



The Planning Inspectorate

---

# **Report to the Peak District National Park Authority**

**By Nick Palmer BA (Hons) BPI MRTPI**  
an Inspector appointed by the Secretary of State

**Date: 24 April 2019**

---

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Development Management Policies – Part 2 of the Local Plan for the Peak District National Park**

The Plan was submitted for examination on 19 February 2018

The examination hearings were held between 22 and 24 May 2018

File Ref: PINS/M9496/429/5

## **Abbreviations used in this report**

CS	Core Strategy
CSA	Central Shopping Area
DMP	Development Management Policies
MM	Main Modification
NP	Neighbourhood Plan
PDNPA	Peak District National Park Authority
PPG	Planning Practice Guidance
SPD	Supplementary Planning Document

## **Non-Technical Summary**

This report concludes that the Development Management Policies – Part 2 of the Local Plan for the Peak District National Park provides an appropriate basis for the planning of the National Park, provided that a number of main modifications (MMs) are made to it. The Peak District National Park Authority (PDNPA) has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were subject to public consultation over a seven-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them. In some cases I have amended their detailed wording where necessary.

The Main Modifications can be summarised as follows:

- Ensuring the policies are consistent with national policy regarding major development in National Parks.
- In dealing with proposals affecting designated heritage assets, including listed buildings and conservation areas the policies should allow for balancing public benefit against harm, for consistency with national policy.
- Changes to the biodiversity policies to ensure they are consistent with national policy, including development affecting nationally-designated sites and enhancement to biodiversity.
- Amendments to the housing policies and supporting text to adequately explain and justify the policies, to ensure their requirements are clear and to ensure consistency with national policy.
- A range of other modifications to ensure the use of planning conditions and obligations comply with national policy, that opportunities for sustainable transport are realised and to ensure policies are justified, clear and effective.

## Introduction

1. This report contains my assessment of the Development Management Policies – Part 2 of the Local Plan for the Peak District National Park (DMP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (the 2004 Act) (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (the Framework), in paragraph 182 makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised Framework was published in July 2018 and updated in February 2019. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised Framework, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 Framework and the versions of the PPG which were extant prior to the publication of the 2018 Framework.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Development Management Policies – Part 2 of the Local Plan for the Peak District National Park, submitted in February 2018 is the basis for my examination. It is the same document as was published for consultation in November 2016. The Authority also submitted a schedule of modifications addendum to the DMP which was subject to public consultation from November 2017 to January 2018. I have not treated these as part of the submitted Plan, but considered them during the course of my examination as possible main modifications to the Plan.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the PDNPA requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Authority prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for seven weeks. I have taken account of the consultation responses in coming to my conclusions in this report. I have made some amendments to the detailed wording of the MMs and added consequential modifications where necessary for consistency or clarity. None of these amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

## **Policies Map**

6. The PDNPA must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the PDNPA is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises three sections: landscape policies map sheets covering the whole of the National Park (Section 1), inset maps (Section 2) and mineral safeguarding maps (Section 3).
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Authority will need to update the adopted policies map to include all the changes proposed.

## **Assessment of Duty to Co-operate**

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the PDNPA complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
9. Section 33A of the 2004 Act requires that the PDNPA must co-operate with local planning authorities, county councils and prescribed bodies in maximising the effectiveness of the preparation of the DMP so far as its policies relate to strategic matters. In the National Park, strategic matters as defined in the Act are those where development would affect at least two planning areas, that is land within the National Park and land outside it. The National Park covers parts of 9 district, borough and city councils, and 2 county councils. Thus, the requirement is to have engaged, actively, constructively and on an ongoing basis with those authorities. It is also a requirement to have engaged with other prescribed bodies including Natural England, the Environment Agency, the Highway Authorities and Historic England.
10. The strategic planning policies are set out in the Peak District National Park Core Strategy (CS) which was adopted in 2011. The DMP is designed to supplement those policies and set out in detail how the strategic policies are to be applied.
11. The PDNPA's Duty to Co-operate Statement (February 2018) sets out the engagement that there has been with local planning authorities, county councils and other prescribed bodies. The PDNPA has worked with neighbouring and constituent authorities over a 6-year period in preparing the Plan.
12. Transport infrastructure is of particular relevance as the Trans-Pennine routes of the A57 and A628 which cross the Plan area have been planned for

improvement. The PDNPA has engaged with other authorities and statutory bodies including Highways England in this regard. The PDNPA has also engaged with statutory bodies in the production of a Transport Design Guide Supplementary Planning Document (SPD).

13. The PDNPA does not have a target for housing provision but any housing that is delivered in the National Park counts towards constituent authorities' provision. The PDNPA has entered into Memoranda of Understanding with High Peak Borough Council and Derbyshire Dales District Council in this regard. The PDNPA has contributed to the production of joint evidence documents including a Strategic Housing Market Assessment and Strategic Housing and Economic Land Availability Assessment together with District Councils.
14. Discussions have taken place with Derbyshire County Council regarding that authority's minerals and waste plans. Collaborative work has included production of an Aggregates Assessment by the PDNPA in conjunction with Derbyshire County Council and Derby City Council.
15. It has been demonstrated that there has been active, constructive and ongoing engagement with neighbouring councils, the county councils and with the relevant prescribed bodies.
16. Overall, I am satisfied that where necessary the PDNPA has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## Assessment of Soundness

17. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified one main issue upon which the soundness of the Plan depends.

**Main Issue - Whether or not the individual policies are justified, consistent with national policy and effective, and whether or not the policies are consistent with, and positively promote, the spatial policies contained in the Core Strategy.**

18. I have used the policy headings given in the submission document. I deal with the main matters of soundness rather than responding to every point raised by representors. The report does not refer to every policy in the Plan. I am satisfied that those policies not covered in my report are sound.

*Policy DM1 – Presumption in favour of sustainable development in the context of National Park purposes*

19. Policy DM1 states a presumption in favour of sustainable development which is consistent with the Framework. The supporting text does not, however fully explain the approach in national policy whereby major development may be permitted in National Parks in exceptional circumstances. **MM1** is necessary for consistency with national policy.

20. Paragraphs 1.29 and 1.30 describe how s106 planning obligations could potentially be used to secure wider planning benefits. Planning obligations must meet tests set out in national policy. They must be necessary, directly related to the development and fairly and reasonably related in scale and kind to it. The phrase "wider planning benefit" implies that benefits may be sought that would not accord with those tests. **MM2** is necessary to delete that supporting text and ensure that the policy is justified.

*Policy DMC1 – Conservation and enhancement of nationally significant landscapes*

21. The supporting text to Policy DMC1 is unclear in a number of respects. This includes the need to use the Landscape Strategy and Action Plan in applying the 'Landscape First' approach. Cumulative landscape impact is an important consideration and the approach taken regarding removal of development that no longer serves an essential purpose should be explained further to provide clarity. Modifications **MM3**, **MM4** and **MM5** achieve that and are necessary to ensure the effectiveness of Policy DMC1.
22. The policy is inconsistent with national policy in that it places an absolute restriction on development that would adversely affect landscape character, whereas national policy allows for major development to take place in exceptional circumstances. Determining whether a proposed development is 'major' for the purpose of national policy is a matter for the decision maker. The deletion of part B from the policy would allow for the public benefits of renewable energy schemes to be balanced against harm. The use of planning conditions and obligations must be in accordance with national policy. Modification **MM6** is necessary to ensure consistency with national policy in these respects.

*Policy DMC2 – Protecting and managing the Natural Zone*

23. Policy DMC2 is consistent with Policy L1B of the CS which allows development within the Natural Zone only in exceptional circumstances. In order to remove any doubt as to its applicability to farming operations, and to avoid undue inflexibility **MM7** amends the supporting text to clarify that it is not the intention to curtail existing farming activities. **MM8** provides further explanation in terms of the potential impacts that need to be considered. These modifications are necessary to ensure effectiveness.
24. The policy provides for conditions limiting permission to a temporary period and to a personal consent where necessary and appropriate. The PPG states that conditions imposing such restrictions will rarely be justified in terms of meeting the tests in national policy. As the Natural Zone designation is more restrictive than the National Park designation this could potentially justify the imposition of such conditions.

*Policy DMC3 – Siting, design, layout and landscaping*

25. The supporting text does not explain the approach taken with regard to local green spaces which the community has identified as worthy of protection. It also refers to the Climate Change and Sustainable Building SPD which in turn refers to the Code for Sustainable Homes, which has been superseded by optional national technical standards. Modifications are necessary to the

supporting text and to Policy DMC3 to ensure effectiveness and consistency with national policy in these respects (**MM9**, **MM10** and **MM11**).

*Policy DMC4 – Settlement limits*

26. This policy requires assessment of the historic pattern of development and the relationship of proposals to local landscape character, consistent with CS Policy DS1E. While the supporting text does not explain that open spaces are important matters for consideration, the policy contains a presumption against the loss of open areas. **MM12** adds reference to open spaces in the supporting text and **MM14** deletes the presumption against their loss from the policy. This ensures consistency with Policy DM8 concerning development in Conservation Areas. These changes allow for a proportionate approach and are necessary to ensure effectiveness. **MM13** is necessary to clarify that Neighbourhood Plans form part of the development plan.

*Policy DMC5 – Assessing the impact of development on heritage assets and their settings*

27. The policy is not consistent with national policy in paragraphs 132 to 135 of the Framework and **MM17** is necessary to ensure soundness in this respect. **MM15** and **MM16** are necessary to ensure that the supporting text is effective and consistent with national policy in terms of explaining how impact on the setting and significance of heritage assets will be assessed.

*Policy DMC6 – Scheduled Monuments*

28. The approach to dealing with applications affecting scheduled monuments is not fully explained in the policy. National policy treats scheduled monuments as being of the highest significance but allows for development causing less than substantial harm to be weighed against public benefits. As the policy does not allow for this it is unsound. **MM18** is necessary to ensure consistency with national policy.

*Policy DMC7 – Listed Buildings*

29. Policy DMC7 does not allow for weighing less than substantial harm against public benefit as provided for in national policy. **MM19** adds a paragraph to include this provision and refers to Policy DMC5 and is necessary to ensure consistency with national policy and for effectiveness. I have made a further minor amendment to the detailed wording of the policy as set out in the MM for consultation to change the word 'and' to 'or' in part A (ii) to ensure consistency with Policy DMC5 and because the requirement for works to be desirable and necessary has not been justified.

*Policy DMC8 – Conservation Areas*

30. The use of Conservation Area Appraisals is an important part of assessing the acceptability of proposals in Conservation Areas. As those appraisals are being updated it is necessary to explain this to ensure effectiveness. **MM20** amends paragraph 3.79 to provide this explanation.
31. Policy DMC8 contains requirements that are not justified or effective and the policy is not consistent with national policy. There is no reference to balancing



less than substantial harm against public benefit. The policy requires consideration of viability and practicality and the separate requirement for marketing is vague and not justified. There is no reference to important open spaces. While all open spaces merit consideration in planning decisions, there are statutory duties applying to Conservation Areas, including the spaces within them. **MM21** addresses these matters to ensure the policy is justified and consistent with national policy. It also ensures effectiveness in terms of the requirement for full information to be submitted, demolition of inappropriate buildings and clarification regarding works to trees.

*Policy DMC9 – Registered Parks and Gardens*

32. Policy DMC9 is unsound as it is not consistent with national policy which allows for harm to be balanced against public benefits. Modification **MM22** is necessary to address this.

*Policy DMC10 – Conversion of Heritage Assets*

33. The policy is consistent with Policy HC1 part CI of the CS which requires conservation and/or enhancement of valued vernacular or listed buildings.
34. The policy restricts conversion of buildings that are not heritage assets. This is not consistent with national policy which allows for such conversions. There may be buildings which are not heritage assets but which could be converted in accordance with national policy. **MM23** and **MM24** provide clarification of the approach in the supporting text and in the policy. These modifications are necessary for effectiveness and consistency with national policy. I have amended the wording of the MM to ensure that criterion (iii) of section A to the policy is consistent with national policy to conserve or enhance.
35. Those aspects of Policy DMC10 which restrict the conversion of heritage assets (and those deemed not to be) to higher intensity uses are not consistent with national policy. The Framework allows for conversion of buildings in rural areas to dwellings and employment uses. A modification to Policy DMC10 is necessary to address this (**MM24**). Other changes to the wording of the policy in that modification are necessary to ensure effectiveness.

*Policy DMC11 – Safeguarding, recording and enhancing nature conservation interests*

36. This policy is inconsistent with national policy on nature conservation and its structure and wording are ineffective in a number of respects. In terms of national policy, part A does not stress the need to consider enhancement, and part C does not provide for compensatory measures as a last resort. There is also inconsistency between parts C and A(v). There is also duplication of requirements in part F. **MM25** is necessary to address these matters and ensure Policy DMC11 is consistent with national policy and effective.

*Policy DMC12 – Sites, features or species of wildlife, geological or geomorphological importance*

37. As submitted, the policy does not allow for the benefits of development to be weighed against adverse impacts on Sites of Special Scientific Interest which

is inconsistent with paragraph 118 of the Framework. **MM26** is necessary to address this and ensure consistency with national policy.

*Policy DMC13 – Protecting trees, woodlands, or other landscape features put at risk by development*

38. As submitted, the policy does not specifically require protection against loss of aged and veteran trees found outside ancient woodland and in this respect does not fully reflect paragraph 118 of the Framework. **MM27** is necessary to ensure consistency with national policy.

*Policy DMC14 – Pollution and disturbance*

39. Whilst the policy is sound its supporting text does not recognise the value of groundwater in the National Park in supplying mains drinking water and as such the policy is not adequately justified in respect of the protection of groundwater from pollution. **MM28** adds supporting text in this respect and is necessary to ensure the policy is justified and effective.

*Policy DMC15 – Contaminated land and unstable land*

40. While it is necessary for remediation works to avoid any adverse effects on nature conservation or cultural heritage interests, the policy could have the effect of unnecessarily restricting such works that may be of benefit to those interests. The policy is also ineffective in that part D duplicates requirements of parts A and C. Part B is a requirement of Policy DMU3 and there is no need to include it here. **MM29** is necessary to address these matters to ensure Policy DMC15 will be effective.

*Policy DME1 – Agricultural and forestry operations*

41. The value of the National Park to the economy is an important principle which underlies the policies and **MM30** is necessary to ensure the policies of the Plan are justified in this respect. Part A(x) of the policy requires demonstration of the contribution to PDNPA objectives. Those objectives are provided in the CS but not in the DMP. **MM31** and **MM34** address this omission to ensure the policy is effective in this regard.
42. Clarity is required as to how the policy will be applied to 'prior notification' proposals for agricultural development and **MM32** is necessary to provide clarification and effectiveness in this respect.
43. The PDNPA has published Supplementary Planning Guidance on the design of farm buildings, including information on animal welfare and other related matters. It is important that applicants are directed to this guidance. **MM33** is necessary to ensure the policy is effective in this respect.
44. The requirement of the policy to prove, rather than demonstrate, functional need may be difficult to achieve and therefore not justified. The policy also requires application of all criteria but the relevance of each of these will depend on the particular operation applied for. For these reasons the policy as submitted is not justified or effective and **MM34** is necessary to address these points.

*Policy DME2 – Farm diversification*

45. Paragraph 4.17 describes how new buildings which are needed as a result of the break-up of farm holdings will be considered. As an SPD is to be produced, the text needs to refer to this to ensure effectiveness and **MM35** achieves that.
46. The policy imposes a blanket restriction on changes of use which would limit permitted development rights through the use of conditions. The PPG advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. For this reason the policy is unsound. It is necessary for the policy to ensure that businesses remain ancillary to the farm unit to protect the valued characteristics of the National Park. However, clarity is required on the meaning of ancillary businesses. **MM36** modifies Policy DME2 to address these soundness issues to ensure effectiveness and consistency with national policy.

*Policy DME3 – Safeguarding employment sites*

47. This policy relates to CS Policy E1D in identifying the existing business sites and premises to be safeguarded for B Use Classes. However, the supporting text does not adequately explain how the policy is to be applied and is ineffective. **MM37** is necessary to provide clarification regarding the pragmatic approach that will be taken to the requirement that the predominant uses remain in the B Use Classes.
48. A report undertaken by GL Hearn in 2015 identified Cartledge House in Great Hucklow as an existing employment site where employment use could be intensified. **MM38** is necessary to add Cartledge House to the list of employment sites in Policy DME3 and to otherwise clarify the meaning of the policy and is justified and necessary to ensure its effectiveness.

*Policy DME4 – Change of use of non-safeguarded, unoccupied or under-occupied employment sites in DS1 settlements*

49. The policy allows for changes of use of employment sites in the settlements listed in Policy DS1 of the CS and is generally consistent with Policy E1D of the CS. However, part B (i) requires any alternative B class use to be justified. There are permitted development rights which will apply in many cases. In those cases where planning permission is required, this has not been justified in terms of the requirement of national policy to support economic growth in rural areas. The PDNPA wishes to encourage high value employment but the restrictive approach of part B (i) would not necessarily achieve this. The environmental effects of B class uses would be controlled by part B (ii) and other policies of the Plan.
50. **MM39** is necessary to address this issue and ensure the policy is effective in supporting rural business. I have amended the wording of the MM which was subject to consultation to remove the requirement for new businesses to justify their need. This would enable the benefits of businesses for which a need has been identified to be considered, while not placing an unreasonable burden on businesses to demonstrate need.

*Policy DME5 – Class B1 employment uses in the countryside outside DS1 settlements*

51. **MM40** adds to the supporting text to qualify the restriction imposed by CS Policy E2 that business use in an isolated building in the countryside is not permitted. Policy DMC10 as modified does allow for such uses, consistently with national policy and it is necessary to make this clear for effectiveness. However, the amended text reads as though Policy E2 refers to Policy DMC10. I have altered the text of MM40 to make this clear.
52. The importance of good broadband coverage, albeit that this would not be likely to outweigh conservation concerns is not stated in the supporting text to the policy. The policy also sets out three criteria to mitigate the effects of development, but other forms of mitigation could also be used. For these reasons the policy and its supporting text are not effective and **MM41** and **MM42** are necessary to address this.

*Policy DME6 – Home working*

53. Paragraph 4.49 does not fully explain the context of the policy in terms of broadband provision. The policy refers to Policy DMH8 which concerns outbuildings but for consistency it should also refer to Policy DMH7 which concerns extensions. **MM43** and **MM44** address these points and are necessary to ensure the policy is justified and effective.

*Policy DME7 – Expansion of existing industrial and business development where it is not ancillary to agricultural business*

54. Text is added to paragraph 4.50 by **MM45** to explain the distinction between Policies DME7 and DME8 to ensure clarity on their respective scope. However, the suggested text states that Policy DME7 deals with the size of development, whereas it would be more accurate and effective to state "location, scale and type of industrial and business development". I have altered the wording of **MM45** accordingly.
55. Paragraph 4.54 seeks to explain the approach to deciding whether business expansion proposals would be major development in the National Park for the purposes of national policy but is not fully clear or effective. **MM47** provides additional explanation and is necessary to ensure effectiveness and consistency with national policy.
56. The supporting text should refer to cultural heritage and biodiversity as well as landscape in considering expansion of businesses and **MM46** is necessary to ensure effectiveness in this respect. The policy requires consideration of impact upon residential amenity and valued characteristics. This is stated in parts B and H of the policy in relation to sites both within, and outside DS1 settlements, but **MM48** is necessary to improve the clarity of the policy and its effectiveness in this respect. However, the requirement to consider impact from operating hours, lighting and noise only in respect of sites outside DS1 settlements has not been justified and I have altered the wording of **MM48** to apply those considerations in all cases.

*Policy DME8 – Design, layout and neighbourliness of employment sites including haulage depots*

57. Whereas Policy DME7 deals with the question of whether an employment site can be expanded, Policy DME8 deals with the design, layout and neighbourliness of employment sites. **MM49** introduces text to make this clear, and to state that employment development can affect biodiversity. This is necessary for effectiveness.
58. Paragraph 4.63 states that the PDNPA will consider the use of conditions and obligations to prevent expansion in terms of vehicular traffic. This approach is justified in terms of the landscape sensitivity and the predominantly narrow roads. **MM50** refers to taking enforcement action and is necessary to provide clarity and effectiveness. I have altered the wording to provide further clarification on the use of conditions or obligations.

*Recreation and Tourism – Strategic Context*

59. **MM51, MM52** and **MM53** introduce text under the heading 'Recreation hubs' which explains that a SPD is to be produced to provide guidance on the provision of visitor facilities at locations which are recognised for their recreational use for outdoor activities. These modifications are necessary to ensure the Plan's effectiveness in supporting these facilities in appropriate locations within the National Park.

*Policy DMR1 – touring camping and caravan sites*

60. While camping and caravan sites are supported by CS Policy RT3, static caravans, chalets and lodges are not permitted by that policy. There are a number of camping products which have become available, including camping pods and shepherd's huts. Wooden pods may be acceptable in woodland settings where there is no associated development. A single shepherd's hut may be acceptable when associated with a farm. **MM54** provides further clarification to the supporting text in this respect and is necessary to ensure effectiveness.
61. Part B of Policy DMR1 is vague and clarity is required in terms of the requirements for shopping, catering or sport and leisure facilities at camping and caravan sites. These are included in **MM55** which is necessary to ensure effectiveness.

*Policy DMR2 – Holiday occupancy of camping and caravan sites*

62. The policy restricts the occupancy of touring camping and caravan sites to holiday accommodation. **MM56** is necessary to provide greater certainty and effectiveness in that it specifies the duration as no more than 28 days per calendar year by any person.

*Policy DMR3 – Holiday occupancy of self-catering accommodation*

63. The policy does not define the maximum period for holiday occupancy of self-catering accommodation where such accommodation is outside settlements and does not fully explain the approach to removal of occupancy conditions

and conversion to affordable housing. To ensure its effectiveness, **MM57** modifies the policy to address these points.

*Policy DMR4 – Facilities for keeping and riding horses*

64. The policy includes a restriction on new stable buildings that are designed with the possibility of future conversion to dwellings in mind, but the wording of part B of the policy is not clear or effective. **MM58** is necessary to address this.

*Housing Policies*

65. The CS does not provide for allocation of land for housing, but its housing policies allow for provision of affordable housing to meet local need. In general, the housing chapter of the DMP lacks full and clear explanation of the policies for providing affordable housing. **MM59** and **MM60** provide further explanation and are necessary to ensure the policies are justified.
66. Whilst the Plan is being examined under the 2012 Framework, in order to ensure it is effective in the delivery of affordable housing once adopted, **MM61** updates the definitions of affordable housing to encompass the wider range of affordable products now included in national policy under the 2019 Framework. I am satisfied that widening the range of tenures within the definition would not have a negative effect on the viability of affordable housing delivery in the National Park.
67. Self-build and custom build housing can help to address local need. The DMP allows for this type of housing on previously-developed land but not on exception sites such as green field land within settlements. This approach has not been justified and is therefore unsound. **MM71** allows for self-build and custom build houses on exception sites where this is justified in terms of need and is within the maximum size thresholds in that policy and is necessary to ensure the Plan is effective and justified. **MM62** and **MM63** modify the supporting text to the policy and are likewise necessary to ensure the Plan is effective and justified in respect of the provision of self-build housing.
68. The text describing the approach to consideration of whether accommodation is unsatisfactory is not adequately justified. The condition, quality and size of accommodation are likely to influence this. **MM65** is necessary to address this point to ensure the Plan is justified. The needs of people wishing to form a household for the first time should also be recognised in the Plan and **MM66** is necessary to ensure effectiveness in this respect. The PDNPA uses the same information as that used by Housing Authorities in assessing need but any changed assessments should be taken into account. **MM67** is necessary to address this and to ensure effectiveness.
69. There is no explanation of the approach taken to holiday homes or second homes, which can reduce the availability of the housing stock for local needs. **MM64** adds reasoned justification to the supporting text to explain the approach and is necessary for effectiveness in respect of the use of occupancy conditions on new housing.

70. **MM68** provides clarification regarding need which may arise from older people wishing to downsize. Paragraphs 6.20 and 6.21 do not fully explain or justify how these circumstances will be taken into account in Policy DMH1 in considering the need for new housing. This modification is necessary for effectiveness.

*Policy DMH1 – New affordable housing*

71. The supporting text to Policy DMH1 explains that the size of affordable housing will be controlled; homes built by individuals to meet their own need are classified as intermediate homes between affordable and unrestricted open market dwellings; and that these may be sold after a period of three years to persons not in need but meeting the local connection criteria. These requirements are not adequately justified, however. **MM69** provides additional explanatory text which is necessary to ensure Policy DMH1 is appropriately justified. This modification is also necessary to explain the approach taken in conversion of heritage assets and in removal of holiday occupancy conditions. Because these existing buildings may not conform exactly with the size limits in Policy DMH1, the text allows for some flexibility and helps to ensure the policy will be effective.
72. Paragraph 6.38 explains that plot sizes will need to reflect the character of the area but that this should not affect the ability to provide affordable housing. **MM70** makes clear that plot size does not affect the price that a Registered Social Landlord will pay for a plot. This change clarifies the paragraph, providing greater certainty, which is necessary to ensure Policy DMH1 can be effectively applied.
73. **MM71** is necessary to ensure Policy DMH1 is justified and effective in terms of the requirements for starter homes, self-build and custom-build homes.

*Policy DMH2 – First occupation of new affordable housing*

74. It is necessary to explain the approach to assessing housing need from parishes and settlements that lie on both sides of the National Park boundary. **MM72** provides additional text and **MM73** alters the policy to state that local need must arise from those who have been resident in parishes within the National Park. These modifications are necessary to provide appropriate justification for and ensure the effective application of Policy DMH2.

*Policy DMH3 – Second and subsequent occupation of affordable housing*

75. The application of the policy to self-build units, the requirements when a parish is divided by the National Park boundary and requirements for marketing of affordable homes to eligible occupiers require explanation and clarification within Policy DMH3. **MM74** makes these changes and is necessary to ensure effectiveness.

*Policy DMH4 – Essential worker dwellings*

76. The policy requires a functional test to be carried out to demonstrate the need for a rural worker's dwelling but does not require a financial test to demonstrate that the business is established and profitable. In the absence of

such a requirement the policy would not be effective. Modification **MM77** is necessary to address this point. The modification is also necessary to clarify that any new dwelling associated with an existing dwelling will be considered under Policy DMH5 as ancillary unless a larger building is needed for landscape and building conservation purposes. The structure of the policy as amended is such that the stated intentions to engage in or further develop the business and the financial test would apply only to proposals for new buildings. I have made an amendment to **MM77** to place this requirement at the beginning of the policy together with the functional requirement, to ensure the policy is effective in terms of it applying to all proposals. I have also amended the criterion requiring that there is no traditional building that could be converted to ensure this only applies in the case of proposals for new buildings.

77. Paragraph 6.58 in respect of the financial test is not necessary because its text has been moved to the policy. **MM75** deletes that paragraph and is necessary to avoid unnecessary duplication and thereby ensure effectiveness.
78. The policy requires that construction costs of new buildings reflect the likely sustainable income of the business. The supporting text in paragraph 6.59 includes a requirement that the ongoing costs associated with the dwelling must reflect the actual and potential income that might be generated from the landholding. This may be difficult to demonstrate with certainty. That requirement is not justified and **MM76** is necessary to remove it from the Plan.

*Policy DMH5 – Ancillary dwellings in the curtilages of existing dwellings by conversion or new build*

79. Although **MM78** and **MM79** make relatively small scale changes to the policy title and text, I am satisfied that they are necessary to ensure Policy DMH5 is clear and effective. I have amended the wording of part B to ensure the criteria applying to proposals for new build ancillary dwellings are clearly binding and therefore that the policy will be effective in regard to such schemes.

*Policy DMH6 – Re-development of previously-developed land to dwelling use*

80. Although market housing is not normally approved on green field land, there may be instances where such development on the edge of settlements could provide enhancement and affordable housing. Policy DMH6 and its supporting text do not allow for this and in this respect the DMP is not adequately justified or effective. **MM80** provides clarity in this respect and is necessary to ensure effectiveness. I have made a small grammatical correction to the last sentence of the modified paragraph.
81. Paragraph 6.84 describes the approach to securing affordable housing provision. **MM81** provides additional explanation in the interest of effectiveness.
82. Policy DMH6 allows for redevelopment of previously-developed land for housing. The second criterion of the policy may restrict re-development of some community facilities that are no longer required, for example where alternative facilities have been provided. This requirement is overly restrictive



and not justified. The requirement of the last criterion in terms of phased development is not clear or effective. For these reasons the policy is unsound and **MM82** is necessary to address these matters.

*Policy DMH7 – Extensions and alterations*

83. The policy is not consistent with the maximum floorspace requirements in Policy DMH1 in that it would allow for extensions above those limits. A criterion has been added by **MM83** to address this point and to ensure effectiveness. I have made a small alteration to the modified text to provide clarification.

*Policy DMH8 – New outbuildings for domestic garaging and storage use in the curtilage of dwelling houses*

84. The headings to the policy and the supporting text have been amended by **MM84** and **MM85** to make clear that the policy applies to alterations to existing outbuildings as well as new outbuildings. These MMs are necessary to ensure effectiveness. The second part of the policy as submitted is vague and ineffective. **MM85** replaces criterion B with a requirement to conserve and enhance the dwelling and any valued characteristics of the area. The requirement of parts A and B to conserve and enhance is not justified, however and I have altered this to conserves 'or' enhances. The MM is necessary to ensure the policy is effective.

*Policy DMH9 – Replacement dwellings*

85. It is necessary for the supporting text to explain the approach taken in assessing whether a replacement dwelling would provide enhancement and whether permitted development rights for subsequent outbuildings should be restricted. **MM86** adds explanation and is necessary to ensure the policy is effective.
86. The policy is not fully effective or consistent with national policy in terms of enhancing the valued characteristics of the National Park and reflecting the guidance in the Design Guide. It is also necessary to ensure that high sustainability standards are achieved. Accordingly, **MM87** and **MM88** are necessary to address these soundness issues.

*Policy DMH10 – Sub-division of dwellings to create multiple dwelling units*

87. The policy provides that subdivision of dwellings should not undermine any existing occupancy restriction. However, it should also refer to outbuildings that are used as ancillary dwellings. **MM89** is necessary for effectiveness in this respect.

*Policy DMH11 – Section 106 agreements*

88. There are a number of minor aspects of the wording to the policy which, taken together undermine the clarity and effectiveness of the policy. **MM90** addresses these points and is necessary to ensure soundness.

*Policy DMS1 – Shops, professional services and related activities in Core Strategy named settlements*

89. Part A of the policy requires submission of evidence to demonstrate that local convenience shopping will not be adversely affected or undermined. However, the limitation of this provision to convenience shopping has not been justified and is not consistent with the impact test in national policy which promotes competition and does not distinguish between different types of retail floorspace. **MM94** is necessary to make the policy sound in these respects. **MM91** is also necessary to remove reference to this requirement from the supporting text.
90. The policy requires that access is provided to upper floors. **MM92** strengthens the supporting text in this regard to ensure the policy is effective.
91. Although the policy encourages food and drink uses generally, the submission draft Bakewell NP only permits A3/4/5 uses up to a threshold within the Central Shopping Area. For clarity, **MM93** adds text to explain this. The changes to the policy in **MM94** are necessary to ensure clarity and effectiveness. Part D of the policy is not justified as provision for access by people with mobility difficulties is made by the Building Regulations and this has been deleted in **MM94**.

*Policy DMS2 – Change of use of shops, community services and facilities*

92. Policy HC4C of the CS requires demonstration that community services and facilities are no longer needed, are available elsewhere in the settlement or are no longer viable where changes to non-community uses are proposed. Policy DMS2 requires marketing to be carried out but the policy and supporting text do not clearly specify which uses are classified as community uses for the purposes of the policy. Paragraph 7.11 states that community services and facilities include those within Use Classes D1 and D2, local convenience shops (Use Class A1), financial and professional services (Use Class A2) and public houses (Use Class A4). **MM95** provides clarification in stating that shops other than convenience shops, hot food takeaways and cafes/restaurants would be exempt from the need for marketing. These changes are necessary to make the policy effective. Additional text has been included to state that marketing would not be required in respect of community facilities where this is demonstrated to be part of a wider estate reorganisation programme. This is necessary to ensure the policy is effective.
93. The changes proposed in **MM96** are also necessary for effectiveness in that they clarify the types of uses to which the policy applies and clarify the approach to be taken in respect of existing buildings in mixed retail and residential use.

*Policy DMS3 – Retail development outside Core Strategy named settlements*

94. Part B of the policy requires that retail activity at petrol stations must remain ancillary to fuel sales. It is unclear how this requirement would be assessed and so it is ineffective and unsound. **MM97** provides criteria against which the requirement will be assessed. Criteria (i) and (ii) require that the size of the forecourt is not reduced or that the petrol station is not marginalised such that

the retail activity becomes a destination in itself. I can see no justification for expressing these criteria as alternatives and I have amended the wording to ensure the effectiveness of the policy requirement. **MM97** is necessary to ensure effectiveness.

*Policy DMS4 – Shop fronts*

95. The supporting text explains that roller shutters are not compatible with the character of the National Park. Paragraph 7.31 suggests internal shutters as an alternative. However, such shutters could also have an unacceptable effect on local character. Accordingly, **MM98** is necessary to address this in order to ensure effectiveness.

*Policy DMS5 – Outdoor advertising*

96. Some of the requirements of the policy are vague. Part A (iv) duplicates other requirements, the policy does not refer to detailed guidance in the SPD and the requirements in part C (ii) and part D are vague. **MM99** addresses these points and is necessary to ensure the policy is effective.

*Policy DMS6 – Safeguarding sites for community facilities*

97. Paragraph 7.36 explains the approach taken by Policy HC4C of the CS to the loss of community facilities. However, the last part of that paragraph concerns the change of use of existing facilities, which is covered by Policy DMS2. This text is unnecessary and could lead to confusion. Paragraph 7.39 refers to recreation sites and sports facilities being safeguarded but other types of community facilities could also be safeguarded by Policy DMS6. **MM100** and **MM101** address these points and are necessary to ensure effectiveness.

*Policy DMS7 – Retention of community recreation sites or sports facilities*

98. **MM102** refers to safeguarded community recreation sites and sports facilities being shown on the Proposals Map in relation to Policy DMS7. This modification is necessary to ensure clarity and effectiveness.

99. Policy DMS7 as submitted is unclear in terms of its requirements, and ineffective. **MM103** makes changes to ensure the requirements are clearly defined and is necessary to ensure soundness.

*Managing Development in Bakewell*

100. Policy DME3 requires retention of a predominant element of business use on safeguarded employment sites, including Deepdale Business Park and Riverside Business Park in Bakewell. **MM104** alters the wording of paragraph 8.4 to ensure consistency in this respect. **MM105** provides clarity regarding the emerging Bakewell NP. These modifications are necessary to ensure effectiveness.

*Policy DMB1 – Bakewell's Settlement Boundary*

101. Paragraph 8.7 states that the boundary shown (on the Policies Map) has been agreed, however this may not be accurate as the NP is yet to be

examined. Further explanation is necessary to provide clarity and certainty and therefore effectiveness. Modifications **MM106** and **MM107** provide this.

102. Policy DMB1 states that Policy DMC4 will not apply to development within Bakewell. That policy requires consideration of the historic pattern of development and there is no explanation as to why this should not be applied in Bakewell. Accordingly, **MM108** deletes that part of the policy to ensure it is justified.

#### *Central Shopping Area and Principles for Land Use*

103. The CS makes provision of the Central Shopping Area (CSA) in Bakewell in Policies DS1 and HC5. However, the DMP does not explain the policy approach to development within the CSA and in this respect is not effective. **MM111** provides explanation regarding the function of the NP in this respect and is necessary for soundness. **MM109** clarifies that there have been minor amendments to the CSA as shown on the Policies Map. This modification is necessary to ensure the DMP is effective.
104. Paragraph 8.11 states the approach of CS Policy DS1 to development in Bakewell. Changes have been made to the wording of that paragraph to improve clarity in **MM110**, and to ensure effectiveness.

#### *Travel and Transport – Strategic Context*

105. Paragraph 9.8 contains a typographical error in referring to paragraph 16 rather than paragraph 36 of the Framework. In addition, this will be superseded on adoption by the new Framework. Whilst not a soundness issue, the Authority should address this and other references to paragraph numbers in the Framework in updating the Plan prior to adoption.

#### *Policy DMT1 – Cross-park infrastructure*

106. The lack of support for new railways for cross-park travel is not consistent with Policy T1 of the CS which seeks modal shift to sustainable transport, or with Policy T5 in terms of its provision for safeguarding land for enhancement of the Hope Valley line and re-instatement of the Woodhead and Matlock to Buxton line. Neither is this consistent with national policy in terms of facilitating sustainable development. **MM112**, **MM113**, **MM114** and **MM115** are necessary to remove reference to rail routes from the policy and text. The modifications are necessary to provide clarity and to ensure consistency with the CS and with national policy.

#### *New Policy – Local road improvements*

107. Whereas Policy DMT1 deals with roads carrying cross-park traffic, there is no policy on other road schemes and in this respect the DMP is not effective. **MM116** and **MM117** introduce a new policy which sets out criteria for local road improvements. Although many road schemes are permitted development, permission is required where there is a need for Environmental Impact Assessment. The MMs are necessary to ensure consistency with national policy in terms of protecting the valued characteristics of the National Park, and effectiveness.

*Policy DMT3 – Railway construction*

108. The policy is not consistent with national policy which allows for benefits of major development to be balanced against harmful effects. **MM118** introduces text which provides clarity to the policy and addresses this. Part D of the policy resists new railways that are designed primarily as tourist or heritage attractions, but the justification for resisting tourist railways is not clear and for this reason the policy is not sound. **MM118** and **MM119** are necessary to make the policy sound in this respect. **MM119** adds a requirement to the policy that all new railways, including tourist or heritage attractions, must be sustainable and that benefits must be weighed against negative impacts. The modification distinguishes the mitigation of any habitat loss from benefits while stating that enhancement is required where possible.
109. Part E (ii) as submitted allows for a new passenger railway station as a temporary part of a phased construction programme; this provision has not been justified and is deleted in the modification. For these reasons, **MM119** is necessary to ensure the policy is justified, effective and consistent with national policy.

*Policy DMT4 – Development affecting a public right of way*

110. Policy T6 of the CS safeguards the existing rights of way network and allows for the use of disused railway lines for walking, cycling and equestrian use until such time as a railway scheme is granted. Projects have been undertaken on the Monsal Trail to provide such access. Policy DMT4 allows for provision of other new walking, cycling and equestrian routes and sets out criteria which must be met. However **MM120** and **MM121** are necessary to make it clear that a less prescriptive approach may be applied to small-scale improvements to rights of way. These modifications are necessary to ensure the policy is effective.

*Policy DMT5 – Business parking*

111. The policy includes a statement that the adopted parking standards are provided in an appendix. As the parking standards are for guidance, they should not form part of the policy and they are referred to in the supporting text. **MM122** is a necessary modification to delete part C to ensure that the policy is justified and effective.

*Policy DMT6 – Visitor parking*

112. The policy requires that new visitor parking secures an equivalent removal of on-street parking. It is not explained how this would be secured and in this respect the policy is not effective. **MM123** and **MM125** which include provision for measures to secure such reduction are necessary to achieve effectiveness.
113. **MM123** and **MM124** move text from paragraph 9.63 to a new paragraph, explaining that care should be taken when identifying temporary sites for parking under permitted development rights. This change improves the clarity of the document and its effectiveness.

*Policy DMT7 – Residential off-street parking*

114. The policy expects that provision of residential off-street parking is provided to the minimum standard in cases where additional on-street parking would be harmful to highway safety or amenity. In cases where existing problems are more acute, provision to the maximum standard may be required. **MM126** is necessary to ensure the effectiveness of the policy, but I have made additional changes to the wording of the MM as published for consultation for clarity. **MM127** provides clarification regarding car-free housing and this is necessary to ensure effectiveness. **MM128** removes the parking standards from the policy as these are for guidance and their inclusion in the policy is not justified.

*Policy DMU1 – Development that requires new or upgraded service infrastructure*

115. There is a lack of clarity regarding the coordination of development with infrastructure provision. The provision of sufficient information with planning applications is necessary to allow the impacts of associated infrastructure to be assessed. It is necessary to require provision of infrastructure before commencement of the use in order to ensure that existing infrastructure is not overloaded. **MM129**, **MM130** and **MM131** are necessary to ensure the effectiveness of the Plan in these respects.

*Broadband*

116. Although provision of fixed line broadband is permitted development and the prior approval of the PDNPA is not required, the Authority explains that it will work positively with communities and providers to encourage provision, in the interests of sustainability and the economy of the National Park. **MM132** is necessary to clarify the approach taken to broadband provision, to distinguish this from telecommunications infrastructure and to ensure effectiveness.

*Policy DMU4 – Telecommunications infrastructure*

117. **MM133** inserts a heading to identify the supporting text to the policy which improves clarity. There is a memorandum of understanding and joint accord between the English National Parks and Mobile UK which is important in the context of the policy. It is also important to state that the policy may be updated if necessary to cover evolving technology. Additional explanation in these respects is necessary for effectiveness and **MM134** and **MM135** address these points.

*Policy DMU5 – Restoration of utility and telecommunications infrastructure sites*

118. There is no supporting text to Policy DMU5 in the submitted Plan which is necessary to explain the application of the policy and hence its effectiveness. **MM136** provides a reasoned justification to the policy and is necessary for this reason.

*Low carbon and renewable energy development*

119. Policy CC2 of the CS encourages low carbon and renewable energy development. That policy only allows for such development where there are no adverse effects and does not allow for benefits to be weighed against

adverse effects. The Climate Change and Sustainable Building SPD provides detailed guidance on minimising impact. The inclusion of a specific policy in the DMP has been suggested but the PDNPA has referred to a number of renewable energy developments that have been approved on the basis of the CS policy and the SPD. This policy and guidance are sufficiently positive to encourage renewable energy development. Therefore, a separate policy on low carbon and renewable energy development is not necessary to make the DMP sound.

### *Minerals and Waste – Strategic Context*

120. Paragraph 144 of the Framework states that, as far as is practical, local planning authorities should provide for the maintenance of landbanks of non-energy minerals from outside National Parks. The CS, in paragraph 14.18 states that its objective is one of working towards the gradual reduction of aggregates and other land-won minerals within the National Park. This approach takes into account the local aggregates assessment which also covers adjacent authorities' areas. The objective of a gradual reduction in extraction of these minerals within the National Park is consistent with national policy provided that there is an adequate supply from areas outside the National Park. However, paragraph 11.1 is not entirely accurate in describing a 'progressive reduction' in mineral working. This implies a more restrictive approach than that set out in the CS. **MM137** is necessary to address this point and to provide an adequate explanation of the application of the minerals and waste policies. It is important to ensure that adequate consultation is carried out before submitting minerals and waste proposals and **MM138** is necessary to address this. These modifications are required in the interest of effectiveness.

### *Policy DMMW1 – The justification for mineral and waste development*

121. The policy does not reflect national policy for major development in designated areas in terms of the need for the development, the cost and scope of developing elsewhere and any detrimental effects on the environment. The requirement for evidence of proximity to the end-user market is not justified. **MM140** is necessary to address these points but part B only refers to minerals development. The reasons for excluding waste development from the requirements of Part B are not clear, as waste development would need to be considered under the criteria set out, in accordance with national policy. In order to ensure the policy is effective and consistent with national policy I have also included waste development in part B, which was clearly an omission from the wording of the MM as published for consultation.

122. Associated with these changes, **MM139** is necessary to make changes to the supporting text to clearly explain the basis for the policy and to ensure effectiveness. The amended paragraph refers to the revised Framework which provides the national policy against which future proposals will be considered.

### *Policy DMMW2 – The impact of mineral and waste development on amenity*

123. The wording of the policy is imprecise and contains grammatical errors which, taken together mean that the policy would not be effective. **MM141** is necessary to address this.

*Policy DMMW3 – The impact of minerals and waste development on the environment*

124. Criterion (viii) of Policy DMMW3 requires the likelihood of development being carried out as proposed to be considered. This requirement has not been justified. Criterion (ix) requires prevention of unauthorised public access to minerals and waste sites. This would be a matter covered under health and safety legislation. **MM142** is necessary to address those matters and to ensure effectiveness.

*Policy DMMW4 – Waste management facilities*

125. This policy sets out detailed requirements for local waste facilities as provided for by CS Policy CC3. The policy also refers to Policy CC4 which concerns on-farm anaerobic digestion (AD) facilities. Such facilities are permitted on farms subject to the requirements of that policy. As Policy DMMW4 sets out a hierarchy for consideration of waste proposals with greenfield sites being at the bottom of that hierarchy, and as on-farm AD facilities are subject to a separate policy, the reference in the policy to Policy CC4 could lead to confusion and ineffectiveness. Furthermore, the requirements in part B of the policy do not include any restriction on land raising which could be harmful to the valued characteristics of the National Park. **MM143** is necessary to address these points.

*Policy DMMW5 – Restoration and aftercare*

126. It is necessary to provide clarity in terms of the types of waste management facility that are covered by this policy. **MM144** is necessary to ensure effectiveness in this regard as well as in terms of ensuring precise wording. I have amended the wording of criterion (v) to ensure this is more effective in considering restoration in terms of individual circumstances.

*Policy DMMW6 – The cumulative effect of mineral and waste development*

127. Paragraph 11.20 is ineffective in terms of a lack of precision. **MM145** and **MM146** are necessary to ensure effectiveness.

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

128. Policy MIN4 of the CS safeguards limestone and fluorspar from non-mineral development and provides for safeguarding of small individual areas for local small-scale building and roofing stone. Policy DMW7 provides for safeguarding of this resource through identification of safeguarding areas on the Policies Map. The policy as submitted does not set out the detailed requirements however and is ineffective in this respect. **MM147** is necessary to address this.

*Policy DMMW8 – Ancillary mineral development*

129. The policy restricts development related to mineral extraction, in order to prevent these becoming isolated industrial sites following cessation of extraction operations and to safeguard amenity and the environment. The



policy does not however exclude mineral related development that is not on an operational mineral site and in this respect is ineffective.

130. The question of whether plant, buildings and machinery are redundant would be a matter for consideration in individual cases. Temporary non-use would not necessarily mean that plant or buildings are redundant. Any mineral-related development not on an operational site would be unlikely to be 'ancillary'. The policy is not effective in terms of the clarity and precision of its wording in these respects. **MM148** is necessary to address these matters to ensure Policy DMMW8 is effective.

#### *Conclusion on Main Issue*

131. Subject to the MMs discussed above, the policies of the Plan would be justified, consistent with national policy and effective. They would also be consistent with, and positively promote, the spatial policies contained in the CS.

## **Public Sector Equality Duty**

132. I have had regard to the Public Sector Equality Duty under A149 of the Equality Act 2010 in undertaking the examination. The policies are flexible and make provision for different groups in the population. The Plan is fully consistent with the duty under the Act.

## **Assessment of Legal Compliance**

133. My examination of the legal compliance of the Plan is summarised below.
134. Although submission of the DMP was delayed, the Plan has been prepared in accordance with the Authority's Local Development Scheme (October 2016 – September 2019).
135. Consultation on the Local Plan and the MMs was carried out in compliance with the Authority's Statement of Community Involvement.
136. I have examined the DMP for consistency with national policy and the CS and have tested it for soundness against the tests set out in the Framework. Subject to the MMs the DMP is in accordance with national policy.
137. Sustainability Appraisal has been carried out in respect of the submitted Plan and the MMs and is adequate.
138. The Shadow Habitats Regulations Assessment to inform the assessment of the Development Management Policies (Part 2 of the Local Development Plan for the Peak District National Park) (October 2016) screens out all policies from having a likelihood of significant effects on European sites either alone or in combination with other plans and projects. The Habitats Regulation Assessment Screening Report Addendum (November 2018) assesses the MMs and also concludes that there are no likely significant effects on European sites and that no further detailed assessment is necessary.

139. The DMP includes policies which encourage sustainable development, including policies to encourage sustainable travel. Together with the CS its policies are designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
140. The DMP complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Overall Conclusion and Recommendation**

141. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issue set out above.
142. The Authority has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Development Management Policies - Part 2 of the Local Plan for the Peak District National Park satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Nick Palmer*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.