

**PEAK DISTRICT NATIONAL PARK AUTHORITY**

**Examination of Development Management Policies**

**Inspector:** Nick Palmer BA(Hons) BPI MRTPI **Programme Officer:** Kerry Trueman

Programme Officer Solutions Ltd, 32 Devonshire Place, Prenton, Wirral CH43 1TU

**Tel:** 07582 310364

**Email:** [Kerry.Trueman@peakdistrict.gov.uk](mailto:Kerry.Trueman@peakdistrict.gov.uk)

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**HEARING AGENDA**

**Version 1 – issued 15 May 2018**

**Tuesday 22 to Thursday 24 May 2018** at Aldern House, Baslow Road, Bakewell, Derbyshire DE45 1AE (start time 10:00am)

**Inspector’s Introduction**

**Authority’s Opening Statement**

**Duty to Co-operate and other legal requirements**

*Duty to Co-operate*

- What discussions have taken place with respect to waste development?
- What engagement has there been with Staffordshire CC?
- What engagement has there been with adjacent minerals planning authorities?
- What engagement has there been with adjacent authorities regarding strategic transport infrastructure?

*Climate Change*

- Whether the policies adequately address climate change

*Habitats Regulations Assessment*

- Has the Authority adopted the Shadow HRA carried out by DTA Ecology dated 12 October 2016?

Participants:

Great Hucklow, Little Hucklow and Grindlow Parish Council - Dr Martin Beer

John Youatt

Peter O’Brien

## **Overview of soundness**

- Are the policies consistent with national policy on development in National Parks?
- Is the stated approach to seeking planning obligations consistent with national policy?
- Are the policies on heritage assets consistent with national policy?
- Are the policies concerning the economy consistent with national policy?
- Is the plan positively prepared with respect to housing provision?
- Do the policies provide for sustainable development?

Participants:

Great Hucklow, Little Hucklow and Grindlow Parish Council - Dr Martin Beer

Peter O'Brien

High Peak Borough Council - Dai Larner

Stanton in Peak Parish Council – Cllr Sue Fogg

Mineral Products Association - Mark North

Peak Park Parishes Forum – Cllr Linda Granger

Derbyshire Dales District Council - Mike Hase

Friends of the Peak District - Andrew Wood

Tarmac Ltd – Jenna Conway

## **Landscape, Biodiversity and the Environment**

### **Policy DMC1: Conservation and enhancement of nationally significant landscapes**

- Should part B of the policy be qualified to refer to the text in modification M1.4?
- The last sentence of paragraph 3.15 requires clarification.

### **Policy DMC2: Protecting and managing the Natural Zone**

- Should DMC2C (iii) (limited period) only relate to changes of use?
- In part C (iv) as personal permissions can be justified having regard to personal circumstances. How would such conditions be justified in terms of effects on the landscape?

### **Policy DMC3: Siting, design, layout and landscaping**

- Should the policy include a requirement to consider the effect of lighting?
- Should the policy refer to tranquillity?

- Is the wording of the last sentence of part A clear?

#### **Policy DMC4: Settlement limits**

- Should the policy state that it does not apply to Bakewell?
- Should the policy state that although settlement limits are not defined in other settlements, development in or on the edge of DS1 settlements will be considered in accordance with the stated criteria?
- Should part B refer to policy DMC8 regarding open spaces in Conservation Areas?
- How would open areas forming an essential part of the character be identified?

#### **Policy DMC11: Safeguarding, recording and enhancing nature conservation interests**

- Should part A be more explicit in aiming for enhancement?
- In part E (ii) how would an assessment of nature conservation interests take into account historical, cultural and landscape matters?

Participants:

Peak Park Parishes Forum – Cllr Linda Granger

Friends of the Peak District – Andrew Wood

Stanton in Peak Parish Council – Cllr Sue Fogg

Derbyshire Dales District Council - Mike Hase

Mineral Products Association – Mark North

#### **Historic Environment**

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

- The suggested change to the policy would allow for public benefit to be balanced against less than substantial harm. Is this approach necessary in respect of non-designated heritage assets having regard to paragraph 135 of the NPPF?
- If there is no list of heritage assets how would an applicant know that they would need to prepare a Heritage Statement and comply with the other requirements of DMC5? (ref. paragraph 3.53)

#### **Policy DMC6: Scheduled Monuments**

- Other than compliance with legislation, what is the policy requirement of part A?
- How would compliance with legislation be exceptional?

- Should the policy include provision for weighing public benefit against less than substantial harm?

### **Policy DMC8: Conservation Areas**

- Should the policy include provision for weighing public benefit against less than substantial harm?
- How have open spaces in Conservation Areas been identified?
- Should part C require full applications?
- Is the requirement for any marketing in D (ii) sufficiently clear?
- Is part G clear as to the policy requirement regarding trees in Conservation Areas?

### **Policy DMC9: Registered parks and gardens**

- Should the policy include provision for weighing public benefit against less than substantial harm?

### **Policy DMC10: Conversion of heritage assets**

- Is part A (iii) consistent with national policy in paragraph 55 of the NPPF?
- Would the restriction on conversion of heritage assets outside settlements, farmsteads and groups accord with the statutory purposes of the National Park?
- Would part B of the policy be unnecessarily restrictive in terms of buildings that are not heritage assets e.g a building in a Conservation Area that is not itself a heritage asset?

Participants:

Peak Park Parishes Forum – Cllr Linda Granger

Friends of the Peak District – Andrew Wood

Stanton in Peak Parish Council – Cllr Sue Fogg

Mineral Products Association – Mark North

## **Farming and Economy**

### **Policy DME1: Agricultural or forestry operational development**

- Should part A and the criteria refer additionally to forestry and forest holdings?
- Should proposals be required to 'demonstrate' rather than 'prove' a functional requirement?
- Should proposals be required to provide information on the criteria in part A as appropriate?

### **Policy DME2: Farm diversification**

- Would a restriction on changes of use within use classes accord with national policy?

**Policy DME3: Safeguarding employment sites**

- Are there barriers to investment in Riverside Business Park that should be addressed by the policy?

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

- Should the words 'for retention of the site or buildings' be added to the end of part A?
- Is the requirement to demonstrate need for business use justified?

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

- Should the policy allow for application of other mitigation measures such as landscaping or enclosure?
- Are the restrictions on permitted development rights etc consistent with policy DME2?

Participants:

Peak Park Parishes Forum – Cllr Linda Granger

Friends of the Peak District – Andrew Wood

Stanton in Peak Parish Council – Cllr Sue Fogg

Derbyshire Dales District Council - Mike Hase

High Peak Borough Council - Dai Larner

Litton Properties - Rebecca Hilton

Mineral Products Association - Mark North

**Recreation and Tourism**

**Policy DMR1: Touring camping and caravan sites**

- Is the requirement in part B for development to be 'of a nature suited to the needs of the site itself' sufficiently clear?
- Should part C allow flexibility to accommodate new forms of camping where these are unobtrusive?

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

- Would the restriction to holiday accommodation be sufficiently precise?
- Would part B be justified in respect of any static caravan site?

### **Policy DMR3: Holiday occupancy of self-catering accommodation**

- Is strict adherence to the size limits in part b (iii) necessary?

Participants:

Peak Park Parishes Forum – Cllr Linda Granger

Stanton in Peak Parish Council – Cllr Sue Fogg

Derbyshire Dales District Council - Mike Hase

Friends of the Peak District – Andrew Wood

High Peak Borough Council - Dai Larner

### **Housing**

#### **Policy DMH1 New affordable housing**

- Is the policy consistent with national policy in terms of starter homes and self-build and custom-build homes?
- Should parts B and C state 'rural exception sites'?
- Is the definition of 'exception sites' in Appendix 11 appropriate?
- The supporting text refers to homes built by individuals as being considered 'affordable'. Is this consistent with national policy?
- Are the size thresholds justified in terms of providing for the needs of different groups in the community and should flexibility be incorporated?
- On the basis that the nationally-described space standard of 39 m<sup>2</sup> is for a single storey dwelling should the policy allow for flexibility when considering heritage assets?
- How does the size of a dwelling ensure it remains below market value?
- Should the policy require that occupation of affordable housing will be controlled by planning obligation?
- Should value be restricted by planning obligations to a proportion of market value?

#### **Policies DMH2 and DMH3: First occupation of new affordable housing, second and subsequent occupation of affordable housing (the occupancy cascade)**

- Should policy DMH2 include the paragraph in policy DMH3B (i) regarding split parishes?
- Would the occupancy restrictions adequately provide for all groups in the community?
- Would the occupancy restrictions provide sufficient flexibility for social housing providers?
- Should the wording of DMH3 B and C be consistent with the wording in DMH2?

- Is policy DMH3 clear as to when people living outside the National Park would become eligible?
- Should policies DMH2 and DMH3 make provision for changing definitions of housing need?

**Policy DMH4: Essential worker dwellings**

- Should part C specify 'existing building'?
- Is part F of the policy justified?

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

- Does the policy adequately provide for affordable housing to be subsidised by new market housing?
- Would policy DMH6 be consistent with policy DMH4 in terms of the marketing requirement of the latter?

**Policy DMH7: Extensions and alterations**

- Should the limitation on size of extensions to affordable homes stated in paragraph 6.41 be a requirement of policy DMH7?

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

- Does the policy allow for improvements or extensions to garages?

**Policy DMH9: Replacement dwellings**

- Is the requirement in part B (as modified) for 'better design and materials' sufficiently clear?
- What is the justification for the last sentence of part F (as modified) which caveats that the existing dwelling is in residential use?
- Is part H (as modified) consistent with the size requirements in policy DMH1?

**Policy DMH11: Section 106 agreements**

- What would be the effect of part A (ii) in terms of restricting future extensions or alterations?
- In parts C and D in what circumstances would a temporary release of an occupancy restriction be considered and how would this be controlled?
- What would be the requirement in terms of a dwelling remaining tied to the business?
- Is the justification for using section 106 agreements as an alternative to conditions as stated in paragraph 6.107 consistent with national planning policy?

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Peak Park Parishes Forum – Cllr Linda Granger

Stanton in Peak Parish Council – Cllr Sue Fogg

Derbyshire Dales District Council - Mike Hase

Friends of the Peak District – Andrew Wood

Great Hucklow, Little Hucklow and Grindlow Parish Council - Dr Martin Beer

Peter O'Brien

High Peak Borough Council - Dai Larner

John Youatt

### **Minerals and Waste**

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

- In paragraph 11.1 what is the justification for a progressive reduction in mineral working in the National Park having regard to national planning policy?
- How do the criteria (i) to (v) accord with national policy in paragraph 116 of the NPPF, particularly in terms of impacts on the local economy and the cost of, and scope for, developing elsewhere outside the Park?
- Should the same requirements apply to fluorspar and building stone as to other minerals?
- What is the difference between criteria (i) and (ii)?
- Is the requirement to be proximate to the end-user market consistent with national planning policy?
- Do Core Strategy policies CC3 and CC4 provide sufficient control over proximity of waste developments to waste arisings?
- What is the requirement of criterion (iv) in terms of retention of materials?
- Would the requirement to demonstrate viability be compatible with criterion (v) which requires that stone is used for a repair or restoration project?

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

- What is the justification for criterion (ix) in terms of preventing public access and stock ingress?

#### **Policy DMMW6: The cumulative effect of mineral and waste development**

- Is the policy wording clear?



## **Policy DMMW7: Safeguarding local building and roofing stone resources and safeguarding existing permitted minerals operations from non-mineral development and the Policies Map**

- Should local building stone be safeguarded?

Participants:

Mineral Products Association - Mark North

Peak Park Parishes Forum – Cllr Linda Granger

Stanton in Peak Parish Council – Cllr Sue Fogg

Friends of the Peak District – Andy Tickle

Tarmac Ltd – Jenna Conway

### **Bakewell**

#### **Policy DMB1: Bakewell's settlement boundary**

- Does the Development Boundary as defined cover all sites and parts of the town that could potentially be developed?
- As garden land in built-up areas is not previously-developed land such land would, under the definition in Appendix 11 form 'exception sites'. With this in mind do the policies make sufficient provision for starter homes and self-build or custom-build homes in Bakewell?
- Should market housing be allowed on land in Bakewell that is not previously developed?
- How has the Central Shopping Area been defined?
- How would the Plan protect the range and integrity of the Central Shopping Area as required by the Core Strategy?
- Should the text state that detailed policies will be provided in the Neighbourhood Plan?

### **Shops, Services and Community Facilities**

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

- Is part A consistent with national planning policy?
- Would part B unnecessarily restrict conversions of buildings that do not have vehicular access or limited storage space?
- In part C does the requirement for access to upper floors apply only to conversions where there is an upper floor?

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

- Would evidence on continued need or otherwise for the service provided within the building, e.g in the case of public services, suffice as an alternative to marketing?
- Would shops other than convenience shops, hot food takeaways and cafes/restaurants be exempt from the need for marketing and if so what would be the justification for this?
- Is the requirement to market as a going concern reasonable given that applications may concern businesses that have closed?
- Would the requirement for marketing be justified in the case of change of use to an affordable dwelling?
- Is the wording of part C sufficiently clear?

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

- What would be the requirement of applicants in demonstrating accordance with part B and how would this be enforced?

Participants:

Friends of the Peak District – Andrew Wood

**Travel and Transport**

**Policy DMT1: Cross-park infrastructure**

- What is the justification for including improvements to railways in this policy, as such improvements could reduce road traffic and Core Strategy policy T5 safeguards railway schemes?
- Would enhancement of the Hope Valley line and re-instatement of the former Woodhead and Matlock – Buxton railway be cross-park infrastructure under this policy?
- As worded does the first paragraph of policy DMT1 prevent alterations to local roads?

**Policy DMT3: Railway construction**

- Should 'destination end' in part E (i) be defined?
- As the Plan does not provide for any significant new development what is the likelihood of a new railway station being needed for construction purposes under part E (ii)?

**Policy DMT5: Business parking**

- Would the policy apply to car parks at public facilities?
- Would the policy require departure from the car parking standards' minimum requirements in some cases and, if so, should the potential circumstances be set out?

Participants:

Friends of the Peak District – Andrew Wood

High Peak Borough Council - Dai Larner

Peak Park Parishes Forum – Cllr Linda Granger

Great Hucklow, Little Hucklow and Grindlow Parish Council - Dr Martin Beer

### **Utilities**

- Should a policy for renewable energy be included?

### **Policy DMU1: Development that requires new or upgraded service infrastructure**

- Is the requirement of the policy to provide full details of service provision and timing of provision, and if so, should paragraph (ii) state this?

### **Policy DMU4: Telecommunications infrastructure**

- Does the policy make positive provision for improved broadband services and mobile phone coverage?
- Does the policy cover developments that require prior approval as well as those requiring planning permission and should this be stated?

Participants:

Friends of the Peak District – Andrew Wood

Great Hucklow, Little Hucklow and Grindlow Parish Council - Dr Martin Beer