

Responses received from the consultation on the modification to the published Development Management Policies Document between 13th November 2017 and 12th January 2018

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Mr Brian Taylor
Head of Policy and Communities,
Peak District National Park Authority,
Aldern House,
Baslow Road,
Bakewell,
Derbyshire
DE45 1AE

10 January 2018

Dear Sir

**MODIFICATIONS TO THE DEVELOPMENT MANAGEMENT POLICIES DOCUMENT FORMING
PART 2 OF THE LOCAL PLAN FOR THE PEAK DISTRICT NATIONAL PARK
SCHEDULE OF MODIFICATIONS FOR PUBLIC CONSULTATION**

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

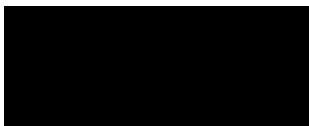
- section 11.1
- section 11.5; and
- policy DMMW8.

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 faithfully
For **AECOM**



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

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SCHEDULE OF MODIFICATIONS FOR PUBLIC CONSULTATION – REPRESENTATIONS ON BEHALF OF SSCL**SECTION 11.1****COMMENTARY****Strategic Context**

The previously included qualification of the term ‘*mineral development*’ as ‘*the winning and working of minerals and related development*’ has been removed from section 11.1. No further clarification has been provided, as previously suggested by AECOM, as to the meaning of the term ‘*mineral development*’

We would therefore still recommend that the opportunity is taken 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.

See also related comments on section 11.5 and Policy DMW8 below.

SECTION 11.5**COMMENTARY**

AECOMs previous comments on Section 11.5 regarding the distinction between ‘*minerals development*’ and ‘*mineral extraction*’ have not been taken into account.

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*”.

SOUNDNESS

For the reasons given in the above commentary, DMP sections 11.1 and 11.5 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) the proximity of the mineral extraction to the end-user market or the proximity of the waste operation to the supply-chain

(iv) 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) the durability and aesthetic qualities of building stone/roofing stone together with precise details of its compatibility with any repair or restoration project it is proposed to supply.”

POLICY DMMW8

COMMENTARY

Ancillary Development

DMP policy DMMW8 (Ancillary Development) still lacks precision. The rewording provides some definition of ‘*ancillary development*’ in a roundabout way i.e. the ancillary development is that where the material used in an ancillary process is that won and worked on-site.

However, the new bullet point describes what is meant by mineral related development including processing and states that ‘*mineral related development*’ [...] ‘*will not be permitted on sites which are not operational mineral extraction sites*’

Potential confusion therefore still remains (i.e. what is “*ancillary minerals development*” as distinct from “*related development*” – see the above commentary on DMP section 11.1).

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

It is suggested that either one term be used consistently (i.e. either ‘*ancillary development*’ or ‘*related development*’) or if they are intended to refer to two different things then a definition should be provided for clarity.

Wilkins Clare

From: Simon Tucker <Simon.Tucker@canalrivertrust.org.uk>
Sent: 02 January 2018 11:34
To: Policy
Subject: RE: Modifications to the Publication Version of the Development Management Policies Document

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam

Thank you for your consultation upon the proposed modifications to the Development Management Policies Document.

The Canal & River Trust do not wish to make comments on behalf of these modifications.

Kind Regards

Simon Tucker MSc MRTPI
Area Planner North East, Canal and River Trust

07885241223
Email. simon.Tucker@canalrivertrust.org.uk

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Fearns Wharf; Neptune Street; Leeds; LS9 8PB

From: Wilkins Clare [<mailto:Clare.Wilkins@peakdistrict.gov.uk>]
Sent: 10 November 2017 15:39
Subject: Modifications to the Publication Version of the Development Management Policies Document

Development Management Policies

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

Publication Version

**Schedule of Modifications to DMP document for public consultation
November 2017 to January 2018.**

Representations of the Mineral Products Association

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

Tel: 07568 427719 Email: mark.north@mineralproducts.org

This representation should be read in conjunction with the representation made in January 2017 by the Mineral Products Association which still stand in relation to the overall consultation on the DMP.

Mod No.MI.4 (additional text after DM1)

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.

The additional text proposed is partial in the consideration of National Policy, and 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 specifically, in the context of minerals and to the sustainability of long term mineral conservation (NPPF para 142). 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.

Proposed Changes

Delete all proposed additional text.

Mod No.M11.1

The proposed additional text 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.

The Local Authority's interpretation of National Policy is simplistic and partial especially in the context of the core strategy which predates the current NPPF

National planning policy, as set out in the NPPF, requires that '*great weight*' is given to the benefits of mineral extraction, and that planning authorities should '*as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks...*' (para 144)

The '*as far as practical*' clause is important as it reflects the fact that minerals can only be worked where they occur, and it may not be practical or viable to provide for or extract material from outside of National Parks, and ensures in the interests of sustainable development that finite workable mineral resources are not sterilised.

Para 116 of the NPPF also provides further qualification about the public interest and exceptional circumstances that may justify permitting major development (including mineral extraction) in National Parks, including the following considerations:

- *The need for the development, including any national considerations, and the impact of permitting it or refusing it, upon the local economy;*

Minerals are essential to support economic growth and our quality of life (NPPF para 142). This includes aggregates for construction and building stone that supply local markets, and industrial minerals that are of national and international importance in terms of size and extent of market.

- *The cost of, and scope for, developing elsewhere outside of the designated area, or meeting the need for it in some other way;*

Minerals can only be worked where they occur, and locally, nationally and internationally important resources occur and can be concentrated within National Parks, including Dartmoor. Extraction involves substantial investment in gaining consent, mitigation of impacts, and in access, processing and transport. The scope for development elsewhere is often not practicable or may incur excessive costs and other economic and environmental impacts.

- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Minerals development usually includes considerable mitigation in terms of physical development and operation, to make the development and its impacts acceptable. Quarrying is essentially a temporary activity, even though this may be over several decades, and restoration offers opportunities for enhancement particularly for recreation and biodiversity.

The effective conclusion in the last sentence, which states, '*The general direction of **core strategy** policy is therefore to continue to enable progressive reduction in mineral working in the National Park*', constitutes a policy of managed retreat for minerals from the National Park which is far in excess of the requirement of National Planning Policy and is unsound.

Proposed Changes;

The text proposed should be modified to properly reflect the NPPF as set out in the above comments. Furthermore, any statements implying any form of managed retreat for mineral development from the PDNP should be removed as not being consistent with National Policy.

Mod No.M11.4

The MPA acknowledge the attempt to address our January 2017 representation on this matter however, we feel that it is still unsound as it is not **Consistent with National Policy**.

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.

While the insertion of the words '*are encouraged to*' has attempted to reflect our concerns this is negated by the requirement for any application to outline what consultation has been undertaken, who has been consulted and how the applicant has responded to results of the consultation.

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

Applicants ~~should be encouraged to~~ 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 major minerals or waste development~~. The application should ~~then~~ 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.~~

Mod No.M11.5

The proposed additional text 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.

The effect of the proposed wording is to limit building and roof stone proposals beyond the requirements on National Policy and is wrong. The policies should be more encouraging of building stone quarries, and plan positively for these and reflect the economic, social and environmental importance of supply of building stone. The NPPF (para 144) refers to '*demand for small scale extraction of building stone*' in terms of determining applications, rather than setting policy. In doing so it requires that the '*small scale nature and impact*' of such quarries is taken into account. 'Small-scale' is not defined, and so should reflect local circumstances, including the market for the material which may be wider than 'local' and should not be restricted to a planning authority area which would make no sense in terms of commercial or planning considerations. Indeed, many small sites simply will not be commercially viable if they are only able to supply the 'local' market that exists within the planning authority area – which is likely to be too small, and too infrequent. The demands for such products are just as likely to arise outside the National Park as within it.

Ultimately the National Park is protected by paragraph 116 of the NPPF and restrictions over and above National Policy should not be applied to building and roofing stone.

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

~~Fluorspar proposals approved under MIN2 of the Core Strategy are only permitted where extraction of proven deposits takes place underground and extraction is environmentally acceptable. Local small-scale building and roofing stone proposals will only be permitted under policy MIN3 of the Core Strategy where they meet a demonstrable need within the National Park, which cannot be satisfied from existing permissions inside or outside the National Park; and the stone will be confined to local use only on buildings and structures within the National Park; and the individual and cumulative impacts of working on the environment, amenity and communities can be appropriately mitigated.~~

Mark E North

10 January 2017

WINSTER PARISH COUNCIL

Ashton House
West Bank
Winster
Matlock
DE4 2DQ

Sarah Fowler
Chief Executive
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell

Tel: 
email: parishclerk@winster.org

22nd January 2018

Dear Sarah

Consultation Responses

Thank you for giving the Parish Council an opportunity to respond to a number of key policy documents. I apologise for the short delay in responding to the consultations, but I'm sure you will agree that the documents were rather lengthy and time consuming for members to digest in order to provide an informed response.

The council's response is as follows:

Draft Transport Design Guide Supplementary Planning Document.

The council expressed disappointment in a draft that was considered too lengthy and considered wishy-washy in content and meaning.

The council supports the response provided by the Peak Park Parishes Forum.

Modifications to the Publication Version of the Development Management Policies Document, forming Part 2 of the Local Plan for the Peak District National Park.

The council noted some positive amendments to the original consultation but also expressed disappointment that some of the PPPF's comments especially regarding re housing and affordability which had been supported by the parish council had not been taken on board. The consultation document was too lengthy, difficult to digest and considered wishy-washy in content and meaning. The proposed changes to the index maps for Winster are noted. However, clarification is requested for the need to do so.

The council supports the response provided by the Peak Park Parishes Forum dated 4th January 2018 as the Forums response reflects the feeling of the Parish Council.

Review of the PDNPA's Statement of Community Involvement – Pre-Consultation Stage

The council expressed disappointment in a draft that was considered lengthy and considered wishy-washy in content and meaning.

Yours sincerely



Rob Greatorex
Clerk & Responsible Financial Officer



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

Mike Ashworth
Strategic Director

Economy, Transport & Environment
County Hall
Matlock
Derbyshire
DE4 3AG

Email: planningpolicy@derbyshire.gov.uk
Telephone: (01629) 539812
Our Ref: DHP/Local Plans/
PeakPark/Part2/Mod
Your Ref:
Date: 11 January 2018

Dear Mr Taylor,

Localism Act – Strategic Planning Comments

Consultation on the modifications to the 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 modifications to the Peak District National Park Development Management Policies Document, forming Part 2 of the Local Plan (DMP). The comments below are DCC's provisional Member and officer technical comments regarding the modifications to the DMP.

Member Comments

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

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

Officer Comments

The officers at Derbyshire County Council have **no comments** in respect of the modifications made to the DMP document.

Yours sincerely,

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Copies to:

All Relevant Local Members, c/o Corporate Resources
David Arnold, Planning Services Manager
Steven Buffery, Policy and Monitoring Team Leader
Alison Richards, Policy and Monitoring
Richard Sandbach, Policy and Monitoring



Michelle Spence, Minerals and Waste Development Plans
Gill Millward, Countryside
Gary Ellis, Conservation, Heritage and Design Service
Graham Hill, Highways Development Control
Geoff Blisset, Transport Policy and Programmes
Jim Seymour, Transport Policy and Programmes
Ian Turkington, Highways Development Control
Nick Knowles, Highways Development Control
Sue Pegg, Children Services
Tom French, Conservation, Heritage and Design Service
Richard Lovell, Sustainable Travel Team
Alex Gilbert, Conservation, Heritage & Design Service
Flood Risk Management Team



Wilkins Clare

From: Dane Handley Parkin (Economy Transport and Environment)
<Dane.HandleyParkin@derbyshire.gov.uk>
Sent: 15 January 2018 07:33
To: Policy
Subject: 2018 01 15 Consultation response - Modifications to local plan part 2
Importance: High

FOA Brian Taylor,

Modifications to the Publication Version of the Development Management Policies Document, forming Part 2 of the Local Plan for the Peak District National Park

In regard to the above, please see below the comments submitted by local County Councillor Beth Atkins on Friday, 12 January 2018.

'The most helpful thing that – the Peak Park - could do for my division is to move the Peak Park Boundary to enclose the Birch Vale/Arden Quarry complex area – if you did that our community would not have to suffer the smells and other problems.... That are driving them mad...'

The smells are suffered in areas of the Peak Park as they drift over the boundary of the quarry exclusion zone. It makes residents feel ill and is not helping the hard work we are doing to bring in visitors.

On Tuesday There is an appeal Hearing because the quarry was refused permission to excavate stone to create an even greater cavity for more stinking waste.

I know it's wishful thinking... but I would like the Boundary moved to enclose more of Birch Vale/Chinley Churn.'

I understand that the consultation deadline for comments was at 5pm on the 12th January 2018. However, I hope you can take the above information into consideration.

Kind regards,

Dane Handley-Parkin | Planner | Policy and Monitoring | Economy, Transport and Environment | Derbyshire County Council | County Hall, Room N8, Matlock, Derbyshire DE4 3AG | Direct dial: 01629 539812

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Derbyshire County Council works to improve the lives of local people by delivering high quality services.

Peak Park Parishes' Forum

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

Secretary: Philip Thompson, 2 Hogshaw Drive, Buxton, Derbyshire SK17 7AX

Tel. 01298 26632 e-mail: pppfsec@yahoo.co.uk

4 January 2018

Chief Executive,
PDNPA,
Aldern House,
Baslow Road,
Bakewell,
DE45 1AE

Dear Sarah,

Development Management Policies

I refer to the recent consultation on these and am pleased to submit the Forum's response below.

The Forum is pleased to see that many of the points we made in our December 2016 response have been acted on. However it would also have been helpful if we knew why a number of points previously made by the Forum have not been addressed by the Authority. In the absence of this information we feel obliged to repeat them.

We look forward to watching with interest the next stage of the review with the Planning Inspector.

Yours sincerely,

Philip

Philip Thompson
Secretary to Peak Park Parishes Forum

PEAK PARK PARISHES FORUM

Response to modifications document recently circulated.

DM1: SUSTAINABLE DEVELOPMENT

The Forum's view is that no change has been made for a proactive approach to Sustainable Development and continues to object to the policy as drafted. We repeat that we 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.

DMC5: IMPACT ON HERITAGE ASSETS

It seems our comments have been overlooked with regard to:

- It would have been helpful if the preamble were to outline the criteria that the National Park Authority will use to identify non-designated heritage assets and how local communities can be involved in this.
- In Part C, it is unclear how an applicant would identify "potential interest"

DMC8: CONSERVATION AREAS

We believe our comments on Part C are valid and should be addressed.

DMC13: TREES ETC

We restate our original comment that we would like to see 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.

DMR4: HORSES

We stand by our previous objection to Parts A & B.

DMT4D: PUBLIC RIGHTS OF WAY

We still believe that 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.

HOUSING

We acknowledge that this is an extremely complex matter not helped by confusing government intervention. However we feel strongly about the points made in our earlier response and hope these will be teased out by the Planning Inspector.

DMH6: REDEVELOPMENT OF PREVIOUSLY DEVELOPED LAND

We are not convinced our original views have been taken into account and stand by them.

DMH11: S106 AGREEMENTS

We continue to object to the Authority's stance on this and hope the Inspector will see the unfairness of the Authority's continuing misinterpretation for using these these agreements.

DMT6: VISITOR PARKING

We believe our comments with regards to both Parts A and B are appropriate and should be acted on.

DMT7: RESIDENTIAL OFF-STREET PARKING

We continue to object to Part B.

Peak District National Park: Development Management DPD, proposed modifications**Comments from Friends of the Peak District, January 2018**

Introduction

Friends of the Peak District welcomes the opportunity to comment on the proposed modifications to the Development Management Policies document (DMDPD).

Whilst we appreciate that the purpose of this current consultation is to ascertain views on the modifications, and not to revisit earlier representations, it is inevitable that our comments will also encompass those points where a modification we previously sought has not been proposed. Absence of modification we consider necessary to make the plan sound means, of course, that our objection stands.

The table of detailed comments (page 3 onwards) identifies the changes that we considered necessary in our January 2017 consultation response, and provides our analysis of whether the proposed modifications satisfactorily address our concerns.

Our Headline Comments

1. We previously drew attention to the potential confusion between three terms: 'special qualities' - which has legal status for National Parks and is understood in the planning system more widely; 'valued characteristics' - which appears to be used by PDNPA interchangeably with 'special qualities' but lacks legal status; and the 'Landscape First Approach' - which is welcome in principle but lacks strength as a decision-making tool. None of our concerns here have been addressed by the modifications, which is disappointing. In our view this leaves the DMDPD weakened as a mechanism for delivering planning policy, and therefore ineffective in respect to the tests of soundness.
2. We suggested that the DMDPD should include a section on pre-application advice and consultation. We provided examples of development management decisions, where we considered negative outcomes had arisen from poor pre-application advice. In particular, we believe that applicants are receiving advice that is not informed by officers' judgement of the likely range of community and stakeholder views that will arise once an application is submitted, and this creates a situation where neither the applicant nor the community is being well-served by the pre-application process. Again, it is disappointing to see that no modifications have been proposed to address these concerns.
3. Substantial modifications are proposed in this consultation, to how the DMDPD deals with affordable housing. These changes appear to be focused on tightening up and aligning the definitions and terminology with those used by the affordable housing sector. Whilst those changes are to be welcomed in themselves, there are two serious problems that give us great cause for concern. Firstly, the DMDPD could be interpreted as exempting affordable housing from any need to contribute to the conservation and enhancement of the Park's special qualities. Secondly, there is no clear requirement for affordable housing to also be sustainable housing in a wider sense, in terms of design quality, lifetime standards, energy performance etc. This means that there is a very high risk of homes being permitted that may meet the policy criteria for affordability, yet will not actually contribute positively to the sustainable future of housing and communities in the Park. In our view this would be a very damaging outcome.

Peak District National Park: Development Management DPD, proposed modifications**Comments from Friends of the Peak District, January 2018**

4. We are particularly concerned that our comments in respect of a new policy to deal explicitly with unconventional hydrocarbons has seemingly not been read as an objection. An appendix table presented to the Authority meeting of October 2017, in respect of our comments on Para. 11.4 misreads our proposed main modification, viz. - *'Insert a new policy for unconventional hydrocarbons....'*. We have cross-checked this with the Authority, who posited that because such a policy is not required by national guidance, it is not a soundness issue. We strongly disagree: that a plan is positively prepared to deliver national policy is only one test of soundness; the plan must also be justified by the available evidence. In our view, the increasing instances of unconventional hydrocarbon planning applications near to the National Park provides ample evidence that a specific policy on the subject is urgently needed. On this basis, we repeat our previous objection, and also wish to confirm our request to participate in the Public Examination hearing for this matter. It also appears to be the case that other responses we made on this chapter were not logged or taken into account bar a typo in 11.12. This is a concern.

Peak District National Park: Development Management DPD, proposed modifications

Comments from Friends of the Peak District, January 2018

Detailed Comments

<i>Policy or Paragraph</i>	<i>FoPD objections / suggested changes to Dec 2016 Consultation Draft</i>	<i>How do the proposed modifications address our representation?</i>
Policy DM1	'Special qualities' and 'valued characteristics' used interchangeably but valued characteristics does not have statutory weight and the 'Landscape First' approach is weak.	No change - our objection stands. We object to Mod M1.4 , because it does not address this point.
Para 1.26	Replace "could" with "should" to firm up stance of policy.	Changed - we support mod M1.6.
Para 1.29 - 1.30	We were broadly supportive of this text and do not support its deletion. Indeed the text articulates quite well concerns that we often draw attention to in our submissions on planning applications.	We object to Mod 1.7. If the issues covered in 1.29 and 1.30 require greater clarity we would be happy to assist in drafting alternative text.
Para 2.1- 2.3	Include pre-application advice section to give clarity on the pre-app process applicants can expect and the degree to which stakeholder consultations may be sought at pre-application stage.	No change - our objection stands.
Para 3.10- 3.13	'Landscape First' approach should made more robust, particularly by basing it on Landscape Character Areas, and ensuring new developments make a pro-active contribution to the landscape protection and enhancement actions that are pertinent to the Landscape Character Area in question.	Our suggestions have not been used - our objection stands.
DMC1	Strengthen DMC1 to cover the issue of landscape impacts arising in adjacent planning authorities.	No change to policy - our objection stands.
DMC2	Longer timeframes should used in policy DMC2.	No change to policy - our objections stands.
DMC4 and DMC8	Conservation Areas should be used as a pro-active planning tool to drive quality and enhancement.	The proposed changes improve clarity of the policies but do not address our concerns - our objection stands.

Peak District National Park: Development Management DPD, proposed modifications

Comments from Friends of the Peak District, January 2018

<i>Policy or Paragraph</i>	<i>FoPD objections / suggested changes to Dec 2016 Consultation Draft</i>	<i>How do the proposed modifications address our representation?</i>
DMC10	The policy appears to presume that the benefit of restoration will warrant conversion to a market dwelling. More refined approach needed.	No changes that address our concern - our objection stands.
DMC11	There should be 'net gain' approach in preference to 'no net loss'; and recognition of the ecosystem services role of the Park.	We support Mod 3.68 , to provide the 'net gain' approach.
DMC13	There is inconsistency with DMC2, which specifies the relevant 'exceptional circumstances', and DMC13, which doesn't.	Inconsistency not addressed - our objection stands.
DME1	Ease tension between this and surrounding policy regarding the use of modern, specialist farming techniques to conserve the landscape and buildings associated with this practice.	Considerably amended policy and improved clarity but still does not address issues raised by FoPD. Therefore we object to Mod 4.8.
DME2 (E)	Include consideration of how appropriate the proposed building use is in the location in question, not just its appearance.	No change - our objection stands. Therefore we object to mod 4.12.
DME3	The policy appears ineffective in protecting provision of business premises and sites.	No changes that address our concerns - our objection stands.
Para 6.2	Add sentence that if housing provision increased in PD, demand from outside would occur and affordable homes lost.	Suggestion implemented - we support Mod 6.2.
Para 6.4	Add final sentence that demonstrates development only permitted if adds to the special qualities of the Park.	The proposed change to para 6.4 implies that affordable housing is exempted from adding to the special qualities of the Park. The other changes we sought here have not been made. Our objection stands. We therefore object to Mod 6.3.
Para 6.5	Add starting sentence saying there is no strategic need to provide housing so must optimise affordable housing instead.	
Para 6.6	Add sentence saying development should be consistent with settlement hierarchy.	
DMH1	Concerns raised over standard and quality of affordable housing.	We broadly support Mods 6.24 and 6.84 , but will consider them in detail at Public Examination; brownfield restoration site may not, in itself, be sufficient enhancement to warrant development that would otherwise be contrary to policy.
DMH11	Concerns raised over lack of method to determine quality and standard of affordable housing.	

Peak District National Park: Development Management DPD, proposed modifications

Comments from Friends of the Peak District, January 2018

<i>Policy or Paragraph</i>	<i>FoPD objections / suggested changes to Dec 2016 Consultation Draft</i>	<i>How do the proposed modifications address our representation?</i>
Policy DMH9	We did not make a representation on this policy, but we consider mod 6.41 to be a significant and welcome improvement to the policy, especially the addition of new clause E.	We support Mod 6.41.
Chapter 9	No information relating to PDNPA's stance on travel developments in neighbouring authorities that may impact the Peak District.	No change - our objection stands.
Paras 9.30 to 9.36 and Policy DMT3	We did not make a previous representation on this, but we welcome the clarity and approach, which accords with our general support in principle for new and improved rail opportunities where these can reduce demand for car traffic.	We support Mod 9.6.
Para 10.1	Strengthen stance on telecoms cables.	Suggestion implemented - we support Mod 10.1.
Table	Acronyms and dual sets of figures are unexplained.	Acronyms have been clarified but dual sets of figures not addressed.
Para 11.4	Multiple suggestions involving unconventional hydrocarbon extraction including being made into its own policy, 3.5km buffer zone around the park, potential above surface visual impacts of large drilling rigs associated and what must happen if a development is on the boundary of two LPA/MPAs.	No additional policy made - no change. We therefore object to Mod 11.4. We are concerned that our previous representation has not been read as a proposed modification but see our text: <i>'Insert a new policy for unconventional hydrocarbons, setting out provisions we have outlined...'</i> . In the absence of change we maintain the policy is unsound and main modification is required.
Para 11.4	Although we did not previously comment on 11.13, we consider that community pre-consultation should be required, not just encouraged. The scope of consultation (how local is defined - by distance or degree of impacts) needs definition.	The requirement for pre-consultation should be reinstated; we therefore object to Mod 11.4.

Peak District National Park: Development Management DPD, proposed modifications

Comments from Friends of the Peak District, January 2018

<i>Policy or Paragraph</i>	<i>FoPD objections / suggested changes to Dec 2016 Consultation Draft</i>	<i>How do the proposed modifications address our representation?</i>
Para 11.5	New modification text for Local small scale building and roofing stone (therefore no previous FoPD representation on this).	Notwithstanding that this text derives from extant CS Policy MIN3, we believe that the requirement for use solely within the PDNP is unsound and unsustainable and will lead to perverse outcome. It also can be read as inconsistent with DMMW1(iii) which only describes proximity which may include nearby need but situated outside the PDNP. We therefore object to Mod 11.5.
Para 11.12	Typographical error.	Corrected.
Para 11.18	Typographical error.	Corrected.
DMMW5	Typographical error and all mineral policies should be consistent with one another.	Typing error fixed as suggested but consistency of mineral policies not implemented. We are not pursuing this latter point.

Wilkins Clare

From: Bamford with Thornhill PC <bamfordwiththornhill@gmail.com>
Sent: 08 January 2018 22:27
To: Policy
Subject: Fwd: Modifications to the Publication Version of the Development Management Policies Document

Thank you for seeking our views on this.

We have engaged with the Peak Park Parishes Forum, and would ask you please to take the PPPF's views - already submitted to you - as also being our views please. Many thanks.

Peter Leppard
Clerk, Bamford with Thornhill Parish Council

----- Forwarded message -----

From: **Wilkins Clare** <Clare.Wilkins@peakdistrict.gov.uk>
Date: 10 November 2017 at 15:40
Subject: Modifications to the Publication Version of the Development Management Policies Document
To:

Peak District National Park Authority

Tel: 01629 816200

E-mail: customer.service@peakdistrict.gov.uk

Web: www.peakdistrict.gov.uk

Minicom: 01629 816319

Aldern House. Baslow Road. Bakewell. Derbyshire. DE45 1AE

Your ref:

Our ref:

Date: 10th November



Our ref:
Your ref:

Head of Policy and Communities
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

Highways England
3rd Floor
Lateral
8 City Walk
Leeds
LS11 9AT

Direct Line: 0300 470 2317

5 January 2018

For the attention of: Brian Taylor

Dear Brian

**PEAK DISTRICT NATIONAL PARK AUTHORITY LOCAL PLAN DEVELOPMENT
MANAGEMENT POLICIES DOCUMENT MODIFICATIONS AND TRANSPORT DESIGN
GUIDE SPD, NOVEMBER 2017**

Highways England welcomes the opportunity to provide comments on the proposed modifications to the Development Management Policies (DMP) document and Transport Design Guide Supplementary Planning Document (SPD). This letter provides our response to the proposed DMP modifications consultation, whilst the accompanying technical note titled, '*Peak District National Park Authority – Transport Design Guide SPD Review*', provides comments on the Transport Design Guide SPD.

During consultation on the Publication version of the DMP Highways England provided comments in relation to the Chapter 9: Travel and Transport and in particular policies DMT1: Cross-park infrastructure and DMT2: Access and design criteria. No detailed representations were made raising any concerns regarding the soundness of the DMP.

However, with regards to Policy DMT1 we noted that this policy is intended to provide further clarity in relation to the appropriateness of cross-Park infrastructure, particularly within the context of the National Planning Policy Framework which makes a presumption against major development in National Parks, except in exceptional circumstances, and Core Strategy policies, including Policy T1, T2 and T3, which seek to deter cross-Park traffic. In light of this, we highlighted the importance of the Trans-Pennine Upgrade Programme which is investigating ways to improve connectivity between Manchester and Sheffield.

It should now be noted that the preferred package that will be taken forward as part of the Trans-Pennine Upgrade Programme was announced in November 2017. The preferred package includes the Mottram Moor and A57(T) to A57 Link Roads along with other safety and technology improvements. The Mottram Moor and A57(T) to A57 Link Roads element of this scheme is classed as a Nationally Significant Infrastructure Project and therefore an application for a Development Consent Order is anticipated to be made to the Planning Inspectorate towards winter 2018/19.

It should be noted that as part of this announcement a preferred route for the A628 climbing lanes has not been included. Instead this will be looked at again when the Trans-Pennine Tunnel strategic study is published, which is considering transformative options for connecting Manchester and Sheffield.

With regards to the modifications proposed to Policy DMT1, it is noted that these are covered by modifications M9.4 and 9.5, which cover grammatical corrections and as such we have no particular concerns with the proposed amendments.

With regards to Policy DMT2, it was previously noted that the criteria referenced the intention to bring forward a Park-wide Transport Design Guide SPD which should be taken into account when developing transport schemes. We requested to be kept informed with the development of this document and welcome that we now have the opportunity to comment on it. Please refer to the accompanying technical note for our comments.

It is noted that no modifications are proposed to this Policy and therefore we have no further comment.

I trust this response is helpful, however should you require any further information or wish to discuss any issues further, please do not hesitate to contact me.

Yours sincerely

Elisa Atkinson
Asset Manager
Highways England
Email: elisa.atkinson@highwaysengland.co.uk



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

For the attention of Brian Taylor

10th January 2018

Dear Brian

Council wishes to record its continued concerns and local issues as follows:

Modifications to the Publication Version of DEVELOPMENT MANAGEMENT POLICIES
DOCUMENT

In agreement with comments made by the Parishes Forum, it is difficult to tell if the comments we made on 29/12/2016 and an additional letter to Brian Taylor on 27/01/2017 were dismissed or were not included for other reasons as there has been no direct feedback. (responder numbers have been annotated to the comments - however, we made far more comments than those listed)

In particular, we would wish to raise the following items once again:

DMC2 - Protecting & managing the natural zone. There should be some reference to environmental regulations that developers have to comply with protecting the land from contamination.

DMC15 - Contaminated and unstable land. This may not be the correct section but some reference needs to be made concerning control of invasive species, eradication of any existing and the controlled removal and ongoing maintenance to ensure spread is halted, ed; Himalayan Balsam and Japanese Knotweed etc.

Minerals & Waste

11.1 'The general direction of the core strategy should be to continue to enable progressive reduction in mineral working' (The word general should be removed, to give the strategy more emphasis)

DMMW8 Ancillary mineral development - Both Stanton PC and the Parishes Forum raised the issue of importation of minerals for processing, the modification submitted allows for the importation to be permitted if there is already operational mineral extraction. This does not therefore address the concerns of increased industrialisation of mineral extraction sites, in fact the rewording opens the door to industrialisation, totally at odds with the comments of parishes.

GIS interactive Mineral Maps were raised as an issue, these contained incorrect/missing information which was highlighted in our response of 29/12/2016 in particular designation of areas as national significance and safeguarding 'roofing slate' on Stanton Moor.

In the latest modifications the interactive maps are not available to review so therefore cannot be checked for accuracy. Information given in the modification text changes are mentioned but cannot be verified. Therefore, we still have issues regarding the safeguarding details on these maps.

Yours sincerely

Matthew Lovell
Clerk to Stanton in Peak Parish Council

Wilkins Clare

From: Hase, Mike <mike.hase@derbyshiredales.gov.uk>
Sent: 12 January 2018 09:24
To: Taylor Brian; Policy
Subject: Derbyshire Dales Resposne to Development Management Policies Modifications January 2018

Follow Up Flag: Follow up
Flag Status: Flagged

Brian

Please find attached the District Council's response to the above schedule of modifications. As you will see from our response we continue to seek more flexibility in the National Park's approach to development, whilst at the same time acknowledging the statutory purposes of the National Park.

I trust that you will take these comments into account in taking the policies forward.

I look forward to hearing from you again.

Kind Regards
Mike



Please ask for: Mr M Hase
Direct Dial: 01629 761251
No:
Fax No: 01629 761163
Your Ref:
My Ref:
E-mail: planning@derbyshiredales.gov.uk

12th January 2018

Brian Taylor
Head of Policy and Communities,
Peak District National Park Authority,
Aldern House,
Baslow Road,
Bakewell,
Derbyshire, DE45 1AE

policy@peakdistrict.gov.uk. **BY E-MAIL ONLY**

Dear Brian

Peak District National Park: Schedule of Modifications to the Development Management Policies - Document for Public Consultation

Thank you for providing the District Council with the opportunity to comment upon the contents of the above document.

Although the Schedule of Modifications acknowledges that comments were made by the District Council on the Consultation Draft Plan it is extremely disappointed that the comments it made on the contents of the Consultation Draft (October 2016) do not appear to have been taken into account in any way. Consequently as you will see from the attached schedule the District Council has a number of comments to make on the contents of the Modifications Document, which I would be grateful if the Peak District National Park Planning Authority will take into account in taking the contents of the Plan forward.

Furthermore the District Council would like to take this opportunity to reiterate their views on the contents of the Development Management Policies Plan, and advise that where appropriate it will continue to seek to have its comments taken into account in the future preparation of the Local Plan.

These are Officer Comments only and are made without prejudice to any formal comments by any of the District Council's Planning or Policy Committees.

Yours sincerely,



Mike Hase
Policy Manager

Modification Reference	Policy/Para	Comments
M1.4		<p>In January 2017 concerns were raised that 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. There is no evidence to suggest that the modifications to DM1 are positive and will seek to enable development. Modification M1.4 considers the impact of major development on the National Park from a starting point that such development is not acceptable, unless exceptional circumstances prevail.</p> <p>The emphasis within Policy DM1, as amended by the modifications, 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 the concerns raised in January 2017 remain 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) across the National Park .Notwithstanding Paragraph 116 in the NPPF this modification could provide an opportunity to set out a much more positive approach to the delivery of sustainable development in the National Park.</p>
M3.17	DMC4	<p>It is considered that Policy DMC4 as modified by M3.17 remains restrictive and will 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.</p> <p>Furthermore the concern expressed in January 2017 remains, 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.</p> <p>The cross reference to Policy DMB1 is noted.</p>
M4.1	Para 4.2	<p>The conclusion drawn from the research cited (identifying a GVA uplift of 30% over a four year period which in our view seems high) masks underpinning issues often associated with the quality of local employment opportunities available within the area, particularly for younger people, which tend to be lower paid. . Evidence of which can be seen in workplace earnings data (when compared with resident earnings). It is considered that the plan should seek to not only achieve an appropriate balance</p>

Modification Reference	Policy/Para	Comments
		between business growth and landscape impact, but also seek to create the conditions to increase the proportion of businesses engaged in higher value activities and therefore deliver better quality and higher paid jobs, further contributing to increasing GVA. Furthermore alongside this the plan should be more pro-active and take a more innovative approach to enabling the provision of high speed broadband which will encourage business development across the National Park
4.10	Para 4.17	The National Park are reminded that SPDs should only be prepared to add value to policy, not to set out policy in itself – As such it is considered that the District Council’s preference would be for an appropriate policy be included in the Development Plan, rather be included in any separate SPD.
M4.13	Para 4.21	Second sentence – it is considered that the phrase ‘parts of the’ should be deleted. The District Council is of the opinion that it would not wish to see the loss of any business sites or premises – even part of - to other uses
M4.13	Para 4.21	Third sentence – it is suggested that the text be amended to ‘remain B Class employment’ as this links to requirements of Policy DME3 which specifies that development should remain in B Class uses.
M4.24	Para 4.46	It is suggested that this should be amend to “...directing economic development to sites and existing buildings in smaller settlements...” as this will allow more flexibility in the type and nature of sites which are appropriate for economic development rather than just restrict it to existing buildings.
M4.28	Para 4.49	The reference to broadband access for over 90% of businesses should be updated to reflect those identified in the Digital Derbyshire targets.
M4.30	Para 4.51	The changes to the text in this modification does not add anything which would positively support new development or allow for flexibility – rather it seeks to further add constraints that seek to restrict the potential for the achievement of sustainable development in the national park.
M4.32	Para 4.55	<p>It is considered that this modification seeks to restrict development rather than taking a more positive and/or flexible approach to delivering sustainable development.</p> <p>The modification seems to imply that the National Park Authority will make a potentially arbitrary decision about when proposals are classified a ‘major development’ rather than meeting the statutory definition As set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015</p> <p>“major development” means development involving any one or more of the following—</p> <ul style="list-style-type: none"> (a) the winning and working of minerals or the use of land for mineral-working deposits; (b) waste development; (c) the provision of dwellinghouses where— <ul style="list-style-type: none"> (i) the number of dwellinghouses to be provided is 10 or more; or (ii) the development is to be carried out on a site having an area of 0.5 hectares or more

Modification Reference	Policy/Para	Comments
		<p>and it is not known whether the development falls within sub-paragraph (c)(i); (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (e) development carried out on a site having an area of 1 hectare or more;</p> <p>The phrase 'may lead to it treating proposed business expansion as major development' should be deleted.</p>
M4.34	Para 4.60	The modification introduces biodiversity as a means of assessment. The introduction of this as a consideration in the determination appears arbitrary, as there are equally other factors which could be taken into account such as landscape etc.,. As such , it is considered that this is adequately covered by policies elsewhere in the plan, and should be deleted.
M4.1- M4.36		To summarise 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, as amended by the modifications, 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.
M5.4	Para 5.6 new	The reference to the SPD to provide guidance for development at any future sites implies that it will include policy. Any policy on recreation hubs should not be contained within SPD but contained with the development plan itself. .
M5.10	DMR3b	The policy approach 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.
M6.2	Para 6.2	The District Council does not necessarily disagree that an increase in supply may increase demand for properties in the National Park as set out in the additional sentence included at the end of Paragraph 6.2. However, as the District Council has set out previously the National Park's housing policies should be much more flexible in order to meet more of the housing needs for local people. In some cases the provision of a limited amount of market housing will enable the provision some much need affordable housing. To suggest that market housing should not be allowed in the National Park as set out in this modification will undermine the ability of the National Park to provide local needs housing. It is therefore suggested that this modification should be deleted.
M6.3	Para 6.4	The argument that Starter Homes should not be permitted within the National Park is another example of the lack of flexibility in the approach to the delivery of much needed

Modification Reference	Policy/Para	Comments
		<p>housing to meet local needs. The Government in the Housing White Paper has indicated that whilst Starter Homes will not be available in perpetuity they will be subject to a 15 year payback clause. This is ten years longer than the original concept of a Starter Home. As such it is considered that within the 15 years payback period Starter Homes would contribute towards meeting local needs. Furthermore it is considered that within the 15 years payback period there would be plenty of opportunity for other local needs housing to be provided through other means across the National Park which could be available in perpetuity. The District Council consider therefore that Starter Homes should be a component part of meeting the housing needs in the National Park.</p>
M6.3-6.4	Para 6.4- Para 6.6	<p>The modifications fail to mention housing associations and should be amended accordingly. It is suggested that the third sentence is amended to read “the policies enable ‘affordable housing’ to address local needs on these sites <u>through a housing association or similar body such as a Community Land Trust</u>”.</p> <p>The fourth sentence requires some clarification as the following line does not make sense: ‘the houses are affordable in the sense that they are attainable by those recognised by the housing authority to be in housing need’, affordable housing should be defined in line with government guidance.</p> <p>The intention of this modification is unclear as it describes two tenure types of affordable housing ‘affordable rent’ and ‘shared ownership’. ‘Affordable rent’ is a fairly recent tenure product introduced by the government, which may disappear within the lifetime of this document. There are other affordable housing tenure products such as social rent. I am assuming it has been written in this way to be tenure neutral, but there should be greater emphasis of the delivery of affordable housing (as defined by government now and in the future) by a Registered Provider.</p>
M6.17	DMH1	<p>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 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.</p>
M6.24	Para 6.77	<p>The policy approach to allow the redevelopment of previously developed sites for housing is noted and welcomed; however paragraph 6.77 as redrafted states that “the first presumption is against such reuse for market housing unless until it is proven that a site is previously developed land.” This is confusing and it is suggested it is redrafted to reflect the intent of the Policy DMH6. The requirement that development conserves and enhances the valued character of the landscape/built environment in Policy DMH6 is likely</p>

Modification Reference	Policy/Para	Comments
		<p>to result in only a limited number of development proposals being deemed suitable for granting planning permission.</p> <p>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.</p>
M6.43-6.44		<p>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. Policy DMH11 as amended by modification M6.43-6.44, could be amended to reflect this approach to housing provision similar to that in the Derbyshire Dales Local Plan (Policy HC5) therefore allowing 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.</p>
M8.10		<p>Previous comments on Bakewell remain valid in that 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.</p> <p>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.</p>
M8.16	Para 8.6	<p>It is considered that the development boundary and housing allocations are strategic issues that should be considered in the Local Plan not in the emerging Bakewell Neighbourhood Development Plan as set out in the modification. The inclusion</p>

Modification Reference	Policy/Para	Comments
		<p>of the development boundary in the Local Plan would enable the robustness of the strategic approach to be tested through a through consultation process and an Examination in Public with complete transparency. The Draft Bakewell NP has defined a Settlement Boundary for the town which suggests that some growth has been allowed for. In order for consistency between the Neighbourhood Plan and the Local Plan it is considered that Settlement Boundary should be included within the policies maps modifications. This would give certainty that some form of growth within Bakewell would be allowed to take place.</p> <p>Furthermore, the Bakewell Neighbourhood Plan is at early stages of plan preparation, perhaps several years from the Examination and no guarantee that a referendum will be conclusive, therefore it is asserted that reliance on the Neighbourhood Plan process could result on a strategic policy gap.</p>
M9.6	Paras 9.30 to 9.36, DMT3	This modification appears to recognise the comments made by the District Council previously that wider social and economic benefits can arise from provision of new railways within the National Park, which need to be weighed against the impacts on the landscape and the local environment.

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Wilkins Clare

From: Clare Walters <ClareW@arcusconsulting.co.uk>
Sent: 12 January 2018 09:35
To: Policy
Cc: Will Kemp
Subject: PDNP Development Management Policies Second Consultation
Attachments: PDNPA DM Pols 2nd consultation response cov letter FINAL (WK) 11.1.18.doc; RF_Policy DMC6 Scheduled Monuments_Final.pdf; RF_Policy DMC5 Assessing the impact of development on heritage assets_Final.pdf; RF_Policy DMC7 Listed Buildings_Final.pdf; RF_Policy DMC8 Conservation Areas_Final.pdf; RF_Policy DMC9 Registered Parks and Gardens_Final.pdf; RF_Policy DMC10 Conversion of Heritage Assets_Final.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green Category

FAO Brian Taylor

Further to our meeting in December with the PDNP Planning Policy team, on behalf of The Chatsworth House Trust (CHT) and Trustees of the Chatsworth Settlement(CST) please find attached our comments in relation to the PDNP Development Management Policies second consultation, which requires further comments to be submitted by January 12th 2018.

We note that a number of modifications have been made in respect of some of CST earlier comments or we have agreed at our meeting that some of the representations can be dealt with via proposed future revision to the Core Strategy or via Supplementary Planning Guidance.

However our representations in respect of the following policies remain outstanding and CST consider the suggested amendments are still required to allow public benefit to be specifically considered as part of any assessment. A covering letter setting out the representations and a separate form is attached in respect of each suggested policy amendment.

Policy DMC5 Assessing the Impact on Heritage Assets
 Policy DMC6 Scheduled Monuments
 Policy DMC7 Listed Buildings
 Policy DMC8 Conservation Areas
 Policy DMC9 Registered Parks and Gardens
 Policy DMC 10 Conversion of Heritage Assets

If you have any queries please do not hesitate to contact me.

Regards

Clare
Clare Walters MA CEnv MRICS
 Technical Director

Tel: 01904 715470 (0141 225 8444)
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By Email

11 January 2018

Our Ref: PD/Plans/PDNPA/DMPols/WK/JH

Peak District National Park Authority
f.a.o. Brain Taylor
Aldern House
Baslow Rd
Bakewell
Derbyshire DE45 1AE

Dear Sirs

**Development Management Policies (Part 2 of the Local Plan for the PDNP)
Second Consultation 2017: 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 the foregoing, our response to the earlier draft DMP in 2017 and our recent meeting to discuss the same, we note that a number of modifications have been made in respect of some of our earlier comments, and have recently agreed that some of our earlier representations can be dealt with via proposed future revision to the Core Strategy and/or Supplementary Planning Guidance.

However, our representations in respect of the following policies remain outstanding and we consider the suggested amendments are still required to allow **public benefit** to be specifically considered as part of any assessment. A separate form is attached in respect of each suggested policy amendment relating to:

- Policy DMC5 Assessing the Impact on Heritage Assets
- Policy DMC6 Scheduled Monuments
- Policy DMC7 Listed Buildings
- Policy DMC8 Conservation Areas
- Policy DMC9 Registered Parks and Gardens
- Policy DMC 10 Conversion of Heritage ASSETS

I therefore attach our responses (on the standard forms provided), and would be grateful if you could keep us informed of related progress.

Yours faithfully



WILL KEMP
MA MSc DipTCP MRTPI
Planning and Development Manager
will.kemp@chatsworth.org

Enc: Responses regarding:



Policy DMC5 Assessing the Impact on Heritage Assets
Policy DMC6 Scheduled Monuments
Policy DMC7 Listed Buildings
Policy DMC8 Conservation Areas
Policy DMC9 Registered Parks and Gardens
Policy DMC 10 Conversion of Heritage ASSETS



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 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.

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 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 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 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 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 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 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



The Coal
Authority

**Peak District National Park Local Plan - Development Management Policies -
Modifications**

Consultation Deadline – 12 January 2018

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority
200 Lichfield Lane
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MANSFIELD
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NG18 4RG

Planning Email: planningconsultation@coal.gov.uk
Planning Enquiries: 01623 637 119

Date

8 December 2017

Peak District National Park Local Plan - Development Management Policies - Modifications

Thank you for your notification received on the 10 November 2017 in respect of the above consultation.

I have reviewed the document and can confirm that the Coal Authority has no specific comments to make on the modifications proposed.

Regards

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Planning Liaison Manager



Property Services

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NHS Property Services Ltd
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local.plans@property.nhs.uk
www.property.nhs.uk

Date: 12th January 2018

Dear Sir/Madam

NHS Property Services – Modifications Consultation on Development Management Policies Part 2 of the Local Plan for the Peak District National Park

Thank you for the opportunity to comment on the above document. The following comments are submitted by NHS Property Services (NHSPS). These comments should be considered in addition to our previous correspondence on the pre-submission Development Management Policies DPD dated 27th January 2017 (included at appendix 1).

Foreword

NHSPS manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare and working environments. NHSPS has a clear mandate to provide a quality service to its tenants and minimise the cost of the NHS estate to those organisations using it. Any savings made are passed back to the NHS.

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

We note the alterations made to policy modification 7.7, which inserts a new paragraph as below;

7.23 A service provider may make representation to the Authority if it considers, and can demonstrate with reasoned justification, that evidence regarding viability that forms part of a wider estate reorganisation programme, is acceptable. A business may make representation to the Authority if it considers, and can demonstrate with reasoned justification, that 12 months marketing is too long a period for the type of business concerned.

NHSPS welcomes additional supporting text to clarify how Draft Policy DMS2 will be applied, however, as drafted draft paragraph 7.23 fails to provide sufficient clarity. We therefore maintain our objection to the wording and requirements of Policy DMS2 in considering the change of use of vacant and surplus 'community facilities'.

As previously stated, an essential element of supporting the wider transformation of NHS services and the health estate is to ensure that surplus and vacant NHS sites are not strategically constrained by local planning policies, particularly for providing alternative uses (principally housing).

Faced with financial pressures, the NHS requires flexibility in its estate. In particular, the capital receipts and revenue savings generated from the disposal of unneeded or unsuitable sites and properties for best value is an important component in helping to provide funding for new or improved services and facilities.

We again highlight the advice received from the Planning Advisory Service in 2015 on the soundness of emerging policy DMS2 (emphasis added):

*“NPPF paragraph 28 promotes the retention and development of local services and community facilities in villages, including local shops. This policy sets out to achieve the NPPF aim, by regulating change of use (to a non-community use). **However, the steps required could potentially be overly onerous** (i.e. the requirement to undertake investigations over a period of 6 months, and draw on the findings of a Housing Needs Survey).”*

It is important to note that there are separate, rigorous testing and approval processes employed by NHS commissioners to identify unneeded and unsuitable healthcare facilities. These must be satisfied prior to any property being declared surplus and put up for disposal. This often includes extensive public consultation on any proposed service relocations.

Restrictive policies, especially those which require substantial periods of marketing, could prevent or delay required investment in new/improved services and facilities.

Much surplus NHS property is outdated and no longer suitable for modern healthcare or other C2 or D1 uses without significant investment. Where NHS commissioners can demonstrate that healthcare facilities are no longer required for the provision of services, there should be a presumption that such sites are suitable for other appropriate uses (including housing), and should not be subject to restrictive policies or periods of marketing.

NHSPS would only support Policy DMS2 if it is clear that evidence of the wider NHS estate reorganisation programme would be accepted as justification for the loss of a community facility, and would therefore be excluded from the requirements of Part A of this policy. NHSPS would therefore support an amendment to draft supporting paragraph 7.23 (M7.7) as below:

The loss or change of use of existing health facilities will be acceptable if it is shown that this forms part of a wider estate reorganisation programme to ensure the continued delivery of services. ~~A service provider may make representation to the Authority if it considers, and can demonstrate with reasoned justification, that evidence regarding viability that forms part of a wider estate reorganisation programme, is acceptable.~~ Evidence of such a programme will be accepted as a clear demonstration that the facility under consideration is neither needed nor viable and that adequate facilities are or will be made available to meet the ongoing needs of the local population. In such cases Part A of Policy DMS2 would not apply, and no viability or marketing information will be required.//

A business may make representation to the Authority if it considers, and can demonstrate with reasoned justification, that 12 months marketing is too long a period for the type of business concerned.

This would be in accordance with the requirements of NPPF Paras 28 and 70, and adopted Core Strategy Policy HC4. This would also ensure that the wider transformation of NHS services and the health estate are not strategically constrained or delayed.

With this in mind it is felt that without this further clarity, NHSPS would strongly object to Policy DMS2. The requirements of this policy as drafted are considered overly-onerous and inflexible. This approach is also in conflict with the requirements of adopted Core Strategy Policy HC4 (referenced within supporting text). As written any change of use of an existing community facility would be required to meet a number of separate and very different tests for demonstrating that a change of use is acceptable, regardless of whether services are being re-provided either on/off site and

continue to serve the population. The policy as drafted would likely prevent or delay required investment in services and facilities.

The policy also provides no flexibility for alternative forms of development, for example to accommodate continuing community use on part of a site in new fit for purpose facilities, with redevelopment of the wider site for an alternative use.

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

NHSPS fully supports the positive amendments made to Policy DMH6 under modification 6.30.

Summary

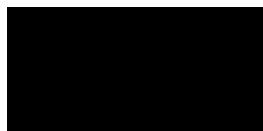
Within the NHS property portfolio, a number of sites are outdated and no longer suitable for modern healthcare or other C2 or D1 uses without significant investment. In those cases, and where NHS commissioners can demonstrate that healthcare facilities are no longer required for the provision of services in that particular location, a more flexible approach should be applied when considering a change of use to non-community uses.

Like other public service providers, the NHS relies in part on the sale of surplus property to help fund new and improved services and facilities. In the event of redeveloping a healthcare facility for an alternative use, a separate and rigorous testing and approval process is undertaken by NHS commissioners to identify the site as surplus to the operational healthcare requirements of the NHS. These must be satisfied prior to any property being declared surplus and put forward for disposal.

We would therefore welcome further clarification under Policy DMS2 to confirm that where commissioners formally declare a site as surplus to the operational healthcare requirements of the NHS as part of a wider NHS estate reorganisation programme, those would sites be excluded from the requirements of Part A of Policy DMS2. Without this clarification, Policy DMS2 is considered overly-onerous.

NHS PS would welcome any further discussion on these matters. We look forward to receiving confirmation that these representations have been received. Should you have any queries or require any further information on the enclosed, please don't hesitate to contact me.

Yours sincerely



Mark Adams
Senior Town Planner (MRTPI) – NHS Property Services Ltd

Development Management Policies

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

Schedule of Modifications to DMP document for public consultation November 2017 to January 2018.

The following comments are made on behalf of CEMEX Materials UK Ltd: -

Mod. No.M1.4

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.

It is accepted that any major development for development within the Park should be subject to “...rigorous consideration of the criteria in national policy.”. The additional text proposed does not fully quote national policy, however, appearing to omit reference to the first two bullet points of paragraph 116 of NPPF. Major development should be considered in the context of *all* national policy, not a partial consideration. As such it is concluded that the proposed additional text is not consistent with national policy and should either be deleted or further revised to make it clear that major developments will be subject to rigorous consideration of the criteria of *all* national policy, not just those referring to detriment to the environment.

Mod. No.M11.1

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.

The interpretation of National Policy is simplistic and partial especially in the context of the core strategy which predates the current NPPF.

National planning policy, as set out by paragraph 144 of the NPPF, requires that ‘*great weight*’ is given to the benefits of mineral extraction, and that planning authorities should ‘*as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks...*’

The ‘*as far as practical*’ clause is important as it reflects the fact that minerals can only be worked where they occur, and it may not be practical or viable to provide for or extract material from outside of National Parks, and ensures in the interests of sustainable development that finite workable mineral resources are not sterilised.

Para 116 of the NPPF also provides further qualification about the public interest and exceptional circumstances that may justify permitting major development (including mineral extraction) in National Parks, including the following considerations:

- *The need for the development, including any national considerations, and the impact of permitting it or refusing it, upon the local economy;*

Minerals are essential to support economic growth and our quality of life. This is recognised by and reflected in the guidance provided by NPPF paragraph 142.

- *The cost of, and scope for, developing elsewhere outside of the designated area, or meeting the need for it in some other way;*

Minerals can only be worked where they occur, and locally, nationally and internationally important resources occur and can be concentrated within National Park. Extraction involves substantial investment in gaining permission, mitigation of impacts, and in access, processing and transport. This scope of development often not practicable elsewhere or may incur excessive costs and other economic and environmental impacts.

- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Minerals development usually involves significant mitigation in terms of physical development and operation, in order to make the development and its impacts acceptable. Quarrying is essentially a temporary activity, even though this may be over several decades, and restoration offers opportunities for enhancement particularly

for recreation and biodiversity. It can also offer significant skilled manual labour opportunities in an industry with traditional links to the Peak District.

The effective conclusion in the last sentence, which states, '*The general direction of core strategy policy is therefore to continue to enable progressive reduction in mineral working in the National Park*', constitutes a policy of managed retreat for minerals from the National Park which does not reflect the guidance provided by NPPF and is therefore unsound.

Proposed Changes;

The text proposed should be modified to properly reflect the NPPF as set out in the above comments. Furthermore, any statements implying any form of managed retreat for mineral development from the Park should be removed as not being consistent with National Policy.

Mod No.M11.4

The revisions to this policy, whilst removing the unwarranted compulsion on applicants to undertake consultation do not make it clear that this is a preference of the MPA and not a statutory requirement. NPPF paragraph 189 it is explicitly stated there that planning authorities cannot compel developers to engage before submitting an application. The Company feels that the non-statutory nature of this preference should be made clear, or that consultation issues should either form an Appendix to the Plan or a Supplementary document.

Parish of Great Hucklow, Grindlow, Windmill, Little Hucklow and Coplowdale
The Old Methodist Chapel
Great Hucklow
Buxton
SK17 8RG

Brian Taylor
Head of Policy and Communities
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell DE45 1AE

12th January 2018

Dear Mr Taylor,

Re: Modifications to the Publication Version of the Development Management Policies Document

The council has reviewed the objections made by the Peak Park Parishes Forum and agrees with them. It welcomes the modifications made but considers that they are insufficient to meet its original objections:

In particular it wishes to lodge the following objections:

DM1: SUSTAINABLE DEVELOPMENT

The Council's view is that no change has been made for a proactive approach to Sustainable Development and continues to object to the policy as drafted. We repeat that we 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.

DMC5: IMPACT ON HERITAGE ASSETS

It seems our comments have been overlooked with regard to:

It would have been helpful if the preamble were to outline the criteria that the National Park Authority will use to identify non-designated heritage assets and how local communities can be involved in this.

In Part C it is unclear how an applicant would identify "potential interest"

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DMC8: CONSERVATION AREAS

We believe our comments on Part C are valid and should be addressed.

DMC13: TREES ETC

We restate our original comment that we would like to see a commitment to ensuring that layouts avoid future threats to trees in the future, e.g. because of root damage, boundary issues, proximity to buildings etc.

DMR4: HORSES

We stand by our previous objection to Parts A and B.

DMT4D: PUBLIC RIGHTS OF WAY

We still believe that 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.

HOUSING

We acknowledge that this is an extremely complex matter not helped by confusing government intervention. However we feel strongly about the points made in our earlier response and hope these will be teased out by the Planning Inspector.

DMH6: REDEVELOPMENT OF PREVIOUSLY DEVELOPED LAND

We are not convinced our original views have been taken into account and stand by them.

DMH11: S106 AGREEMENTS

We continue to object to the Authority's stance on this and hope the Inspector will see the unfairness of the Authority's continuing misinterpretation for using these agreements.

DMT6: VISITOR PARKING

We believe our comments with regards to both Parts A and B are appropriate and should be acted on.

Parish of Great Hucklow, Grindlow, Windmill, Little Hucklow and Coplowdale
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Great Hucklow
Buxton
SK17 8RG

DMT7: RESIDENTIAL OFF-STREET PARKING

We continue to object to Part B.

In addition


Telecommunications and Internet Access

We do not believe that the modifications proposed are sufficient or flexible enough to provide the rapidly developing needs of businesses and families to encourage high quality employment within the Park.

Transport

The Parish welcomes the changes to DMT3 but considers that it does not go far enough in supporting potential opportunities to develop new transport links both within and into and out of the National Park. These would be of great benefit to visitors and residents and this should be included in the assessment criteria. The Council continues to object to this policy, particularly with respect to the upgrading and development of new railway links.

Yours sincerely

Deborah Stansfield
Clerk to the Parish Council
Email: parish.clerk@hucklow.net 

Cc: Peak Park Parishes Forum



Developer Services &
Planning
1st Floor, Grasmere House
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Your ref

Date 12th January 2018

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

By Email (policy@peakdistrict.gov.uk)

Dear Sir / Madam

DEVELOPMENT MANAGEMENT POLICIES – PART 2 OF THE LOCAL PLAN FOR THE PEAK DISTRICT NATIONAL PARK – CONSULTATION OF THE SCHEDULE OF MODIFICATIONS TO THE DMP DOCUMENT

Thank you for your consultation seeking the views of United Utilities as part of the Development Plan process.

United Utilities wishes to build a strong partnership with all Local Planning Authorities (LPAs) to aid sustainable development and growth within its area of operation. We aim to proactively identify future development needs and share our information. This helps:

- ensure a strong connection between development and infrastructure planning;
- deliver sound planning strategies; and
- inform our future infrastructure investment submissions for determination by our regulator.

When preparing the Development Plan and future policies, we can most appropriately manage the impact of development on our infrastructure if development is identified in locations where infrastructure is available with existing capacity. It may be necessary to co-ordinate the delivery of development with the delivery of infrastructure in some circumstances.

(Continued...)

Upon adoption, the emerging Local Plan (Part 2) will set out development management policies to guide development in the Borough over the next 20 years.

United Utilities wishes to submit the following comments to the Council as part of the Modifications consultation, in accordance with the consultation deadline of the 12th January 2018.

GENERAL COMMENTS

United Utilities wishes to highlight that we will work closely with the Council during the Local Plan process to develop a coordinated approach to delivering sustainable growth in sustainable locations which are accessible to local services and infrastructure. United Utilities will continue to work with the Council to identify any infrastructure issues and most appropriately manage the impact of development on our infrastructure during the preparation of the Local Plan.

POLICY SPECIFIC COMMENTS

Modification 3.74

United Utilities supports the inclusion of Policy DMC14 (Pollution and disturbance). and recognizes that the modification at paragraph 3.128 identifies that new development sites are more appropriately located away from locations which are identified as Groundwater Source Protection Zone 1 (SPZ1). Whilst we are supportive of the proposed modification, we recommend the policy is strengthened by including the following specific policy within the emerging DMP document:

“Any proposals for new development within Groundwater Source Protection Zones must accord with national policy on groundwater set out within the various Groundwater Protection Guides which are available on the Gov.UK website.

New development within Groundwater Source Protection Zones will be expected to conform to the following:

MASTERPLANNING – careful masterplanning is required to mitigate the risk of pollution to public water supply and the water environment. For example, open space should be designed so it is closest to the boreholes so as to minimise the potential impact on groundwater. In addition, an appropriate management regime will be secured for open space features in the groundwater protection zone.

RISK ASSESSMENT - a quantitative and qualitative risk assessment and mitigation strategy with respect to groundwater protection will be required to manage the risk of pollution to public water supply and the water environment. The risk assessment should be based on the source-pathway-receptor methodology. It shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply during all phases of the development. For schemes in zone 1, the mitigation measures shall include the highest specification design for the new foul and surface water sewerage systems (pipework, trenches, manholes, pumping stations and attenuation features).

CONSTRUCTION MANAGEMENT PLAN - Construction Management Plans will be required to identify the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters.”

Modification 10.3

Whilst United Utilities supports the inclusion of the following wording at paragraph 10.6 (Modification 10.3):

“This may include the necessity to coordinate the delivery of development with timing for the delivery of infrastructure improvements such as for surface water management and connection into the foul sewer network”

United Utilities’ preference would be for the above wording to be included within main body of Policy DMU1 (Development that requires new or upgrades service infrastructure).

Summary

Moving forward, we respectfully request that the Council continues to consult with United Utilities for all future planning documents. We are keen to continue working in partnership with Peak District National Park Authority to ensure that all new growth can be delivered sustainably and with the necessary infrastructure available in line with the Council’s delivery targets.

If you have any queries or require further clarification on the above matters, please do not hesitate to contact me on **01925 731 319**.

Yours faithfully

Jenny Hope
LDF Planning Manager
Developer Services & Planning
United Utilities Water Ltd

EAST MIDLANDS OFFICE

Mr Brian Taylor
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

Direct Dial: 01604 735460

Our ref: PL00013812

2 January 2018

Dear Mr Taylor

**RE: PEAK DISTRICT NATIONAL PARK AUTHORITY LOCAL PLAN PART 2
PUBLICATION VERSION - PROPOSED MODIFICATIONS
HISTORIC ENGLAND - RESPONDENT NO.47**

Thank you for the consultation on the proposed modifications to the LP Part 2 publication document.

Whilst Historic England had no issues to raise at the earlier consultation stage we would wish to comment on a couple of the proposed modifications.

Firstly, in respect of M.3.25 (26 3.54) and M3.27 (26 3.55) we would like to highlight the fact that HE's Conservation Principles document is being reviewed and is currently out for consultation until 2 February 2018, and the second edition of HE's Good Practice Advice Note 3 'The Setting of Heritage Assets' was issued in December 2017.

Secondly, M3.28 (26 3.56) now includes archaeological reports and we would query whether reference to these also needs to be made in M3.38 (27 MMC5) for completeness since Heritage Statements are included.

I can confirm that HE has no issues in respect of soundness of the proposed modifications. I hope that this information is of use at this time.

Yours sincerely,



Worrall

Historic Environment Planning Adviser
Rosamund.Worrall@HistoricEngland.org.uk



2nd Floor, WINDSOR HOUSE, CLIFTONVILLE, NORTHAMPTON, NN1 5BE

Telephone 01604 735460
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Representations on Modifications to the Development Management Policies: Part 2 of the Local Plan for the Peak District National Park

Emery Planning Partnership

8976

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Project : 8976
Site address :
Client : Emery Planning
Partnership

Date : 8 January 2018
Author : Lynn Jones

Approved by : Caroline Payne

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Emery Planning Partnership Limited
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1. Introduction

- 1.1 These representations are made in relation to the Schedule of Modifications to the Development Management Policies: Part 2 of the Local Plan for the Peak District National Park Authority subject to public consultation between 13th November 2017 and 12 January 2018. This should be read in conjunction with our original representations dated January 2017.

2. Representations

Conserving and Enhancing the National Park's valued characteristics

Modification M3.6 – Paragraph 3.108 (Supporting text to Policy DMC10 – Conversion of heritage assets)

- 2.1 Modified paragraph 3.108 represents an improvement on the previous wording and now allows for the exceptional conversion of non-heritage assets where they are of "sufficient quality and substance to justify their survival". However, modified paragraph B to DMC10 still indicates that conversion of buildings that are not heritage assets will "not normally be permitted for conversion to higher intensity uses". The revised wording of both paragraphs does not adequately provide for instances where conversion and improvements to a disused building could lead to enhancements to the immediate/wider setting in spite of the building's lack of quality in its current form/use (in accordance with paragraph 55 of the NPPF). It does not follow that a building will not be retained simply because it cannot be converted as implied by paragraph 3.108.
- 2.2 The paragraph as worded will not provide adequate opportunities for buildings that do not contribute positively to their setting (but which are not likely to be demolished), to be upgraded and improved through the conversion process. Therefore it fails to take all available opportunities to conserve and enhance the character of the National Park (in line with the National Park's statutory purposes) and is in conflict with draft policies DME2 (Farm Diversification), and DMH5. The policies relate to types of development which would often involve the conversion of buildings that are not heritage assets and are not of such quality that their survival is important or desirable in its own right (e.g. they exert a neutral effect on their setting, or a negative effect that could be improved through conversion).
- 2.3 Conversion of non-heritage assets can be effectively managed through existing Core and other Draft Policies and the proposed modification does not represent the most appropriate strategy when considered against reasonable alternatives.

M3.63 - Policy DMC10 (Conversion of heritage assets)

- 2.4 Criterion A (iii) as amended still restricts the locations in which the conversion of heritage assets will be permitted. This is inconsistent with the NPPF.

- 2.5 Paragraph 28 of the NPPF states that Local Plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, including through the conversion of existing buildings. It also requires Local Plans to “support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.” (para 28). It does not restrict such development to that occurring within settlements, smaller hamlets, farmsteads and in groups of buildings.
- 2.6 Similarly, paragraph 55 of the NPPF indicates that residential conversions in isolated locations may be acceptable where,
- 2.7 “development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting”.
- 2.8 Proposed criterion A (iii) would thwart HC1 compliant proposals that accorded with paragraph 55 of the NPPF and is therefore not consistent with existing local or national policy nor the ability to convert isolated buildings to certain commercial uses through the provisions of the GPDO.

M3.64 - Policy DMC10 (Conversion of heritage assets)

- 2.9 Paragraph B to DMC10 remains in conflict with Policy HC1 (New Housing) of the Core Strategy which states that exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted subject to specified criteria. These are not as restrictive as Para B to DMC10.
- 2.10 The draft paragraph also remains in conflict with draft policies DME2 (Farm Diversification), and DMH5 (Ancillary Dwellings), which would often involve the conversion of buildings (to higher intensity uses) that are not heritage assets and are not of such quality that their survival is important or desirable in its own right (e.g. they exert a neutral effect on their setting, or a negative effect that could be improved through conversion).
- 2.11 The NPPF states that local plans should “support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings” (para 28). Paragraph 55 indicates that housing development which would re-use redundant or disused buildings and lead to an enhancement to the

immediate setting is capable of being a very special circumstance. Neither of these paragraphs are restricted to heritage assets, indicate that conversions should normally relate to heritage assets, or that they should not normally be for higher intensity uses. Consequently, the modified policy remains in conflict with the NPPF, is unnecessarily restrictive and does not represent the most appropriate strategy when considered against alternatives. Conversions of non-heritage can be effectively managed through existing Core and other Draft Policies.

Chapter 6 – Housing

Modification M6.35 - Policy DMH8 (New outbuildings for domestic garaging and storage use in the curtilage of dwellings houses)

- 2.12 The modification to DMH8 does not go far enough. One of the statutory purposes of the National Park is to conserve and enhance natural beauty, wildlife and cultural heritage. Clearly there will be situations where it is possible to conserve the desirable features of the National Park, but where there are no opportunities for further enhancement. In these circumstances, it would be illogical suggest that conservation was not desirable in the absence of opportunities for enhancement.
- 2.13 Policy DMH8 as modified does not support applications for new outbuildings that conserve the immediate dwelling and curtilage (and the other features/characteristics referred to in the draft policy) but may not enhance. Such proposals (provided they complied with other local and national planning policies) would not undermine the purposes of the National Park and the policy is therefore unduly restrictive. This would be reasonable as the policy is a permissive policy meaning that the principle of development has already been considered to conserve and enhance in the context of National Park objectives.
- 2.14 We recommend the policy is revised to state 'conserve or enhance' at paragraph A1 and B1.

Modification M6.37 - Policy DMH9 (Replacement dwellings)

- 2.15 The modified text is now unclear. No indication is given of the circumstances in which outbuildings should and should not be included in the calculations of existing floorspace as the start point for assessing replacement dwellings. This would create a great degree of uncertainty for applicants when drawing up proposals for replacement dwellings. Although the issue could be clarified through the pre-application process, this could still lead to a great deal of abortive work and is therefore an unreasonable approach. The text should set out the circumstances in

which outbuildings will be included in floorspace calculations as that would be entirely consistent with the recent case law dealing with replacement dwellings in the Green Belt which confirmed the ability to take account of existing outbuildings in determining the acceptability of the size of replacement dwellings.

Modification M6.41 – Policy DMH9 (Replacement dwellings)

2.16 We support proposed changes to criteria B and C. Criterion E is vague. We consider it should be amended to read:

“In all cases the replacement dwelling must exhibit higher sustainability standards than the dwelling it replaces and conserve or enhance its built environment and/or landscape setting”

2.17 With regard to criterion I, we would refer to the guidelines in the NPPG which states that permitted development rights should only be removed in exceptional circumstances.

Chapter 7: Shops, Services and Community Facilities

Modification M7.9 - Policy DMS3 (Retail development outside Core Strategy named settlements)

2.18 The proposed modification should not be implemented. There are situations where the intensified use of a site of building could be less than modest in relation to the existing activity, but not harmful to valued character, residential amenity and landscape setting. This is particularly true for very small businesses. The NPPF states that local plans should “support the sustainable growth and expansion of all types of business and enterprise in rural areas”. The revised policy does not uphold this requirement. The original wording of the draft policy ensures no harm in landscape terms and could be amended to include an additional requirement for consideration of the effects of the development on residential amenity.

Modification M7.14 – Footnote to Policy DMS2 (Change of use of shops, community services and facilities)

2.19 The original drafting of the policy was overly restrictive and the removal of footnote 76 only worsens the position. In cases where a business is failing, a fixed marketing period of at least 12 months would result in unnecessary financial hardship for business owners, which could be alleviated by a shorter marketing period or the provision of reasonable alternative evidence that would still achieve the objectives of the policy. In view of this, the policy does not

represent the most appropriate strategy when considered against reasonable alternatives. Furthermore, the policy is more restrictive than the DCLG Advice Note entitled “Community Right to Bid” (2012). This advice note is aimed at helping local authorities to implement Part 5 Chapter 3 of the Localism Act 2011 and the Assets of Community Regulations 2012.

- 2.20 This advice note suggests a 6 week period, from the point the owner notifies the local authority of their intention sell a property to allow community interest groups to make a written request to be treated as a potential bidder. If none do so, the owner is free to sell their asset at the end of the 6 weeks. If a community interest group does make a request during this interim period, then it is advised that a 6 month moratorium (again from the point the owner notifies the local authority) should operate.
- 2.21 Given that the national policy position suggests that the absolute maximum marketing period should be 6 months, it is considered a policy which requires marketing for a minimum of 12 months is entirely unjustified and is not consistent with Government guidance.
- 2.22 Emery Planning originally suggested that the marketing period should be amended to no more than 6 months, but this suggestion was not carried forward in the modifications document. As the policy itself has not been amended, it essential that the facility for relaxation of the 12-month period on a case by case basis is retained and the footnote should be reinstated.

Chapter 9 – Travel and Transport

Modification M9.22 – Paragraph 9.66 (Parking)

- 2.23 The amended wording is unclear. The paragraph now simultaneously states that parking should be “set” at the minimum required for operational purposes and that “these standards are the minimum that developers are expected to meet”. Although it goes on to state that the parking standards allow for greater flexibility where the availability of on-street parking is low, it is unclear whether in other circumstances the standards are to be fixed or minimum standards.

Other comments on the modifications

- 2.24 We note that no changes have been made to relevant sections of the following policies upon which we commented:

- Policy DMC5 (assessing the impact of development on heritage assets and their settings) and supporting text
- Policy DMC7 (listed buildings) and supporting text
- Policy DME2 (Farm Diversification) and supporting text
- Policy DME5 (Class B1 Employment uses in the countryside outside DS1 Settlements)
- Policy DMR4 (facilities for keeping and riding horses)
- Policy DMH5 (Ancillary dwellings in the curtilage of existing dwellings by conversion or new build)
- DMH11 (Section 106 agreements)

2.25 Our representations on these policies still stand.

Wilkins Clare

From: John Rowe <townclerk@bakewelltowncouncil.gov.uk>
Sent: 12 January 2018 11:14
To: Policy
Subject: Modifications to the Publication Version of the Development Management Policies Document

Modifications to the Publication Version of the Development Management Policies Document

I am instructed to write to you on behalf of Bakewell Town Council. The 78 page document above has been reviewed by Bakewell Town Council at a meeting held on 18th December 2017 and the following comments are made on the proposed changes;

It is noted that under modifications to Area Maps, Community Recreational areas have been highlighted in red for removal from the maps of Bakewell. This seems unnecessary as it gives anyone enquiring an instant visual representation of such areas without the need to look further. This is not supported by the Town Council.

Alterations of perceived ambiguity within the document, by lining out and replacing words or phrases makes the resultant information more understandable.

John Rowe
Town Clerk/Responsible Financial Officer
Bakewell Town Council
Town Hall, The Square, Bakewell, Derbyshire. DE45 1BT
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National Trust response to Peak District National Park Schedule of Modifications to DMP document, 12 January 2018

Modification	Comment
M1.4	<p>National Trust welcomes the additional text relating to NPPF 116 and the approach to major development. This addresses the concerns that we raised in our comments on Local Plan paragraph 2.1.</p> <p>It may nevertheless be helpful to those using the plan if Local Plan paragraph 2.1 could reference NPPF 116 alongside paragraphs 14 and 115.</p>
M3.36	<p>The amendment to Policy DMC5 Part F(ii) will go a little way towards addressing concerns that we have raised about Part F.</p> <p>However, demonstrating that an impact is ‘necessary’ is a high test (used in the NPPF with reference to ‘substantial harm to or total loss of significance of a designated heritage asset’). This policy deals more broadly with heritage assets (including non-designated assets) to which alterations may be necessary to adapt the building and secure a viable future use.</p> <p>We therefore remain concerned about the rigidity of Part F(i), (ii) and (iii) and we consider that the policy is currently inconsistent with the NPPF and therefore not sound. NPPF 134 clearly states that: ‘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’.</p> <p>An alternative wording for Parts F(i), (ii) and (iii) would be to state that the impacts must be ‘justified to the satisfaction of the decision maker’.</p>
M3.49 M3.50 M3.51	As a result of these modifications, National Trust is content that Policy DMC8 is sound.
M3.64	<p>This modification addresses, in part, National Trust’s comments on policy DMC10 insofar as buildings that are not heritage assets but have architectural merit may be worthy of conversion.</p> <p>We remain concerned that Part A(iv) does not reflect the NPPF 133-134 balancing exercise and is therefore inconsistent with national policy and unsound.</p>
M5.2 M5.3 M5.4	<p>We welcome the proposed modifications relating to Recreational Hubs, which go some way to addressing the concerns raised by National Trust in relation to Local Plan paragraphs 5.1-5.4.</p> <p>While we consider that it would be preferable if the plan contained a Recreational Hubs policy and a list of sites, we are nevertheless satisfied that sufficient information has been provided for the plan to be found sound.</p> <p>We look forward to working with the National Park Authority on the forthcoming Recreational Hubs Supplementary Planning Document.</p>

M9.10	As a result of the proposed modification to Policy DMT4 Part D, National Trust's concerns relating to the creation of new pathways have been addressed.
M9.18	<p>The proposed modifications relating to Visitor Parking go some way to addressing National Trust's concerns about Policy DMT6.</p> <p>While we consider that a specific policy addressing parking in Recreational Hubs would be preferable, we accept that further information will be provided in a later Supplementary Planning Document.</p>
M9.20	While it seems likely that the introduction of the additional text 'delivering local benefit' to Policy DMT6A relates to the statement at modification M9.18 that the authority would 'expect to see a demonstration of local benefit from the removal of on-street or inappropriately parked vehicles...', we suggest that this needs to be made more specific in the policy.
MA.37	This proposed modification responds to National Trust's request to include the NT Historic Buildings Sites and Monuments Record in Appendix 4.
MA.38	This modification also responds to National Trust's request to include the NT Historic Buildings Sites and Monuments Record in Appendix 5.

Submitted on behalf of the National Trust by: Kim Miller (MRTPI), Planning Adviser

Copied to: Jon Stewart, National Trust General Manager for the Peak District

Wilkins Clare

From: John Youatt [REDACTED]
Sent: 10 November 2017 18:20
To: Wilkins Clare
Subject: Re: Modifications to the Publication Version of the Development Management Policies Document

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Yellow Category

Thanks, Clare,
Please take me off your list
John

John Youatt: community and renewables planner
green activist [REDACTED]

Response from Staffordshire Moorlands District Council

DEVELOPMENT MANAGEMENT POLICIES CONSULTATION

Thank you for the opportunity to comment on the modifications to the development management policies.

We feel that, on balance, the modifications do not address fully the concerns that we had previously raised, namely:

1. That the proposed policies lead to an unnecessary restriction on housing development to the detriment of local need and choice this leads to pressure on communities neighbouring the Park;
2. That the inappropriate restraint placed on economic investment undermines 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.

Specifically, we have concerns on the following policies:

- Modification 6.2: 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.
- Modification 6.3 and 6.17: We do not support the restrictions on starter homes. Starter homes contribute to choice in the housing market and the modified policy makes no allowance for the government’s proposed expansion of the range of affordable housing products.
- M6.24 and M7.7: We welcome the more flexible approach to the development of market housing on brownfield sites. The more realistic approach to viability set out in M7.7 is also welcomed. Nevertheless we feel that there is more scope for further flexibility on brownfield sites to enable housing development.
- We are disappointed that the proposed modifications do not address our previously raised concerns about the need to promote economic growth in the Park for the benefit of local residents and the wider Peak District economy. We strongly believe that more attention should 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.
- Modification 9.6: We welcome the more flexible approach to rail investment. However we would appreciate greater detail on the net environmental benefit test. It is our strong view that the net environmental benefit test should include the impact on neighbouring communities.

DEVELOPMENT MANAGEMENT POLICIES CONSULTATION

Thank you for the opportunity to comment on the modifications to the development management policies.

I would like to reiterate our previous concerns which the modifications have helped to address in some respects. However we still feel that, on balance, the modifications do not address fully the concerns that we had previously raised, namely:

1. That the proposed policies lead to an unnecessary restriction on housing development to the detriment of local need and choice this leads to pressure on communities neighbouring the Park such as Chapel-en-le-Frith;
2. That the inappropriate restraint placed on economic investment undermines 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.

Specifically, we have concerns on the following policies:

- Modification 6.2: 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.
- Modification 6.3 and 6.17: We do not support the restrictions on starter homes. Starter homes contribute to choice in the housing market and the modified policy makes no allowance for the government’s proposed expansion of the range of affordable housing products.
- M6.24 and M7.7: We welcome the more flexible approach to the development of market housing on brownfield sites. The more realistic approach to viability set out in M7.7 is also welcomed. Nevertheless we feel that there is more scope for further flexibility on brownfield sites to enable housing development.
- We are disappointed that the proposed modifications do not address our previously raised concerns about the need to promote economic growth in the Park for the benefit of local residents and the wider Peak District economy. We strongly believe that more attention should 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.
- Modification 9.6: We welcome the more flexible approach to rail investment. However we would appreciate greater detail on the net environmental benefit test. It is our strong view that the net environmental benefit test should include the impact on neighbouring communities. For example, the environmental benefit of rail or road improvement on the residents of the Longdendale villages must form part of the calculation.

Wilkins Clare

From: Martin Gadsby [REDACTED]
Sent: 09 January 2018 15:02
To: Policy
Subject: Peak Rail plc comments on proposed amendments to DMP

To whom it may concern.

Peak Rail welcomes the proposed amendments to policy DMT3, recognising as they do the potential opportunities for sustainable transport that railways provide. We also welcome the more balanced approach to be adopted in assessing all the benefits and impacts of a proposed scheme which appeared to be lacking in the previous draft. It is well established that heritage /community railways bring economic and some environmental benefits to the areas that they serve, no more so than in other National Parks in the UK.

Martin Gadsby
Assistant Project Director
Peak Rail plc.

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

Our ref: LT/2006/000238/SD-
08/PO1-L01

Your ref:

Date: 13 November 2017

Dear Mr Taylor

Modifications to the 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 us on this modification to the publication version of the DMPD.

We have no comments as we did not ask for any further amendments.

Yours sincerely

Mr Joseph Drewry
Planning Advisor

Direct dial 02030 253277

Direct e-mail joe.drewry@environment-agency.gov.uk

12 January 2017

Planning Policy
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

Dear Sir/Madam

DEVELOPMENT MANAGEMENT POLICIES – SCHEDULE OF MODIFICATIONS REPRESENTATION ON BEHALF OF BROSTERFIELD SHEPHERD HUTS

Please find set out below representations on behalf of our client, Brosterfield Shepherd Huts (referred hereafter to as “Brosterfield”). Brosterfield are a local company based within the Peak District who produce luxury shepherd huts from high quality materials for a range of uses including holiday accommodation, garden buildings and home offices.

The shepherd huts meet the definition of a Caravan, in that they are a moveable structure, and in many circumstances planning permission is not required when they are sited within a domestic curtilage for use ancillary to that of the main house. However where they are proposed to be used as holiday accommodation planning permission is required for their siting and associated works, and a number of planning applications have been approved within the Peak District National Park for small scale proposals for the use of shepherd huts as holiday accommodation.

One of the two 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*”. The draft Development Management Policies document (“DMP”) itself references this at Paragraph 5.1 and continues at Paragraph 5.2 that “*Tourism makes a significant contribution to the local economy. Between 2009 and 2013, the overall economic impact of tourism has increased by 19%. In 2013, the total economic impact of the Peak District National Park and its area of influence was £540 million and it is estimated to support over 9500 jobs.*” It is therefore clear that tourism plays a significant role within the National Park and will continue to do so across the Plan period.

Policy RT2 of the Peak District National Park Authority’s Core Strategy allows for limited options for new holiday accommodation across the National Park, limiting these to the conversion of buildings of historic or vernacular merit or extensions to existing operations. Core Strategy Policy RT3 relates to caravan sites, but the supporting text to this states that “*Exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape.*” This permits alternative types of holiday accommodation including shepherd huts in locations where the proposals are concluded to not be intrusive in the landscape. Furthermore, this allows for the creation of a small scale proposals for new holiday accommodation of a limited scale in locations where there is no option to convert an existing building or an existing businesses to expand. Under the wording of Policy RT3 and its supporting text, this provides the

potential for alternative revenue streams to be secured, including for existing businesses such as public houses or to provide additional income to support the main operations.

Representations were not made in respect of the initial draft of the DMP and it was considered that whilst the wording of draft Policy DMR1 and the associated supporting text at Paragraph 5.18 were more restrictive than the current wording within the Core Strategy at Policy RT3 and its supporting text, there was sufficient flexibility within the policy to allow the siting of shepherd huts across the Peak District National Park area. The original version of Paragraph 5.18 stated that:

“There may be exceptional circumstances where some structures may be acceptable. For example, experience has highlighted that wooden pod structures can provide a sensitive, low key form of accommodation particularly in woodland settings where the scope for landscape harm is negligible or indeed nil. Such solutions can help to support the local economy by extending the tourism season. Similarly the traditionally styled shepherd’s hut accommodation can also provide an alternative form of provision with no landscape harm provided only one hut is installed on any one site and they are located close to existing farmsteads where existing access, parking arrangements and facilities can be utilised.”

This wording in the previous draft then allowed at Policy DMR1 that:

“C. Exceptionally, the development of structures may be permitted where these are small, simple, wooden pod structures in woodland locations with minimal landscape impact, or a single shepherd’s hut where this can be located close to facilities of a farmstead without harm to the natural or historic landscape.”

It is however considered that the amended wording of the policy in the Proposed Modifications has become unduly restrictive. This would now state that:

“There may be exceptional circumstances where some structures may be acceptable. For example, experience has highlighted that wooden pod structures with no associated development can provide a sensitive, low key form of accommodation particularly in woodland settings where the scope for landscape harm is negligible. Such solutions can help to support the local economy by extending the tourism season. Similarly the traditionally styled shepherd’s hut accommodation can also provide an alternative form of provision with very minimal landscape impact but can only be justified as exceptional if only one hut is installed on any one agricultural holding. Such development should be used to support farm diversification and as such should also be assessed against the requirements of Policy DME2. Policy DMR1 then requires that such development is located close to an existing farmstead where existing access, parking arrangements and facilities can be utilised.”


It is considered that the new drafting retains flexibility over the location of new wooden pod structures, but has been amended to become unduly restrictive regarding acceptable locations for new shepherd huts. Under the amended wording these would be restricted to one hut only on an agricultural holding to support farm diversification. This does not allow for the siting of a shepherd hut in a farmstead where the requirements of Policy DME2 are not applicable, for example where the farmstead is no longer a working farm but would benefit from an additional income stream.

Furthermore the allowance within the policy that multiple wooden pods could be constructed but only a single shepherd hut is allowed is questioned. This appears illogical in the context of the policy RT2, which states that new holiday accommodation is only allowed in buildings of historic or vernacular merit, to give greater support to a wooden pod structure, which is modern in its appearance, over a more traditional shepherd hut.

It should also be noted that historically a shepherd hut would be more likely to be found within an open field, away from a farm, rather than forming part of a farmstead. As such our client considers that shepherd huts should be given the same flexibility as wooden pods in terms of their suitability in locations where there is no adverse impact on the landscape.

However on the basis that this consultation is only on the modifications, Brosterfield request that the previously drafting be reinstated so that the option for a shepherd huts to be considered on any farmstead - subject to the landscape impact, access and parking arrangements being considered to be acceptable – remains and the policy does not just apply where the requirements of Policy DME2 can also be met. It is considered that this would better meet the overall tourism objectives of the DMP and the PDNPA's wider obligations as outlined within Paragraphs of 5.1 and 5.2 of the DMP.

Yours faithfully

A black rectangular box redacting the signature of Caroline McIntyre.

Caroline McIntyre MRTPI

Wilkins Clare

From: [REDACTED]
Sent:
To: Policy
Subject: DMP amendments

As the person responsible for the Peak District's Section 3 Map I noticed the following in the appendices:

3 The type of land eligible for inclusion on the Section 3 map is statutorily defined (Wildlife and Countryside (Amendment) Act, 1995) as "areas of mountain, moor, heath, woodland, down, cliff or foreshore whose natural beauty it is, in the opinion of the authority, particularly important to conserve."

I retired in 1996 and would surely have been aware of changes in the legislation. Googling brings up no Wildlife and Countryside (Amendment) Act, 1995.

Should it be Wildlife and Countryside (Amendment) Act, 1985?

George Challenger



Brian Taylor
 Head of Policy and Communities
 Peak District National Park Authority
 Aldern House
 Baslow Road
 Bakewell
 DE45 1AE

Square One,
 4 Travis Street
 Manchester
 M1 2NY
 Tel: 0161 880 3598
 TownPlanningLNW@networkrail.co.uk

Date: 09/01/2018

Modifications to the Publication Version of the Development Management Policies
Document: Network Rail comments

The comments below represent Network Rail's views on current consultation in respect of the 'Modifications to the Publication Version of the Development Management Policies' document.

Network Rail run, maintain and develop Britain's rail infrastructure, including tracks, signalling, bridges, tunnels, level crossings and viaducts. We are custodians of a substantial number of heritage assets, with over 800 listed structures in our ownership in England, Scotland and Wales.

(1) Modification M9.6

The consultation document proposes that the following text be included at paragraphs 9.30 and 9.31:

9.30 Policy DMT3 adds clarity and detail to the Core Strategy, providing the criteria under which new railway infrastructure may or may not be deemed acceptable, should the criteria set in DMT1 be met.

New railways within the National Park represent opportunities for sustainable transport, but can also have negative impacts on the landscape and recreational enjoyment of the Park. Because of this a balanced approach weighing both benefit and impact is required when considering railway construction. New railways may be proposed by a number of bodies including by Network Rail, regional, sub-regional or devolved transport bodies, local authorities or as part of a tourist or heritage attraction. Because of the need to ensure that all benefits and impacts are weighed in a consistent manner, regardless of promoting body or organisation, all new railway schemes will be required to meet the criteria provided in DMT3.

9.31 Policy DMT3B clarifies that any new railway within the National Park will be expected to provide a net environmental benefit. Policy DMT3C then goes on to provide clarity as to the demonstrable benefits that you might wish to see as a result of any new railway provision. These include, but are not exclusive to the removal of road traffic from parallel routes, the provision of a sustainable transport solution and the mitigation of any habitat loss. Other benefits could include improvements to local air quality or improvements to amenity for National Park residents.

Network Rail is of the opinion that greater emphasis should be placed within paragraphs 9.30/9.31 on the economic benefits associated with rail investment, in conjunction with the stated environmental criteria. This approach would be consistent with Policy GSP1 of the Peak District Local Development Framework, which states:

'Where National Park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area, to serve the social and economic needs of communities in delivering this Core Strategy and for the benefit of future generations'.

Network Rail would be happy to discuss the above points in greater detail, including any potential further amendments to the wording set out in Modification M9.6 should this be required.

(2)

I am sure you are aware that Network Rail is a **statutory consulted for any planning applications within 10 metres of relevant railway land** (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) **and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway** (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order); in addition you are required to consult the Office of Rail and Road (ORR).

Rail Infrastructure Managers (means.....any person who in relation to relevant railway land (a) is responsible for developing or maintaining the land: or (b) manages or uses the land, or permits the land to be used for the operation of a railway = NR) – Article 16 – 10 metres.

Rail Network Operators as listed in Table 2 in the National Planning Practice Guidance which refers to Schedule 4(j) – change in character..... (see below....both NR & ORR)

(j) Development which is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway	The operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport
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Developments within the Peak District area should be accompanied by a Transport Statement (TS) /Transport Assessment (TA), which includes consideration of the impact of proposals upon level crossings with mitigation implemented as required. We would encourage the Council to adopt specific policy wording to ensure that the impact of proposed new development (including cumulative impact) on the risk at existing level crossings is assessed by the developer(s), and suitable mitigation incorporated within the development proposals and funded by the developer(s). TS/TAs should be undertaken in conjunction with the local highways authority with advice from Network Rail.

Councils are urged to take the view that level crossings can be impacted in a variety of ways by development proposals:

- By a proposal being directly next to a level crossing
- By the cumulative effect of developments added over time in the vicinity of a level crossing
- By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route
- By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level / type of use of a level crossing increases as a result of diverted traffic or of a new highway
- By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways / highways / roads
- By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
- By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing
- By any proposal that may cause blocking back across the level crossing
- By any proposal which may see a level crossing impacted by the introduction of cycling or walking routes

(3)

Within Transport Assessment's there is a review of local needs regarding public transport; this usually focuses on buses. However, Transport Assessments should also take into account their impact upon footfall at railway stations. Developers are encouraged to consider including within Transport Assessments trip generation data at railway stations. Location of the proposal, accessibility and density of the development should be considered in relation to the relevant railway station in the area.

Where proposals are likely to increase footfall at railway stations the Local Planning Authority should consider a developer contribution (either via CIL, S106 or unilateral undertaking) to provide funding for enhancements as stations as a result of increased numbers of customers.

Yours sincerely

Diane Clarke AssocRTPI
Town Planning Technician LNW
Network Rail
Floor 1
Square One
4 Travis Street
Manchester, M1 2NY

Wilkins Clare

From: Stephens Laura <Laura.Stephens@sheffield.gov.uk>
Sent: 11 January 2018 11:49
To: Policy
Subject: Development Management policies modifications

Brian

Thank you for the opportunity to provide comments on the modifications made to Development Management policies prior to submission to the Secretary of State, which we welcome as part of the ongoing Duty to Co-operate. The Forward and Area Planning Team at Sheffield City Council have no comments to make on the detailed content of this document, as it does not contain any cross cutting strategic issues. However we would wish to make an update in relation to M6.12 – reference to Appendix 6. Sheffield City Council's website has recently been reorganised and the hyperlink no longer exists. The following link should be substituted as the most relevant alternative: <https://www.sheffield.gov.uk/home/housing/housing-advice-options-line.html>

Best wishes, Laura

Laura Stephens
Planning Officer
Forward & Area Planning, City Growth Department
Sheffield City Council
Tel: (0114) 273 4212

My working days are Mondays, Tuesdays and Thursdays.

We offer an integrated planning and building control service

Websites: www.sheffield.gov.uk/planning or www.sheffield.gov.uk/buildingcontrol

Location: 4th Floor Howden House, 1 Union Street, Sheffield S1 2SH

Apply for planning permission online at: www.planningportal.gov.uk/apply

Apply for building regulation permission online to: buildingcontrol@sheffield.gov.uk



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