriate end uses.

(v) Evidence of the durability and aesthetic qualities of the stone together with precise details of its compatibility with the repair or restoration project it is proposed to supply."



SECTION 11.20

COMMENTARY

Cumulative Impact of Mineral and Waste Development

At section 11.20 of the DMP It is stated that *"gradual industrialisation can erode the very qualities of landscape biodiversity and cultural heritage that underpin National Park designation and erode the tranquillity and quiet enjoyment that residents and visitors experience."*

As mineral and waste developments do not typically involve industrial processes (see the definition given in paragraph 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015), the reference made to *"gradual industrialisation"* is both misleading and imprecise.

SOUNDNESS

For the reasons given in the above commentary, DMP section 11.20 is considered to be unsound in that it has not been positively prepared, as required in paragraph 182 of the NPPF.

MODIFICATIONS

The relevant part of section 11.20 of the DMP should be reworded as follows:

"the cumulative effects of such developments have the potential to erode the very qualities of landscape biodiversity and cultural heritage that underpin National Park designation and erode the tranquillity and quiet enjoyment that residents and visitors experience."



POLICY DMMW7

COMMENTARY

Safeguarding of Local Building and Roofing Mineral Resources and Safeguarding of Existing Permitted Mineral Operations from Non-mineral Development

While policy DMMW7 and the building stone national safeguarding areas shown on the Policies Map are generally welcomed (since they aim to safeguard the mineral resources around Stoke Hall Quarry near Grindleford and Dale View Quarry near Stanton in Peak), it can be seen that, when read together, DMP policy DMMW7 and Core Strategy policy MIN4 fail to meet the national planning policy objective as stated in NPPF paragraph 143. This arises as the policies together:

- do not explicitly state that local building and roofing mineral resources will be safeguarded;
- only fall to be invoked in the case of potential sterilisation resulting from major development as defined in the Town and Country Planning (Development Management Procedure) Order 2015 – which will be a rare occurrence in the National Park; and
- ignore the threat of sterilisation posed by lesser developments.

SOUNDNESS

For the reasons given in the above commentary, DMP policy DMMW7 is considered to be unsound in that it has not been positively prepared and is not consistent with national policy, as required in paragraph 182 of the NPPF.

MODIFICATIONS

DMP policy DMMW7 (Safeguarding of Local Building and Roofing Mineral Resources and Safeguarding of Existing Permitted Mineral Operations from Non-mineral Development) should be reworded as follows:

“The building stone resources within the relevant Mineral Safeguarding Areas identified on the Policies Map will be safeguarded from sterilisation by all forms of development which could give rise to this effect unless it can be demonstrated that one or more of the exemptions in Core Strategy policy MIN4(B) apply.”

POLICY DMMW8**COMMENTARY****Ancillary Mineral Processing**

DMP policy DMMW8 (Ancillary mineral development) lacks precision (In that It is intended to apply to mineral working sites but does not say so), introduces a potential confusion (i.e. what is "*ancillary minerals development*" as distinct from "*related development*" – see the above commentary on DMP section 11.1) and wrongly assumes that ancillary mineral development involves industrial processes (see the above commentary on DMP section 11.20).

SOUNDNESS

For the reasons given in the above commentary, DMP policy DMMW8 is considered to be unsound in that it has not been positively prepared, as required in paragraph 182 of the NPPF.

MODIFICATIONS

DMP policy DMMW8 (Ancillary mineral development) should be re-titled "Related development" and should be re-worded as follows:

"A. Related development will be permitted at mineral workings provided that:

(i) there are clear practical and/or environmental benefits arising from co-location; and

(ii) when planning permission for mineral working expires (or if the related development becomes redundant before the completion of mineral working) it will be removed and the site will be reclaimed to an agreed after-use."



Council Chamber, Council Offices
Huddersfield Road
HOLMFIRTH
West Yorkshire HD9 3JP



Clerk to the Council: Mrs Sally S Barber

Telephone No: 01484 822491
E-mail: clerk@holmevalleyparishcouncil.gov.uk

Our ref: SSB

10 January 2017

Mr Brian Taylor
Policy Planning Manager
Peak District National Park Authority
Aldern House
Baslow Road
BAKEWELL DE45 1AE

Dear Mr Taylor

Peak District National Park Local Plan Consultation – Development Management Policies document, forming Part 2 of the Local Plan

Thank you for your correspondence of 18 November 2016, inviting the Parish Council to comment on the above consultation.

Your consultation documentation was considered at the Parish Council's Planning Committee meeting on 9 January 2017 and I am authorised to pass on the following comments:

1. The Parish Council welcomes the Authority's balanced approach to sympathetic development within the Park, which both supports the local economy and residents, and recognises the value of tourism; the Authority's proposals to support affordable housing for local people (the 'local connection' concept to supporting need, for example) are particularly welcomed, as is the emphasis on heritage and conservation given in the Plan.
2. The Authority's proposals on temporary parking to cope with occasional events and the tourist season, for example, are pragmatic.
3. The need for heritage assessments for any changes to historic buildings (defined as heritage assets in the Plan) are welcomed, as the Parish Council values both the attractive built and natural environment within our corner of the National Park.
4. The Parish Council also welcomes the consideration of community sustainability with marketing for a year being required prior to any loss of a community facility, with retention of a community use being the priority.

Please continue to keep the Parish Council informed as the Local Plan progresses.

Yours sincerely

Sally Barber

Sally S Barber (Mrs)
Clerk to the Council

From: George Challenger [REDACTED]
Sent: 11 January 2017 14:05
To: Policy
Cc: Pat Lunn; Roger Truscott; Ros Stokes; Mary & Richard Chaplin; Elizabeth Butcher; Enid Cretney
Subject: DMP

Hello, Clare,

On behalf of the committee of the Bakewell & District Civic Society I make the following comments on the draft Development Management Policies:

We welcome them but comment that in two cases the policies seem less strict than proposed in the draft Bakewell Neighbourhood Plan and wonder whether the BNP policies would take precedence:

8.11 The DMP has 'substantial element of business use' but the BNP has 'predominantly B class'.

8.15 The DMP has 'rarely justification to use planning to influence offer or prevent change of use' but the BNP has 'further changes of use from A will not be permitted'.

8.2 A comment is that the bus services to Sheffield and Chesterfield are also good.

Some minor corrections:

6.2 its rather than it's

6.94 not largerer

6.95 neighbours'

I am copying this to other committee members.

Regards

George Challenger

This e-mail has been scanned for all viruses by Claranet. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.claranet.co.uk>



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Friday, 13 January 2017

Brian Taylor
Policy Planning Manager
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell DE45 1AE

Re DMP Review

Dear Brian,

Please find attached my comments on the DMP Consultation Document.

1 DMC2 Personal consents

This is the same as Saved Local Plan Policy LC1. Although the policy by definition covers exceptional circumstances, personal consents are rarely acceptable.

If controlled by condition, the personal consent is likely to fail the six tests set out in PPG. Paragraph: 015 Reference ID: 21a-015-20140306.

It should always be possible to positively word a condition so it relates to the land, the described development / activity without naming an individual or organisation. For example:

The occupation of the caravan, as proposed in the submitted application, shall be limited to a person solely or mainly employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, and to any resident dependants.

2 DMC5 F ii). Loss of significant features.

This is the same as LC6 ii). However there may be circumstances where a heritage asset has a significant original feature, eg a queen truss but the condition of the truss has deteriorated to such an extent that the best course of action would be to replace it.

The wording of the policy doesn't make clear the distinction between loss and replacement, whether like for like replacement or otherwise. The policy is black and white and doesn't distinguish between substantial harm and less than substantial harm. There are likely to be circumstances where the loss of a feature amounts to less than substantial harm but nonetheless has public benefits taking into consideration the optimum viable use of the asset. NPPF paras 132 133.

3 DMC10 A ii) Extent of structural repairs.

The wording is insufficiently nuanced. There will be circumstances where a high quality designated asset has significant structural defects which would require more significant remedial work to safeguard the building than would be acceptable on a fairly ordinary and commonplace field barn. It would be better to accept a greater level of intervention on higher value assets where the alternative is collapse and loss.

4 DME5 B iii). personal consent.

See pt 1 above.

5 DMR1 C pod structures.

The policy acknowledges the trend for wooden pods, shepherd's huts etc. and is welcomed, but the the limit on a single shepherd's hut is questionable as is it's inclusion as a specific type of accommodation

Although traditionally a farm is unlikely to have more than one shepherd's hut, the key issue is the cumulative impact on the surroundings.

Why refer to shepherd's hut at all, but not gypsy caravan, converted horse box etc.

6 DMH1 A ii) Affordable Housing Size.

I welcome the increase in the size limits over those in the SPG on affordable housing. However, I consider the size limits remain an overly simplistic mechanism for controlling cost and affordability.

Overly small houses lead to pressure for external clutter, garden sheds etc. The case is set out by the RIBA publication "the Case for Space". <https://www.architecture.com/files/ribaholdings/policyandinternationalrelations/homewise/caseforspace.pdf>

Submitted plans should include indicative layouts showing furniture which demonstrate that the proposed floor plan has adequate storage and circulation space and meets lifetime homes standards.

Over time, new construction methods may provide opportunities to deliver more spacious affordable housing more cheaply.

An alternative approach might be to require that applicants provide an assessment of the construction and delivery costs.

7 DMH9 B. Replacement Dwelling size

The wording replaces LH5 iii) which used the phrase "similar size". The preamble to LH5 mentioned +25% as a rule of thumb but was routinely breached. The wording of DMH9 B seems to incentivise larger designs which enhances their setting. However..

There is no DMP incentive for either sustainable low carbon design or good contemporary design. This may imply we only ever achieve pastiche in the National Park.

I doubt the controversy over the size of replacement dwellings will end.

8 Achieving Sustainable Design

Although DMP policies should not replicate Core Policies like CC1 or the SPD on climate change, there do not appear to be any specific DMP policies designed to encourage sustainable design.

Best regards



Allen Newby

Development Management Policies: consultation version, Oct 2016.

Comments / Stella McG, 15 1 17

Contents pg 4

Do you intend to add page refs for Appendices and Figures to the final version? I always find this helpful in long documents.

Pg 15, para 3.10 Landscape Strategy and Action Plan.

I think this is the first of many refs to the Landscape etc Plan. Would be good if there was a more detailed footnote here to give it its title, date, website ref. Also wld be good to include it in Glossary, to cover later refs.

Pg 19, paras 3.17 and 3.22. Natural Zone, plus SACs, SPAs.

I found the intro slightly confusing (re Zone, 'area', 'areas', map, Section 3). Not always clear what's what.

Could maybe remedy this by making para 3.22 the opening line, and then adjusting following lines a little. E.g.:

"The extent of the NZ is shown on Fig 3 on the next pg. The Zone reps the wildest and least developed part of the NP, where high wildlife value is combined with min obvious human interference. The map overleaf is used etc etc ...

Later in para, wld it be useful to include Natura 2000 in Glossary?

Also, because of the bracket before (Special...., which doesn't have a final matching bracket at the end of the sentence – except the bracket 'owned' by SPA -- I don't know whether SACs and SPAs are Natura 2000 sites, or if they are in addition to Natura 2000 sites.

Does the 'Policies Map' need a footnote?

Pg 25: typos

Para 3.46, line 6: insert 'the' before Neolithic.

Para 3.51, line 1: make 'asset' plural in both cases.

Page 26

First bullet point, top left of page: need to qualify 'unreg parks and gardens' - otherwise implies all parks and gardens are undesig heritage assets?

2nd bullet point, top left of page:

Add footnote re Hist Lscape Charac Project and include in Glossary?

3rd bullet point: qualify 'features'? (See point above re parks and gardens)

4th bullet point: qualify 'assets' for same reason?

Para 3.52: re 'cult heritage signif assessed by NPA using Appx 5 criteria'.
Is this an accurate statement, given that Appx5 is aimed at applicants? Does Appx 5 in fact act as statement of criteria used by NP? Maybe it does and I've misunderstood.

Para 3.53

Should the list of ways in which non-desig assets may be identified include results of farm surveys carried out by NP, and major surveys by NP and other orgs. I'm thinking of the survey of the Eastern Moors by ArchHeritage (nearly 6000 features, mostly undesignated), and e.g. Bevan survey of Burbage / Houndkirk; Barnatt survey of Gardom's / Birchen. I know these latter eggs are mainly landscape surveys, but in some cases include built environment. Ken cld advise I'm sure.

Para 3.58

2nd bullet point: Appx 4 title given here is a bit different from the actual Appx title.

Para 3.60:

'In open countryside locations it is more likely that the setting of the heritage asset will have c h significance'...

Is this true? Doesn't seem compatible with e.g para 3.70 on Listed Bldgs.

Ref to Hist Landscape Characterisation: see note above re footnote / Glossary entry.

Page 27

Para 3.64. typo: bracketed sentence at foot of para: Measures needs capital M.

DMC5 text:

Para D: 'Non-desig assets of archaeological interest...'

Is it right to restrict this to 'archaeological' interest, or wld e.g. cult her interest' be more inclusive? Am sure Ken S can advise.

Page 29, para 3.73

Last line: 'Design Guide SPD' needs a fuller title / date – poss in footnote, as you've done elsewhere for these sorts of refs.

Page 31

Footnote 31 to para 3.76. Needs something more than 'ibid'.

Page 35, paras 3.107 to 3.109

Not sure 'rudimentary' is the right word in these 3 paras. Dictionary def gives 'basic; incompletely developed'.

In para 3.108. something has gone wrong with the wording, so it reads that 'permissions ... will rarely be worthy of conversion'.

Also, re para 3.109, I'm not sure how the ref to 'other' rudimentary bldgs relates to the previous 2 paras. What is being distinguished from what here?

Page 36: 1st para:

Syntax in first few lines a bit odd, so meaning not clear.

Policy DMC10

Am a bit confused about point B. States that under no circumstances can a bldg not deemed to be a heritage asset be converted to higher intensity uses.

But this would leave us with a situation where you can convert a heritage asset to higher intensity use (in some circs) but never a bldg which isn't a heritage asset. Isn't that a bit odd?

Page 37

Para 3.111 typo: word or words missing in line 4.

Para 3.114

Ref to BAP in line 6 from end: see my comments below re BAP entry in Glossary.

Para 3.115

Something has gone wrong with wording of lines 3 to 4, so meaning not clear.

Page 38

Para 3.120 – 3rd bullet point re Geodiversity Action Plan features. Need for a footnote. Also include GAP in Glossary, including an indication of which GAP is being referred to.

Pg 39

Policy DMC11.

In point B, do we need to qualify which BAP is being referred to?

Pg 45

Para 4.9, last line 'and principally away from business sites'.

Not sure about the implication of this – could the wording be ambiguous?

Para 4.11, line 9

'unlikely to be tolerated': you don't normally use words like 'tolerated', which sounds a bit stropy and red faced. Is it intentional or accidental here?

Pg 47

Para 4.17, typo: line 9 – Landscape Strategy needs caps.

Para 4.19

Penult line: prob need 'Policy' in front of DMR1.

Pg 48

Para 4.21: something has gone wrong in line 3.

Para 4.22: line 1

Prob useful to add 'B class uses', not just 'B', and to include a cross-ref to a brief explanation, or a footnote re what these are.

Penult sentence: Core Strategy needs caps.

Also (same sentence) : does 'requires sites in Bakewell and HV to be protected etc' need a qualification e.g. 'certain sites' or 'specified sites'?

Policy DME3

First para : word missing in line 2.

'Devel Plan' needs caps.

In the list below – is 'Aston Industrial Estate' in wrong place, given others are in alphabetical order?

Para 4.26: 'Devel Plan' need caps.

Pg 49

Para 4.29: not sure about 'is sustaining' in penultimate line...

Para 4.31: line 3: should be 'community's'

Para 4.32

Lines 6 and 7: am not sure of meaning of "but also in ways that reflect more the role of a settlement". Could this be made clearer?

Para 4.34

Last line shld begin with 'it' rather than 'they', I think.

Para 4.37

Footnote 57 re Employment Land Review should be attached to this first ref, rather than later.

In line 3, the meaning of 'That evidence' isn't quite clear. Replace with eg 'The evidence from this Review'??

Page 50

Lines 3 and 4 (in continuation of para 4.37).

Is there a need to specify the overall area in which there is an identified need for these hecтарages of industrial and office space? The whole Nat Park I assume?

Para 3.8

I'm not quite clear about the meaning of the first 6 lines.

Para 4.41

Penultimate line: need to specify what is meant by 'the following policy'.

Para 4.42

This begins 'In order to meet part A'. Wld be useful to specify what Part A is part of.

Para 4.42 (d)

Add what RICS stands for, either in footnote or Glossary.

Pg 51

Policy DME4

Are the numbers 1.218, 1.219 and 1.220 included in error here?

Pg 54

Policy DME7: same typo in last line of point B ("or to traffic safety") and last line of point E.

Pg 55

Para 4.64: word missing at end of line 3.

Para 4.65

Line 1: 'such buildings': need to qualify what this refers to.

Policy DME8

First bullet point: 'visibility from vantage points'. Is there a need to qualify 'vantage points' – e.g. 'significant / important' or whatever?

Pg 58

Policy DMR1: In part B, is there a need for a reference to the potential impact of such facilities on the landscape / built environment etc? I know this is referred to in general terms in A, but might it be safer to repeat it in relation to 'shopping, catering, sport and leisure facilities'?

Para 5.22

I'm not sure I follow the logic here. If permanent occupation of unsuitable premises would have an inappropriate relationship to adjoining houses, unacceptable potential for landscape harm, unacceptable impact on neighbours' amenity or harm the relationship between buildings, why wouldn't holiday occupancy pose the same problems? Although it wouldn't apply all year, surely it would have equivalent impact on those occasions when it was occupied? Which might be frequent.

Pg 59

Policy DMR3

Point C.

The same point applies (see above). If residential use wld cause unacceptable harm to neighbours, why isn't it the case that holiday occupancy would do the same, even if not over the whole 12 months?

Pg 60

Mainly typos:

Para 6.1 line 6. 'Unmet', not un met.

Para 6.2

Take out the first word ('However') as it provides a confusing / inappropriate link to what's gone before. (or so it seems to me...)

Line 5: 'its' not it's.

Para 6.6, penultimate line: a missing 'y' in July. Plus some additional capitals here and there wld make clearer which parts of the text represent the document title.

Pg 61

Again – mainly typos.

Para 6.9, penultimate line: 'helps' not help.

Para 6.10, 2nd bullet point:

Line 3: add an 's' to landlord.

Line 5: add and 's' to Rent.

Line 7: remove punctuation after 'to'.

Last line: omit 'and', as it implies that the text which follows leads on from the 2nd bullet point, whereas it's raising a new subject.

Pg 64, para 6.31

Am a bit concerned that this para (esp its 2nd half) weakens our ability to stick out for a reasonable allocation of affordable housing – e.g. in schemes like Hartington and Bradwell. Are we stuck with this position or could the text be tightened?

Pg 67: just typos.

Policy DMH1

Points B and C: is it 'previously developed sites' or 'a previously developed site'?

Same point applies at end of both B and C.

Pg 68

Para 6.52, line 9: something missing after 'equally'.

Page 70

Para 6.57, penultimate line: best to specify what 'plan' is being referred to?

Para 6.62: not sure I understand why this para is here rather than in text re affordable dwellings? I found it confusing.

Pg 71

Policy DMH4: word missing before 'business' in line 3 of opening para.

Footnote 73: replace 'is' with 'are'.

Pg 74

Para 6.80, line 8. I think 'consequently' is wrong here. Replace with e.g. 'however', or omit altogether ?

Pg 75: just typos.

Para 6.85, line line 8: word missing after 'units'.

Para 6.86: 'have' not 'has'.

Para 6.87: last line: omit 'the' before Ch 3.

Para 6.88: 4 lines from end. I think 'listed ' needs a capital L here.

Pg 76

Para 6.90: The end of the para refers to an SPD and gives it its full title plus a footnote re how to access it. Both of these things seem like a good idea – but, on the whole SPD refs in this document aren't as comprehensive as this. Could they all be adjusted to reflect this model?

Policy DMH7:

A(ii) implies that extensions and alterations will be permitted to dominate the original dwelling, as long as it isn't a heritage asset. I assume this isn't the case? Or have I misunderstood this?

Brian - this is as far as I've got with the main text at the moment – will send you more comments when I've finished going through it. But have looked thro the Appendices, and comments follow below.

Comments on Appendices

I don't know whether you want these at this stage – so forgive me if I'm listing things which you have already dealt with!

Overall, it would be good if the Appendices could have a **common font and font size** (except for forms in Appx 8). At the moment there are some big differences, esp in font size, which looks a bit weird.

If possible, **page numbering** throughout would be useful, following on from main text, so that Appendices are easier to locate via Contents list, without flicking through.

Would it be a good idea to combine **Appendices 1 and 4** (though I know that wld mean changing all the Appendix numbers and altering refs in the main text). The info in Appx 1 is closely linked to Appx 4, and in fact, Appx 4 provides the kind of info which I was looking for when I first read thro Appx 1: e.g. where are the online contact details? Where is info on how to contact Heritage Gateway details? So – what I'm saying is that Appx 1 reads a bit oddly as a stand-alone.

Appx 2 Natural Zone.

Text has been pasted from something else – and why not, of course?! But needs a bit of tidying up, and either cross-referencing or referring to things more fully. Examples include the rogue 9.17 number at the beginning, and a rogue footnote reference.

Natura 2000 sites need qualifying / explaining as does the ref to the 'Section 3' map.

Apols for making these points – I'm sure you already have this sort of tidying up in hand.

Appx 3: DS1 settlements.

Crosses and asterisks against certain settlement names need an explanation.

Appx 4: see comments on Appx 1.

Appx 6: SAMs

Is there a real need to include this list? It doesn't enable anyone to find out where the SAMs are, or precisely what they are. Also, Hist England don't use SAM numbers as their main reference now: they have been incorporated into the National Heritage List for England, or whatever it's called – a whole new set of numbers, which have swallowed up the SAMs..

Who is the Appx aimed at? If people actually need to access specific info on SAMs, they need details on how to find the Nat Heritage List for England – or they need info on how to contact Cultural Heritage officers, for guidance.

If you use the text, suggest shrink the font.

Appx 7: CA Appraisals

Last section of Intro: 'Some CA appraisals are on the website': needs to say 'PDNPA website' and give website address.

Appx 8 Housing forms.

I didn't understand what the status of the 'Home Options' part of this was. Is it part of the earlier forms? If so, a short intro, explaining this, wld be useful.

Car Parking Standards: this has no Appx number, but must be Appx 10 I think.

As with some other docs, the font needs to be compatible with other appendices, and it wld be useful to have some text stating 'whose' document this is. Is it the PDNPA's?

Appx 11: Glossary

Shrink the font?

Biodiversity Action Plan: text too brief to be useful, I think. Also, are we referring to the PDNPA's own BAP or to a national BAP, or?

Special Areas of Conservation: add (SAC), as the acronym is used in the main text.

Ditto Special Protection Area (SPA)

Haven't gone thro all the Glossary entries yet, but will do if it wld be useful. Also, my notes on the main text indicate where I think additional Glossary entries would be useful.

SMcG 15 1 17.

Development Management Policies draft

Pt 2 of Comments (re page 77 onwards). Stella McGuire 18 1 17

Pg 77

Para 6.94:
typo line 1 ('largerer')

lines 10 / 11: 'the replacement dwelling must produce a signif overall benefit to the natural beauty, wildlife and cultural heritage of the area'.
Is it reasonable to require this? I wasn't clear how easy it would be for a mere house to achieve most of this. Would something more general (eg on the built environment and landscape setting) be more appropriate? Or a general ref to Park purposes?

Para 6.95
Line 2 typo: neighbours'

Para 6.97
Line 7: word missing after 'than'.

Para 6.98
Typo 5 lines from end: 'range defined range'.

Pg 80

Policy DMH11

B: remove the (i) and make this point part of the main sentence? Or was there a second point which has gone missing?

D: typo in (iii) 'a local person'.

Pg 82

Policy DMS1 and para 7.8

When I was reading thro the policy text, I got confused by Point C, in a kind of 'what's this all about?' way. Then I found the explanation in para 7.8 below. Does this mean that DMS1 C belongs in the DMS2 'change of use' policy text on pg 84? Or that the explanation in para 7.8 should occur earlier in the text, in advance of Policy DMS1?

Para 7.12: Include Post Offices in list of community facilities? We seem to be losing quite a few.

Pg 83

Para 7.16, penultimate line: 'diversity' shld be 'diversify'.

Para 7.19: just a syntax thing. Needs some sort of intro, maybe on the lines of 'Applicants must provide'?

Pg 84

Policy DMS2

A (i): word missing in first line.

C Last para ('If segregation ... residential use'). I'm confused by this, having read section C through a few times. Does it need a few extra words to clarify meaning?

Page 85

Para 7.26

'principally offering for sale goods which are produced on the premises'. I remember we discussed this in one of the working gp mtgs. We felt that very few products in garden centres (including plants) could be described as 'produced on the premises'. Are you happy that this current text is realistic?

Policy DMS3

D: 'must assess the impact of the development in its landscape context by ref to ... Landscape Strategy'.

Do you think this is strong enough? Elsewhere, the document has been much more specific about assessment against impacts on built environment; landscape, setting etc etc.

Page 87

Policy DMS5

C (ii): I found the text "and the sign or advert has individual lettering attached to it" hard to understand. Is there a clearer way to put this?

Para 7.36: I confess I got a bit lost in the second part of this para (in the section following the 'part C of the Core Strategy'. Could the next few lines be rejigged to make the meaning clearer?

Para 7.9

Policies Map: there are several refs to this thro the document: useful to include it in the Glossary?

Pg 89

Para 8.7: Last line: include Proposals Map in Glossary or add footnote?

Para 8.9

Line 6: make it clear what 'this plan' is referring to?

The last 6 lines (re significant retail development) are rather hard to follow. Or perhaps this is just me?

Here and overleaf (various paras) ' Central Shopping Area is sometimes given caps and sometimes not. Plus 'National Park' on line 2 pg 90 needs caps.

Para 8.10

Line 1: Amend to "The boundary of the Central Shopping Area' to make clearer what 'this area' means?

Para 8.11

I got a bit confused in lines 5 to 7.

Maybe a minor rewrite on lines of: "Given the strategic need for employment sites, the policy safeguards existing emp sites, and ensures that their redevelopment etc etc

Line 11 typo: Evidence *from* the Core Strategy...' - rather than 'for'.

Para 8.14 (3 lines from end): would the meaning be clearer if sentence ran something like “The Central Shopping Area covers? / comprises? a small area of the town” – rather than ‘includes’?

End of para 8.15

The use of the word ‘unhealthy’ doesn’t seem quite right here.

Pg 91 Travel and Transport

As far as I can see this section doesn’t include anything on buses. I think we discussed this at one of the working groups? Even if it’s hard to make a real difference in relation to bus provision, it seems important to include a policy statement about strategies to deal with an imperfect situation.

If we have a section on aircraft surely we must include something specific on the still relatively ubiquitous bus!

Pg 102

Policy DMU2

I know very little about infrastructure related to utilities, so I can’t judge how comprehensive this text is. Does the text in part B ‘infrastructure services to new development’ etc cover all the things that we would wish to see placed underground?

Pg 103

I think a sub-header has been omitted between Policy DMU3 and para 10.14.

Pg 106

Para 11.1: put DPD in full?

Para 11.5

First bullet point: does the last sentence (‘The proximity etc’) deserve its own bullet point, as it’s dealing with a separate issue?

Pg 108

Policy DMMW2

(ix) omit ‘Minimise’ as the sentence shld have the same structure as the previous points, and follows on from para A.

Paras 11.11 to 11.13

Is there Policy which ‘goes with’ these paras. Maybe I misread other text, but I couldn’t see what the accompanying policy was.

Para 11.16

Joint Municipal Waste M’ment Strategy: footnote needed?

Para 11.17

‘Policy DMMW4’ rather than ‘The policy’?

Pg 110

Policy DMMW4

B (iv): ‘Minimise and where possible avoid any adverse impact on valued characteristics of the area’.

This seems a bit over general, and not strong enough. Elsewhere in this doc, we have specified types of impact, and what we’re here to protect. I know Minerals

policies relate to Core Strategy, where these things are spelled out. But don't they also need spelling out here?

Pg 111

Para 11.20, last 2 lines: typo (mineral further).

Policy DMMW6

Line 7 typo: exiting / existing.

Lines 8 and 9: I wasn't sure of the meaning of 'its setting, both concurrently and successively'. Is it possible to make this clearer?

More points re Appendices

I made some comments on the Appendices in my earlier set of comments. In addition:

Appx 8: Useful to indicate who 'owns' these forms? Who issues them?

Glossary:

See earlier comments re BAP, SAC, SPA etc.

I'm assuming Ken Smith or colleagues provided all the cultural heritage related definitions so I won't comment on those!

Constituent Council: typo 'geographical'.

DS1 Settlement: I can't work out the meaning of the last sentence. Is it me or the text?

Economic development: would it be useful to add "as defined in etc etc" after 'B Use Classes'?

Ecosystem services: these are a b..... to define, especially in a way which includes (as the definition is allegedly supposed to) cultural heritage / the historic environment. I will find and send a summary of a definition provided by the Govt's National Ecosystem Assessment, in case it's useful in amending the rather brief Glossary text.

Edge of centre: 'up to 300m *from* the primary shopping area'.

Local Transport Plan: 'Current LTPs run from 2006 – 2011'. Is there anything more recent than this?

Major Development

Point c (i): word or words missing after 'more' .

Open Space

Is this tied to a formal definition somewhere? Otherwise, it is such a day-to-day term that it seems a bit slippery.

Planning Acts: not sure that 'ostensibly' is the right word in line 1! Usually implies that the info is not accurate, and that some other truth is lurking beneath...

Planning benefits: couple of typos (line 5 and last line). See also 'Primary shopping area', line 3.

Planning unit: rogue asterisk at end.

Safeguarding zone: the 2nd type of zone needs its own sub header – has got lost under drinking water.

S McG 18 1 17

Wilkins Clare

From: Steve Lawless - PC <parishclerk@bradda.org>
Sent: 17 January 2017 11:14
To: Policy
Subject: Bradwell Parish Council - Response to DMP Consultation

Dear Sir,

The Parish Council considered the DMP at its recent council meeting and wishes to object to it.

The main reasons for objection are given in the response given by the PPPF, which the council wholly supports. Other comments raised by the council include

- a) that the report is too long,
- b) the language is not clear / friendly as required by the Crystal Mark campaign,
- c) there is a lack of justification for policies and
- d) there is duplication with other documents.

A specific concern is that the policies relating to reducing the need for car parking, both residential and visitor, by providing minimum facilities is not likely to meet future needs.

The planning authority currently states that it follows the 6C's policy on car parking.

However the DMP would provide support for meeting lower values that are identified in the 6C's policy. This is not acceptable.

Council feels that there is still a lot of work required to produce a final acceptable version.

Regards
Steve

Steve Lawless
Clerk to Bradwell Parish Council

Email: parishclerk@bradda.org

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CHAPEL-EN-LE-FRITH PARISH COUNCIL



TOWN HALL
CHAPEL-EN-LE-FRITH
HIGH PEAK, DERBYSHIRE, SK23 0HP



Tel: 01298 813320.
clerk@chapelpc.org
www.chapelpc.org

Office Hours: Monday-Friday 9.00 to 12.30

18 January 2017

Ms Sarah Fowler
Chief Executive
Peak District National Park Authority
Alder House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

Dear Ms Fowler,

Development Management Policies Consultation

The Parish Council would like to comment on the proposed development management policies in relation to the Chapel-en-le-Frith Neighbourhood Plan, which we worked closely on with National Park Planning Officers, together with some wider implications for High Peak.

The Council supports the policies protecting the natural and built heritage to maintain the National Park's profile for the benefit of both residents and visitors. The Council does however, have some concerns in relation to the proposed policies relating to housing, infrastructure and economic investment.

The Council feel that the restriction on housing development will have a detrimental effect on the Parish, which neighbours the National Park and which includes parts of Combs and Sparrowpit in the National Park boundary. It is the opinion of the Council that the lack of a housing target will place increased pressure on the Parish to provide land to accommodate the unmet supply from the Peak Park and in turn place pressure on the Chapel-en-le-Frith Neighbourhood Plan, which within 6 months of being adopted was subject to a Public Inquiry for the refusal of Planning Permission for housing and faces a similar test in February 2017.

Clerk to the Council – Suzan E. Stockdale

The development of brownfield sites should be promoted in the National Park to alleviate pressure on the development of Greenfield sites adjoining the National Park.

The Council does not support the restrictive affordability criteria and feels that it should make allowance for the need for affordable housing and starter homes. This has been evidence locally in both Chapel-en-le-Frith and Dove Holes housing needs survey reports.

The Council feel that Policy E2 should be less restrictive and should be more supportive of high value employment sectors to promote economic growth and job creation.

The Policy relating to cross Park travel is restrictive and the Council does not agree with the presumption against cross-park travel. The proposed policy states that 'new roads or railways for cross-park travel will not be supported and no proposals for a major alteration to an existing road or railway will be permitted'. The exception tests in relation to this policy does not take into account the impact on communities that neighbour the National Park which include Tintwistle, Hope Valley communities and Buxton.

The Mottram-Tintwistle by-pass is very much needed to alleviate the environmental impact on local communities and easier movement to and from Manchester would have an economic benefit. Likewise, the re-opening of the Buxton to Matlock railway line would bring economic and environmental benefits and support the sustainable travel ambitions of the National Park.

Yours sincerely,

A solid black rectangular box used to redact the signature of the Clerk of the Council.

Mrs SE Stockdale
Clerk of the Council

Cc Peak Park Parishes Forum

Clerk to the Council – Suzan E. Stockdale

From: Thomason Jim on behalf of Customer and Business Support
Sent: 25 January 2017 09:31
To: Sue Stockdale
Cc: Policy
Subject: RE: Development Management Policy Consultation

Dear Ms Stockdale

Thank you for contacting the Peak District National Park.

Your enquiry has been passed to our Policy Team to look into for you.

If you require any further information or assistance, please do not hesitate to contact the Customer and Business Support Team direct on **01629 816 200** Monday - Friday from 8.45am to 5pm.

Yours sincerely

Jim Thomason

Customer and Business Support Team Adviser

Customer and Business Support Team
Peak District National Park Authority
Tel. 01629 816 200
Email. customer.service@peakdistrict.gov.uk
Web. www.peakdistrict.gov.uk

From: Sue Stockdale [<mailto:clerk@chapel-en-le-frithparishcouncil.gov.uk>]
Sent: 25 January 2017 08:27
To: Customer and Business Support
Cc: 'Philip Thompson'
Subject: Development Management Policy Consultation

I am writing to confirm that Chapel-en-le-Frith Parish Council are in support of the response to the consultation from the Peak Park Parishes Forum in addition to comments sent by the Council, specific to the Parish Neighbourhood Area.

Mrs S Stockdale
Clerk of the Council

Town Hall
Market Street
Chapel-en-le-Frith
High Peak
SK23 0HP

01298 813320
www.chapelpc.org

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**Canal &
River Trust**

Keeping people, nature & history connected

18th January 2017

Brian Taylor
Policy Planning Manager
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
DE45 1AE

Our Ref 2016-LIVLP-TBS
Your Ref

Dear Sir

Development Management Policies – Part 2 of the Local Plan for the Peak District National Park

Thank you for your recent consultation in respect of the Development Management Policies – Part 2 of the Local Plan for the Peak District National Park, the production of which is welcomed and supported.

INTRODUCTION

The Canal & River Trust (the Trust) is a charity entrusted with the care of over 2000 miles of canals, rivers, docks and reservoirs in England and Wales. These historic, natural and cultural assets form part of the strategic and local green infrastructure network, linking urban and rural communities as well as habitats. Our waterways contribute to the health and well-being of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time.

To meet the Trusts objectives it is of vital importance to us that all levels of planning policy and associated documents provide a robust policy framework that recognises and supports canals, rivers and docks as a cross-cutting policy theme; and acknowledges the diverse roles which they perform including:

- being a form of strategic and local infrastructure performing multiple functions (including sustainable transport, open space and green infrastructure, land drainage and water supply as well as flood alleviation), which is likely to be affected by all scales and types of development;
- improving the physical environment, providing opportunities for people and the wider economy;
- contributing to supporting climate change, carbon reduction and environmental sustainability; and
- the public benefits that can be and are generated by our canals, rivers and docks.

Canal & River Trust, Red Bull Wharf, Congleton Road South, Church Lawton, Stoke-on-Trent, Staffordshire, ST7 3AP

T 0303 040 4040 **E** customer.services@canalrivertrust.org.uk www.canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust is a company limited by guarantee registered in England & Wales under number 7807276; and a charity registered with the Charity Commission under number 1146792.

The Trust therefore broadly encourages policies which seek to:

- protect the heritage, environmental and recreational value of canals, rivers and docks and to safeguard them against inappropriate development;
- support their ability to deliver economic, social and environmental benefits to local communities and the nation as a whole; and
- secure the long-term sustainability of the inland waterway network, their corridors and adjoining communities.

The only part of our waterway within the Peak District National Park is a small part of the Huddersfield Narrow canal which is within Standedge Tunnel and crosses to the north of the park. The Trust's comments on the draft Development Management Policies – Part 2 of the Local Plan are therefore limited to ensuring that the line of the tunnel is protected and provided for in the policies and proposals of the Plan.

Paragraph 9.13 – Travel and Transport

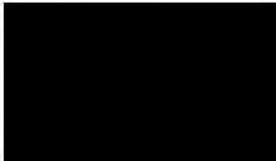
The Trust welcomes the reference to Core Strategy policy T6 which seeks to protect the Huddersfield Narrow Canal as an inland waterway.

The Trust considers that existing policy T6 within Core Strategy would be sufficient to ensure the protection of our waterways within the National Park and that there is not a requirement within the Part 2 of the plan to have a further Development Management policy relating to this matter.

I hope that these comments are of assistance to you but please do not hesitate to contact me if you require any further information or wish to discuss any of these matters further

I would be grateful if you could keep us informed of progress with the document.

Yours sincerely



Tim Bettany-Simmons (MRTPI)
Area Planner North West & North Wales



E-Mail: Tim.Bettany-Simmons@canalrivertrust.org.uk

Development Management Policies

Part 2 of the Local Plan for the Peak District National Park

Publication Version October 2016

Representations of the Mineral Products Association

Contact: **Mark North (Director of Planning-Aggregates and Production)**
Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU.

 Email: mark.north@mineralproducts.org

DMMW1: The justification for mineral and waste development

The policy is unsound because it is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

Within the purview of the justification for mineral and waste development, the policy omits mention of any national considerations of need, and the impact of permission or refusal on the local economy, and the costs of developing elsewhere as set out in NPPF para 116, and to the sustainability of long term mineral conservation (NPPF para 142). All of these considerations are an integral part of national policy but are proposed not to be translated into local policy, which downplays for example, the economic benefits of mineral working in the consideration of mineral proposals, and does not mention mineral conservation at all.

In addition, the consideration of proximity to market may or may not be, relevant to considerations of the public interest. If the justification for national need is demonstrated on the special qualities of the mineral it is unlikely that it would only serve a local market. As such, the policy should only require such evidence where it is relevant and appropriate.

Finally, it is unlikely that existing dimension stone quarries would be able to continue to supply either purely local markets or single construction/repair projects and remain viable and we propose to strike reference to individual projects for building stone.

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

- A. Mineral and waste development will only be permitted where evidence is provided in relation to the viability and need for the development. This ~~must~~ **should** include evidence of:
- (i) the availability of other permitted or allocated mineral supply or the availability of secondary or recycled materials;

- (ii) the availability of other permitted or allocated sites or developments, both within and outside the National Park;
- (iii) **Where relevant and appropriate** Evidence of the proximity of the mineral extraction to the end-user market or the proximity of the waste operation to the supply-chain
- (iv) Evidence by way of suitable geological and other information on the quality, availability and volume of the mineral reserves, ensuring that high quality materials are retained for appropriate end uses.
- (v) Evidence of the durability and aesthetic qualities of the stone together with precise details of its compatibility with ~~the repair or restoration project it is proposed to supply~~ **its proposed market.**
- (vi) **The need for the mineral including any national considerations, which should demonstrate the public interest in proceeding with the development**
- (vii) **The impact of permitting or refusing the development on the local economy,**
- (viii) **The cost of, and scope for, developing elsewhere outside the national park**
- (ix) **Since minerals are a finite natural resource, and can only be worked where they are found, the desirability of securing the long-term conservation of minerals through extending sites in time, or in depth or in lateral extent.**

DMMW2: The Impact of Mineral and Waste Development on Amenity

Supported

DMMW3 – The Impact of Minerals and Waste Development on the Environment

The policy is unsound because it is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

This policy contains some elements that stray outside of a planning remit and into operational concerns that might conflict with the requirements of other legislation, e.g. health and safety, which would be contrary to national policy which is to avoid potential overlap between regulatory regimes. The issue may be a function of the way the policy has been worded.

However, the MPA cannot accept that the efficiency and effectiveness of working schemes or the prevention of unauthorised access to sites are a valid concern of the local planning authority (criteria (viii) & (ix)). As such, these criteria need to be amended accordingly to remove such conflict.

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

A. Mineral development or the development of waste management facilities will only be permitted where the impacts of the development on the environment of the National Park are reduced to an acceptable level, or eliminated, in relation to:

- (i) The risk and impact and potential pollution on environmental receptors;
- (ii) The need to minimise landscape and visual impact;
- (iii) The need to minimise impacts on cultural heritage assets and the setting of these assets;
- (iv) The need to minimise the residual waste arising from the development along with the proposals for the disposal of residual waste;
- (v) Any potential effects on groundwater, rivers or other aspect of the water environment;
- (vi) The potential effects of land instability;
- (vii) The impact on agricultural and forestry interests, including to soil resources;
- (viii) The ~~efficiency and effectiveness of the proposed working scheme or operation including the phasing proposals and the likelihood of the development being carried out as proposed;~~
- (ix) The need to ~~prevent unauthorised public access and/or stock ingress, and to ensure adjacent land can be appropriately managed;~~
- (x) The proposed scale, siting, colour and design of buildings plant and structures;
- (xi) The functional need for any buildings, plant and structures.

Paragraph 11.13

The paragraph is unsound because it is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

This paragraph requires public consultation prior to submission of any ROMP scheme which goes further than national guidance and policy. Although pre-application engagement is encouraged by NPPF para 189 it is explicitly stated there that Ipas cannot compel developers to engage before submitting an application. Neither do PPG paras 20-001 20-014 compel pre-application consultations.

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

~~11.13 Applicants should undertake consultation with Statutory Consultees and the local community before applying for any new scheme, any extension to an existing scheme, any proposal for new phasing, or any other amendment to an existing scheme of mineral working involving an area of 1 hectare or more. The application should outline:~~

- (i) what consultation has been undertaken; and

~~(ii) who has been consulted; and~~

~~(iii) how the applicant has responded to the results of consultation; and~~

~~(iv) how the application responds positively to the views expressed by the local community~~

DMMW5: Restoration and Aftercare

Supported

DMMW6: The Cumulative Effect of Mineral and Waste Development

The policy is unsound because it is not **Effective** – the plan should be deliverable over its period and the plan is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

This policy contains non sequiturs and is difficult to understand fully. There is a typographical error where ‘exiting’ should be ‘existing’. However, it is not clear how the next phrase ‘its setting’ fits in with the text around it. For this reason the MPA offers no suggested alternative wording until the policy wording is clarified.

Proposed Changes

None

DMMW7: Safeguarding local building and roofing stone resources and safeguarding existing permitted minerals operations from non-mineral development

The policy is unsound because it is not **Effective** – the plan should be deliverable over its period and the plan is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

We have no objection to safeguarding building stone and roofing stone resources but we note there is no reference to this policy in the online version of the Policies Map. There is an inconsistent reference to Policy DMMW1 and to MIN4 on all building stone safeguarding areas as far as we can see. We believe this should be policy DMMW7. In addition, there is no policy reference on the Policies Map to areas of safeguarded limestone.

Proposed Changes

We believe to be consistent the Policies Map should reference these areas to Policy MIN4.

DMMW8: Ancillary mineral development

Supported

Policies Map

The Policies Map is unsound because it is not **Effective** – the plan should be deliverable over its period and the plan is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

We note there is no reference to Policy DMMW7 in the online version of the Policies Map. There is an inconsistent reference to Policy DMMW1 and to MIN4 on all building stone safeguarding areas as far as we can see. We believe this should be policy DMMW7. In addition, there is no policy reference on the Policies Map to areas of safeguarded limestone.

Proposed Changes

We believe to be consistent the Policies Map should reference these areas to Policy MIN4.

Mark E North

18 January 2017

From: Richard Holland <clerk@disleyparishcouncil.org.uk>
Sent: 18 January 2017 16:48
To: Policy
Subject: Peak District National Park Local Plan consultation - Comments

Dear Mr Taylor

Please find below comments on the Peak District National Park Local Plan consultation from Disley Parish Council. The Parish Council discussed the consultation at a Council Meeting on 11th January 2017 and agreed the following:

Disley Parish Council broadly welcomes the policies set out in in the Peak District National Park Local Plan consultation. Disley village is a gateway to the Peak District bordering the national park on the east side adjacent to Lyme Park. This location means that Disley is on the main thoroughfare from the Manchester conurbations into the Peak District. Therefore, the Parish Council's main interest is in the transport policies and how visitors access the Peak District.

The Parish Council is currently in the process of negotiating mitigation measures to address an increase in traffic resulting from the new A6/Manchester Airport Relief Road. This relief road will improve road transport links from Manchester in to the Peal District but the mitigation measures are designed to reduce the impact of the increased traffic and address air quality issues for residents living along the route. As part of the mitigation process, the Parish Council is encouraging the greater use of public transport to alleviate traffic on the A6. The Council fully supports all policies from neighbouring authorities that promote public transport and is encouraged to see traffic issues and public transport appear in the proposed Peak District policies. Disley Parish Council believes that significant increases in the use of public transport can only be achieved if all neighbouring authorities (Government and non-Government) work together towards that same goal.

Kind regards

Richard

Richard Holland

Disley Parish Clerk

Email: clerk@disleyparishcouncil.org.uk

Phone: 01663 762726

Website: www.disleyparishcouncil.org.uk

Twitter: [@disleyPC](https://twitter.com/disleyPC)

(The Council Offices are open from 9.00am to 2.00pm Monday to Friday)



For the latest Disley news and events, sign up for the Disley Parish Council eBulletin by clicking this link [Disley eBulletin](#)
Your details will never be shared with third parties and you can unsubscribe at any time.

From: Hope with Aston Parish Council <clerk@hopewithastonparishcouncil.co.uk>
Sent: 19 January 2017 12:53
To: Policy
Subject: Draft Development Management Policies Consultation

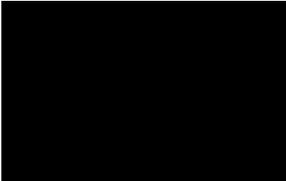
Dear Sir or Madam

With regards to the above, Hope with Aston Parish Council would like to advise you that they agree with the response made by the Peak Park Parishes Forum.

Kind Regards

Lynne

Lynne Gibbs
Clerk/RFO to Hope with Aston Parish Council



clerk@hopewithastonparishcouncil.co.uk
www.hopewithastonparishcouncil.co.uk

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From: Jason Buxton <waterhousespcclerk@yahoo.co.uk>
Sent: 20 January 2017 09:27
To: policy@peakdistrict.gov; Taylor Brian
Subject: Local plan consultation - Waterhouses Parish Council response

Good morning,

The Waterhouses Parish Council have asked me to pass on the following response to the above consultation:

Firstly, after a meeting with Brian Taylor last night to go through some of the detail of the plan, the Parish Council would like to thank Brian for his time, he explained the areas we wished to discuss with clarity and could answer the questions posed to him to our satisfaction, we found this meeting very helpful in aiding our understanding of the current local plan for the Peak Park.

Our primary concern prior to this meeting was if and how any housing allocation from the Peak Park would be imposed on our Parish and how much interaction between the Peak Park and the SMDC had taken place. This concern was driven by the recent SMDC housing plan where Waterhouses has been allocation around 30 potential homes for development, with Waterhouses being in a somewhat unique position of having a split authority boundary it was feared that we would again be burdened with more development on the Peak Park side of the village. This concern was somewhat relieved by Brian as he explained that the Peak Park were not in the same position as the SMDC in that they do not have to operate their local plan by allocating housing numbers, but that instead the Peak Park's strategy is driven by local housing need and development that would only strictly benefit the area in terms of things such as the economy of the area and in areas where housing is needed to aid employment, such as agricultural areas. The Parish Council are supportive of this exception policy followed by the Peak Park.

The Parish Council were also pleased to see that Calton was also considered within the local plan as a potential area for development and that it wasn't just restricted to Waterhouses as was the case within the SMDC plan. Waterhouses is a large Parish shared by a number of villages and so it seems fair that the discussions for the need of homes is spread over the whole Parish not just subjected to Waterhouses.

Finally, it was interesting to hear Brian talk about the neighborhood plan and given our Parish's position with the split boundary this is something that we will seriously consider for the future and is something that we will be holding further discussions on.

We hope that these general comments can be used in some way for this consultation.

Kind regards

Jason Buxton
Waterhouses Parish Clerk

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From: parishclerk@overhaddonparish.org.uk
Sent: 20 January 2017 10:12
To: Wilkins Clare
Subject: RE: Reminder: Peak District National Park Local Plan consultation 18th Nov 2016-27th Jan 2017

Over Haddon Parish Council meeting comments:

It was agreed to note our support for the Peak Park Parish forum response, in particular DMMM3 giving priority to peace and tranquillity when considering the environmental impact. It also noted that viable communities need some room to expand so there is a need for local needs new development where there is space inside conservation areas.

Regards
Matthew Lovell
Clerk

From: lesley bramwell [REDACTED]
Sent: 23 January 2017 14:20
To: Policy
Subject: Policy reply

TADDINGTON PARISH COUNCIL

The Planning Policy Manager,
 Peak District National Park Authority,
 Aldern House,,
 Bakewell.
 DE45 1AE

Parish Clerk: Lesley Bramwell
 [REDACTED]

23 January 2017

Dear Mr Taylor,

Development Management Policy Consultation

I am asked to forward to your Taddington Parish Council's comments on the draft Development Management Policies.

The Parish Council has had the opportunity to read the comments of the Peak Park Parishes Forum and wishes to adopt those comments as its own with the following additions/qualifications:

1. The Council shares the concern of the Forum about the confusion over the protection of valued open spaces, whether in or outside Conservation Areas. This was amply demonstrated recently when a planning application for four affordable houses was submitted on a site at Townend that local residents considered to be a valuable open space. Because it was not marked as such on any National Park Authority plan, their case was considerably undermined even though the land in question easily ranked in value to other sites shown on the Map. This applies equally to sites outside conservation areas, for example the field on the eastern entrance to the village within the Conservation Area is protected by the policy but the equally important field opposite is not.

2. There are issues about the accuracy and completeness of the Taddington Conservation Area Inset Map as follows.

- The churchyard is possibly the most valued open space in Taddington village but is not shown as such but is dubiously described as a "community recreation area";
- Gardens are (possibly correctly) not generally shown as valued open spaces but those behind Ade House, Fold Farm and Beech Close and the converted barn behind Town End are;
- Land behind Ash Tree Barn and the Old Mill has been developed with a house and barn respectively;
- The triangle at Townend has been omitted;
- The High Well recreation ground is not recognised as a "community recreation area".

The result is inconsistency and a lack of clear direction.

3. The Townend application reinforces and exemplifies another issue - how sites are assessed and released for affordable housing. In that case, there was a clear view in the village that there were other sites that could be developed for affordable housing which would achieve a much higher level of conservation and enhancement. The site chosen was the one on offer, but by no means the best available. The Parish Council agrees with the Forum that a more coherent approach to finding affordable housing sites that either provides the incentive or the compulsion to release them.

The Parish Council would wish to send a representative to speak at the examination of the DMP policies. It would also wish to be notified of all three events set out in the last section of the Statement of Representations Procedure statement.

Yours sincerely,

Lesley Bramwell
Clerk to the Council

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From: [REDACTED]
Sent: 23 January 2017 20:51
To: Policy
Cc: pppfsec@yahoo.co.uk
Subject: RESPONSES TO THE CONSULTATION BY THE PEAK DISTRICT NATIONAL PARK
AUTHORITY ON DEVELOPMENT MANAGEMENT POLICIES CONTAINED IN THE
LOCAL PLAN
Attachments: PPPF resp. to cons. PDNPA DMP.pdf

**RESPONSES TO THE CONSULTATION BY THE PEAK DISTRICT NATIONAL PARK
AUTHORITY ON DEVELOPMENT MANAGEMENT POLICIES CONTAINED IN THE LOCAL
PLAN**

I am directed by my council to refer to the above consultation and advise that at its meeting held on 3rd January 2017, Winster Parish Council resolved to endorse the detailed comments provided by the Peak Park Parishes' Forum (copy attached).

Please accept this as my council's official response to the above.

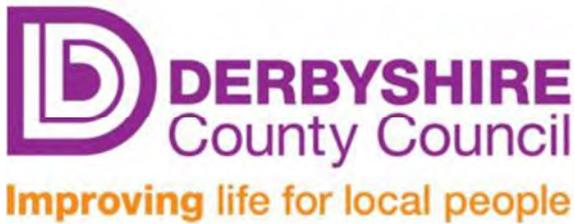
Regards

Rob Greatorex

Clerk & RFO

Winster Parish Council

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Mike Ashworth
Strategic Director

Economy, Transport & Communities
Shand House
Dale Road South
Matlock
Derbyshire
DE4 3RY

Email: planningpolicy@derbyshire.gov.uk

Telephone: (01629) 539667

Our Ref: PM/DHP/Local Plans/
PeakPark/Part2

Your Ref:

Date: 23 January 2017

Brian Taylor
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell DE45 1AE
By email

Dear Mr Taylor,

Localism Act – Strategic Planning Comments

Consultation on Publication Version of the Development Management Policies document forming Part 2 of the Local Plan for the Peak District National Park

Thank you for consulting Derbyshire County Council (DCC) on the Peak District National Park Development Management Policies Local Plan Part 2 (DMP). The comments below are DCC's provisional Member and officer technical comments regarding the DMP.

Member Comments

The local County Councillors with electoral divisions in the Peak District National Park were consulted on the DMP document.

Councillor Dave Wilcox has commented as follows:

Chapter 9: Travel & Transport

"I can't see any reference to the possibility that crawler lanes may be located in the National Park as part of the Mottram by-pass ... but I'd like something in saying that this is acceptable if the design is sympathetic to the environment."

No additional comments have been received at the time of writing from other local County Councillors, however I will forward any comments received at a later date for your consideration.

Officer Comments

1. Chapter 3: Conserving and enhancing the National Park's valued characteristics



- 1.1. The Development Management Policies often make reference to the overall character of the Peak District landscape and the overarching aim of protecting the main purposes of the National Park designation. The consultation draft takes a very restrictive approach to development through its Development Management Policies and there are clearly implications for this approach on those landscapes beyond the National Park boundary that will be required to accommodate more housing, mineral extraction, waste facilities and other supporting infrastructure. The preferred approach of the Development Management Policies and the embedding of landscape thinking into the planning process and plan making are fully supported by DCC.
- 1.2. However an issue with this draft document is that the Peak District National Park Authority (PDNPA) continues to show its landscape character types extending beyond its boundary. Whilst accepting that landscape does not stop at an arbitrary administrative boundary and that the landscape descriptions are relatively consistent between the PDNPA's landscape character assessment and that undertaken by DCC, it can lead to some confusion with applicants who are making applications to DCC but quoting recommendations or guidance from the PDNPA's Landscape Strategy, which might be less relevant to planning in Derbyshire.

2. Chapter 6: Housing

- 2.1. The overall policy approach to the provision of housing development is fully supported. There is an acute shortage and need for more affordable housing in the National Park and it is fully supported, therefore, that the overall policy approach seeks to facilitate the increase in provision of affordable housing within and on the edge of the National Park's settlements with a permissive policy for the development of affordable housing in Policy DMH1, subject to their being a proven need for the dwellings through a Local Housing Needs Study. It is a wholly correct approach that the provision of market housing in the National Park is not seen as a priority and will only be permitted where it is facilitated through conversion and redevelopment opportunities.
- 2.2. Section 6.9 to 6.12 set out details of the range of types of housing that are defined as affordable. The Government, through the Housing and Planning Act 2016, has clarified that it is supportive of the growth in provision of Starter Homes, which are now to be considered as a form of affordable housing. However, the Act (Chapter 1 Section 5) provides local planning authorities with the power to dispense with the requirement for the provision of Starter Homes where an application is made for planning permission on a rural exception site. In this context, paragraphs 6.11 and 6.29 provide a well justified argument that Starter Homes will not be acceptable on rural exception sites in the National Park. Paragraph 6.11 highlights that Starter Homes (which are classed as homes at 20% less than market value) are unlikely to address local affordable housing needs because they are still likely to be more expensive than can be afforded by local people in housing need.
- 2.3. Paragraph 6.29 provides clarification that, although some greenfield land will need to be developed to address housing need, any site that is developed will be classed as an exception site and that development of exception sites will be for 100% affordable housing and that planning permission will not be granted for



market housing on green field land in the National Park. Paragraph 6.13 goes on to clarify that market housing may be permitted as part of a development of housing sites to enhance previously developed land, particularly which helps to conserve and enhance the valued characteristics of the National Park. This is a well-balanced and justified approach which should help to ensure that the supply of affordable housing is significantly increased in and around the settlements in the National Park whilst some, but more limited numbers of market housing units, will also be provided to ensure that the National Parks' communities remain vibrant and thriving.

2.4. Overall, therefore, the approach above is fully supported, which is appropriately reflected in Policy DMH1: New Affordable Housing.

3. Chapter 7: Shops, Services and Community Facilities

3.1. The overall policy approach to shops, services and community facilities is fully supported, particularly Policy DMS1 which is broadly consistent with the requirements of the National Planning Policy Framework (NPPF), that seeks to direct new shops and services to town, district or local centres so that their vitality and viability is maintained and enhanced; and particularly paragraph 28 which requires local planning authorities to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

4. Chapter 8: Bakewell

4.1. The approach and inclusion in Section 8 of a specific policy chapter that sets out a development management policy for development in Bakewell is welcomed and merited as the largest town in the National Park. Although it brings together a narrative of a range of policies covered in the Core Strategy for Bakewell, Policy DMB1: Bakewell Settlement Boundary, provides very little in the way of specific policy advice other than that 'future development will be contained within the development boundary'. Whilst there might be a risk of repeating much of the policy content of the Core Strategy policies, it is considered that Policy DMB1 could be expanded to set out some key development management principles for Bakewell that are reflective of the Core Strategy but provide more detail to give the policy approach more weight and substance.

5. Chapter 11: Minerals and Waste

5.1. Policy DMMW1: The justification for mineral and waste development.

The NPPF at paragraph 144 states that in determining planning applications planning authorities should (amongst other things): *As far as practical provide for the maintenance of landbanks of non- energy minerals from outside National Parks etc.* Reference to this requirement would be useful in the strategic context section.

5.2. Policy DMMW2: The Impact of Mineral and Waste Development on Amenity.



The NPPF at paragraph 143 states that in preparing Local Plans, local planning authorities should: *Set out environmental criteria ... so that permitted operations do not have unacceptable adverse impacts on ... human health including from dust.* It is suggested that dust should be mentioned specifically somewhere in the criteria.

5.3. Policy DMMW7: Safeguarding local building and roofing stone resources and safeguarding existing permitted minerals operations from non-mineral development.

Policies for safeguarding are set out in the Core Strategy and DMP document. However, officers consider that the overall approach to safeguarding is confusing. The CS policy is set out below; part B appears to be more like a detailed development management policy. Officers are not clear whether this policy applies to those areas that will be identified for building stone purposes on the Proposals Map as well as the limestone and fluorspar resources. Additionally, there does not appear to be a development management policy that relates to the safeguarded railheads (as in Part C of the Core Strategy Policy)..

MIN 4 – Mineral safeguarding.

A. The following minerals will be safeguarded from sterilisation by non-mineral surface development through the definition of Mineral Safeguarding Areas covering:

I. The limestone resource, including the very high purity resource containing at least 98% calcium carbonate;

II. The mineralised vein structures relating to Milldam Mine and Watersaw Mine, for fluorspar.

B. When considering applications for major surface development in these safeguarded areas outside of existing settlements and the areas immediately adjacent to existing settlements, the prior extraction of minerals should be undertaken ahead of the non-mineral surface development where possible to prevent mineral sterilisation. Where prior extraction is not practical or economically feasible, applicants will be required to demonstrate that either there is no mineral likely to be of current or future economic value that would be sterilised by the development, or that proceeding with the proposed development on that site would be of overriding importance in relation to the significance of the mineral resource.

C. Existing railheads within the National Park for the distribution of minerals and mineral products will also be safeguarded.

D. A selection of small individual areas for local small-scale building and roofing stone for conservation purposes will be considered for safeguarding through the forthcoming Development Management Policies DPD and Proposals Map.



I hope these comments are of assistance in progressing the Local Plan Part 2. If you wish to discuss the comments further, please contact my officer, Dane Handley-Parkin on 01629 539812 or email Dane.HandleyParkin@derbyshire.gov.uk.

Yours sincerely,

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Copies to:

All Relevant Local Members, c/o Corporate Resources
Rob Murfin, Planning Services Manager
Chris Massey, Policy and Monitoring Team Leader
Graham Hill, Highways Development Control
Claire Brailsford, Waste Management Service
Alison Richards, Policy and Monitoring
Steve Buffery, Policy and Monitoring
Michelle Spence, Minerals and Waste Development Plans
Richard Stansfield, Minerals and Waste Development Plans
Richard Taylor, Countryside
Jenny Southwell, Countryside
Adam Lathbury, Conservation and Design
Gary Ellis, Conservation and Design
Geoff Blisset, Transport Policy and Programmes
Jim Seymour, Transport Policy and Programmes
Nawaz Khan, Economic Regeneration
Steve Dolby, Corporate Property
Cath Turkington, Project Engineer
Richard Mottram, Asset Management
Chris Rogers, Flood Risk Management Team





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PEAK DISTRICT NATIONAL PARK AUTHORITY

**Development Management Policies
PRE-SUBMISSION DOCUMENT
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1. Personal Details*		2. Agents Details (if applicable)
Title	Mrs	
First Name	Roslyn	
Last Name	Deeming	
Job Title (where relevant)	Land Use Adviser	
Organisation (where relevant)	Natural England	
Address Line 1	Ceres House	
Line 2	2, Searby Road	
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Line 4		
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Name or organisation:

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

5. Please give details of why you consider the Development Management Policies document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please also use this box to set out your comments.

DMC1: Conservation and Enhancement of Nationally Significant Landscapes

Natural England supports this policy as it consistent with the Natural Environment and Rural Communities Act (NERC) 2006 and the National Planning Policy Framework. We also welcome the reference to the Landscape Strategy and Action Plan. We therefore consider that the policy provides a strong framework for the protection of the nationally significant landscape and is therefore sound.

(Continue on a separate sheet /expand box if necessary)

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DMC11: Safeguarding, recording and enhancing nature conservation interests

Natural England supports this policy as it provides clear guidance on protecting and enhancing natural habitats and species which will encourage a net gain for nature. The policy therefore complies with the guidance set out in the National Planning Policy Framework and can be considered to be sound.

(Continue on a separate sheet /expand box if necessary)

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Job Title <i>(where relevant)</i>	<input type="text" value="Land Use Adviser"/>	<input type="text"/>
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DMC12: Sites, Features and species of wildlife, geological or geomorphological interests

Natural England supports this policy and welcomes the clear guidance on the hierarchy of protected sites.

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DMC13: Protection of trees, woodlands or other landscape features put at risk from development

Natural England supports this policy and considers that it complies with the guidance set out in paragraph 118 of the National Planning Policy Framework and can therefore be considered to be sound.

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DMMW5 Restoration and Aftercare

Natural England supports this policy and considers that it complies with paragraph 143 of the National Planning Policy Framework.

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Date

25/01/16

From: Philip Thompson <pppfsec@yahoo.co.uk>
Sent: 25 January 2017 18:24
To: Customer and Business Support
Cc: Taylor Brian
Subject: Development Management Policies
Attachments: DMP final AA.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam (and Brian).

Please find attached the response of the Peak Park Parishes' Forum to your recent consultation on DMPs, for which acknowledgement of receipt would be appreciated. Also the Forum would like to reserve its right to attend and speak as appropriate at the examination of these DMP policies in due course, and to be kept informed (using this email address) of relevant information defined under your "Representations" section ie.

- The submission of the Peak District National Park Development Management Policies document to the Secretary of State for Communities and Local Government for independent examination
- Publication of the Planning Inspector's Report on the Peak District National Park Development Management Policies document
- Adoption of the Peak District National Park Development Management Policies document

If you require me to make an additional request for this using your independent representation form, please advise me asap.

Kind regards,

Philip Thompson
Secretary
Peak Park Parishes Forum

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Peak Park Parishes' Forum

Working for, and on behalf of, Local Councils within the Peak District National Park

Response by the PPPF to the consultation by the Peak District National Park Authority on Development Management Policies contained in the Local Plan

GENERAL COMMENT

As a vehicle both for public consultation and for future use, the document is unnecessarily long and wordy and therefore not user friendly. Concerns cover:

- Convoluted language;
- Repetition, both within the document and with the Core Strategy ("CS");
- Overlong paragraphs and explanations when brief bullet points would suffice;
- Jargon;
- Lack of clarity as to which CS policies each DM policy is trying to address or whether they are addressing a new issue;
- Lack of reasoned justification both for policies and for some of the assertions in the preambles;

The Forum has objections or comments on the following policies:

Paras 1.29 and 1.30

The Forum is unaware of any call for investigation into the wider use of s106 powers in the way described. These paragraphs read as an intention to use S106 powers to impose a tax on applicants who obtain a permission which is contrary to policy. This is unjustified and almost impossible to interpret and to police - what happens when an application accords with one policy and not another, as so many of them do? This suggestion goes beyond paras 203 and 204 of the National Planning Policy Framework ("NPPF") and the Forum **OBJECTS** to it.

DM1: SUSTAINABLE DEVELOPMENT

Presumably, development that accords with the Local Plan will be regarded as sustainable. Where development may **not** accord with the Local Plan but would nonetheless be sustainable, the Forum supports a presumption in its favour.

Policy DM1 should be to enlarge upon and develop CS Policy GSP1, which is not cross-referenced in the preamble. Policy DM1 is little more than a repeat of GSP1D and it is unclear what it is intended to add, not least because development that does **not** meet the first purpose of a National Park is unlikely to be sustainable.

DM1 reads as a reluctant acceptance of Government Policy rather than a wholehearted adoption of the principles behind that policy. By only taking "a positive approach" it does not accept the policy itself. Consequently, any sustainable development that does not strictly accord with the Local Plan will *per se* be a departure from the Development Plan. Sustainable development should be **within** new Local Plan policy unless material considerations dictate otherwise. This particularly so if, for example, Policy DMC10B is to be adopted or if the interpretation of "valued vernacular" in CS Policy HC1 is to be limited to heritage assets (DMC10C).

There is also an inconsistency with Para.2.2 which asserts emphatically that policies not in

accordance with the Local Plan will be refused unless material considerations indicate otherwise.

The Forum **OBJECTS** to the policy as drafted and would wish to see a positive adoption of the presumption in favour of sustainable development that conserves or enhances the National Park, reflecting the approach of the National Planning Policy Framework (“NPPF”), coupled with a requirement that other policies of the Local Plan (such as local affordable housing) must be addressed unless for viability or physical reasons they cannot be met.

If the policy is to be accepted as it stands, the Forum would wish to see a clear reference to sustainability including the sustainability of local communities.

DM1 B: SUSTAINABLE DEVELOPMENT

OBJECT: Part B is presumably (although it doesn’t say so) intended to reflect Para.15 of the NPPF which refers to “sustainable development” not “policies in the development plan”. As drafted, it implies development that is sustainable but not in accordance with the Local Plan will **not** be dealt with promptly.

DMC1: LANDSCAPES

OBJECT to Part C of the Policy and para 3.15, which are contrary to para 204 of the NPPF and are in practice unenforceable.

DMC2: NATURAL ZONE

PART A: See comments on DMT6.

Part C, paras (iii) and (iv) propose onerous conditions (“where necessary and appropriate”) However, paragraph 3.21 says that these conditions will **always** be imposed and it is expected this intended to be the norm not only for those paragraphs but also for (ii). The Forum therefore **OBJECTS** to this part of the policy as drafted as being contrary to para 204 of the NPPF and seeks greater clarification as to how the policy would in practice be applied and as to whether an Article 4 Direction would not be a more appropriate approach as it would encompass both old and new development.

DMC3: SITING ETC

The last sentence of Part A is poorly drafted: “Siting.....will be essential.....”. However, it also seems to be duplicated by Part B(i).

Part B(i) as it relates to open spaces is dealt with under DMC4(B) below

DMC4: SETTLEMENT LIMITS

Part B is out of place under this heading as such open areas will often be found **within** the settlement rather than at its limits. See also the following objection.

DM4B AND DMC8A(i) : OPEN SPACES, OPEN AREAS AND SPACES

Policies on the protection of open areas in and around settlements are found in:

- DMC3B(i), with no cross reference to the inset maps
- DMC4B, with a reference to conservation areas in paras 3.38 and 3.41; and
- DMC8A(i), with a cross reference to the inset maps.

The Forum supports policies that ensure that the importance of open areas is taken into account in determining planning applications and is comfortable with the **wording** of Policy DMC8A(i) which allows due weight to be given to important open spaces within conservation areas balanced against any public benefit of the development.

DMC4B on the other hand places an absolute limitation on development of open spaces “forming an essential part” etc of the built environment. This could be acceptable in principle because open spaces are of different qualities and importance. For some, the approach in DMC8 is appropriate and for others the approach in DMC4. However, DMC4 is framed by paras 3.38 and 3.41 and it is unclear whether DMC4B is intended to apply to all open spaces identified by conservation area plans, ie all those identified on the inset maps.

The Forum has concerns about the use of National Park conservation area appraisals to identify open spaces for the purposes of either policy, for the following reasons:

1. The maps are based upon conservation area appraisals carried out over many years, applying different criteria and approaches. This produces anomalies such as:
 - Not every conservation area has had an appraisal so that important open areas will not have been identified and mapped ;
 - Some that have had an appraisal undertaken some years ago will not necessarily have had important open spaces mapped (eg Wardlow);
 - Some boundaries are tightly drawn and some more loosely, so that important spaces that define the setting of a village will appear on some maps and not on others;
 - For some, the open areas illustrated seem to be only agricultural land, whereas very important open areas might well include church and school grounds, large gardens or groups of gardens and other unbuilt areas;
 - For others, a churchyard, say, might be recorded as important open space (eg Bakewell and Winster) but for most others is not;
 - The maps are not always up to date because development will already have been approved in some open areas considered less worthy of permanent protection.
2. The National Planning Policy Framework (“NPPF”)(Para126) asks LPAs to take into account “the desirability of new development making a positive contribution to local character and distinctiveness” of conservation areas. There is no evidence that this has been done (the NPPF postdates most conservation area appraisals) in mapping the open areas shown on the inset maps and yet very often the choice of sites for new affordable housing lies between a site in a conservation area and a site in a green field somewhere on the edge of the village.

3. The kind of protection proposed by DMC4B is akin to the protection given to “Local Green Space” referred to in paras 76 and 77 of the NPPF, but there is no evidence that the considerations set out in those paras. have been addressed. It is highly desirable that open areas carrying the kind of protection implied by Policy DMC4B should either be identified by map in accordance with the NPPF or that there should be clear criteria to distinguish them from other open spaces covered by Policy DMC8A(i).
4. When land is identified on a map as being specially protected, it means that other pieces of land, including those outside a conservation area, that may be of equal or greater merit are thereby more vulnerable. A National Park Authority’s duty both in and outside conservation areas is the same - to conserve or enhance. By mapping only open spaces in conservation areas, the maps weaken the protection offered by all three policies. By identifying only certain types of land, ie. agricultural, for protection, the maps weaken the status of other land within a conservation area that may also contribute to the character of the area.

The maps, being based solely upon conservation area appraisals and not having regard to wider considerations, cannot be a reliable guide to the interpretation of DMC8A(i) or DMC4, if it applies, nor do the preambles justify the approach taken or adequately explain the difference between the two. The Forum therefore **OBJECTS** to policies DMC4B and DMC8A(i) having regard to all the issues set out above.

DMC5: IMPACT ON HERITAGE ASSETS

OBJECT: the preamble should outline the process and criteria that the National Park Authority will use to identify and review non-designated heritage assets and how local communities can be involved in this. There should also be recognition that some local heritage assets will be seen as of greater importance to the community than to the National Park Authority.

Part A(ii): see DMC7 below (Listed Buildings)

In Part C, it is unclear how an applicant would identify “potential interest”

DMC5 PART F: HERITAGE ASSETS and DMC 7: LISTED BUILDINGS - PUBLIC BENEFITS

Neither of these prescriptive policies reflects even the “exceptional circumstances” provision of CS policy L3B (page 66).

Nor does CS policy L3B reflect the tenor of Part 12 of the NPPF, particularly paras 133 and 134 that weigh public benefits against any harm to the heritage asset. One would have expected the DMP policies to interpret “exceptional circumstances” (in CS policy L3B) to reflect the policies of the NPPF. The Forum therefore **OBJECTS** to both policies because there is no provision to balance public benefit against impact on heritage assets.

DMC7: LISTED BUILDINGS

It is unclear why **both** DMC5 and DMC7 are required. To the extent that they overlap, it will be in everyone’s interests that similar wording is used, to avoid confusion.

Part A(ii) in particular says “desirable AND necessary”, whereas in DMC5 the word “OR” is used.

Part D, if it is necessary at all (listed building legislation will control all of those things), would be more acceptable if the “public benefit” rule referred to above were to be acknowledged in the policy. The Forum does, however **OBJECT** to D(vii) and (viii) which, whilst possibly generally good conservation practice, must in the end depend upon the particular characteristics of the building concerned as well as public benefit.

DMC8: CONSERVATION AREAS

Part C: Any planning applicant has a legal right to submit a planning application in outline. The local planning authority has legal powers to demand additional necessary information. A general policy against outline applications is against public policy and is an unacceptable attempt to circumvent rights under law. The Forum therefore **OBJECTS** to Part C.

Part D: Whilst the intention of this policy is welcomed, it does not acknowledge the possibility of a development coming forward that may offend against the policy but may nonetheless enhance the conservation area as a whole to the public benefit in accordance with Part 12 of the NPPF and to that extent the Forum **OBJECTS** to the policy.

On a point of detail, the Forum also **OBJECTS** to the inclusion of the word “modern” in D(iii).

Part F: This provision is not understood, nor is it explained or justified in the text and for that reason the Forum **OBJECTS** to it.

DMC10: CONVERSION OF HERITAGE ASSETS

Part A: As with Policies DMC5 and DMC7, the wording of this Part needs to reflect the advice in Part 12 of the NPPF, and to that extent the Forum **OBJECTS** to it.

Part A(iii): “Within **or close to** existing settlements” is suggested

Part B is out of place in a policy on the conversion of heritage assets.

The re-use of redundant buildings is a fundamental principle underlying sustainability. The Forum acknowledges the concern implied in Part B, ie. that the life of poorly designed buildings should not be unnecessarily perpetuated in a National Park, but considers that this policy as drafted goes beyond what is needed and is not sustainable. There will sometimes be buildings that are not heritage assets but may nonetheless be worthy of a new use, rather than be allowed to fall into ruin and decay. Such buildings, often 20th century, may in future generations even be regarded as heritage assets. The desirability of finding new uses for redundant buildings is recognised in Para 55 of the NPPF, and this can often be done in a way that conserves and enhances the National Park. The Forum therefore **OBJECTS** to Part B because it undermines sustainability and does not reflect Para 55 of the NPPF. (See also DMH6.)

These considerations may well be relevant to CS Policy HC1 part C1. That policy supports the re-use of “valued vernacular” buildings, a vague term that can be wider than “heritage assets”, and the Forum therefore also **OBJECTS** to Part C because it limits both the opportunity for sustainable development in this way and the opportunity to meet local housing needs. The remaining policies of DMC10 and elsewhere are sufficient safeguard.

Part C(iii): The opportunity should have been taken either in the text or in the policy itself to explain the tests needed to establish whether open market housing is required to secure a building for the future and the Forum **OBJECTS** to that omission.

DMC13: TREES ETC

Parts B and C of the policy address the retention on trees or otherwise within development. The Forum would have liked to have seen a commitment to ensuring that layouts avoid future threats to trees in the future, eg because of root damage, boundary issues, proximity to buildings etc.

DME2 AND DME5: FARM DIVERSIFICATION AND BUSINESSES IN THE COUNTRYSIDE

It is unclear how these two policies relate to each other, and which would take priority, eg. DME2 allows new build but DME5 it is limited to existing buildings. Also, CS Policy E2A envisages new build by way of replacement but DME5 does not address the issue and indeed limits the Core Strategy policy and is therefore incompatible with it.

The aim should be to encourage high value employment opportunities wherever this can be done in a manner that is compatible with National Park purposes. The approach taken by both policies is too restrictive and may well be a threat to investment and sustainability. A more positive approach is needed that sets clear parameters but gives clear encouragement to employment opportunities in the right locations.

The Forum **OBJECTS** to the confusion caused by the two policies, the limitations, particularly of DME5, and to the lack of criteria for dealing with new build.

DME4: CHANGE OF USE OF EMPLOYMENT SITES

OBJECT: should refer to site "in or on the edge of" DS1 settlements.

DMR 1: CAMPING SITES

OBJECT: Should refer to ".....neighbouring residents and uses....."

DMR3: SELF CATERING ACCOMMODATION

OBJECT to Part B(iii) - See comments on DMH1 : Affordability. The real question is whether the property would serve a reasonable need as an affordable house, not its size.

DMR4: HORSES

OBJECT to Parts A and B. Many modern horse stables, often prefabricated in wood, may well be of a design alien to the Peak District landscape. Something more like a traditional stone barn or similar may well be a preferable solution. The policy is too prescriptive and discourages more

sustainable options in tune with the landscape. The argument in Part B could be applied to farm buildings, tourist and employment sites etc. but a similar policy is not suggested in those cases, which suggests that this policy is based more upon prejudice than any factor relative to the keeping of horses. A planning application to convert a stable to residential would need to be considered on its merits.

The policy would however be strengthened if there were issues to be considered such as cumulative impact on the landscape of equestrian facilities, eg stabling, manege, outside storage of horseboxes, field shelters, jumps and ranch fencing.

HOUSING: GENERAL

The Forum’s members have found the preamble over long and complicated, not user friendly and at times muddling (and the numbering went wrong at the second 6.11). Moreover, the tenor of the preamble does not seem to address the essential purpose of housing policy - to support thriving villages.

The National Parks Circular 2010 absolves the National Park Authority from setting housing targets, but it does not remove the other obligations required by the NPPF, particularly para 50, and the need for policies that contribute to choice in the housing market, including starter homes and self-build. Such initiatives are dismissed out of hand, whereas it would be expected that the National Park Authority would have assessed needs, as required by the NPPF, and either responded to them or demonstrated why they should not be met. This is particularly so in Bakewell where the present built-up area boundary, approved some years ago, is retained without review and without any attempt to assess the future housing needs of the town and without criteria that would help to determine when the boundary can be breached. (One consequence is that most new housing in Bakewell will be contrary to the development plan and Paras 1.29 and 1.30 would apply - see above.)

Whilst the policies of the Local Plan accommodate new housing, particularly affordable housing, there is concern about whether the policies proposed, taken with those of the Core Strategy and the National Park Authority’s Management Plan, will necessarily deliver. The rate of new housing provision has slowed since the Core Strategy came into full effect. The policies are heavily dependent upon public funding and delivery of social housing, even when a site is readily available. Those aspiring to intermediate affordable housing for sale are reliant on the chance of whether or not they own or can access a site. There is no incentive within policy whereby land can be released for affordable housing nor does the National Park Authority or its partner organisations have any proposals to deliver opportunities for intermediate housing for sale. Particularly, para 54 of the NPPF has not been addressed.

The Forum **OBJECTS** to the policies because they inadequately address the requirements for choice in the housing market in that they omit any proposal to assist the release of land for affordable housing that will support thriving villages.

DMH1: NEW AFFORDABLE HOUSING - AFFORDABILITY

It is significant that neither the policy nor the Glossary defines what the National Park Authority means by “affordable”.

Forum members report concerns about the size of affordable dwellings and their lack of storage

and space. Bearing in mind that it is the value of the house (albeit related to income) that governs affordability, it is of concern that there is no up-to-date evidence produced to demonstrate whether the house sizes and other criteria discussed do represent the optimum living conditions related to price for those taking on local affordable housing, whether as a tenant or owner occupier. Estimates of the effect of the local occupancy s106 agreement on house values seem to vary from about one quarter to one example where a £250K house was valued at £150K after taking account of the s106 agreement.

Forum members are also very much aware that house/land prices vary greatly from one village to another and that other factors, such as a choice of building materials, may also be relevant.

Without good evidence of impact on value, the prejudice against reasonably sized gardens in para 6.38 or outside storage/garage space cannot be supported.

By setting maximum (as opposed, say, to guide) sizes for local affordable housing, Forum members report that there is the unintended consequence that opportunities are lost to create affordable housing by way of conversion, because the qualities of the building do not accommodate units of those dimensions; consequently, the only alternative under the Local Plan is open market housing or nothing at all (eg, see also comment on DMR3: Self-catering accommodation).

Even if size limitation can be justified as the test for affordability, an applicant must as an alternative be able to demonstrate affordability by value.

The Forum **OBJECTS** to an affordability test based solely on size.

The relating of size to the number of rooms is unnecessary. Social housing providers can be expected to make their own decisions and the policy is over prescriptive. For those building for owner occupation, a house is affordable at, eg £150K, whether it is one bedroom or five. With the right evidence, a maximum size might be justifiable but, again, the policy as drawn is over prescriptive and the FORUM therefore **OBJECTS** on those grounds too.

DMH1 and Para 6.52: NEW AFFORDABLE HOUSING - LOCATION

Part A of the Policy contains an unacceptable and inflexible limitation, namely that new affordable housing cannot be provided outside DS1 settlements except by way of conversion.

The principle that CS Policy DS1 settlements should be the focus of most new build development is a reasonable one which can in principle be supported and reflects para 55 of the NPPF. However, neither para 55 nor the policy itself explicitly precludes new built development elsewhere (“where it will enhance the vitality of rural communities” (NPPF, para 55)) and Para B of CS Policy DS1 clearly envisages between 10% and 20% of new housing being provided outside DS1 settlements. Para 6.32 says that new build housing will “largely” be in DS1 settlements.

DMH1 supports housing in non-DS1 villages by conversion, so that there is no sustainability or strategic issue raised by the fact of an additional home in the settlement. Para 8.24 of the CS seems to acknowledge the possibility of some new housing outside DS1 settlements. Other forms of new-build development, ie for tourism or employment purposes, are permissible outside DS1 settlements so there can be no in principle argument against a new building.

Parts of the National Park are very remote from DS1 settlements. The Forum is aware of cases at Aldwark and Meerbrook (neither being a DS1 settlement) where intermediate affordable housing has been approved by the NPA to meet the individual needs of a local family with strong local connections. This is right, provided that development conserves or enhances the National Park. It should not be achieved through departures from policy, as at Meerbrook and Aldwark, but from a constructive and sustainable approach with appropriate safeguards.

There does not appear to be any justification for this policy in the preamble to it and it is such an important policy, if it is proceeded with, that it perhaps deserves to have a separate policy heading, properly justified, rather than being in the small print of Policy DMH1. The Forum **OBJECTS** to it given its lack of reasoned justification and for the reasons stated.

(The example given in para 6.52 is not reflected in Appendix 3.)

DMH2: FIRST OCCUPATION OF AFFORDABLE HOUSING

This policy replaces Policy LH2 of the Local Plan. The Forum has long argued for a more flexible and reasonable approach to defining local need that is directed towards sustaining thriving communities. It is therefore horrified to see that, far from a more reasonable approach, the National Park Authority has now further limited those with a qualification for a house by excluding people forming a household for the first time (Policy LH2(ii) of the Local Plan). It is particularly concerned that this significant change was not highlighted in the summary that was sent out with the consultation documents.

At the extreme, it can be argued that in a National Park no new housing is needed because almost all the demand can be met outside its boundaries. However, the English National Parks Vision and Circular 2010 encourages proactive measures to sustain strong communities and support of social local networks and, in para 70, argues for concerted efforts to this end.

This theme is reflected in the NPA's own vision as set out in its Management Plan (cross-referenced in Part 3 of the Core Strategy) which calls for a "lived in, sustainable, thriving and innovative Peak District".

The Forum totally supports the notion of thriving villages and communities and, as with the 2010 Circular and the Management Plan, and believes housing policies should therefore be measured against that aim as well as paras 50 and 55 of the NPPF.

A key issue is how "need" in CS Policy HC1 is defined. Policy DMH2 and Paras 6.11 to 6.21 of the preamble limit need solely to those in "unsatisfactory and overcrowded" accommodation, which seems to cover:

- Lack of space (6.13)
- Statutory overcrowding (6.14)
- Decreased mobility (6.20)
- Financial problems (6.21) and
- Household breakup

At first sight, addressing such acute problems, even recognising the social argument, does not seem to be addressing the objective of the NPA's Core Strategy or Management Plan, namely that of thriving and vibrant villages. The policy addresses desperation rather than aspiration and yet it is the latter that is the more likely to achieve thriving villages.

This may or may not be acknowledged by Para 6.22 which refers to homes for downsizing and for smaller family homes for young or single people, but this is still qualified by the limitation in Policy DMH2 to “overcrowded or unsatisfactory accommodation” or “an essential need arising from infirmity”. Because of the cross referencing to statutory definitions, eg in Paras 6.12 and 6.14, there is a lack of clarity as to how the categories listed in Para 6.22 will be applied in practice or how the tests for proving need set out in Appendix 8 will be applied.

“Need” is capable of more than one interpretation and Parish Councils have frequently raised more housing for younger people and housing for the elderly as key issues (notably families with children and older people are both referred to in para 50 of the NPPF). Para 50 clearly demands a wide range of housing types to meet housing needs and for plans to deliver a mix of housing. Despite the lengthy preamble, there seems to be no evidence that this has been addressed.

The Forum **OBJECTS** to Policy DMH2 because it fails to define need with any clarity, it does not address thriving communities, does not deliver what is required by the NPPF and, in particular, that it does not address the reasonable needs of the following who may not be in overcrowded or unsatisfactory accommodation but who have a reasonable need for an affordable home:

1. Those setting up household for the first time. They will usually be younger people fulfilling the normal human desire to live independently, and in so doing stake a claim in the community in which they grew up;
2. Growing families wanting accommodation that better suits their needs;
3. Elderly people, probably in or near retirement, who have a wish to downsize, perhaps requiring capital to support their old age or because they can no longer manage their property, and with a reasonable desire to remain in a community of which they have been part for years, with all the social networks a community can provide, and to which they can continue to contribute;
4. Service families or their dependants.

The Forum also considers that the presentation and format of the preamble/reasoned justification requires redrafting to make it a usable working document.

DMH4: ESSENTIAL WORKERS

OBJECT:

Part C: there is no need to limit re-use of buildings to traditional buildings. Other buildings with merit for conversion should also be considered where this can be done in a way that conserves and/or enhances the National Park (See DMC 10 above).

Part F: there could well be situations where the needs of the family or of the business require the new house to be larger than the original, and this should be allowed for in the policy.

DMH5 B: ANCILLARY ACCOMMODATION

See comments on DMH11 (S106 agreements)

DMH6: REDEVELOPMENT OF PREVIOUSLY DEVELOPED LAND

It is not clear from the preamble, nor from the policy itself, why this policy is needed. Taking each bullet point in turn:

- All development must conserve and enhance (CS Policy GSP2 and GSP3) and DMC3;
- DMC3B(i), DMC4 and DMC8A(i) all deal with open areas (see above);
- Repetition of CS Policy HC1;
- Insofar as this is understood, it is dealt with below.

It is not clear whether this policy is intended to enlarge upon CS Policy HC1 (CII) or has another purpose. However, the test in Policy HC1 for the redevelopment of sites (which could include buildings) is clear: conservation or enhancement **within** a DS1 settlement. It is therefore not understood why the list of sites in Para 6.77 (see also definition of previously developed land in Appendix 11) has been included - why, for example, exclude a site of a dilapidated prefabricated barn, simply because it was agricultural and why limit it to sites that have had a permanent structure rather than despoiled sites generally? If it is in a DS1 settlement and conservation/enhancement occurs, would its redevelopment for much needed housing not in principle be sustainable and be to the benefit of the National Park and of the community?

Paragraphs 6.78 and 6.79 are not understood, nor is the reason why Policy DMC4 is not sufficient for the purposes of the policy.

The relationship of this policy to DME4 needs to be explained.

The policy appears to relate to building conversions as well as brown field sites, in which case it is contradicted by DMC10B.

The fourth bullet point of DMH6, taken with paras. 6.84 to 6.86, is confusing and the objectives are unclear. If a site comes forward capable of accommodating two or more dwellings, whether previously developed or not, under CS Policy HC1C(IV), policies are needed:

1. To ensure that the site is put to the optimum use, having regard to National Park purposes and the need to maximise housing provision, eg. a policy is needed to ensure a site capable of taking, say, four houses does not just have one large one;
2. To prevent partial development;
3. To ensure that any lawful financial contribution is payable, ie. to prevent in the above example four separate applications of one house each to avoid the financial contribution.

It is not at all clear that either objective is met by the policy as written.

The Forum **OBJECTS** to the Policy and to Paras 6.77 to 6.79 and 6.84 to 6.86 for the reasons stated.

DMH7: EXTENSIONS AND ALTERATIONS

Part A(iv): the words from "create" to "curtilage" are unnecessary. By implication, they also imply that the adverse effects listed are acceptable within the residential curtilage.

DMH 8: NEW OUTBUILDINGS

OBJECT: The last sentence of para 6.91 should be listed as Part C of the policy, at least insofar as it relates to garaging. On-street car parking, particularly in the village centres that are also

conservation areas, is a key local concern because of its impact on local residents as well as on the National Park environment. It has an unacceptable impact on the conservation area. Garage space should be available for off-street parking.

DMH 9: REPLACEMENT DWELLINGS

Parish members of the Forum have two main concerns about replacement dwellings:

1. the substitution of overlarge dwellings for modest middle of the range dwellings likely to be nearer local pockets and
2. the loss of bungalows and single storey dwellings at a time when the population of the National Park is ageing rapidly.

The Forum therefore agrees with the general thrust of the policy but has three concerns:

1. Whilst heritage assets should clearly be given special consideration, in Part A(c) the prime test should be one of conservation and enhancement of the National Park;
2. Para E is supported, but would be better placed after A, so that the remaining tests would apply to “dwelling(s)” rather than a single dwelling;
3. In para 6.100, there should be a clear and unambiguous reference to the need to consider carefully before further single story dwellings are lost.

DMH11: S106 AGREEMENTS

The use of s106 agreements as proposed in Part A is supported but would be better placed in relation to DMH 2 and 3, to which it relates.

For other purposes, the Forum is concerned that S106 agreements, which cause unnecessary delay and expense to local residents and businesses, should only be used when fully justified and necessary. The motive behind the policy is clearly spelt out in para 6.107: the agreements are being used because the National Park Authority is not enforcing planning conditions and therefore agreements are being used as a long stop to get around this deficiency. This is wrong in principle and in law and the rationale behind paras 1.24 to 1.30 cannot be used to justify it.

A planning agreement may only constitute a reason for granting planning permission for the development if it is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

There are two concerns that the Forum has about the present and proposed use of s106 agreements by the National Park Authority:

1. Government advice was for many years that it was unnecessary to tie essential worker homes to the land, and that standard conditions, eg as for agricultural workers were an adequate safeguard. The Authority’s practice has grown up notwithstanding this advice; and
2. The powers in s106 allow a local planning authority to regulate the use of land or specified operations on land. Neither of these would cover “tying” the land whatever

that may mean.

Whilst exceptionally, a s106 agreement may be justified in the context of part B to H of the policy, the Forum must **OBJECT** to those parts of the policy as it is drafted because it clearly goes beyond what is reasonably required, as well as beyond Paras 203 and 204 of the NPPF, and is, it is believed, beyond the legal scope of s106 in any event.

DMT1: CROSS PARK INFRASTRUCTURE

OBJECT: CS Policy T2C acknowledges exceptional circumstances in which such projects might be supported. The Forum understands that there are investigations presently in hand for the Longendale Valley and considers that the outcome of these should be considered positively and on merit balanced against National Park interests. It would wish to see the policy positively framed, ie. such schemes will be supported if the criteria set out are met.

DMT3: RAILWAY CONSTRUCTION

Para 9.32 does not adequately explain the justification of Part D of the policy. New railways, tourist or otherwise, may be an unlikely proposition but could well prove a sustainable and popular facility for a National Park and should be permitted where this can be done in a sustainable manner likely to meet National Park purposes. The National Park in part exists for tourism. Discouraging a means whereby people can access the National Park without their cars seems perverse. The Forum therefore **OBJECTS** to Part B of the policy.

DMT4D: PUBLIC RIGHTS OF WAY

OBJECT: There should be an additional criterion that ensures that the enjoyment of an existing public footpath by walkers will not be detrimentally affected by the introduction of new users, particularly cyclists.

DMT6: VISITOR PARKING

Part A: the Forum would support this if the word “benefit” were substituted for “need”.

Part B: it is unclear whether this Part qualifies Part A is additional to it. On-street parking damages both landscape and heritage assets such as conservation areas, quite apart from the nuisance to local residents. Encouraging visitor parking into discreet well landscaped car parks is something that needs to be encouraged and the policy should do this even though sometimes there may be no mechanism for removing on-street parking.

C. Para 3.19 (Natural Zone) interprets “management” in DMC2 as eg. “works essential for” landscape management which would seem to contradict Part C of this policy. Clarification is needed.

The Forum **OBJECTS** to the policy as it stands

DMT7: RESIDENTIAL OFF-STREET PARKING AND APPENDIX 10

OBJECT to Part A. It is not made clear that these are minimum standards as set out in Appendix 10. There needs to be consistency. In Appendix 10 the maximum standards should be deleted because of the extensive problem of on-street parking within National Park villages. Any limitation should be due to the characteristics of the site.

OBJECT to Part B. It should be clear that conditions will, where appropriate, be imposed within settlements that reserve off-street parking spaces and garaging for that purpose and no other.

DMMW1: JUSTIFICATION FOR MINERAL DEVELOPMENT

There is a drafting error over the repeated use of the word "evidence".

Part A(iii): Parishes have questioned whether the proximity of the end-user market is a relevant consideration in considering applications and, if it is, whether the National Park Authority could have any control over what happens in practice.

DMMW3: IMPACT ON THE ENVIRONMENT

There is an ambiguity in the drafting of the policy: are the impacts to be eliminated or merely reduced to an acceptable level? There are parts of the National Park where tranquillity must be the overriding consideration and the Forum would have liked to see Part A(iii), in particular, strengthened to ensure that there should be **NO** adverse effects on important areas of tranquillity.

DMMW 6: CUMULATIVE EFFECT OF MINERAL DEVELOPMENT

OBJECT: Cumulative effect should take account of other factors that will impact on local residents and the local environment, including:

- Noise;
- Traffic movements, especially lorry traffic, and the capacity of the road system;
- Air-borne pollution.

DMMW8: ANCILLARY MINERAL DEVELOPMENT

Subject to as below, the general intent of this policy is supported but the wording needs to be clearer: What does "the material to be used" mean?

The Forum is concerned at the practice of importing into a quarry stone from elsewhere that is then treated and transported out again. To the extent that the Policy is unclear about how such cases will be dealt with, the Forum **OBJECTS** to the policy.

General thoughts:**Nice Eggs**

Good intro

Nice Headers

Good integration of Landscape Strategy / Heritage Statements / Biodiversity / Trees / etc.

Bits that I read flow well and are a good interesting read.

Well done all

Some detail for you to reflect on below.

You know my thoughts on positive or negative policies, but I suppose back in my day others often thought I was wrong or being too pedantic!!!!. In my view: Negatives are clear even if unpopular. Positives are less clear because they rarely specify what happens if stated provisions are not met. For example "only permitted provided that" is more specific than "permitted provided that." Anyway, last time through even I agreed that some policies could be expressed positively so as long as you are happy as to which are which I am sure the rest of the world will be.

I hope that the loss of "more affordable" as a concept which is more flexible than affordability / income ratio's does not prove to a serious error in the longer term.

I have not read everything or even the bits that I have thoroughly. So if you agree with any of the points below they may have an impact on the wording of other similar policies (eg point 3 and DMC9).

1. Unusual use of "protects20" in DMC3A and of "population65" in para 62
2. If DMC5F(i) is referring to a list of characteristics of the proposed development as opposed to the asset, it should read something like "...and its setting by any means including
3. Should DNC6A read "...development that might affect a scheduled monument..." since the development itself is unlikely to "involve" one. Also singular is more precise than plural and clearly covers plurality whereas the converse could be argued not to be so (cf DCM10).
4. Suggest DCM10B should read "Conversion of a building that is not deemed to be a heritage asset to a higher intensity use will not be permitted." Do you actually mean "to a more intensive use" or do you have in mind a list of or examples of what is meant by "higher intensity uses."
5. DMC14B – suggest "...removal of any consequent pollutants..."
6. DMR4B – lovely
7. Para 6.1: I think "unmet" is one word.
8. Para 6.52: suggest "The eligible person would be considered equal to persons in....."
9. DMH3B – doesn't this need "owners and managers must" at the end of the intro sentence.
10. DMH3C – similarly "owners and managers must." I think (i) and (ii) should be rolled together for clarity of meaning.

Peter Abbott

22/01/17

Submission to the consultation

on the Peak District National Park – Development Management Policies

from Peak District Rural Housing Association (PDRHA)

25th January 2017

This submission is on behalf of PDRHA. The association has been working in the area for 27 years, developing mainly housing for rent with some homes for shared ownership. The organisation therefore has a depth of experience in managing homes in line with the planning conditions and 106 agreements in place to ensure homes built under 'local needs' policies are occupied by local people.

Our response is limited to Chapter 6 of the Policies document on Housing

We agree with the general direction of the policies outlined as they reflect policies and practice which have been used over the last 27 years or so. There are some points on which we would like to comment. These are in the table below referencing the paragraphs on which we would comment.

Paragraph	Comment
6.13	We would take issue with the assertion in this paragraph that 'it is rare that accommodation is considered unsuitable because of its condition'. Although anecdotal we have met many cases of people living in houses in severe disrepair or in caravans which are unsuitable.
	'Moorlands Choice' is mentioned later in this paragraph as the choice based letting scheme. It is our understanding that Staffordshire Moorlands will join the Home –Options scheme soon and Moorlands Choice will no longer exist..
6.29	We note that your policy is not to allow cross subsidy on exception sites.
6.38	This paragraph deals with the size of plots and implies that larger plots will command a higher price. We work on the basis of a fixed price per plot, irrespective of the size of those plots.
DMH1	The dwelling sizes given are at the top end of space standards we work to and therefore seem appropriate.
DMH2	We note the policy for first occupiers and that people working in the parish with an essential need to be near their employment are not included as they have been previously. We have rarely used this connection in housing people but urge that it continues to be included.
DMH3	We note the 'cascade' system which is much as we have been using apart from the exclusion of people with a work connection.

Peak District Rural Housing Association

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From: Chelmorton Parish Clerk <parishclerk@chelmortonvillage.org.uk>

Sent: 26 January 2017 10:11

To: Wilkins Clare

Subject: RE: Reminder: Peak District National Park Local Plan consultation 18th Nov 2016-27th Jan 2017

Chelmorton Parish Council noted the following to submit as comment:

1. The overall document is too wordy, repetitive and the message is lost in the confusion of words
2. The Parishes Forum stance on DMH11 is wholeheartedly supported and council considers that the proposals are too restrictive for any developer. There should be more flexibility in defining affordability and essential worker accommodation. Criteria for purchasing affordable homes should include those who have jobs in the Peak Park/Buxton and who wish to bring their families into rented or purchased accommodation thus helping to make villages more sustainable. There is a need for the eligibility criteria to be based on a shorter time frame and have greater flexibility.
3. DMR3 needs to address new builds for holiday lets as we consider such builds to be unacceptable. New builds should be only for housing stock to make villages more sustainable communities. Holiday let accommodation building should be restricted to conversion of existing buildings such as barns etc.
4. There is a general aversion in these documents to targets, measurements and timescales. Monitoring is vague with no deadlines or goals being set.
5. Helicopter trips are on the increase in both private and commercial guise and do nothing for the "peace and tranquillity" of the environment.
6. It was of note that the Sustainability Appraisal is a good, easy to read, well-constructed document and the consultants who prepared it should be commended.

Having since received the final version of the PPPF comments Council gives its support to all of their recommendations (their attempts to compete at wordiness were noted).

Regards
Matthew Lovell
Clerk



Mr Brian Taylor,
Policy Planning Manager,
Peak District National Park
Authority,
Aldern House,
Baslow Road,
Bakewell,
Derbyshire,
DE45 1AE.

Planning & Sustainable Development

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localplan@cheshireeast.gov.uk
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VIA E-MAIL:

policy@peakdistrict.gov.uk

Our ref: AF/SP7/Fiii
Date: 26 January 2017

Dear Mr Taylor,

PUBLICATION VERSION OF THE DEVELOPMENT MANAGEMENT POLICIES DOCUMENT (PRE-SUBMISSION STAGE)– REGULATION 19 CONSULTATION

Further to the above, thank you for the opportunity to comment on the Publication Version of the Development Management Policies Document (Pre-Submission Stage).

Please find below Officer comments, relating to the consultation:

- Whilst the introduction to Policy DME6 – Homeworking, recognises the importance of increasing access to broadband, Cheshire East Council would like to emphasise the importance of improved access to broadband both to businesses and local residents. Policy DMU2 – ‘New and Upgraded Utilities Services’ does recognise that improvements to infrastructure will need to be made within the Peak District National Park however Cheshire East Council request that relevant Policies, including the ‘*landscape first approach*’ (Policy DMC1) emphasise the importance of increasing access to broadband;
- Cheshire East Council would welcome further discussions regarding the proposed production, by the PDNPA, of a SPD for a range of popular recreation sites or hubs, particularly in relation to the problem of insufficient parking in Macclesfield Forest and its adverse impact on local businesses, residents and the emergency services;
- With regard to Policies that relate to the loss of shops, services, and community facilities and in particular Policy DMS2, Cheshire East Council fully supports the approach taken but requests that the approach is strengthened, to enable any such uses that are lost to only be used for affordable housing in future;

- In relation to highway matters, Cheshire East Council would welcome future discussions regarding proposals for new/improved cycle routes. With regard to public transport, a forthcoming bus service review, by Cheshire East Council, will include consultation with yourselves;
- Cheshire East Council do not consider that there are any outstanding significant cross border planning issues raised by the consultation document and therefore there are not any matters under Duty to Co-operate that are outstanding and would require any further discussion.

I trust that these comments will be taken into account, as part of your consultation.

Yours sincerely



Adrian Fisher
Head of Planning Strategy

Ref. No.....
(For office use only)

PEAK DISTRICT NATIONAL PARK AUTHORITY

**Development Management Policies
PRE-SUBMISSION DOCUMENT**
November 2016



Representation Form

Please return this form to the Peak District National Park Authority by 5pm on 27 January 2017

This form has two parts:

PART A – Personal details

PART B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

PART A

1. Personal Details*		2. Agents Details (if applicable)
Title	Mr	
First Name	Andrew	
Last Name	Wood	
Job Title (where relevant)	Planning Officer	
Organisation (where relevant)	Friends of the Peak District	
Address Line 1	37 Stafford Road	
Line 2	Sheffield	
Line 3		
Line 4		
Postcode	S2 2SF	
Telephone Number	0114 279 2655	
Email Address (where relevant)	andrew@cprepeakandsyorks.org.uk	

* if an agent is appointed, please complete only the title, name and organisation boxes below but complete the full contact details of the agent.

PART B – Please use a separate sheet for each representation

Name or organisation:

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

5. Please give details of why you consider the Development Management Policies document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please also use this box to set out your comments.

This is a covering proforma. Please refer to our document 'Friends of the Peak District - Consultation Comments'.

(Continue on a separate sheet /expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet /expand box if necessary)

*See accompanying notes.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate in the oral part of the examination?

Yes, I wish to participate at the oral examination.

No, I do not want to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

Friends of the Peak District wishes to contribute to all stages of the process, and to assist the Examination the DPD by addressing the Inspector's matters and issues, and by responding to issues that may arise from new evidence between now and the Examination, including that submitted by other representors.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature

Date

25/01/2017

Peak District Development Management Policies DPD ConsultationFriends of the Peak District: Consultation Comments, January 2017

<u>Policy DM1</u>
<u>Comments</u>
<p>We are not confident that this policy actively harnesses the special qualities of the Park as a decision-making tool, but rather regards them as contextual. There are three specific problems:</p> <ol style="list-style-type: none"> 1) The supporting text suggests that ‘special qualities’ are the same as ‘valued characteristics’ but no justification is offered for using the latter term - which lacks the statutory meaning of the former term in relation to National Parks 2) Because the DMDPD lacks spatial differentiation it relies on the special qualities to provide this, but those special qualities are in themselves somewhat inconsistent and are currently under review 3) The ‘Landscape First’ approach is weak, as described in our FDP Evidence Paper. <p>The combination of these factors means that the contribution of any given planning proposal to promoting the special qualities of the Park may be a matter of deeply subjective judgement, and lead to lengthy planning appeals. As a result, the ability of the DPD as a whole to promote the special qualities may be impaired.</p>
<u>Suggested Changes</u>
<p>EITHER: Replace the term ‘valued characteristic’ with ‘special qualities’ for consistency; OR Clarify the difference between these two terms, and use ‘valued characteristics’ as a basis for setting out a more self-contained approach within the DPD, that embraces spatial differentiation between places and how planning decisions should be informed by them.</p>

<u>Para 1.26</u>
<u>Comments</u>
<p>Modifications suggested here to improve the effective implementation of the DPD.</p>
<u>Suggested Changes</u>
<p>Line 5: amend to “should” instead of “could”. Last sentence: amend to read “...will press this case, where appropriate.”</p>

Paras 2.1 - 2.3Comments

The role of pre-application advice needs to be clarified here. This is especially important because, in our recent experience of planning cases in the Park, serious problems have arisen in the process due to applicants being given pre-application advice that appears, in our view, to be based on a narrow interpretation of planning policies and is not mindful of the likely range of community views and objections that might arise when the application is submitted. The result of this is that the applicant receives inconsistent and conflicting advice from the Authority at different stages of the process, which is not in the interest of any party.

Suggested Changes

Clarify the process for pre-application advice, including provision for pre-application consultation with consultees, communities and other key stakeholders as appropriate to the scale, location and type of development, especially when there is potential for an application to be controversial. Applicants should be made aware, in receiving pre-application advice, not only of the planning policy issues that may influence the determination of their application, but also of the range and relevance of community views and objections that may arise.

Paras 3.10 - 3.13 and Policy DMC1Comments

Whilst we welcome the 'Landscape First' approach in principle, we do not consider it to be robust as it is described here. The reasons for this are discussed in our Evidence Paper.

We support the reference to cumulative effects, including sequential effects.

Landscapes do not usually respect administrative boundaries, and Policy should explicitly consider development decisions in adjacent planning authorities that share the landscapes within which the Park sits. Part A(ii) of the policy touches on this issue, but a much stronger and more comprehensive policy is needed.

Suggested Changes

- Delete references to the Landscape Strategy and Action Plan (unless a commitment is made to update these as a matter of urgency).
- Refer explicitly to the Natural England Landscape Character Assessments as the key evidence for the approach.
- Make clear that the role of development management - and the applicant's responsibility in complying with the 'Landscape First' approach, is not just to minimise and mitigate harm to the landscape but to make a pro-active contribution to the landscape protection and enhancement actions that are pertinent to the Landscape Character Area in question.
- Strengthen DMC1 to cover the issue of landscape impacts arising in adjacent planning authorities.

Peak District Development Management Policies DPD ConsultationFriends of the Peak District: Consultation Comments, January 2017

<u>Policy DMC2</u>
<u>Comments</u>
We support this policy, but have some concern in respect of C(iii) and (iv) in respect of applicability and appropriateness in relation to sensitive micro-hydro power development. In such cases the sustainability of the development (with its benefits for low carbon energy generation and climate change mitigation), will need to be measured in much longer timeframes or rendered too risky to implement. Impacts of any development should be judged at the point of determination and only appropriate conditions imposed, based on statute. We would not expect, in such circumstances, either temporary or personal consents to be necessary and/or appropriate.
<u>Suggested Changes</u>

<u>Policies DM4 (c) and DM8</u>
<u>Comments</u>
<p>With reference to the recent case of the former Dove Dairy site at Hartington, the site was regarded by the appeal Inspector as being part of the village; however, as it was outside the Conservation Area of the village, it could be argued that it was outside the area where the ‘valued characteristics’ of the settlement itself applied, and that only the ‘valued characteristics’ of the wider landscape were considered pertinent. In our view, this contributed to a poor planning decision, which put the self-contained aesthetic benefit of clearing and re-using a derelict site above most other considerations, not least the role of the site within its host settlement.</p> <p>In urban Sheffield, the now very popular and characterful Kelham Island area was pro-actively protected from poor, generic demolition and re-development from the 1980s onwards by being designated as a Conservation Area, at a time when much of it was already derelict or blighted. This far-sighted planning manoeuvre harnessed the restorative potential of the Conservation Area designation, by embracing sites that could come to be valued and characterful in the future. From that exemplar we can see that a Conservation Area is a functional planning tool, and is not only about aesthetics.</p>
<u>Suggested Changes</u>
We recommend that the DMDPD sets a much more pro-active agenda for the role and use of Conservation Areas within the Park, especially in defining the valued characteristics of settlements. Where there are sites within or on the edges of settlements that do not currently contribute to the character of the Conservation Area, they should be embraced within the Conservation Area designation so that any future planning decisions for those sites can be harnessed to enhance the settlement.

Peak District Development Management Policies DPD ConsultationFriends of the Peak District: Consultation Comments, January 2017

<u>Policies DM10</u>
<u>Comments</u>
Part D of the policy attends to the ‘impact of domestication and urbanisation’ to some degree, but this policy as a whole - especially part C - needs to be much clearer that any conversion to a market dwelling(s) to enable conservation / restoration of a building should be considered in the context of whether market dwellings are appropriate to the location, and whether the conversion / restoration amounts to an acceptable degree of community benefit. In other words, it should not always be assumed that the benefit of restoration warrants conversion to a market dwelling.
<u>Suggested Changes</u>
A more refined approach is needed that balances the merits of the building and its contribution to its setting with the impacts - both positive and negative - of domestication, not just on the special qualities of the Park, but on the characteristics and needs of the location.

<u>Policies DM11</u>
<u>Comments</u>
This policy will not be effective in promoting an improvement, over time, in the biodiversity of the National Park, and thereby to its resilience to climate change and its ability to provide ecosystem services, both to the communities within the Park and to its beneficiaries in adjacent urban areas.
<u>Suggested Changes</u>
We would recommend a ‘net gain’ approach in preference to ‘no net loss’. There should also be consideration - with supporting evidence - of the extent to which the biodiversity of the National Park is constrained by factors of land-use, land management and transport planning, especially with regard to road traffic, air and noise pollution, and the relationship between urban flood risk and the land drainage management within the Park. These are important factors in terms of the ‘ecosystem services’ role of the Park, as highlighted by the PAS Report.

<u>Policies DM2 and DM13</u>
<u>Comments</u>
In DM2, the ‘exceptional circumstances’ pertaining to the policy are specified, where as in DM13(B) they are not. We do not necessarily take a position on whether exceptional circumstances should be specified - in which case there may be a need for them to be exhaustive; or left open to an evaluation of each case on its merits. However, inconsistency between the uses of exceptional circumstances in different policies may lead to difficulties in planning appeal cases.
<u>Suggested Changes</u>
The approach to specifying exceptional circumstances should be consistent across the DPD.

<u>Policy DMC14</u>
<u>Comments</u>
A primary cause of air, light and noise pollution is road traffic, yet there is no reference to roads or vehicle movements in this policy.
<u>Suggested Changes</u>
The policy should be amended to read: A. “Development, including transport development proposals and the road traffic impacts of other development proposals, that presents a risk...”

<u>Policy DME1</u>
<u>Comments</u>
There appears to be come conflict between DME1 (D&E) and paras 4.13-4.15. The implication given is that ‘modern’ agricultural buildings are effectively temporary, being system-built and then rapidly replaced according to business need; while ‘traditional’ agricultural buildings are intrinsic to the character of the place. Whilst we understand this distinction from an aesthetic perspective, it implies that ‘traditional’ agriculture is more appropriate to the National Park than contemporary agricultural practice, which seems at odds with supporting the continuing role of agriculture as ‘critical to the ongoing conservation and enhancement of the National Park landscape.’
<u>Suggested Changes</u>
If farming within the National Park requires different or specialist agricultural methods in order to conserve and enhance the Park’s special qualities - as we believe it does then this needs to be made much more explicit so that agricultural business decisions can be made on that basis. The tension between DME1(D) and (E) should be resolved with this aim in mind.

<u>Policy DME2(E)</u>
<u>Comments</u>
Whilst farm diversification can be useful and sometimes essential for the continued operation of a farm business and the landscape stewardship associated with it, this policy appears to presume that a diversifying use is appropriate unless harm to the landscape or the buildings is evident. This fails to account for the issue that the diversifying use may not, in itself, be an appropriate development in the locality.
<u>Suggested Changes</u>
This policy should take as a starting point the appropriateness of a proposed diversifying use (eg campsite, wedding venue) on its own terms. Its potential to support the diversification and viability of a farm may then be a mitigating factor that may or may not make the proposed use acceptable in planning terms.

Peak District Development Management Policies DPD ConsultationFriends of the Peak District: Consultation Comments, January 2017

<u>Policy DME3</u>
<u>Comments</u>
Deepdale Business Park and Newburgh, Bradwell are already subject to residential developments, which appear to conflict with this policy. In objecting to residential conversions at Deepdale Business Park we highlighted the risks of the loss of business premises, some of which has now taken place, so it does not seem that this policy can be effective in safeguarding business premises.
<u>Suggested Changes</u>
The policy should include provisions for: How the overall supply of business premises will be protected in instances where a site that is intended to be safeguarded for employment is permitted to change use; How DME3 will enable the authority to refuse a change-of-use application on one safeguarded site if it will have knock-on implications for other sites.

<u>Chapter 6, Strategic Context paras 6.1 - 6.6</u>
<u>Comments</u>
We are broadly supportive of the approach set out here. Any changes to the strategic context should be addressed in due course as an when the Core Strategy is reviewed, but we are satisfied that there is not currently a need for that review. However there are some details of the approach that do not appear robust, and our suggested changes here seek to address these.
<u>Suggested Changes</u>
<p>Para 6.2: Add a sentence that “The Park Authority considers that an increase in overall provision of market housing would, rather than meet needs within the Park, stimulate market demand from outside the Park, with cumulative negative consequences for the special qualities of the Park and for the ability of existing communities to access and afford the homes they need.”</p> <p>Para 6.4: Amend the last sentence to: “All such development is only permitted on the basis that it can demonstrate a positive contribution to the National Park purposes and special qualities, and to the needs of communities within the Park.”</p> <p>Para 6.5: Add opening sentence: “Since there is no strategic objective within the National Park to provide market housing, our priority in all cases is to optimise the delivery of affordable housing.”</p> <p>Para 6.6: Add a sentence to the effect that: “Notwithstanding that all new housing is an exception to the Core Strategy in terms of specific site location, planning permissions for new housing should be broadly consistent with the settlement hierarchy set out in Core Strategy DS1”.</p>

<u>Policy DMH1 and DMH11</u>
<u>Comments</u>
<p>We are uncomfortable with the DMDPD's approach to affordable housing, because:</p> <ul style="list-style-type: none"> • Policy DMH1 specifies maximum gross floor areas for affordable housing which appear very close to the minimum net floor areas in the highly-regarded Parker Morris Standards, which subsequently informed HCA guidance. What is the logic in making affordable homes small? • Policy DMH11 does not robustly explain a method for establishing the quantity and quality of affordable housing that would make an otherwise unacceptable development acceptable in planning terms, especially with consideration to the special qualities of the National Park. • Our recent experience of planning applications within the Park is that lack of opportunities arising for affordable home provision is leading to a degree of desperation, such that poor schemes or schemes offering inadequate affordable provision are supported by the Rural Housing Enabler because they are better than nothing. This is not in the interests of good planning, nor of the Park as a whole, and a much more robust process needs to be set out.
<u>Suggested Changes</u>
<p>Maximum space standards may be appropriate, but minimum standards should also be set.</p> <p>The policy and supporting text should explain that:</p> <ul style="list-style-type: none"> • any market housing must enable enhancement of both the local community and the Park as a whole, not just one or the other; • affordable housing schemes should meet needs for affordable housing, but must also be developed in a way that is consistent with the other policies of the DPD, such that the benefits of providing affordable housing are not regarded as excusing development that is of lower quality or located on a site that is inappropriate for the type of development proposed.

<u>Chapter 9</u>
<u>Comments</u>
<p>We are broadly supportive of the policies for travel and transport, but consider that their effectiveness is weakened by:</p> <p>Tensions with neighbouring local authorities on the merits of cross-park infrastructure, especially with regard to the agendas of the Greater Manchester and South Yorkshire Combined Authorities;</p> <p>Lack of linkage between road traffic, development that encourages road traffic, and the impacts on air, noise and light pollution associated with road traffic which are, in themselves, at odds with promoting the special qualities of the National Park.</p>
<u>Suggested Changes</u>
<p>DMT1 should additionally provide the terms in which the Park Authority will: object to development and transport development proposals in adjacent authorities that may compromise the special qualities of the Park; require adjacent authorities to consult and co-operate with the Park Authority to enable the effective implementation of this policy.</p> <p>As covered in our Evidence Paper, the effects of DM policies on the special qualities, including tranquillity and dark skies, should be integrated across the document to ensure that development does not individually or cumulatively undermine the special qualities; road traffic impacts are especially important in this regard.</p>

<u>Chapter 10</u>
<u>Comments</u>
<p>We have made suggested changes here for consistency and clarity.</p>
<u>Suggested Changes</u>
<p>Para.10.1: strongly suggest in last sentence amending to ‘...undergrounding electricity and telecommunications (including broadband) cables, ...’ which then better supports DMU2.</p> <p>Table between paras 10.12 and 10.13: this table must be made clearer; although BPD and CD are explained in para.10.11, this could be made clear in the table legends. The dual figures in each of the BPD and CD columns are unexplained and highly confusing.</p>

<u>Chapter 11, in particular para 11.4</u>
<u>Comments</u>
<p>Para.11.4: we are pleased that consideration is being given to the potential impact of extraction of unconventional hydrocarbons. We believe this approach is correct as, despite the PEDL licensing process objective to help ensure exploitation of a national resource, planning consent is also required. Applications for planning consent, including lateral drilling at depths below 1200m, must therefore be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore it is correct and appropriate, especially given the highest level of statutory protection offered to National Parks, that local policies set out the approach to the issue.</p> <p>However we do have as number of concerns as to the soundness of the approach set out in para.11.4:</p> <ul style="list-style-type: none"> • It would be clearer if this issue was set out in a stand-alone policy which could also incorporate the additional issues set out below; • We are also concerned that an explicit approach is not taken to the impact of surface infrastructure for unconventional hydrocarbon exploration, appraisal or extraction immediately adjacent to the national park. The scale, nature and location of such development may cause significant adverse impact on the setting and special qualities of the park. With drill rigs of 35-40m height, constant operation (including lighting) there is scope for impacts on landscape, amenity and tranquillity. We would suggest policy to deal with impact on setting of adjacent development with the potential proposal of a buffer zone offset of at least 3.5km and the need for a detailed assessment of the potential impacts on the designated area to be submitted; policy text would need to state that permission would not be granted where proposals would result in unacceptable harm to the special qualities of the national park and/or are incompatible with the statutory purposes; • The above point brings into sharp relief the need for a clearly stated planning mechanism with any adjacent mineral planning authority (MPA) to handle a 'straddling' application and that appropriate policies be developed jointly with such MPAs, both in relation to surface and sub-surface development. <p>Although paras 11.6 - 11.10 set out the issue of how minerals developments should be considered in the landscape, this does not come through clearly in the individual policies.</p>
<u>Suggested Changes</u>
<p>Insert a new policy for unconventional hydrocarbons, setting out the provisions we have outlined above.</p> <p>Para.11.12: typo - line 3, superscript reference no. '81'.</p> <p>Para.11.18: line 2/3 - perhaps insert 'outcome of' between 'the' and 'restoration'? Also add 'and aftercare process' after 'restoration'? Typo - line 14, remove comma after 'sites'</p> <p>Policy DMMW5, A(v): typo - remove semi-colon between 'of' and 'biodiversity';</p> <p>All the minerals policies should take a consistent approach to assessing and mitigating their landscape impacts. This should include both the landscape(s) immediately affected by the development and the landscape(s) that may see associated impacts, eg from vehicle movements.</p>

Introduction

This evidence paper should be read in conjunction with our main document ‘Friends of the Peak District - Consultation Comments’, which it complements by exploring some issues arising from the DPD that do not conveniently fit within comments on specific policies or paragraphs.

Implications of the PAS/AECOM Plan Review

The PAS Plan Review Report raises some interesting points about the draft Plan which have been helpful in informing our response. We begin by discussing those points.

NPPF para 118 allows for ‘the relocation of a nature conservation feature’ as being within the scope of acceptable practice, whereas PDNPA policy has previously precluded this. In the context of a National Park, it is important to unpack this principle, because whilst some features might be easily re-locatable some will certainly not, and we question whether the principle is compatible with the statutory purposes of the National Park.

NPPF para 118 also allows for the possibility that development that harms nature conservation features might be acceptable ‘in exceptional circumstances’. This not only raises the question of how to recognise and weigh up those exceptional circumstances in decision-making; but also what the effect of the National Park statutory purposes - and the Sandford Principle - is on how NPPF para 118 should be applied.

The PAS analysis of the DMDPD’s consistency with NPPF para 118 takes a straightforward planning perspective. In our view that analysis overlooks the fact that National Park legislation is not a sub-set of land-use planning legislation but operates, in effect, in parallel to planning law. Indeed, since National Parks have a duty to “seek to foster the economic and social well-being of local communities within the national parks” in addition to their two statutory purposes, it may be argued that, in the case of National Parks, planning legislation is sub-ordinate to National Parks legislation. In this context, it is appropriate to ask whether or not NPPF can realistically be expected to operate in the same way it would do outside National Parks. In our view, the inconsistencies that PAS finds with NPPF para 18 are good examples of where this would arise, because:

- What lies within the scope of acceptable practice in a National Park, concerning the relocation of a nature conservation feature, may be substantially different from outside a National Park;
- ‘exceptional circumstances’ for development that may harm nature conservation features would be expected to be significantly tighter in definition, when acting in the context of the National Park’s statutory purposes.

Para 1.2.3 of the PAS Report says that the scope of their review includes assessing “the likelihood of the Inspector to open discussions on ‘wider’ plan issues such as Objectively Assessed Housing Need and the need for a five-year land supply, ie those issues that would otherwise be addressed in a Core Strategy.” We note that the text of the PAS Report does not really go on to develop this assessment, and we are very concerned that other representatives may specifically attempt to open up this issue. In our view, this is very

much a Core Strategy issue and it would be both inappropriate and hugely disruptive to the Development Management DPD process if such issues were opened up for debate.

Paras 2.6.9 and 2.6.10 of the PAS Report state:

“...given the scale of projected housing growth in the urban areas closest to the National Park (and increase of approximately 99,000 homes is targeted across Manchester, Sheffield and Stoke-on-Trent by 2017) there would appear to be a very real danger of increasing congestion of the area’s roads as increasing numbers of urban dwellers seek to escape to the tranquillity, fresh air and wildlife of the National Park, simultaneously undermining the very features that draw them to visit. The LEP documents largely neglect the important ‘ecosystem services’ that the Peak District provides to nearby urban areas...The National Park’s contribution to making those urban areas attractive places to live, work and invest should not be undervalued. Indeed the National Park may wish to consider including explicit reference to ecosystem services in the DMDPD.”

These very important observations in the PAS report indicate that there are three distinct layers of functions that the land within the National Park provides:

- First, as a place to live, work and invest in its own right, within its own environmental context;
- Second, as a national environmental and cultural asset as enshrined in the National Park legislation;
- Third, as a provider of ecosystem services and quality of life to adjacent urban areas with their own challenges and aspirations.

At present, the DMDPD makes a strong start in integrating and reconciling the first two of these layers, but is not well-equipped with regard to the third layer. This is clearly a major, strategic issue which must be at least as much within the locus of the strategic plans for the adjacent urban areas as it is for the Park itself; and in that context there is a limit to how effectively the DMDPD can deal with it. Nevertheless it must be an important planning consideration, since the degree to which a development within the Park might compromise or, indeed, enhance the ecosystem services it provides to the adjacent urban areas should inform development management decisions within the Park; and the potential impact of developments outside the Park on the Park’s capacity to provide those ecosystem services should inform the position that the Park Authority takes on planning applications outside its jurisdiction. Furthermore the statutory obligations of adjacent local authorities to the National Park are also an issue here.

Para 1.3 of the DMDPD highlights the IUCN classification of the National Park as: *“An area of land where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.”*

On the one hand, this classification establishes a perhaps unhelpful differentiation between land inside and outside the Park. In the former case, the evolution of this traditional interaction is seen as essential to the future, implying that in the latter case

the future may be less well-related to the past. The risk is that a binary, ‘either-or’ approach to decision-making is established either side of the administrative boundary of the Park. This may be unhelpful in that the National Park sits within, and interacts with, a series of landscapes, and the planning decisions that happen outside its borders may sometimes be almost as important to the integrity of the Park as those within it.

More positively, the IUCN classification makes clear that it is the ongoing story of the interaction between people and nature that makes the Peak District distinctive and valuable, and this should extend to the interaction between the people and nature inside the Park and the people in nature in the adjacent urban areas.

In our view, this means that the scope of the DMDPD needs to be expanded to deal more effectively with these matters. We recommend that it should include a policy on co-operation and joint working with adjacent planning authorities to ensure that:

Planning decisions taken outside the National Park boundaries do not have an unacceptable impact, individually or cumulatively, on the special qualities of the National Park and the ability of the National Park to fulfil its statutory purpose;

Planning decisions taken within the National Park give consideration not just to their direct effect in relation to the statutory purposes and special qualities within the Park, but also to their effect on the Park’s contribution to the unique relationship between the Peak District and the adjacent urban areas that benefit from its special qualities.

The role of the DMDPD in promoting the special qualities of the National Park

DMDPD para 1.19 explains that ‘valued characteristics’ are referred to in primary legislation as ‘special qualities’. It is not clear whether PDNPA see any practical or semantic difference between these two terms but, if so, this should be clarified since it could lead to different interpretations in case law. If there is no difference, then we suggest that the DMDPD adhere to the term ‘special qualities’.

When PDNPA began its review of the special qualities, in 2016, it stated that the NPA needs to document the special qualities, their status and condition in order to understand, appreciate conserve and enhance them. In time it hopes to use the special qualities as a baseline for measuring change and to hold the NPA and partners to account for their contributions to the features that make up each special quality.

Guidance (NPMP Guidance, Countryside Agency 2005) advises that State of the Park Reports should include evidence of the current state of, and issues affecting:

- the special qualities of the National Park;
- how these special qualities are enjoyed and by whom;
- and the economic and social well-being of National Park communities.

We must therefore ask whether a change in the status of the special qualities is intended to be a measure of how well the National Park purposes are being fulfilled. And if so, why

are they different from the headline indicators in the State of the Park report? Given this inconsistency of monitoring, how is the role of the DMDPD in promoting the special qualities to be properly evaluated?

A crucial factor here is that DMDPD does not in itself make any spatial differentiation across the Park, and is therefore reliant on the spatial differentiation within the special qualities if an application is to be determined in the light of different considerations in different places. However, if spatial planning is about more than National Park purposes and the special qualities - for example community outcomes for different settlements - then either there need to be additional layers of spatial differentiation other than those articulated in the special qualities, or the scope of the special qualities need to be expanded to express how the different characteristics of different settlements add up to the special qualities of the Park.

This issue comes into sharp focus when considering development proposals such as recent ones at the Newburgh site in Bradwell and the Dove Dairy site in Hartington. In each case, a material consideration was the extent to which the re-use of a brownfield site constituted an enhancement to the special qualities of the National Park and, crucially, how much open market housing was necessary to enable that enhancement. In our view, such decisions can only be made robustly if the special qualities of the *locality* and the *community* that are being considered, not just those of the wider landscape.

Testing the DMDPD using one special quality

We have chosen the special quality of tranquillity - '*Tranquil and undeveloped places within reach of millions of people*' because this is unique to the Peak District and also central to CPRE's objectives. We would include dark skies as a facet of tranquillity. The Core Strategy (CS) provides some spatial differentiation, though not robustly so: tranquillity appears in CS vision and is a key outcome of Dark Peak policies, and to a lesser extent White Peak policies. 'Remoteness' is used only in Dark Peak, White and South West Peak have 'remoter areas'. But tranquillity & remoteness are only words. Their emphasis in the Dark Peak and explicit link to uplands and moorlands gives them some spatiality but there is no map or mention of tranquillity mapping. The CS largely ignores the fact that once out of the uplands/moorland there are still tranquil areas. Dark skies are not really picked up at all.

However, the DMDPD takes a very patchy, inconsistent approach to tranquillity, with little spatial differentiation, and relies on blanket references to 'valued characteristics'. We have examined this in detailed below.

(a) Conserving & Enhancing Valued Characteristics

In so much as the Natural Zone corresponds closely to the moorland/remoter areas, DMC2 provides a very strong policy for tranquillity in this area. However outside the Natural Zone tranquillity gets lost except for one or two mentions in text. There is no mention of

it in DMC1: It must do if tranquillity is a special quality. Only DMC10 'Conversion of Heritage Assets' refers to it directly. DMC3 'Siting design layout & landscaping' does not mention tranquillity when it should and, worse, DMC14 'pollution and disturbance' refers only to noise pollution. Dark skies are picked up in DMC10 and DMC14 but in no other DMC policy.

(b) Farming and Economy

Tranquillity is mentioned only in the text although the words 'valued characteristics' appear regularly in the policies. DME7 'expansion of existing & industrial businesses outside DS1 settlements' refers to lighting and noise. DME7 with DM1 'agricultural/forestry development', DME2 'Farm diversification', DME5 'Class B1 uses in the countryside' & DME8 'neighbourliness of employment sites' should all give consideration to tranquillity & dark skies.

(c) Recreation and tourism

No mention is made of tranquillity or dark skies, which is counter-intuitive when this special quality is so pertinent to the Park's recreation and tourism offer. DMR1 'Touring camping & caravan sites' should give tranquillity/dark skies an explicit mention.

(d) Shopping services & community

No mention of tranquillity/dark skies, which we suggest should be mentioned in DMS3 'retail development outside CS named settlements'.

(e) Utilities

DMU4 'Telecomms' should explicitly mention tranquillity.

(f) Minerals

Both DMMW2 & 3 are concerned with impact of workings on amenity & environment. DMMW2 refers to tranquillity, yet DMMW3 does not.

We cannot see reference to tranquillity mapping on the proposals map, and consider that this to be an important omission.

The 'Landscape First' Approach

In principle we support this approach, but it will only work with a robust and up-to-date Landscape Strategy, Character Assessment & Action Plan. Crucially, the Landscape Character Assessments are snapshots that do not anticipate - or provide a framework for - future landscape change. The Action Plan 2009-19 is also not helpful in this regard, not least because we are approaching the end of its timescale, but also on specific lack of actions that embody a direction and rate of change: for example action 8.4 *monitors* light pollution, but there are no action to *promote* tranquillity and dark skies.

If 'Landscape First' is to work as described, the NPA must update the Landscape Strategy & Guidelines, and provide an assessment of change/opportunities within each one. In the absence of that strategy, it would be better to use the Natural England National Character Areas (NCAs) which have environmental opportunities, address landscape change and provide more engaging & useful Landscape Character Assessments. The NCA for the White Peak has 51 mentions of tranquillity, and has an environmental opportunity for tranquillity too, compared to the NPA version which has none.

From a development management perspective this issue is very important, since the 'Landscape First' approach as described in the DMDPD cannot be implemented effectively if developers, communities and the NPA are working with an inconsistent or out-of-date evidence base.

From: Bamford with Thornhill PC <bamfordwiththornhill@gmail.com>
Sent: 26 January 2017 14:32
To: Policy
Cc: Philip Thompson
Subject: Development Management Policies consultation
Attachments: DMP final AA.docx

This is the formal response from Bamford with Thornhill Parish Council to PDNPA's Consultation on its proposed Development Management Policies documents.

We have been a regular attendee at PPPF's recent meetings to discuss your proposal, and have thus contributed to the submission which PPPF has sent to you (a copy is attached to this email). We consider that this PPPF submission also encompasses all of our Parish's views, and so we strongly endorse it.

Please therefore take the PPPF submission as being our submission also.

Peter Leppard
Clerk, Bamford with Thornhill Parish Council

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<http://www.claranet.co.uk>

From: Abney Parish <AbneyParish@hotmail.co.uk>
Sent: 26 January 2017 17:35
To: Policy
Cc: Philip Thompson
Subject: PDNPA Development Management Policies (DMP's) contained in the local plan
Attachments: Peak Parishes response to DMP 2017.pdf

I write in response to the above document sent out to Parishes for consultation from November 18th 2016 to January 27th 2017

The document was forwarded to our residents in November 2016 and discussed at our Parish Meeting in early December. The response from the Peak Park Parishes Forum has been forwarded to our residents and since discussed.

As a Parish Meeting following discussion we support the Peak Park Parishes Forum response as attached

Yours sincerely

Jan Everard
Clerk

(on behalf of Andrew Chadwick, Chair to Abney, Abney Grange, Highlow and Offerton Parish Meeting.)

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<http://www.claranet.co.uk>



Our ref:
Your ref:

Brian Taylor
Policy Planning Manager
Peak District National Park Authority

Elisa Atkinson

3 SOUTH
Lateral
8 City Walk
Leeds LS11 9AT

Direct Line: [REDACTED]
26 January 2017

Dear Brian

Peak District National Park Local Plan Consultation

Thank you for your consultation of 18th November 2016 on the Peak District National Park Local Plan. We have reviewed this with the primary interest of the safe and efficient operation of the Strategic Road Network in mind.

The key policies of interest to Highways England are in the travel and transport chapter. Policy DMT1 is important in the context of the Trans-Pennine Upgrade Programme which is investigating ways to improve connectivity between Manchester and Sheffield. Any SPD should recognise the Strategic Road Network within the National Park and in particular Highways England's responsibility for its management and the appropriate standards to be applied (Design Manual for Roads and Bridges).

Policy DMT2 Access and Design criteria references the intention to bring forward a park wide Transport Design Guide Supplementary Planning Document which should be taken into account when developing transport schemes. We therefore request to be kept informed with the development of this document.

Yours sincerely

Elisa Atkinson
NDD Yrks & NE Asset Development
Email: elisa.atkinson@highwaysengland.co.uk

Ref. No.....
(For office use only)

PEAK DISTRICT NATIONAL PARK AUTHORITY

**Development Management Policies
PRE-SUBMISSION DOCUMENT
November 2016**



Representation Form

Please return this form to the Peak District National Park Authority by 5pm on 27 January 2017

This form has two parts:

PART A – Personal details

PART B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

PART A

1. Personal Details*	2. Agents Details (if applicable)	
Title	<input type="text" value="Mr"/>	<input type="text"/>
First Name	<input type="text" value="Andrew"/>	<input type="text"/>
Last Name	<input type="text" value="Walker"/>	<input type="text"/>
Job Title <i>(where relevant)</i>	<input type="text" value="Project Officer"/>	<input type="text"/>
Organisation <i>(where relevant)</i>	<input type="text" value="High Peak & Hope Valley Community Rail Partnership"/>	<input type="text"/>
Address Line 1	<input type="text" value="c/o Economy, Transport & Communities Dept."/>	<input type="text"/>
Line 2	<input type="text" value="Derbyshire County Council"/>	<input type="text"/>
Line 3	<input type="text" value="County Hall"/>	<input type="text"/>
Line 4	<input type="text" value="Matlock"/>	<input type="text"/>
Postcode	<input type="text" value="DE4 3AG"/>	<input type="text"/>
Telephone Number	<input type="text" value="01629 538093"/>	<input type="text"/>
Email Address <i>(where relevant)</i>	<input type="text" value="andrew.walker@derbyshire.gov.uk"/>	<input type="text"/>

** if an agent is appointed, please complete only the title, name and organisation boxes below but complete the full contact details of the agent.*

PART B – Please use a separate sheet for each representation

Name or organisation:

3. To which part of the DPD does this representation relate?

Policy Paragraph Policies Map

4. Do you consider the DPD is:

(1) Legally compliant Yes No

(2) Sound* Yes No

(3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

5. Please give details of why you consider the Development Management Policies document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please also use this box to set out your comments.

High Peak & Hope Valley Community Rail Partnership
 c/o Economy, Transport & Communities Department
 Derbyshire County Council
 County Hall, Matlock, Derbyshire, DE4 3AG

26th January 2017

Letter of Support for the Peak District National Park Authority’s Development Management Policies document dated October 2016

The High Peak & Hope Valley Community Rail Partnership (HP&HVCRP) offers its broad support for the principles and values expressed in the content of the policy document. We welcome, and agree with, the authority’s support for sustainable public transport in preference to unchecked growth of private car usage within the park. One tangible manifestation of this is the park authority’s valued presence as a Funding Partner and Member of the Management Group of the HP&HVCRP. The regular attendance at the rail partnership’s meetings of the authority’s Transport Policy Officer and some of its elected members is noted with gratitude. The rail partnership and the park authority have a long history of collaboration on railway issues and projects of joint interest.

The HP&HVCRP observes the continuing rise in rail passenger numbers locally and regionally. When this is combined with the proposals of Transport For The North, Northern Trains and Trans-Pennine Express to deliver a significant increase in rail passenger capacity by the end of this decade, it is possible that a degree of modal shift towards rail travel, and away from the private car, will indeed be visible in travel patterns to/from the national park.

(Continue on a separate sheet /expand box if necessary) 

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet /expand box if necessary)

*See accompanying notes.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification, do you consider it necessary to participate in the oral part of the examination?

Yes, I wish to participate at the oral examination.

No, I do not want to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature

Andrew Walker

Digitally signed by Andrew Walker
Date: 2017.01.26 21:19:21 Z

Date

26/01/2017

Stanton in Peak Parish Council**Clerk to the Council:****Matthew Lovell**parishclerk@stantoninpeakparish.org.uk

Peak District National Park Authority
 Aldern House
 Baslow Road
 Bakewell
 DE45 1AE

For the attention of Brian Taylor

26th January 2017

Dear Brian

Thank you for your and Jane Newman's attendance at our meeting on 25th January. Council wishes to record its support for the preamble and report from the Peak ark Parishes Forum and wishes to record its perceived and local issues as follows:

DEVELOPMENT MANAGEMENT POLICIES CONSULTATION 2016/2017

LANDSCAPE CONSERVATION AND ENHANCEMENT

DMC1: Potential development should not just deal with the structure being proposed.

The overall position in the landscape needs to be considered, not just how it will sit in its location, but how it will be viewed from afar. The National Park is made up of vistas and long range, far reaching views, those must be maintained and considered with regard to all development. Final restoration of the site following any development must be to the fore, conditioned at the point of permitted applications.

DMC2: Protecting and managing the natural zone. This needs to include guidance for all developers that all works have to be carried out with full adherence to environmental regulations. i.e. stop builders burying waste on sites.

DMC3: What about light pollution? Ensure 'dark skies' remain.

DMC6: Scheduled Monuments are not just buildings, they include sites of ancient historical significance and should be included, e.g. Stanton Moor which is a Scheduled Ancient Monument afforded the highest protection. These are just as important as buildings such as Chatsworth.

DMC12: Sites, features or species, wildlife, geological or geomorphological importance. Is there a maintained list of these locations and is it updated on a regular basis, otherwise developers may not be aware.

DMC15: Contaminated and unstable land. This should include such things as Japanese knotweed and Himalayan Balsam, ensuring removal and ongoing maintenance to ensure eradication from a site.

FARMING & ECONOMY

DME2: Farm diversification. This could be seen as a 'green light' to convert many more existing farm buildings into holiday accommodation, leading to possible significant loss of heritage, farming landscapes. Turning working farms into 'neat farmyards and car parks and leading to the loss of farmed landscapes.

DME3: Safeguarding employment sites. What provision does the plan have for identifying business sites/use that cease and are then taken up by inappropriate activity? Examples exist of unauthorised use taking years to be curtailed and in some instances, finally allowed.

RECREATION & TOURISM

When granting any expansion of touring camping & caravanning sites, although this policy highlights factors such as inappropriate road access etc. How can this policy actually control those aspects? PDNPA are not responsible for highways, signage, routing etc. therefore, they may grant an application which creates issues that are outside their control or conversely, refuse an application.

HOUSING

DMH8: This should include extensions to existing garages and storage facilities not just new builds.

There are no comments regarding the increasing issue of second homes within the National Park, these adversely affect local business, they arrive with their goods, spend nothing locally and depart. They reduce the stock of affordable homes, it leads to the loss of community, in some cases the actual viability of some hamlets and villages are at risk.

Additionally, with the advent of AirBnB, more clarity is required on policy. It currently appears that 1 parking place per 2 bed or 2 per 3 bed is the rule for housing (DMT7) but does this include on street parking? When a 2 bed property is rented out, it is quite usual for 2 cars to turn up, with the increase of room rental by the night this will increase the issue. Residents should be given far more priority over tourism, the issue in some villages is leading to complete gridlock with residents unable to access their own premises.

TRAVEL & TRANSPORT

DMT6: Visitor parking - this fails to address the already massive increase in visitor numbers, greatly affecting on street parking in towns and villages. Within DMT7 developers are having to provide off street parking as part of any development, this leads to visitors then utilising the on street areas as free parking due to the lack of provision of visitor parking facilities! This does nothing to alleviate the parking issues at all. Having extended the cycle facilities no additional parking has been provided leading to vehicles parked in gateways, passing places, anywhere that's free. There needs to be a far more positive view for new and enlarged car parks, there is already a clear, demonstrable need.

MINERALS & WASTE

At a meeting held on 1 Sept 2016 to outline the forthcoming DMP, attendees were advised that impact on amenity, environment and restoration would be covered. The new policy was to add greater scrutiny on justification, restoration and aftercare plus importantly criteria on 'cumulative impact'. The refusal to allow wire saws at Dale View Quarry, Stanton in Peak was cited by the PDNPA as a prime example of taking a view of cumulative impact, as it would have led to the industrialisation of the Stanton Moor area.

Looking at the Summary document first. Whilst listing 8 policies, within what is a very 'lightweight' Minerals & Waste summary of policy, one of the major aspects "Cumulative effect of mineral & waste development" doesn't get a mention.

Within the detailed document, section 11.1 is far from robust enough, it should not be a 'general direction to continue to enable progressive reduction in mineral working in the National Park' it should be stated as 'OF UPMOST IMPORTANCE TO REDUCE MINERAL WORKING IN THE NATIONAL PARK' in line with other published policies on Minerals.

Is it really acceptable to lump together Minerals & Waste? As section 11.2 points out 'Mineral working is one of the most sensitive types of development in the NP, due to impact on landscape, biodiversity, heritage and most importantly communities. Its harmful impacts and long term effects on all aspects of Park communities, amenity and the future should ensure far more detailed guidance.

Section 11.5 How can you have a policy that may allow development of mineral sites which states that 'precise details of its compatibility with any repair or restoration project it is proposed to supply'? How would that be controlled? Would it be a case of, if stone is required for local projects, you can have development? The PDNPA already states it has vast reserves of stone applicable for local needs. It couldn't be controlled, existing mineral sites export the majority of the stone to supply projects well outside the PDNPA. How would the management of the suitability, quality and volume of stone reserves be managed? These statements show a lack of understanding of the existing quarrying, methods, quantities, end user aspects of quarrying activity, which is destined to continue for many years to come due to the existing permitted rights, what about potential development of these sites???

DMMW1 - this reads as though quarries are opened for small projects, not the major development that has been seen and is still being seen with applications to extend existing quarries.

11.6 Impact - Conditions and obligations are only as good as the management of them, there are many instances of 'gentleman agreements' a practice which must be curtailed, robust and meaningful management of adherence to set conditions etc. must be laid out in this document.

11.9 Permitted Development Rights must be removed - not just 'generally removed' once again, not a strong enough statement, leaving interpretation open and ineffective.

DMMW2 - Impact - Cumulative Impact must be considered, 2 quarries side by side work the same hours, their vehicles, move around at different times so produce constant noise, not periodic noise. There needs to be further considerations included, such as: the ability of the road systems to cope with any intended vehicle movements; tonnage; impact on the physical infrastructure, i.e. can the bridges cope with the weight; increased damage to the infrastructure and compensation/contributions to upkeep of the infrastructure.

Visual Impact is a very relevant aspect that must be considered, the visibility of mineral workings impact not just the nearest view points, but distant vistas both within the National Park and those views into the National Park. Extensions to quarries also need to give consideration to the potential detrimental change or irreplaceable loss of landscape, not just in the actual vicinity of the quarry but wider scale.

11.13 Non-compliance of full consultation with Statutory Consultees and the local community should render any proposals as invalid. This should apply to the Planning Authority as well, no consultation documents should be added to an authorised/working scheme. There should be complete TRANSPARENCY with all changes/amendments to any scheme.

11.19 The Authority has not displayed an understanding of cumulative impact, they allowed development at Dale View Quarry regarding the concrete crane bases, they backed a planning proposal to install wire saws at the site, they gave no consideration to cumulative impact on the area, residents, amenity, proximity of other working quarries, only local people raised those issues and successfully fought off the total industrialisation of Stanton Moor, and the desecration of its prized Scheduled Ancient Monument. There is clear evidence that Mineral planning does not take a watching brief on current cumulative aspects nor does it appear to anticipate potential conflicts as in the case of Stoke Hall Quarry at Grindleford.

11.21 Whilst stating that policy established that "a selection of small individual areas for local small-scale building and roofing stone for conservation purposes would be identified for safeguarding" the Maps detailing the Mineral Safeguarding areas clearly indicate quarries located on and around Stanton Moor as safeguarded for National & Intermediate use. This is not to say they would be reopened (see section 11.24) however, it goes on to say 'the National Park is best served by ensuring that such a resource could, if absolutely necessary, be made available in the future'. This would surely be contrary to the overall policy suggested here, that there must be a local need? If this policy is aimed at 'safeguarding' the remaining mineral against potential adverse development, then it needs to clearly state that fact, at present the policy indicates to the public that the safeguarding element is to ensure reopening could go ahead with mineral extraction as the purpose of this policy. The associated maps also need to reflect this aspect and a consistent approach to all quarry demarcations regarding the reason for safeguarding needs to be reflected.

DMMW8: Ancillary mineral processing - there is nothing under this section relating to the current practices of importation of stone from other sites to be processed. This section indicates that any processing, where carried out is done so at quarrying facilities, this is not always the case, once again at Stoke Hall Quarry, Grindleford, large quantities of imported stone is processed without the necessary permissions. Far more robust guidelines need to be included here.

Surely, this policy should also state the reasons why ancillary mineral development should not be allowed as it can also lead to the total industrialisation of parts of the National Park, producing end product that is never destined for the National Park itself. That industrialisation rather than being isolated industrial units, sets precedence for other operations in the locality to seek similar industrial facilities.

For clarity Stanton in Peak Parish Council also wish to comment regarding 'The Stanton Moor Principles'

The Stanton Moor Principles will be obsolete once Stanton Moor Quarry extant rights are exchanged for rights elsewhere, a process which is currently under discussion, with a final planning application submitted at this time.

No further quarrying rights are available to exchange on Stanton Moor, therefore, the Principles will become obsolete and are not required in the Development Management Policy.

Yours sincerely

Matthew Lovell
Clerk to Stanton in Peak Parish Council

From: smfogg [REDACTED]
Sent: 27 January 2017 12:35
To: Taylor Brian
Cc: Matthew Lovell; Paul Morris; ian mortimore; Noel Warr; ros.griffit [REDACTED]
Subject: DMP Minerals Policies Maps

Hi Brian,

Following our conversation this morning regarding the detailed GIS mineral map, I would like to raise the following issues.

If the minerals map is purporting to identify 'safeguarded' geology, i.e. the geology that lies below the surface and not necessarily a resource that is/could be worked. Then the following inconsistencies would need to be explained.

Why are parts of Dale View and New Pilhough Quarries (previously quarried areas) excluded from the highlighted areas?

Why is Endcliffe Quarry not included when Lees Cross is?
(Both previously quarried)

Other areas around Stanton Moor have been included, for example the disused Pilhough Quarry which lies within Sheepwalk Wood.

The designation detail is also puzzling, if you click on the coloured areas of the minerals map the area of Stanton Moor shows as safeguarded for 'Roofing Slate Safeguarding Areas'(Policy MIN4/DMMW1) Why would that classification be allocated to the geology of Stanton Moor?

I'm aware that the end of consultation is this evening, hence the reason for copying the other Parish Councillors and Clerk on this email, but these inconsistencies need to be raised as issues for the Parish.

Regards,
Sue
Sent from my iPad

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<http://www.claranet.co.uk>

From: Hase, Mike <mike.hase@derbyshiredales.gov.uk>
Sent: 27 January 2017 09:06
To: Taylor Brian
Subject: Peak District National Park - Development Management Policies Consultation
Attachments: Peak Park Development Management Policies Rport to Council 26January 2017.pdf
Importance: High

Dear Brian

I am writing to advise that Council on 26th January 2017 considered a report on the contents of the above document. A copy of which is attached for your information.

Having considered the report Council resolved to support the Officers recommendations and endorse the Officer Comments set out in Section 2 of the report as the District Council's formal response to the Development Management Policies consultation.

I trust that this meets with your satisfaction.

Kind Regards

Mike Hase
Policy Manager

Derbyshire Dales District Council
Town Hall
Bank Road
Matlock
Derbyshire DE4 3NN

e-mail mike.hase@derbyshiredales.gov.uk


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26TH JANUARY 2017

Report of the Corporate Director

PEAK DISTRICT NATIONAL PARK DEVELOPMENT MANAGEMENT POLICIES DOCUMENT – PART 2 OF THE LOCAL PLAN FOR THE PEAK DISTRICT NATIONAL PARK**PURPOSE OF REPORT**

To provide information on the Peak District National Park Development Management Policies Document, (Consultation Version) and seek endorsement for a response to be sent to the Peak District National Park Authority by the 27th January 2017 statutory deadline.

RECOMMENDATION

That Council endorse the Officer comments contained within Section 2 of the report as the District Council's formal response to the Peak District National Park Development Management Policies consultation document.

WARDS AFFECTED

All Wards within the Peak District National Park.

STRATEGIC LINK

The Peak District National Park Development Management Policies document will have a significant influence upon the delivery of the Council's Corporate Plan, particularly business growth and job creation and the delivery of affordable housing.

1. BACKGROUND

- 1.1 The Peak District National Park Authority is the Local Planning Authority for those parts of the district which lie within the National Park. The Peak District National Park Authority adopted a Core Strategy in October 2011. The Core Strategy sets out the spatial planning framework to guide land use and development in the National Park for the plan period up to 2026 and provides the strategic planning policies for use in the determination of planning applications.
- 1.2 The Peak District National Park published on 18th November 2016 the Development Management Policies Document for a period of ten weeks public consultation ending on 27th January 2017. This document seeks to supplement the spatial strategy and policies of the Core Strategy with detailed policies for use in the determination of planning applications.
- 1.3 The policies seek to provide a framework in which development that aligns with the aims and policy principles of the adopted Core Strategy (October 2011) should be granted planning permission, and development that conflicts with the policies is refused planning permission unless other material considerations indicate otherwise.

- 1.4 The purpose of this consultation is to seek representations on the legal compliance and soundness of the Development Management Policies Document and plan preparation process. Representations are required to refer to whether the particular policies or proposals within the Document are “sound”, by considering whether they are: positively prepared; justified; effective; and consistent with national policy.
- 1.5 The publication of the Development Management Policies Document (Consultation Version) was accompanied by a Statement of Representations Procedure; Policies Maps; Sustainability Appraisal; Habitat Regulations Report; Consultation Statement; and Duty to Cooperate Statement.

2. REPORT

- 2.1 The following section sets out the contents of the Development Management Policies Document and provides Officer Comments on each part of the document.

Introduction

- 2.2 The National Planning Policy Framework (NPPF) sets out the Governments requirements for the planning system and provides a framework for locally distinctive plans and policies. The designation of the National Park as a nationally significant landscape area enables National Park Authorities to fulfil two statutory purposes:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and
 - To promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park.
- 2.3 The Introduction section of the Development Management Policies document sets out that in pursuing the two statutory purposes, the National Park Authority has a duty to seek to *“foster the economic and social wellbeing of local communities...and to seek common ground between conservation, enjoyment and socio-economic wellbeing wherever possible”*. It sets out that whilst these issues can be interdependent where there are conflicting considerations the statutory purposes of the National Park take precedence.
- 2.4 Policy DM1 sets out how the presumption in favour of sustainable development, as set out in the National Planning Policy Framework (NPPF) should be applied to ensure that it does not conflict with the National Parks Statutory purposes. The Policy states that when considering development proposals the Authority will take a positive approach that reflects the presumption in favour of sustainable development and will work proactively with applicants to find solutions that are consistent with National Park statutory purposes and valued characteristics.
- 2.5 The introductory section further outlines the National Park Authority’s views on infrastructure provision and any future requirement to implement the Community Infrastructure Levy (CIL).. The Authority conclude given that there is minimal strategic infrastructure need and limited evidence of a significant funding gap within the Peak Park and therefore the implementation of CIL cannot at this time be justified. It is considered that there is scope to utilise S106 agreements to fund local infrastructure needs, the levels of funding required are relatively small and infrastructure investment needs could therefore be delivered through s106 contributions.

Officer Comments

- 2.6 Policy DM1 sets out how the presumption in favour of sustainable development, as set down within the NPPF should be applied to ensure that it does not conflict with the National Park's Statutory purposes. The approach set out in the policy is considered to be in accordance with the approach set out in the NPPF.
- 2.7 However the **policies which seek to deliver the spatial framework set out within the Core Strategy and Development Management Policies document must be equally positive in terms of facilitating development** considered suitable within the National Park.
- 2.8 The emphasis within Policy DM1 is on ensuring that development proposals seek to ensure that so far as possible they are compatible with the statutory purposes of the National Park. Whilst this satisfies the legislative requirements there is **concern about the extent to which rigidly adhering to the statutory duties actually delivers sustainable development** which meets the social, economic and environmental aspirations of the NPPF can be delivered across the National Park.
- 2.9 In terms of the position set out in respect of the introduction of CIL and the continued use of S106 Obligations, whilst there is no significant concern about the approach taken, it is considered that the National Park Authority should satisfy themselves that where infrastructure provision is being sought that have not unknowingly ended up in a situation where the pooling limits for s106 obligations have been or may be exceeded.

Conserving and enhancing the National Parks' valued characteristics

- 2.10 The conservation and enhancement of the National Parks natural beauty, wildlife and cultural heritage are key to the Parks statutory purposes and the suite of policies set out within this section of the Development Management Policies document seek to ensure the valued characteristics are maintained, and that the impact of proposals on landscape character, biodiversity, geodiversity, cultural heritage assets and their setting are appropriately considered.
- 2.11 The plan introduces a '*Landscape First*' approach, which means that the National Park will assess whether the character and quality of the landscape will be conserved and enhanced by development proposals.
- 2.12 Policy DMC1 seeks to ensure that the impact of development proposals are considered at a larger, landscape scale, taking account of context of the various landscape character areas that exist across the plan area.
- 2.13 Policy DMC2 provides the authorities approach to protecting and managing the Natural Zone. The Natural Zone comprises large areas of undisturbed land, which contain areas of high landscape and biodiversity value, with significant areas protected as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Policy DCM2 states that unless development is considered to be essential (works essential for the landscape management of the area e.g. new path, or essential to the conservation and enhancement of the Parks valued characteristics) development should be located outside of the Natural Zone.

- 2.14 Although the National Park Core Strategy establishes the principles of ensuring development proposals conserve and enhance the valued characteristics of sites and buildings within the National Park, Policy DMC3 sets out the detailed criteria on the siting, design, layout and landscaping considerations for development proposals to be considered against. This policy requires development to demonstrate a high standard of design which contributes to the distinctive sense of place through the appropriate siting, scale, massing, use of building materials, landscape treatments and consideration of the impact of development on amenity and the extent to which the proposal is appropriate in the context of the surroundings.
- 2.15 In order to promote a sustainable level and distribution of development that helps to conserve and enhance the National Park the adopted Core Strategy directs the majority of development to the market town of Bakewell and a range of named settlements.
- 2.16 Policy DS1 in the adopted Peak District National Park Core Strategy sets out that new development will be acceptable for affordable housing, community facilities and small scale retail and business premises in or on the edge of the named settlements.
- 2.17 Policy DM4 sets out that development proposals should provide sufficient information to enable a thorough consideration of the relationship between the proposal and the settlements historic pattern and landscape character to be undertaken. Development which may adversely affect open areas, the character of the built environment or likely to be separated from the existing settlement will not be permitted.
- 2.18 Policies DMC5 – DMC10 set out detailed criteria for use in determining proposals for planning permission where they have an impact upon specific types of heritage assets, including assessing the impact of development on heritage assets and their setting (DMC5); Scheduled Monuments (DMC6); Listed Buildings (DMC7); Conservation Areas (DMC8) and; Registered Parks and Gardens (DMC9). These policies require that the impact of development proposals on the ‘significance’ and ‘setting’ of a heritage asset need to be taken into account. They also require the submission of a heritage statement to ensure that the impact of development on the setting and significance of the asset can be appropriately taken into account.
- 2.19 Proposals involving the conversion of a heritage asset (e.g. barn) will be encouraged to utilise buildings closer to existing building groups (villages, hamlets, farmsteads) in order to reduce the impact on the historic landscape character of the Park. Policy DMC10 further states that in exceptional circumstances remote roadside locations may be considered for conversion where there is particular merit in conserving a heritage asset.
- 2.20 Policies DMC11-15 set out the criteria to be used to assess the extent to which development proposals are able to conserve or enhance the National Parks biodiversity and geodiversity. These policies indicate that development should aim to achieve no net loss to biodiversity/geodiversity, should strive to conserve/enhance sites, features and species. They set out that development will not be permitted if inaccurate or inadequate information is submitted to demonstrate how development will impact on biodiversity/geodiversity assets. Detailed policy guidance is also provided to assist consideration of proposals which may affect trees, woodland and other landscape features (DMC13). DMC14 provides guidance on the impacts of

development on soil, air, noise, water and light pollution, whilst policy DMC15 provides detailed criteria for the consideration of development on contaminated and unstable land.

Officer Comments

- 2.21 It is recognised that the landscape of the National Park is an important asset and that the landscape and conservation development management policies will contribute towards the conservation and enhancement of the valued characteristics of the National Park. However it is considered that in order to ensure the economic and social wellbeing of local communities the policies should provide for a degree of flexibility. This would **allow development proposals which accord with the principles of sustainable development and where the requirements for and benefits of development may be considered to outweigh the need to protect and conserve landscape**, heritage and biodiversity/geodiversity to be approved.
- 2.22 It is considered **Policy DMC4 is overly restrictive and will significantly limit the ability of the Peak District National Park Authority to deliver the jobs and affordable homes required to meet future housing need and ensure local communities remain sustainable.**
- 2.23 Furthermore there is concern that the weight given to the impact of development on landscape character, the historic environment and settlement pattern may preclude development in the named settlements being permitted and delivered. Whilst the need to ensure that the character and appearance of settlements in the Park is recognised, there remains a risk that development will be unable to meet the need for jobs and local affordable housing with associated implications for the ability of the Plan to meet the wider social and economic needs of the National Park. It is considered that a more flexible approach to development that is less restrictive is necessary to ensure the wider policy aspirations of reducing the level of unmet affordable housing need can be delivered.

Farming and Economy

- 2.24 The adopted Core Strategy provides the context for economic development within the National Park. It seeks to enable economic development by supporting the provision of new sites and buildings for business development in and on the edge of settlements listed in Core Strategy Policy DS1 provided that they are in scale with the needs of the local population.
- 2.25 The Core Strategy (Policy E1 and Policy E2) safeguards existing business land/premises, but where employment sites are considered no longer appropriate the Core Strategy policies allow for opportunities for enhancement which may include redevelopment for affordable housing and/or community uses.
- 2.26 Policies in this section of the document recognise the need to allow for land managers to diversify their sources of income in order to ensure business remains viable. Policies DME1 and DME2 set out the criteria for the consideration of farm diversification schemes and agricultural and forestry operational development. These policies allow development to take place provided there is a net benefit to the landscape and no harm to the valued landscapes of the Park arises.

- 2.27 DME3 and DME4 relate to safeguarding existing and the change of use of existing employment sites. These policies continue to safeguard a strategic amount of employment space in Bakewell, notably Deepdale Business Park, Station Road and Riverside Business Park, in addition to key sites in Great Longstone, Calver Sough, Newburgh near Bradwell, Hathersage Hall Farm and Station Yard, Heathersage Park, Hathersage and the Whitecross Industrial Estate at Tideswell.
- 2.28 The National Park development management policies focus on protecting and retaining existing employment sites and premises. Policy DME4 requires a 12 month period of marketing to be undertaken prior to the change of use and loss of existing smaller scale employment sites being agreed. Where evidence demonstrates sites are no longer viable for employment purposes and the proposed scheme offers enhancement to the built environment or landscape policies facilitate change, new uses will be permitted.
- 2.29 The remaining policies within this section provide guidance on development proposals for B1 employment uses in the countryside (DME5), home working (DME6), expansion of existing industrial sites and business premises where it is not ancillary to an agricultural business (DME7) and the design layout and neighbourliness of employment sites (DME8).

Officer Comments

- 2.30 The policy of promoting diversification of agricultural and land management businesses and offering scope for business enterprise through the positive re use of traditional buildings will have benefits to both local farmers and the local economy as a whole. It is considered that the policy approach will enable the visions for a stronger and more sustainable economy to be achieved. The policy approach to support the retention of existing strategic employment sites and smaller scale employment sites is welcomed. In this regard it is considered that these policies could also include a proviso which seeks to ensure that there is sufficient land on these sites to accommodate future employment development. In respect of development management policies **related to B1 employment uses in the countryside it is considered that a degree of flexibility should be encouraged to ensure such uses are permitted where they provide social and economic benefits to the wider Peak Park economy and sustainability as a whole, and that B2 uses should be permitted where they provide overriding social and economic benefit.**

Recreation and Tourism

- 2.31 One of the statutory purposes of National Parks is to promote “opportunities for the understanding and enjoyment of the special qualities (valued characteristics) of those areas by the public”. Tourism makes a significant contribution to the culture of the Peak District National Park and its wider hinterland. The Core Strategy sets out that proposals for recreation, environmental education and interpretation will be supported where they encourage understanding and enjoyment of the Park. Policy RT1 of the Core Strategy requires new recreation and tourism development to justify its location in respect of environmental capacity, scale, intensity of use and to be informed by the Peak District Landscape Strategy.
- 2.32 Development Management policy DMR1 and DMR2 strengthen the controls on small scale campsite and touring caravan development, and only permits development

where they can be accommodated within the landscape. The development management policies continue to resist larger scale permanent accommodation (chalets, static caravans) due to the adverse impact on the valued landscapes of the Park. DMR3 continues to permit holiday occupancy of property where the conversion and intensification of use is suited to the building and its setting thus recognising the valuable contribution that holiday accommodation provides to diversifying income. DMR3 further enables the authority to approve the subsequent removal of holiday occupancy conditions where there is no harm to residential amenity and in doing so create a further home that can address a local need for affordable housing.

Officer Comments

- 2.33 It is considered that the development management policies recognise that recreation and tourism is an important element of the local economy and is supported. However it is considered that a balanced and flexible approach should be taken that encourages development that is of benefit to meeting recreation and tourism needs., particularly where it does not adversely impact upon the special characteristics of the National Park. The policy approach outlined in DMR3 which allows the authority to approve the removal of holiday occupancy conditions to create a further home which may meet a local affordable need is supported and will assist, if implemented in the need to meet future housing needs. It is further considered that there should be a policy that supports the provision of a small hotel somewhere within the National Park, in order to provide this as an alternative source of tourist accommodation.

Housing

- 2.34 The adopted Core Strategy policies retain an in-principle presumption in favour of granting planning permission for new housing development only where it addresses the need amongst local communities for affordable housing. No housing target for open market development, is identified for the National Park and no land is allocated for residential development.
- 2.35 The adopted Core Strategy policies seek to address the need for affordable housing through the 'exception site' route. This allows development to be granted planning permission, to meet an identified need for affordable housing within a local community. The adopted Core Strategy further permits housing development through appropriate conversion and redevelopment opportunities where it is considered to be there is no harm to the built environment and landscape character of the National Park.
- 2.36 Policy DMH1 sets out that affordable housing will be permitted in or on the edge of Core Strategy Policy DS1 Named Settlement, either by new build or conversion. Outside the named settlements it only allows affordable housing by way of the conversion of existing buildings provided that there is a proven need and that the new build housing is within prescribed size thresholds (from 39 sq. metres to 97 sq. metres) Policies DMH2 and DMH3 set out the detailed local occupancy requirements for affordable housing, for example a local connection and an essential need to reside in the parish.
- 2.37 Policy DMH4 provides criteria for use in the determination of planning applications for essential worker dwellings and builds upon the guidance in para 55 of the NPPF which requires Local Planning Authorities consider the essential business need for a rural worker to live permanently at or near their place of work. Policy DMH5 provides

detailed guidance on the determination of development proposals for ancillary dwellings in the curtilage of existing dwellings by conversion or new build. Policy DMH6 relates to the redevelopment of previously developed land into residential development. It sets out that that development will only be permitted where it conserves and enhances the valued character of the built environment, where the land is inside or on the edge of a named settlement, and subject to viability, an element of the housing addresses local need for affordable housing. The remaining policies in this section deal with extensions and alterations (DMH7), outbuildings (DMH8), replacement dwellings (DMH9), subdivision of dwellings (DMH10) and section 106 agreement criteria to be applied to affordable housing, essential worker dwellings and ancillary accommodation (DMH11).

Officer Comments

2.38 The evidence from the Assessment of Housing and Economic Needs (September 2015 – G L Hearn) indicates that across the whole of the District Council area there is a need for 101 affordable homes per annum – equating to 41% of all demographic based need. Assuming that this is a constant figure across both the local planning authority area and the Peak District National Park, this equates to 44 affordable homes required per annum in the Derbyshire Dales part of the National Park.¹ This level of requirement is more than double that agreed with the National Park (20 dwellings per annum) as its contribution to meeting the housing requirements for the whole of Derbyshire Dales in the Derbyshire Dales Local Plan.

2.39 The Peak District National Park Core Strategy includes the following as part of its spatial outcomes:

“The National Park’s communities will be more sustainable and resilient with a reduced unmet level of eligible affordable housing need and improved access to services.”

2.40 The Core Strategy sets out that in order to achieve this outcome it will undertake the following:

Homes and Communities policies in the context of the Development Strategy (DS1) will be able to support:

- Work within these communities to explore and identify the potential for new affordable homes and to meet wider community needs and challenges, particularly where there is no current evidence of capacity
- The provision of new affordable dwellings by buying existing buildings as part of the effective use of the existing housing stock
- Retention and provision of community facilities and services
- The co-location of jobs and homes in order to reduce peoples need to travel

2.41 As such the aspiration to provide more affordable housing through exception sites and conversion is supported. However the development strategy outlined in the Core Strategy and subsequent development management policies are considered to

¹ Figure 209 in GL Hearn Report indicates a need for 88 demographically related homes within the Peak District National Park – 41% equates to 36 units plus 8 identified for improving affordability gives a total need for affordable housing of 44 units per annum.

represent **an unreasonably restrictive framework for the provision of affordable homes**, Furthermore it is considered that the policies have a limited ability to effectively deliver the overarching aims of reducing unmet levels of affordable housing need across the Park.

- 2.42 The policy approach to allow the redevelopment of previously developed sites for housing is noted and welcomed; however the requirement that development conserves and enhances the valued character of the landscape/built environment is likely to result in only a limited number of development proposals being deemed suitable for granting planning permission.
- 2.43 A flexible approach to allow **housing to meet local needs and particularly those of the younger generation should be encouraged** in order to promote sustainable communities within the Peak District National Park.
- 2.44 At the current time any subsidy from the Homes and Communities Agency needed to deliver affordable housing in the National Park is now at the same level as that provided by the District Council, making use of Right to Buy receipts. However as the District Council has a lot less scope to continue funding new affordable housing schemes inside the National Park additional subsidy to fund affordable housing in the National Park is required. One way of achieving this could be to allow in appropriate circumstances the cross subsidy of affordable housing by a limited amount of open market housing through s106 Obligations. Providing housing in this way would be similar approach taken to that in the Derbyshire Dales Local Plan (Policy HC5) and would allow the settlements in the National Park to maintain their resilience and sustainability as well as provide support for the schools, shops, pubs and other services in these locations.
- 2.45 Policy DMH2 sets out a 10 year local connection within the settlement/parish in order to be eligible for any new affordable housing provision. This is a long standing policy requirement of the National Park. Whilst this ensures that occupiers have a well-established connection with the village it is considered that this becoming too onerous a requirement for housing providers and has the potential to have an impact upon affordable housing investment in the National Park. It is suggested that the policy should be halved to reflect Derbyshire Dales' approach to local occupancy.

Shops, Services and Community Facilities

- 2.46 Core Strategy policies seek to promote the retention and development of local services and community facilities such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship. The proposed development management policies continue to discourage the loss of services that are considered essential to a community, and where facilities such as village halls, doctors and play spaces are threatened their loss will only be accepted where it has not been possible, through the submission of marketing information to demonstrate that such a facility or services is viable (DMS2).
- 2.47 In respect of retail development policy DMS3 provides detailed guidance on retail development outside named settlements, with policy DMS4 and DMS5 providing design guidance for shop fronts and advertising. In Bakewell the central shopping area is retained, and the policies support new shops, services and community facilities

where they are proposed in or on the edge of named settlements. Policies DMS6 and DMS7 provide protection and safeguarding through the Policies Maps of land for the provision of new or expanded community facilities and the retention of community recreation sites or sports facilities.

Officer Comments

- 2.48 The development management policies approach to support the promotion, retention of shops, services and community facilities is welcomed. The retention and provision of such facilities is crucial to the social wellbeing of communities.

Bakewell

- 2.49 In order to reinforce the important role of Bakewell as a market town, policy DMB1 sets out that a development boundary for the town will be identified on the Policies map and accordingly future development will be contained within the defined boundary. The key business sites are safeguarded in the economy policies and a commitment to retaining the central shopping area is established in the Core Strategy.

Officer Comments

- 2.50 Bakewell is the largest settlement within the Peak District National Park, and given the range of services and facilities it provides for those living in the surrounding catchment area it is considered that support should be given to the policies within the document that seek to maintain and enhance the future prospects of the town. However given the role and function that Bakewell plays within the Peak District National Park, it is considered that **there should be more support and flexibility shown within the plan to the delivery of housing and employment development** that maintains its future sustainably. Whilst this may result in Bakewell taking slightly more development, it is considered that having additional development on the edge of the town would be less harmful on the landscape character than development elsewhere in the plan area.

Travel and Transport

- 2.51 Transport plays a vital role in enabling residents to travel to, from and around the National Park. The adopted Core Strategy sets out the strategic principles for accessibility, travel and traffic through a set of policies aimed at reducing the need to travel, whilst at the same time encouraging sustainable transport.
- 2.52 Development Management Policy DMT1 sets out that new roads or railways for cross park travel will not be supported nor will major alterations to existing roads or railway unless there is a national need which is in the public interest; or will provide a long term local transport, economic or environmental benefit. Detailed access and design criteria for new development proposals and transport related infrastructure are set out in Policy DMT2 which also seeks to ensure infrastructure such as signage and cameras are sensitively designed to protect the high quality landscape.
- 2.53 The Peak District National Park retains its stance on resisting new roads other than where they are essential to serve new development. Former railway lines across the Park are protected and the plan does not include any proposals to reinstate back to railway use. The policies also only allow for the reinstatement of railway use where

the displacement of leisure uses such as cycling could be adequately mitigated with suitable alternative provision (DMT3).

- 2.54 Furthermore railway development would need to serve the wider transport needs of the area rather than serving only as a tourist attraction. Policy DMT4 provides criteria against which the bringing forward of new multi user routes can be enabled. Policies DMT5, DMT6 and DMT7 provide parking standards for new development whilst DMT8 deals with the impact of airborne transport on the Park.

Officer Comments

- 2.55 Whilst it is appropriate to support the aim of reducing the need to travel and encouraging the use of more sustainable modes of transport, the practicalities of achieving this within the Peak District National Park will require partnership working with other agencies such as Derbyshire County Council. The provision of appropriate transport infrastructure and sustainable travel modes is important for the residents, visitors and businesses operating within the National Park and those from surrounding areas. **Consideration of the wider social and economic benefits of travel and transport proposals must be adequately weighed against the requirement to conserve and enhance the valued characteristics of the Park and its landscape or else these policies would be applied unsustainably.**

Utilities

- 2.56 Core Strategy policies permit the provision of utility infrastructure both within settlements and in the countryside where it is outside the Natural Zone in the context of National Park purposes. This section of the Development Management Policies document sets out criteria to be used in consideration of proposals involving the development that provides new or upgraded service infrastructure and utilities and states that upgraded infrastructure should not have an adverse impact upon the valued characteristics of the area. Other policies set out that infrastructure development will not be permitted in close proximity to utility installations such as sewage treatment works or gas pipelines (DMU3). Policies DMU4 and DMU5 deal with applications for telecommunications and indicate that more evidence of need should be submitted to justify such proposals.

Officer Comments

- 2.57 The provision of infrastructure is essential to maintaining sustainable communities across the Peak District National Park. Whilst these policies seek to ensure that where infrastructure is provided that it does not have an adverse impact upon the valued characteristics of the area it is considered that in some instances that where planning permission is required for such infrastructure development some degree of flexibility and/or pragmatism should be shown in the application of these policies in order to ensure that infrastructure is provided for the benefit of the local communities. Furthermore it is considered that there should be support within the plan for the necessary infrastructure to improve high speed broadband provision and improved mobile phone coverage.

Minerals and Waste

- 2.58 The Development Management policies provide support for the overall strategy of achieving a reduction in mineral extraction from within the National Park, retaining reasonable opportunity for nationally needed fluorspar from underground mines and local building stone reserves which further National Park purposes.
- 2.59 The plan sets out that mineral extraction will be considered as major development and along with proposals for waste development sites the development management policies provide criteria to assist the assessment of the justification for mineral and waste development (DMMW1) and potential for impacts on the environment (DMMW3), on residents and on visitors enjoyment of the area (DMMW2). Further policy guidance is also provided in respect of the location of new waste sites (DMMW4), restoration of the landscape (DMMW5) and a requirement for all ancillary mineral development to cease once mineral operation has completed (DMMW8).

Officer Comments

- 2.60 The unfettered extraction of minerals from the Peak District National Park would have an adverse impact upon the character and appearance of the National Park. As such it is considered that the policies seek to achieve a reasonable balance between the need for minerals and minimising any impact upon the National park.

3 RISK ASSESSMENT

3.1 Legal

The Development management Policies will affect parts of the District Council area for which the Peak District National Park Authority are the local planning authority. The legal risk to the District Council is therefore low

3.2 Financial

There are no financial risks arising directly as a result of this report. The financial risk is, therefore, assessed as low.

3.3 Corporate Risk

The Peak District National Park will utilise these policies in the determination of the planning applications, and as a means of implementing the Peak District National Park Core Strategy. These may therefore impinge upon the District Council's priority of a thriving district, particularly in securing business growth and affordable housing.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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[REDACTED]

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6 BACKGROUND PAPERS

Development Management Policies October 2016
(Version for Consultation)

Ref. No.....
(For office use only)

PEAK DISTRICT NATIONAL PARK AUTHORITY

**Development Management Policies
PRE-SUBMISSION DOCUMENT
November 2016**



Representation Form

Please return this form to the Peak District National Park Authority by 5pm on 27 January 2017

This form has two parts:

PART A – Personal details

PART B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

PART A

1. Personal Details*	2. Agents Details (if applicable)	
Title	Mr.	
First Name	Will	
Last Name	Kemp	
Job Title <i>(where relevant)</i>	Planning and Development Manager	
Organisation <i>(where relevant)</i>	Chatsworth Settlement Trustees	
Address Line 1	The Estate Office	
Line 2	Bakewell	
Line 3	Derbyshire	
Line 4		
Postcode	DE45 1PJ	
Telephone Number	01246 565300	
Email Address <i>(where relevant)</i>	Will.Kemp@chatsworth.org	

** if an agent is appointed, please complete only the title, name and organisation boxes below but complete the full contact details of the agent.*

By Email

26 January 2017

Our Ref: PD/Plans/PDNPA/DMPols/WK/JH

Peak District National Park Authority
 f.a.o. John Scott
 Aldern House
 Baslow Rd
 Bakewell
 Derbyshire DE45 1AE

Dear Sirs

**Development Management Policies (Part 2 of the Local Plan for the PDNP)
 Publication Version for Consultation October 2016: Response by CST**

Further to our response on the earlier version of the above in December 2012, I am writing on behalf of The Chatsworth House Trust (CHT) and The Trustees of the Chatsworth Settlement (also known as the Chatsworth Settlement Trustees (CST)) to submit our response to the current "DMP" consultation draft. As such, I outline related matters herein and attach the documentation outlined below.

Respondent

The Devonshire Group is the collective name for the landed estates, businesses and interests of the Dukedom of Devonshire which are mainly centred around Chatsworth in Derbyshire, with further property in Yorkshire, London and Eastbourne. The Devonshire Group provides over 600 full time equivalent jobs in a range of activities including: stewardship of historic buildings and works of art; farming and forestry; visitor enterprises; events and exhibitions; hotels; property lettings and management. The Group also encompasses three charities, the Chatsworth House Trust (registered charity no.1511149, which manages Chatsworth House, Park and Gardens for the long term benefit of the public); the Devonshire Educational Trust (registered charity no. 1107405 which is a charity driven to provide diverse and accessible educational opportunities and activities throughout the Group); and The Duke of Devonshire Charitable Trust (registered charity no. 213519 a grant-making family charity supporting other registered charities). The Group is committed to quality in all its activities; it measures its performance in conventional financial terms but as importantly in terms of its social and environmental impact, referred to internally as its triple bottom line.

The Chatsworth House Trust is a charitable foundation (registered charity no.1511149) which manages Chatsworth House, Park and Gardens for the long term benefit of the public. Most of its income comes from admission charges and



major events such as the Chatsworth Horse Trials and Chatsworth Country Fair; it is thereby funding the £32million restoration of the House, a Grade I listed building of national importance. The Chatsworth House Trust and associated Chatsworth Settlement Trust activities provide 450 full time equivalent jobs at Chatsworth and contribute c.£50m of enabled Gross Value Added to the local economy each year (Source: New Economics Foundation 2014). The Chatsworth House Trust is committed to quality in all its activities; it measures its performance in conventional financial terms but as importantly in terms of its social and environmental impact, referred to internally as its triple bottom line.

The Chatsworth Settlement Trustees' Derbyshire Estate is based around Chatsworth and leases much of its land for a variety of uses (including agricultural, commercial, residential and sporting purposes). It also runs in-hand farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities (including the Chatsworth Estate Farm Shop, retail and catering outlets at Chatsworth House). Together with the Chatsworth House Trust (registered charity no.1511149) which manages Chatsworth House, Park and Gardens for the long term benefit of the public, the Derbyshire Estate provides over 450 full time equivalent jobs and contributes c.£50m of enabled Gross Value Added to the local economy each year (Source: New Economics Foundation 2014). The Chatsworth Settlement Trust is committed to quality in all its activities; it measures its performance in conventional financial terms but as importantly in terms of its social and environmental impact, referred to internally as its triple bottom line.

Development needs

The Devonshire Group (i.e. CHT and CST) has development needs in the Peak District both in general and specific terms.

In managing Chatsworth House, Park and Gardens for the long term benefit of the public, we welcome over 750,000 visitors each year and derive income from admission charges. We thereby fund socio-economic facilities (e.g. village shops/post offices) as well as environmental programmes (e.g. the £32 million restoration “masterplan” of the House, a grade I listed building) without grant support. We are also a major employer in the Peak District, and underpin the commercial success of many firms and suppliers (e.g. public houses, hotels, travel operators) in the area. We thereby provide benefits far beyond “just the estate”.

As such, we have to ensure projects are viable, improve and diversify our visitor offer, and see that operations address constant challenges including: high/rising environmental maintenance costs; bad weather; difficulties of repairing and adapting old buildings; increased competition; major planning constraints.

In general terms therefore, we need a degree of **certainty** and **flexibility** and also recognition of the **socio-economic (and environmental) benefits** that we bring. As such, we are disappointed to see that the policies in the draft DM Policies document are on the whole negative and overly restrictive, focused solely on the

environment without any real socio-economic dimension (or consideration of the resources needed to maintain the environment to a high standard), and in particular do not provide for the consideration of the **positive aspects** and **public benefits** of development. As such, we feel that the document does not comply with S.62 of the Environment Act 1995 and cannot be said to have been prepared “positively” as required by the National Planning Policy Framework (NPPF) 2012.

In more specific terms, we need certain development projects to come forward in order to address the type of issues identified above. Whilst we should look to the draft DM Policies document to provide a degree of certainty and flexibility on the foregoing, we feel it does not do so and therefore need to respond to this consultation as outlined below.

Response (summary)

In view of both the foregoing and our response to the earlier draft DMP in 2012, we consider that the draft DMP does **not** reflect the importance of Chatsworth in terms of its economic and social benefits to the Peak District, and that it is deficient in key respects (especially the fact that it does **not** contain a specific policy on either Chatsworth or Renewable Energy).

As such, we provide two proposed draft policies DMCH1 (Chatsworth) and DMU6 (Renewable Energy) within our detailed responses. Proposed policy DMCH1 reflects the key and unique planning challenges faced in ensuring that sufficient income is generated to fund the preservation and enhancement of nationally important heritage assets as well as maintaining the fundamental importance of Chatsworth to the Peak District economy; it also includes our need for the use of the access north of the House to Baslow onto the A619 and greater flexibility in terms of the use of temporary buildings and structures. Proposed policy DMU6 reflects our earlier call for the inclusion of a policy on Renewable Energy.

In addition, we consider that the draft DMP is unsound in several respects and therefore provide responses to various draft policies as follows:

- Policy DM1 (presumption in favour of sustainable development): need to include **economic** and social considerations so as to be consistent with accepted definitions of sustainable development and in particular accord with both the definition of duties of National Park Authorities (NPAs) as required by Section **62 (1) of the Environment Act 1995** AND related provisions in the National Planning Policy Framework 2012
- Policy DMC5 (assessing development impact on heritage assets): need to prepare policy positively and in particular provide for the consideration of **public benefits** and other **positive contributions** when assessing development impact on heritage assets
- Policies DMC6 (Scheduled Monuments), DMC7 (Listed Buildings), DMC8 (Conservation Areas), DMC9 (Registered Parks & Gardens) and DMC10 (conversion of heritage assets): need to provide a balanced policy which provides for the consideration of qualities and features specified in



the **listing schedule** concerned as well as the **public benefits** of development

- Policy DMT1 (cross-park infrastructure): need to remove the word "national" from policy which would in turn facilitate a related proposal for **egress** from the House car park heading north and onto the Baslow roundabout, thereby alleviating traffic pressure on the listed bridge to the House, improving traffic flow through Baslow and reducing the frequency of damage to the (Grade I listed) gates there (NB: this should also necessitate a change to the Proposals Map inset for Chatsworth)
- Policy DMMW1 (justification for minerals and waste development): need to reduce the onerous requirements for small scale quarry operators since only these quarries can provide the stone that is key to maintaining the **character** of the National Park and the buildings at Chatsworth, especially the house itself and associated buildings in the garden and park. There is no other source of building stone that can provide this match.

We have also provided minor comments on Policies DME1 (agricultural or forestry operational development), DME5 (exceptional class B1 employment uses) and DMH11 (S106 agreements).

I therefore attach our responses (on the standard forms provided) for inclusion within a modified draft for submission to the Secretary of State, and would be grateful if you could keep us informed of related progress.

Yours faithfully



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Enc: Response to lack of policy on DMCH1 (Chatsworth)
Response to lack of policy on DMU6 (renewable energy)
Response to policy DM1 (presumption in favour of sustainable development)
Response to policy DMC5 (assessing development impact on heritage assets)
Response to policy DMC6 (scheduled monuments)
Response to policy DMC7 (listed buildings)
Response to policy DMC8 (conservation areas)
Response to policy DMC9 (registered parks & gardens)
Response to policy DMC10 (conversion of heritage assets)
Response to policy DMT1 (cross-park infrastructure)
Response to policy DMMW1 (justification 4 minerals & waste development)
Response to policy DME1 (agricultural or forestry operational development)
Response to policy DME5 (exceptional class B1 employment uses)
Response to policy DMH11 (S106 agreements).



PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

5. Please give details of why you consider the Development Management Policies document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy DMU6 Renewable Energy

The Development Management Policies document ('the DMP') currently fails to provide a planning policy that will enable planning applications for renewable energy development to be properly determined over the plan period.

The adopted Core Strategy (Policy CC2 Low carbon and renewable energy development) cannot be relied upon as the date of adoption (2011) of the Core Strategy predates the NPPF (2012) and, as such, it predates up to date national planning policy on renewable energy.

The NPPF is in principle supportive of renewable energy development. The 'Core Planning Principles' (paragraph 17) state that planning should:

- *“support the transition to a low carbon future in a changing climate..., and encourage the use of renewable resources (for example, by the development of renewable energy);”*

The NPPF is clear that planning has a key role in supporting renewable energy, and identifies this is central to the economic, social and environmental dimensions of sustainable development. Local Planning Authorities (LPAs) need to recognise the role of all communities to contribute to energy generation from renewable sources, in order to increase the use and supply of renewable energy. LPA should also (paragraph 97):

- *“have a positive strategy to promote energy from renewable and low carbon sources;*
- *design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;...”*

The NPPF also is clear that there is no requirement for applicants to demonstrate need for renewable energy development (paragraph 98), stating that LPAs should:

“not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions”

This national policy contained within paragraph 98 is important in the context of National Parks as renewable energy projects are likely to be small scale so that development is consistent with National Park purposes.

Paragraph 98 goes onto to provide further highly relevant guidance to inform the DMP concerning how planning applications are to be determined:

“approve the application if its impacts are (or can be made) acceptable.”

The Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and run farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth. The renewable energy initiatives are important from an economic dimension as they provide a level of certainty of energy supply and price, as well as contributing to commitments to the high environmental standards at Chatsworth. This is a practical example of how the sustainable development should be achieved under the NPPF (paragraph 8) with economic, social and environmental roles being sought jointly to secure higher standards.

The Chatsworth Settlement Trustees, as part of the Devonshire Group, is committed to sustainable development and has already delivered several projects on the Chatsworth Estate and is seeking to deliver more projects. There is a constant battle between the thermal efficiency of old buildings and the need to provide renewable energy systems.

It is therefore important that the National Park provides a development management policy that is permissive towards renewable energy development, and that also has regard to economic, environmental and amenity considerations.

The current absence of a policy means the DMP fails the tests of the soundness. The DMP is not seeking to meet objectively assessed renewable energy development and infrastructure requirements, especially as it is not consistent with achieving sustainable development, and as such has not been positively prepared. The absence of such a policy means the DMP will not be effective in respect of renewable energy, and is not consistent with national policy.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Additional Policy as follows:

Policy DMU6 Renewable Energy

- A. *Proposals for renewable energy development will be supported, subject to a balanced consideration of the following criteria:*
- (i) *the contribution to renewable energy consumption and reducing carbon emissions, and associated legally binding targets;*
 - (ii) *the demonstrable economic and other public benefits, which may arise;*
 - (iii) *the effects on the special qualities of the National Park;*
 - (iv) *landscape and visual impacts, including both stand-alone or cumulative impacts;*
 - (v) *residential amenity impacts, including visual amenity and noise, and where relevant air quality and shadow flicker;*
 - (vi) *hydrological and drainage impacts;*
 - (vii) *impacts on designated nature conservation sites, protected species and habitats;*
 - (viii) *impacts on the significance of designated heritage assets, and their setting;*
 - (ix) *impacts on public rights of way and bridleways, and associated recreation use;*
 - (x) *proposed access arrangements for the construction and maintenance of the development;*
 - (xi) *impact on existing land use and agricultural land classification; and*
 - (xii) *where relevant, impacts on telecommunications and aviation infrastructure.*
- B. *Where the impacts of renewable energy development are (or can be made) acceptable proposals for renewable energy development will be approved. Mitigation, where this is proposed, will be considered favourably where this may address potential impacts.*
- C. *At such time when a renewable energy development becomes redundant or reaches the end of its consented period, above ground structures shall be decommissioned and the site restored.*
- D. *The Applicant will be required to provide information that is no more than sufficient to understand the potential benefits and impacts of the development.*

Supporting Text to Policy DMU6:

Policy DMCH1 seeks to provide a positive approach for the management of renewable energy development in the National Park by taking a balanced approach between the national need for renewable energy development, and appropriate environmental and amenity safeguards.

Whilst large scale renewable development may not be compatible with the National Park, there are opportunities for smaller scale development that may have minimal impacts and allow the National Park to contribute to the need for renewable energy development. This approach is consistent with Core Strategy Policy CC2 Low carbon and renewable energy development and with the National Planning Policy Framework, which recognises the smaller scale projects make a valuable contribution towards cutting greenhouse gas emissions.

*See accompanying note

Renewable energy development can also result in local benefits by way of economic considerations. As well as the potential to support and generate employment during the construction phase, renewable energy can provide energy security and certainty over price, which can benefit local business and communities.

It is important that local business and communities have flexibility to achieve this and inherent to this is a consideration of the benefits of a renewable energy development against its impacts, when planning applications are determined.

It is still important that impacts are considered, especially in the context of protection which applies in the National Park and these are set out in Criterion B of the policy. Further guidance on these impacts and how they may apply to the different types of renewable energy development is provided in Climate Change and Sustainable Building – Supplementary Planning Document (Adopted March 2013).

The National Planning Policy Framework is also clear that where impacts of renewable energy development are (or can be made) acceptable, then planning applications should be approved. If there is potential mitigation available, this will also be considered favourably to establish if this can make the development acceptable.

Many renewable energy developments are temporary and time limited by planning condition. After the time limit expires, the site should be returned to its previous state about ground level, to minimise the longer term impact on the National Park when the renewable energy benefits of the development have ceased. This will normally be achieved via planning condition.

It is recognised that renewable energy developments can vary in terms of the type and scale of development. This needs to be reflected in the amount of information that may be required to support a planning application. The information submitted therefore should be made on a proportionate basis and no more than is sufficient to understand the benefits and impacts.

Assessing Policy DMU6 against the tests of soundness

Policy DMCH1 is considered to meet the tests of soundness as set out in the NPPF (paragraph 182):

Positively prepared: The policy is permissively worded and accords with the supportive approach to renewable energy development, under the NPPF. It also allows for the consideration of impacts in the planning balance. It is thus positively prepared.

Justified – The policy is the most appropriate strategy because this is the only approach that will allow all relevant development management considerations for renewable energy be properly considered. The alternative of not having a policy will mean the DMP will not reflect national planning policy in respect of how planning applications for renewable energy development are to be determined;

Effective – The policy will be used to determine planning applications which relate to the renewable energy development over the plan period, and as such the policy will be effective and deliverable over the plan period; and

Consistent with national policy - The policy will enable the delivery of sustainable development in accordance with the NPPF, which makes specific reference to renewable energy in this context. It will also be consistent with how planning applications for renewable energy are to be determined under the NPPF.

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

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Policy DMT1 Cross-park Infrastructure

Policy DMT1 Criterion A only permits cross park infrastructure where there is a national need and so would prevent cross park infrastructure where the need may be more of a local or regional need.

The Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and run farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth. This includes providing infrastructure to access these uses on land which forms part of the Chatsworth Estate.

An important issue at Chatsworth House is traffic management and congestion, associated with its success as a visitor destination. A major cause is the current vehicular access arrangements, which is taken from a single access point off the B6012, narrowing to a single carriageway where it crosses a Grade I listed Paine's bridge over the River Derwent, on the approach to house. A potential traffic management solution is the use of an existing access which joins onto the A619, north of Baslow, as well as maintaining the existing access. This will also the significant benefit of improving traffic flow through Baslow, and a secondary benefit of reducing the frequency of damage to the Chatsworth Gates (themselves a grade 1 listed structure).

As the vast majority of visitors to Chatsworth are from outside the National Park, access improvements can be viewed as 'cross park' infrastructure.

It is important therefore that Policy DMT1 criterion A does not prevent access improvements to Chatsworth, where the need may be more local or regional, rather than national.

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Amend Criterion A to Policy DMT1 as follows, deleting 'national':

A. There is a compelling ~~national~~ need which cannot be met by any reasonable alternative means, and ...

*See accompanying note

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Name or organisation: Chatsworth Settlement Trustees

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Policy DMMW1 The justification for minerals and waste development

The proposed wording of Policy DMMW1 'The Justification for Minerals and Waste Development', and the associated supporting text in paragraph 11.5, currently require the same level of evidence to be provided to justify a minerals (or waste) development, regardless of the size and scale of the proposed operations.

Whilst it is accepted under National Planning Policy Framework ('the NPPF') (paragraphs 142 to 149) that minerals development must be properly justified in the National Park, the NPPF also advises that requirements for planning applications (paragraph 193) "*should be proportionate to the nature and scale of development proposals*".

Policy DMMW1, as it stands, effectively applies a higher threshold for smaller minerals operators, and those who may only operate minerals operations to serve a specific end user, because the evidence requirement is the same as larger commercial operators who are more likely to require detailed justification in planning terms, to support their developments in the National Park.

The proposed wording of the policy and justification in the supporting text is therefore not wholly consistent with national policy, and is not considered justified, effective or positively prepared, as it does not permit a more proportionate approach to be taken to smaller minerals operations. The soundness test of 'justified' as set out in the NPPF (paragraph 182) makes specific reference to "*proportionate evidence*".

The Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses and operate a small minerals operation at Burntwood Quarry. The level of justification and associated evidence that been required to gain planning permission (Peak District National Park Authority ref: NP/DDD/0513/0392) raised overall viability concerns associated with the cost of evidence. It is not considered this was required in a proportionate manner, given that the sole purpose of the minerals operation is to provide for stone to repair and reinstate designated heritage assets at the Chatsworth Estate, which significantly contributes to the special qualities of the National Park.

The Chatsworth Settlement Trustees raised similar concerns during the consultation to the Issues and Preferred Approaches consultation in 2012, although these have not been addressed in the Publication version.

This can be overcome by Policy DMMW1 including a criterion which reasonably allows for a proportionate approach to the level of justification and associated evidence, to reflect the size and scale of the minerals (or waste) operation.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Add the following additional Criterion to Policy DMMW1:

B. The evidence required to justify minerals and waste development shall be made on a proportionate basis to the size and scale of the minerals, and no more than is sufficient to understand the potential impact of the proposed operations in relation to Criterion A and the amenity and environmental impacts of the development.

Add the following to supporting text to Policy DMMW1 (paragraph 11.5):

It is also recognised that there are a variety of minerals operations in the National Park, which differ greatly in terms of size and scale. There are also minerals operations which perform only a function of providing materials for the repair and restoration of specific uses, including those required to maintain designated heritage assets. The evidence therefore which is required to justify minerals development, needs to be made on a proportionate basis and no more than is sufficient to understand the potential operations, including amenity and environmental impacts.

Assessing the amendments to Policy DMMW1 against the tests of soundness

These additions are considered make Policy DMMW1 'sound' as a more proportionate approach will justify the policy, as well as increasing its effectiveness in dealing with smaller minerals operations, making the policy more positively prepared towards smaller minerals operations, as well as increasing its consistency with national policy.

*See accompanying note

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

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Policy DMH11 Section 106 Agreements

It is not considered necessary to have a policy which concerns Section 106 Agreements as this relates to matters that are already dealt with through the other housing policies in the Development Management Policies and Core Strategy Local Plan documents.

Whether these matters are to be dealt with via Section 106 Agreement, or planning conditions, is ably addressed through the tests that are applied in the National Planning Policy Framework section 'Decision taking', paragraphs 203 to 206 concerning planning conditions and obligations.

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Delete Policy DMH11: Section 106 agreements and supporting paragraphs.

*See accompanying note

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Policy DME5: Class B1 employment uses outside DS1 settlements

The Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and run farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth. This includes sites which may be unoccupied or under-occupied, and may lend themselves to other uses, including B1. It is important that Policy DME5 allows for B1 uses on sites where this no obvious realistic prospect of the delivery.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend Policy DME5 as follows, additional text in italics, and additional criterion C:

Planning permission for a B1 employment use in an existing building *or site* will be granted provided: ...

C. Where the Authority agrees there is no realistic prospect of delivery of the site for use within the current use class.

*See accompanying note

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

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Policy DME1: Agricultural or forestry operations

The wording of Policy DME is not clear due to the way the policy has been constructed. As such the policy in its current form is likely to be subject to misunderstanding, and thus be ineffective.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Reword Policy DME1 as follows:

(A) New agricultural and forestry buildings, structures and associated working spaces or other development will be permitted where the building at the scale proposed is functionally required for the purposes of agriculture. The Authority will expect the Applicant to provide the following information to establish whether they development will be permitted:

- (i) Location and size of farm*
- (ii) Type of agriculture practiced on the farm;*
- (iii) Intended use and size of proposed building;*
- (iv) Intended location and appearance of proposed building.*
- (v) Stocking type, numbers and density per hectare;*
- (vi) Area covered by crops;*
- (vii) Existing buildings, uses and why these are unable to cope with existing or perceived demand.*
- (viii) dimensions and layout;*
- (ix) Predicted building requirements by type of stock/crop/other usage; and*
- (x) Contribution to NPA objectives, e.g. winter housing to protect landscape*

(B) New agricultural and forestry buildings and structures shall:

- (i) be located close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features;*
- (ii) not be in an isolated location requiring obtrusive access tracks, roads or services;*
- (iii) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design;*
- (iv) avoid adverse effects on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location; and*
- (v) avoid harm to the setting, fabric and integrity of the Natural Zone.*

*See accompanying note

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?

Policy Paragraph Policies Map

4. Do you consider the DPD is:

(1) Legally compliant Yes No

(2) Sound* Yes No

(3) Complies with the Duty to cooperate Yes No

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Policy DMCH1 Chatsworth

The Development Management Policies document ('the DMP') currently fails to provide a planning policy that will enable planning applications for development on the Chatsworth Estate (Chatsworth) to be properly determined over the plan period.

The Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and runs farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth.

The Chatsworth Settlement Trustees face key and unique planning challenges with their development aspirations to ensure that sufficient income is generated in order fund the preservation and, where relevant, the enhancement of Chatsworth's nationally significant designated heritage assets.

Chatsworth is fundamentally important to the Peak District economy, resulting from its role as a visitor destination and its broader development activities. Chatsworth provides over 450 full time equivalent jobs (Source: New Economics Foundation 2014). The scale of Chatsworth's economic importance to the Peak District, together with the national significance of the heritage assets, is substantially greater than any other visitor attractions and estates.

It is also fair to say there is a sense of ownership for local residents in relation as strong links are maintained with the local community through the substantial range of employment opportunities offered at Chatsworth, as well as local housing opportunities. Chatsworth is a clear example of approach to sustainable development that the National Planning Policy Framework ('the NPPF') promotes where economic benefits underpin social benefits for local communities (paragraph 8):

"Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. "

Paragraph 8 of the NPPF goes onto state that:

"The planning system should play an active role in guiding development to sustainable solutions".

A development management policy which specifically addresses the planning and development issues that Chatsworth faces, given the size and importance of Chatsworth to the Peak District economy, would ably comply, and be supported, by the NPPF as contributing towards the achievement of sustainable development.

Such a policy also needs to ensure that the designated heritage assets at Chatsworth are still afforded a significant degree of protection. Section 12 of the NPPF is however clear that heritage assets are to be put to a viable use consistent with their conservation and that the public benefits of development needs to be balanced against the impacts on the significance of the asset (based on the level of impact).

Similarly, there is also need to fully consider the impacts on the special qualities of the National Park, the effects on the landscape qualities which substantially contribute to Chatsworth's own special qualities, as well as the range of the relevant development management criteria. These however need to be considered in a balanced and flexible manner. If there is not the economic activity to provide the finance support the preservation and, where appropriate, the enhancement of Chatsworth, this ultimately will detract from the special qualities of the National Park.

Such an approach, in considering economic considerations, is not in conflict with National Park purposes. Section 62 (1) of the Environment Act 1995 is clear that National Parks are required under statute to *"foster the economic and social well-being of local communities."*

The adopted Core Strategy (2011) cannot be relied on, simply because, there is no policy which relates to planning and development issues at Chatsworth, and nor can it be relied on in respect of the economic dimension of sustainable development as the date of adoption (2011) predates the NPPF (2012).

The DMP, as with the adopted Core Strategy, can lack a Peak District specific spatial element. A Chatsworth policy will allow the DMP to demonstrate it is providing a policy that specifically seeks to address local planning issues, as opposed to a more generic approach.

The current absence of a policy means the DMP fails the tests of the soundness. The DMP, in the absence of a Chatsworth policy, is not currently being prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, especially as it is not consistent with achieving sustainable development, and as such has not been positively prepared. It is also not justified as it has not considered a policy dealing with Chatsworth, and is not effective as it will not lead to deliverable development at Chatsworth, which balances all considerations. It is also not consistent with national planning policy as it does not properly consider the economic dimension of sustainable development, nor that economic growth can secure higher social and environmental standards.

The shortcomings in the proposed DMP can be overcome by including a policy (Policy DMCH1 Chatsworth) and associated supporting text, so that planning applications for development proposals at Chatsworth can be properly assessed. It is noted that the DMP already proposes a similar locational based approach to planning policy, in relation to Bakewell (DMB1), and so a Chatsworth policy would not diverge from the approach of the DMP.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Additional Policy as follows:

Policy DMCH1 Chatsworth

A. Proposals on the Chatsworth Estate that preserve, and where appropriate, enhance its designated cultural heritage assets will be supported, subject to the balanced consideration of the following criteria:

- (i) the demonstrable economic benefits to the local economy, in line with National Park requirements to foster the economic and social well-being of its local communities;*
- (ii) the desirability of preserving and, where appropriate, enhancing the significance of designated cultural heritage assets, whilst also having regard to the public benefits and putting assets to viable uses;*
- (iii) the effects on the special qualities of the National Park;*
- (iv) the effects on landscape character, including landscape character, the parkland setting and prominent views across the estate;*
- (v) the effects on designated ecological assets, protected species and habitats;*
- (vi) the effects on drainage and flood risk, and avoiding wherever possible development which is in areas of flood risk (flood zones 2 and 3), closest to the River Derwent ;*
- (vii) the effects on the amenities enjoyed by residents in local communities;*
- (viii) the effects on safe access, car parking and access by foot, cycle and public transport; and*
- (ix) where relevant, the potential to bring back redundant buildings back into use.*

B. Where proposals are considered to comply with criterion A. of this policy, restrictions on the types of development set out in other Local Plan policies may not apply.

C. The use of the existing road access from the estate onto the A619, north of the Baslow, will be supported where it provides for safe traffic management for vehicular movements to and from the estate.

D. The use of temporary buildings and structures will be supported where this relates to a specified time period and in order to support the preservation and, where relevant, the enhancement, of designated heritage assets on the estate.

E. The erection and use of buildings for the storage of Chatsworth's art treasures.

Supporting Text to Policy DMCH1:

The Chatsworth Estate comprises approximately 737 hectares of land related to Chatsworth House and its surrounding landscape, and further land assets within the National Park. Chatsworth House itself is a nationally important designated heritage asset. The main house, which dates from the 16th century, is Grade I Listed. A further associated 48 listed buildings and structures are located in the surrounding landscape on the estate. A number of these buildings and structures are also Scheduled Ancient Monuments.

**See accompanying notes.*

The parkland which surrounds the main house is of key importance nationally as an historic landscape and is a Grade 1 Registered Park and Garden. The estate villages also contain numerous listed buildings, are contained within conservation areas and are well maintained.

The Chatsworth Estate is also of key importance to the local economy and employment, as a visitor destination and for other development activities it undertakes which principally concern agricultural enterprises, farm diversification, accommodation and maintaining estate villages. These economic activities are critical to the success of Chatsworth as their purpose is to support the preservation and enhancement of its designated heritage assets. The scale of employment Chatsworth provides, in a predominant rural area, is significant at 450 full time equivalent jobs (Source: New Economics Foundation 2014). Local employment is further directly supported by estate tenant workers.

The Peak District economy has more broadly benefitted through directly supporting local businesses and indirectly through multiplier effects, as is ably demonstrated by the propensity of services and the accommodation offer in the vicinity of Chatsworth that are reliant on its visitors. Chatsworth purchased supplies or services in 2014 from over 100 local suppliers (source: New Economics Foundation 2014).

The total number of paying visitors in 2014 was in excess of 616,000 with the visitor profile showing the majority of visitors are within a three to four hour travel time, with 15% of visitors from overseas (source: New Economics Foundation 2014). This demonstrates the importance and appeal of Chatsworth at both a national and international scale.

Chatsworth therefore enables visitors and residents to visit, and understand, a key national heritage asset within the National Park, which generates substantial and important economic activity to the National Park on a significant scale. It is therefore important to provide a specific development management policy that supports the conservation and, where appropriate, enhancement of these key designated heritage assets and its economic well-being. Policy DMCH1 seeks for key roles at Chatsworth to be reconciled, which also allowing for full consideration of the special qualities of the National Park and relevant development management considerations. Where these criteria are considered to have been met, greater flexibility will be permitted to the development types which can occur on the Chatsworth Estate in terms of what may be permitted under other DMP policies.

An important issue at Chatsworth is traffic management and congestion, associated with its success as a visitor destination. A major cause is the current vehicular access arrangements, which is taken from a single access point off the B6012, narrowing to a single carriageway where it crosses a Grade I listed Paine's bridge over the River Derwent, on the approach to house. A potential traffic management solution is the use of an existing access which joins onto the A619, north of Baslow, as well as maintaining the existing access. Policy DMCH1 therefore supports in principle supports the use of these improved access arrangements.

The use of temporary buildings and structures at Chatsworth is also an issue. This can be important in terms of attracting further economic activity and complimenting Chatsworth's role as visitor destination, as with the Royal Horticultural Society annual show, which is due to take place from 2017. Temporary buildings and structures are also important to allow displaced activities to occur, whilst renovation works are taking place. Policy DMCH1 therefore supports temporary buildings and structures where they are for a specific time period (which will be controlled through planning condition) and where it provides for the preservation and where relevant, the enhancement of the designated heritage assets.

As well as the historic significance of the house and parklands, Chatsworth contains internationally significant art treasures. Storage of art treasures requires conditions that may not be easily accommodated in existing buildings due to temperature and security controls. Policy DMCH1 supports development that can accommodate the storage of art treasures in order to protect this important element of the historical significance of Chatsworth.

Amendment to Inset Map: Chatsworth

Show the road access through the Chatsworth House parklands to the A 619, north of Baslow, as a 'Secondary Road'. This will require the Inset map showing the full extent of Chatsworth estate land ownership up to the A619

Assessing Policy DMCH1 against the tests of soundness

Policy DMCH1 is considered to meet the tests of soundness as set out in the NPPF (paragraph 182):

Positively prepared - Providing the planning policy for Chatsworth will enable development to be objectively assessed, having regard to Chatsworth's important (and unique) economic role in the National Park and likely development aspirations, as well as the special qualities of the National Park and other relevant development aspirations. It would also be consistent with achieving sustainable development, as it would allow the economic dimension to be properly considered, as well as the role economic growth plays in supporting the social and environmental dimensions. It will also allow the DMP to demonstrate it is providing a policy that specifically seeks to address local planning issues, as opposed to a more generic approach;

Justified – The planning policy is the most appropriate strategy because this is the only approach that will allow all relevant development management considerations at Chatsworth to be properly considered. The alternative of not having a policy will mean the DMP will not reflect the importance and uniqueness of Chatsworth to the National Park, in particular its economic importance;

Effective – The planning policy will be used to determine planning applications which relate to the development aspirations of Chatsworth over the plan period, and as such the policy will be effective and deliverable over the plan period; and

Consistent with national policy - The planning policy will enable the delivery of sustainable development in accordance with the NPPF, because it will ensure the economic dimension of sustainable development is properly considered, as well as recognising the mutually dependent roles of sustainable development, where economic growth can secure higher social and environmental standards. The policy will not be in conflict with how the presumption in favour of sustainable development in the NPPF (paragraph 14) operates in National Parks, as this can ably co-exist with the policy. Crucially, restrictions on the presumption in favour of sustainable development in National Parks do not obviate the need for all planning authorities to contribute to the purpose of the planning system, to contribute to the achievement of sustainable development.

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

5. Please give details of why you consider the Development Management Policies document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy DMC10 Conversion of heritage assets

Criterion B of Policy DMC10 and the associated supporting text in paragraph 3.96 seeks to introduce a system of lower and higher intensity uses for conversions of heritage assets. Lower intensity uses are defined (in paragraph 3.96 of the supporting text) to include storage; stabling and camping barns. Higher intensity uses are defined to include recreation; environmental education/interpretation; holiday accommodation; community facilities; shops and business use; groups of buildings in a single unit; and housing related to affordable housing, assisted accommodation, key workers in rural enterprise and when open market housing will conserve or enhancement a heritage asset. Criterion B states that buildings not deemed to be a heritage asset will not be permitted to these higher intensity uses.

The higher and lower intensity approach the policy takes is considered flawed. The assigning of the various uses to either higher or lower intensity is arbitrary and without justification in Policy DMC10. For example, whether a storage use is lower or higher intensity will depend on the intensity of the business and operation, and this can equally be applied to uses in the higher intensity category, such as business or holiday accommodation. Policy DMC10 itself then only refers to the higher intensity category in the context of buildings which are not deemed heritage asset, but yet Policy DMC10 is titled, and concerned, with the conversion of heritage assets.

With the flawed approach of criterion B and arbitrarily seeking to restrict uses, Policy DMC10 cannot be considered effective, justified, or positively prepared. This approach has no basis in national policy, and so therefore is not consistent with national planning policy. Criterion B and supporting text paragraph 3.96 should simply just be deleted.

It is noted, and acknowledged that Criterion C (iii) will permit conversion of a heritage asset to a market dwelling, where it will achieve the conservation and where appropriate the enhancement of the significance of the heritage asset and contribution to its setting. Criterion C (iii) does not however allow for the consideration of other public benefits a development may bring, so such as economic considerations.

The National Planning Policy Framework does not restrict the desirability of sustaining and enhancing heritage assets just to housing use and supports a consideration of the public benefits of a development against any 'harm' which may be caused to the asset, based a proportionate approach dependent on the level of 'harm', and protection to the asset.

The policy can be made more consistent with national policy by amending Criterion C (iii) to allow for public benefits to be considered.

The adopted Core Strategy cannot be relied on in respect of the conversion of heritage assets as the date of adoption (2011) predates the NPPF (2012) and, as such, predates up to date national policy on the conversion of heritage assets.

The Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and runs farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth.

The Chatsworth Settlement Trustees raised similar concerns during the consultation to the Issues and Preferred Approaches consultation in 2012 that the policy towards conversions was overly restrictive and not consistent with national policy, although these have not been addressed in the Publication version.

The policy can be made consistent with national policy, by including an additional criterion that allows for conversions to uses, where it would result in the conservation of the asset, and to allow the consideration of public benefits, including economic viability.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Delete Criterion B to Policy DMC10.

~~B. Buildings which are not deemed to be a heritage asset will not be permitted for conversion to higher intensity uses.~~

Amend Criterion C (iii) to Policy DMC10 as follows (in italics):

(iii) it can be demonstrated that conversion to a market dwelling is required in order to achieve the conservation and where appropriate the enhancement of the significance of the heritage asset and the contribution of its setting, *or is justified by the public benefits which arise from the conversion.*

Add the following criterion to Policy DMC10:

Conversions that make a positive contribution to the conservation of the heritage assets will be supported and when considering the impacts on the significance of the asset, the public benefits which arise from the proposals will also be taken into account.

Delete paragraph 3.96 of the supporting text to policy DMC10.

Add the following supporting text to Policy DMC10 (new paragraph):

Proposals for conversions can also result in positive impacts on heritage assets, where they contribute towards the conservation of asset, so that they are conserved and do not fall into disrepair. It is also important that when deciding planning applications, that a balancing exercise is made, based on the level of harm and public benefits, and is reflected in Policy DMC10. Public benefits may include economic, social and environmental benefits, and this can include a consideration of economic vitality. This reflects the approach taken in the National Planning Policy Framework to considering impacts on heritage assets.

Assessing the amendments to Policy DMC10 against the tests of soundness

These amendments are considered to make Policy DMC10 sound, so policy can be considered to be positively prepared and consistent with national planning policy. The amendments will also give a more appropriate, and thus a justified, approach and will be more effective in conserving heritage assets across the plan period.

*See accompanying notes

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

5. Please give details of why you consider the Development Management Policies document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy DMC9: Registered Parks and Gardens

Policy DMC9 simply sets out that an assessment from the impact of a development on a registered park and garden will be made with reference to information sources, citing specifically the National Register compiled by Historic England. The policy however does not recognise, as set out by the National Planning Policy Framework ('the NPPF'), the positive aspects that development can bring to heritage assets, or that benefits need to be balanced against impacts on heritage assets.

The NPPF also makes clear that public benefits must also be considered when there is perceived to be 'harm' to the significance of the asset, applied on a proportionate basis dependent on the level of 'harm' and the protection to the asset.

The adopted Core Strategy cannot be relied on as the date of adoption (2011) predates the NPPF (2012) and, as such, predates up to date national planning policy on heritage assets.

Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and run farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth House (Grade I) Registered Park and Garden. This involves managing a significant number of heritage assets and the Chatsworth Settlement Trustees are committed to conserving and preserving those assets. In order to achieve this objective, there is a need to permit development that enables the viability of these assets to be maintained. Economic viability is key which, as set out above, is specifically cited in the NPPF in order to conserve heritage assets.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Add the following additional criterion to Policy DMC9:

B. When considering the impacts from proposals on registered parks and gardens, the public benefits which arise from the proposals will also be taken into account. The public benefits will be weighed against any impacts.

*See accompanying note

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

5. Please give details of why you consider the Development Management Policies document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please also use this box to set out your comments.**Policy DMC8: Conservation Areas**

Policy DMC8 is a restrictive policy which seeks not to permit development in conservation areas, unless detailed criteria are met. It is selective, and one dimensional, in terms of how it cites and utilizes the approach to conservation areas, as heritage assets, under the National Planning Policy Framework ('the NPPF'). The positive aspects that the NPPF recognises that development can bring to heritage assets are not reflected in the policy, or that benefits need to be balanced against impacts on heritage assets.

The NPPF also makes clear that public benefits must also be considered when there is perceived to be 'harm' to the significance of the asset, applied on a proportionate basis dependent on the level of 'harm' and the protection to the asset.

The adopted Core Strategy cannot be relied on as the date of adoption (2011) predates the NPPF (2012) and, as such, predates up to date national planning policy on heritage assets.

Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and run farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth. This involves managing a significant number of heritage assets and the Chatsworth Settlement Trustees are committed to conserving and preserving those assets. In order to achieve this objective, there is a need to permit development that enables the viability of these assets to be maintained. Economic viability is key which, as set out above, is specifically cited in the NPPF in order to conserve heritage assets.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Add the following additional criterion to Policy DMC8:

H. When considering the impacts from proposals on conservation areas, the public benefits which arise from the proposals will also be taken into account. The public benefits will be weighed against any impacts.

*See accompanying note

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

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Policy DMC7: Listed Buildings

Policy DMC7 is a restrictive policy which seeks not to permit development involving listed buildings, unless detailed criteria are met. It is selective, and one dimensional, in terms of how it cites and utilizes the approach to listed buildings, as heritage assets, under the National Planning Policy Framework ('the NPPF'). The positive aspects that the NPPF recognises that development can bring to heritage assets are not reflected in the policy, or that benefits need to be balanced against impacts on heritage assets.

The NPPF also makes clear that public benefits must also be considered when there is perceived to be 'harm' to the significance of the asset, applied on a proportionate basis dependent on the level of 'harm' and the protection to the asset.

The adopted Core Strategy cannot be relied on as the date of adoption (2011) predates the NPPF (2012) and, as such, predates up to date national planning policy on heritage assets.

Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and run farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth. This involves managing a significant number of heritage assets and the Chatsworth Settlement Trustees are committed to conserving and preserving those assets. In order to achieve this objective, there is a need to permit development that enables the viability of these assets to be maintained. Economic viability is key which, as set out above, is specifically cited in the NPPF in order to conserve heritage assets.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Add the following additional criterion to Policy DMC7:

F. When considering the impacts from proposals on the significance of listed buildings, including setting, the public benefits which arise from the proposals will also be taken into account. The public benefits will be weighed against any impacts.

*See accompanying note

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

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Policy DMC6: Scheduled Monuments

Policy DMC6 is a restrictive policy which seeks to permit development involving scheduled monuments, in exceptional circumstances. It is selective, and one dimensional, in terms of how it cites and utilizes the approach to scheduled monuments, as heritage assets, under the National Planning Policy Framework ('the NPPF'). The positive aspects that the NPPF recognises that development can bring to heritage assets are not reflected in the policy, or that benefits need to be balanced against impacts on heritage assets.

The NPPF also makes clear that public benefits must also be considered when there is perceived to be 'harm' to the significance of the asset, applied on a proportionate basis dependent on the level of 'harm' and the protection to the asset.

The adopted Core Strategy cannot be relied on as the date of adoption (2011) predates the NPPF (2012) and, as such, predates up to date national planning policy on heritage assets.

Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and run farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth. This involves managing a significant number of heritage assets and the Chatsworth Settlement Trustees are committed to conserving and preserving those assets. In order to achieve this objective, there is a need to permit development that enables the viability of these assets to be maintained. Economic viability is key which, as set out above, is specifically cited in the NPPF in order to conserve heritage assets.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Add the following additional criterion to Policy DMC6:

C. When considering the impacts from proposals on scheduled monuments, including setting, the public benefits which arise from the proposals will also be taken into account. The public benefits will be weighed against any impacts.

*See accompanying note

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

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Policy DMC5 Assessing the impact of development on heritage assets

Policy DMC5 is the key policy for determining planning applications that concern heritage assets because it seeks to provide a set of development management criteria which apply to all forms of heritage assets and their settings, whether designated (such as listed buildings, conservation areas, etc.), or undesignated (such as undesignated archeological finds).

Policy DMC5 applies an overly restrictive approach to development ("*must clearly demonstrate*", "*Development will not be permitted if..*") concerning the need for the development to fully consider the significance of the asset and where development may adversely affect significance, or character, or appearance. The policy also sets out requirements for supporting information from applicants, when planning applications are submitted, as well as advice on archaeological works and archaeological interest.

Policy DMC5 is however selective, and one dimensional, in terms of how it cites and utilizes the approach to heritage assets under the National Planning Policy Framework ('the NPPF'). The positive aspects the NPPF recognises that development can bring to heritage assets are not reflected in the policy, or that benefits need to be balanced against impacts on heritage assets.

The NPPF is clear that development can make positive contributions to heritage assets (paragraph 131):

- "*the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*"

(Continue on a separate sheet /expand box if necessary)

The NPPF also makes clear that public benefits must also be considered when there is perceived to be 'harm' to the significance of the asset, applied on a proportionate basis dependent on the level of 'harm' and the protection to the asset. In respect of 'less than substantial harm' and the effects on non-designated assets the NPPF states the following (paragraphs 134, 135):

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The NPPF also recognises that there will be instances where the benefits of development to conserve a heritage asset can be acceptable, where this conflicts with planning policy (paragraph 140):

"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

It is not considered therefore that Policy DMC5 satisfactorily reflects these aspects of the NPPF as it focusses on a more restrictive approach to development.

The supportive text to the policy similarly does not reflect the benefits that development can bring to designated heritage assets. Paragraph 3.54 states that *"adaptive re-use may be possible where it does not harm their significance..."*, yet there is no recognition that re-use is an important positive way of ensuring that heritage assets can be maintained and do not fall into disrepair.

The adopted Core Strategy cannot be relied on as the date of adoption (2011) predates the NPPF (2012) and, as such, predates up to date national planning policy on heritage assets.

Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and run farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth. This involves managing a significant number of heritage assets and the Chatsworth Settlement Trustees are committed to conserving and preserving those assets. In order to achieve this objective, there is a need to permit development that enables the viability of these assets to be maintained. Economic viability is key which, as set out above, is specifically cited in the NPPF in order to conserve heritage assets.

This can also mean the need to consider the public benefits of the development, as well as its impacts, and that in making a positive contribution to conserving the asset, this may require a development management approach that is more flexible, and thus require a different policy approach that may permit a broader range of uses to maintain the viability of heritage assets.

The proposed wording of Policy DMC5 and the supporting text is therefore not consistent with national policy and in the absence of the realisation that the development can assist in the conservation of assets, and the need to consider public benefits, is not positively prepared. As such, it is considered not be justified and not likely to effective over the plan period if it leads to assets not been conserved, because of a restrictive approach to development.

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Add the following additional criteria to Policy DMC5:

G. Proposals that make a positive contribution to the conservation of heritage assets will be supported, including where the benefits arising from conserving the asset will outweigh any departure from other Local Plan policies; and

H. When considering the impacts from proposals on the significance of a heritage asset, including setting, the public benefits which arise from the proposals will also be taken into account. The public benefits will be weighed against any impacts.

Add the following supporting text to Policy DMC5 (new paragraphs):

Proposals for development can also result in positive impacts on heritage assets, where they contribute towards the conservation of asset. It is important that heritage assets are put to viable uses consistent with their significance, so that they are conserved and do not fall into disrepair. It is necessary to consider whether the need to conserve heritage assets will outweigh other planning policies contained within the Peak District National Park Local Plan (parts 1 and 2), because of the weight the National Planning Policy Framework attaches to the conservation of heritage assets.

The National Planning Policy Framework is also clear that public benefits are to be weighed against harm to the significance of an asset. 'Less than substantial' harm is to be weighed against public benefits, including securing its optimum viable use. Substantial harm, or loss of the asset, will only be permitted where substantial public benefits outweigh that loss. In the case of non-designated assets, simply a balanced judgement is to be made. It is important that when deciding planning applications that a balancing exercise is carried out, based on the level of 'harm' and public benefits, and this is reflected in Policy DMC5. Public benefits may include economic, social and environmental benefits, and this can include a consideration of economic vitality, in accordance with the National Planning Policy Framework.

Assessing the amendment to Policy DMC5 against the tests of soundness

These amendments are considered to make Policy DMC5 'sound' as the policy will be positively prepared and consistent with national policy, by considering the benefits development can bring to heritage asset, and allowing a consideration of the public benefits of the development against harm. This will also give a more appropriate, and thus a justified, approach and will be more effective in conserving heritage assets across the plan period.

*See accompanying note

PART B – Please use a separate sheet for each representation

Name or organisation: Chatsworth Settlement Trustees

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

5. Please give details of why you consider the Development Management Policies document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy DM1 Presumption in favour of sustainable development in the context of National Park purposes

The current wording of Policy DM1 attempts to set the presumption in favour of sustainable development ('the presumption') in the National Planning Policy Framework ('the NPPF') in the context of the restrictions applied in the NPPF, where land is designated within a National Park.

Whilst Policy DM1 states that the National Park Authority will take a positive approach in the context of the presumption and will work with applicants to find solutions, also echoing the approach of the NPPF in respect of decision taking (paragraphs 186, 187), it then only proposes to carry out this approach in the context solely of the National Park purposes, which the policy repeats from Section 61 (1) of the Environment Act 1995.

Policy DM1 however does not attempt to reconcile the economic role of sustainable development with the National Park. The NPPF makes it clear these roles are mutually dependent, and that (paragraph 8) "*economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities.*"

The NPPF also goes on to make it clear that economic, social and environmental gains are to be sought jointly. The current wording of Policy DM1, by not considering the economic dimension, is not consistent with national planning policy.

Economic gains within the National Park are important in order that local communities benefit from employment, economic growth and for the future viability of economic activity in the National Park. This includes local businesses, suppliers and the multiplier effects which benefits local services, as well as continuing to attract tourism investment.

Moreover, Section 62 (1) of the Environment Act 1995 also makes it clear there is a statutory requirement for the National Park Authority to support economic well-being in its communities:

“A National Park authority, in pursuing in relation to the National Park the purposes specified in subsection (1) of section five of this Act, shall seek to foster the economic and social well-being of local communities within the National Park”

This requirement under Section 62 (1) applies to plan-making, as a function of the National Park, and Policy DM1 provides the opportunity for the economic dimension, underpinning social benefits, to be included as role of sustainable development, as well as the environmental dimension which the current wording focuses on.

The absence of an economic dimension, which can often be the driver of development, also means the policy fails the tests of soundness, as the policy is not fully positively prepared, is not justified in the context of the need to consider the economic dimension, and is not likely to be effective it is does not assist in the delivery of economic and social well-being over the plan period.

The adopted Core Strategy cannot be relied on in respect of the economic dimension of sustainable development as the date of adoption (2011) predates the NPPF (2012).

The DMP, as with the adopted Core Strategy, can lack a Peak District specific spatial element and whilst the DMP is correct through Policy DM1 to apply the purposes of sustainable development to National Park purposes, this needs to be done in the context specifically of the Peak District. The economic dimension offers an opportunity to achieve this.

The Chatsworth Settlement Trustees are responsible for leasing land for a variety of land uses (including agricultural, commercial, residential and sporting purposes) and run farms and forestry enterprises, renewable energy initiatives, hotels and holiday cottages, and visitor activities associated with Chatsworth.

The Chatsworth Settlement Trustees raised similar concerns during the consultation to the Issues and Preferred Approaches consultation in 2012 that the importance of economic activity to sustainable development had not been recognised, although this has not been addressed in the Publication version.

This can be overcome by amending criterion (A) of the policy to reflect the economic dimension, and for this to be reflected in the supporting text.

6. Please set out what modification(s) you consider necessary to make the Development Management Policies document legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend Criterion A to Policy DM1 as follows (in italics):

- A. When considering development proposals the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions that are consistent with National Park purposes *and the duties of the National Park Authority and other public bodies:*
- to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park;
 - to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park; *and*
 - *to foster the economic and social well-being of local communities within the National Park.*

Add the following supporting text to Policy DM1 (paragraph 1.23, or as a new paragraph 1.24):

Achieving sustainable development however is the purpose of the planning system under the National Planning Policy Framework, which applies to all areas, including the National Park. There are three dimensions to sustainable development under the National Planning Policy Framework, economic, social and environmental, each which require the planning system to perform a number of roles. The economic role in the National Park is important so that communities can continue to benefit for employment and continued economic growth and that local businesses can continue to prosper. A strong economic role is vital as this will both support the social well-being of local communities, including for retaining and attracting younger generations to live in the National Park, and provide resources to support National Park purposes. This is also consistent with the recognition under the National Planning Policy Framework that the dimensions of sustainable development are mutually dependent and should be sought jointly, and the statutory role of all public bodies in the National Park to seek to foster the economic and social well-being of local communities. The environmental role is reflected in the National Park purposes.

Assessing the amendments to Policy DM1 against the tests of soundness

These amendments are considered to make Policy DM1 'sound' as the policy will be positively prepared by considering the economic dimension of sustainable development, justified, effective and clearly consistent with national policy.

*See accompanying notes.

Ref. No.....
(For office use only)

PEAK DISTRICT NATIONAL PARK AUTHORITY

**Development Management Policies
PRE-SUBMISSION DOCUMENT**
November 2016



Representation Form

Please return this form to the Peak District National Park Authority by 5pm on 27 January 2017

This form has two parts:

PART A – Personal details

PART B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

PART A

1. Personal Details*	2. Agents Details (if applicable)	
Title	<input type="text" value="Mr"/>	<input type="text"/>
First Name	<input type="text" value="James"/>	<input type="text"/>
Last Name	<input type="text" value="Smith"/>	<input type="text"/>
Job Title <i>(where relevant)</i>	<input type="text" value="Planning Liaison Manager"/>	<input type="text"/>
Organisation <i>(where relevant)</i>	<input type="text" value="The Coal Authority"/>	<input type="text"/>
Address Line 1	<input type="text" value="200 Lichfield Lane"/>	<input type="text"/>
Line 2	<input type="text" value="Berry Hill"/>	<input type="text"/>
Line 3	<input type="text" value="Mansfield"/>	<input type="text"/>
Line 4	<input type="text" value="Nottinghamshire"/>	<input type="text"/>
Postcode	<input type="text" value="NG18 4RG"/>	<input type="text"/>
Telephone Number	<input type="text" value="01623 637119"/>	<input type="text"/>
Email Address <i>(where relevant)</i>	<input type="text" value="planningconsultation@coal.gov.uk"/>	<input type="text"/>

** if an agent is appointed, please complete only the title, name and organisation boxes below but complete the full contact details of the agent.*

PART B – Please use a separate sheet for each representation

Name or organisation:

3. To which part of the DPD does this representation relate?Policy Paragraph Policies Map **4. Do you consider the DPD is:**(1) Legally compliant Yes No (2) Sound* Yes No (3) Complies with the Duty to cooperate Yes No

Please tick as appropriate

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The Coal Authority is a Non-Departmental Public Body sponsored by the Department for Business, Energy & Industrial Strategy. The Coal Authority was established by Parliament in 1994 to: undertake specific statutory responsibilities associated with the licensing of coal mining operations in Britain; handle subsidence claims which are not the responsibility of licensed coalmine operators; deal with property and historic liability issues; and provide information on coal mining.

As you will be aware, the Peak District National Park Authority area has been subjected to coal mining which will have left a legacy. Whilst most past mining is generally benign in nature, potential public safety and stability problems can be triggered and uncovered by development activities.

Problems can include collapses of mine entries and shallow coal mine workings, emissions of mine gases, incidents of spontaneous combustion, and the discharge of water from abandoned coal mines. These surface hazards can be found in any coal mining area, particularly where coal exists near to the surface, including existing residential areas.

The Coal Authority has records of over 171,000 coal mine entries across the coalfields, although there are thought to be many more unrecorded. Shallow coal which is present near the surface can give rise to stability, gas and potential spontaneous combustion problems. Even in areas where coal mining was deep, in some geological conditions cracks or fissures can appear at the surface. It is estimated that as many as 2 million of the 7.7 million properties across the coalfields may lie in areas with the potential to be affected by these problems. In our view, the planning processes in coalfield areas need to take account of coal mining legacy issues.

(Continue on a separate sheet /expand box if necessary) 

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N/A

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7. If your representation is seeking a modification, do you consider it necessary to participate in the oral part of the examination?

Yes, I wish to participate at the oral examination.

No, I do not want to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature

Date

27/01/17

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As you will be aware, the Peak District National Park Authority area contains coal resources which are capable of extraction by surface mining operations. These resources cover an area amounting to approximately 4.83% of the Peak District National Park Authority area. Information on these resources is available to Mineral Planning Authorities free of charge from the Coal Authority following signing a data sharing licence. This information was given to Mr Mark Hamilton (GIS Manager) on 20 April 2016; however, we note that a subsequent version of the Surface Coal Resource data product made available to the Peak District National Park Authority on 27 April 2016 has yet to be uploaded from our data portal.

The Coal Authority is keen to ensure that coal resources are not unnecessarily sterilised by new development. Where this may be the case, the Coal Authority seeks where appropriate the prior extraction of the coal. Prior extraction of coal also has the benefit of removing any potential land instability problems in the process.

As the Coal Authority owns the coal on behalf of the state, if a development is to intersect the ground then specific written permission of the Coal Authority may be required.

SPECIFIC COMMENTS re Paragraphs 11.1 – 11.5

(Continue on a separate sheet /expand box if necessary) 

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Signature

Date

27/01/17