

BAKEWELL NEIGHBOURHOOD PLAN

Bakewell Neighbourhood Plan Examination
A Report to the
Peak District National Park Authority

by Independent Examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI

May 2021



Contents

1, Summary

2, Introduction

3, Basic Conditions and Development Plan Status

4, Background Documents and the Bakewell Neighbourhood Area

5, Public Consultation

6, The Neighbourhood Plan: Introductory Section

7, The Neighbourhood Plan: Policies

8, The Neighbourhood Plan: Other Matters

9, Referendum

1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Bakewell Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Bakewell Neighbourhood Plan meets the basic conditions¹ and I recommend to the Peak District National Park Authority that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Bakewell Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Bakewell Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Bakewell Neighbourhood Plan Working Group on behalf of Bakewell Town Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by the Peak District National Park Authority.
- 5 The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Bakewell Neighbourhood Area.
- 6 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”

(Paragraph 29, National Planning Policy Framework)

- 7 As confirmed in Paragraph 2.1 on page 4 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Bakewell Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 Paragraph 2.1 on page 4 of the Basic Conditions Statement also confirms that the Neighbourhood Plan relates only to the designated Bakewell Neighbourhood Area and that there is no other neighbourhood plan in place in the Bakewell Neighbourhood Area.

- 9 All of the above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 10 I was appointed by the Peak District National Park Authority, to conduct the examination of the Bakewell Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have eight years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Bakewell Neighbourhood Area to which the Plan relates.
- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 The title page of the Neighbourhood Plan refers to the plan period as "2020 – 2035."
- 18 In addition, Paragraph 2.1 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan states that the:

"BNP covers the period from 2020 until 2035."
- 19 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.
- 20 Further to the above, the title page of the Neighbourhood Plan includes the date "January 2020" and the header to each page includes the date "March 2020." The inclusion of these dates has been overtaken by events and can be considered to detract from the clarity and precision of the Neighbourhood Plan.
- 21 I recommend:
 - **Change the headers to each page to "Bakewell Neighbourhood Plan 2020-2035"**

Public Hearing

- 22 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 23 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 24 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Bakewell Neighbourhood Plan.
- 25 However, I wrote to the Qualifying Body in order to clarify a number of matters. At the same time, in line with good practice, I provided the Qualifying Body with an opportunity to respond to representations received during the Submission consultation process.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 26 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions.*” These were *set out in law*² following the Localism Act 2011.
- 27 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 28 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

³ *ibid* (same as above).

- 29 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 30 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 31 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan and this sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 32 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 33 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 34 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁵)
- 35 This process is often referred to as “screening”⁶. If likely environmental effects are identified, an environmental report must be prepared.

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

⁶ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 36 The Peak District National Park Authority produced a Strategic Environmental Assessment (SEA) screening report of the Neighbourhood Plan. This concluded that:

"It is demonstrated, through assessment against the significance criteria in the SEA Directive and the Regulations...it is unlikely Bakewell Neighbourhood Plan will have any adverse environmental effects with respect to all policies except DB1 and E2...Therefore a full Sustainability Appraisal is undertaken with respect to Policies DB1 and E2."

- 37 A Scoping Report and Sustainability Appraisal were subsequently produced. The Sustainability Appraisal found that four Policies were considered to have significant adverse impacts and identified reasonable alternatives, whereby:

"...with some modification the adverse impacts could be negated or mitigated."

- 38 These modifications were taken into account in the submission version of the Neighbourhood Plan.

- 39 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted. Neither Historic England nor Natural England expressed any concerns. The Environment Agency recommended changes to Policies DB1 and E2 and welcomed a modification recommended by the Peak District National Park Authority in respect of including a 10 metre buffer to the River Wye in 'Area 3' referred to in both Policies.

- 40 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 41 In the case *People Over Wind & Sweetman v Coillte Teoranta ("People over Wind"* April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 42 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 43 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.
- 44 The Peak District National Park Authority produced a Habitat Regulations Assessment (HRA) screening report of the Neighbourhood Plan. This recognised that there are four relevant European sites within a 15km radius of the Neighbourhood Area: Peak District Moors Special Protection Area; Pennine Moors Special Area of Conservation (SAC); Peak District Dales SAC; and Bee's Nest and Green Clay Pits.
- 45 The screening report concluded that:
- "There are likely to be no significant effects and no 'in combination effects' of Bakewell Neighbourhood Plan policies on the European sites and therefore no further assessment is required.*
- 46 None of the statutory bodies disagreed with this conclusion. A further consultation was undertaken to ensure that it was agreed that any post-Regulation 14 changes to the Neighbourhood Plan did not alter the conclusion of the HRA screening and Natural England's response was:
- "Natural England agrees with the conclusions that the updated changes to the Neighbourhood Plan would not result in Likely Significant Effects on any European Site either alone or in combination and therefore no further Appropriate Assessment work under the Habitats Regulations would be required."*

- 47 Further to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance⁸).

- 48 Having completed the work that it has, the Peak District National Park Authority has no outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 49 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁸ ibid, Paragraph 031 Reference ID: 11-031-20150209.

4. Background Documents and the Bakewell Neighbourhood Area

Background Documents

- 50 In completing this examination, I have considered various information in addition to the Bakewell Neighbourhood Plan.
- 51 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Peak District National Park Local Development Framework Core Strategy (2011) (referred to in this Report as "*Core Strategy*")
 - Peak District National Park Development Management Policies (2019) (referred to in this Report as "*DMP*")
 - Basic Conditions Statement
 - Consultation Statement
 - Representations received
 - Strategic Environmental Assessment and Habitat Regulations Assessment Screening Reports
 - Sustainability Appraisal (incorporating Strategic Environmental Assessment)
 - Neighbourhood Plan Appendices
 - Site Assessments and Evidence Documents
- 52 In addition, I spent an unaccompanied day visiting the Bakewell Neighbourhood Area.

Bakewell Neighbourhood Area

- 53 The boundary of the Bakewell Neighbourhood Area is identified on a plan provided on page 3 of the Neighbourhood Plan.
- 54 The Peak District National Park Authority designated the Bakewell Neighbourhood Area on 15th November 2013.
- 55 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 56 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 57 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Bakewell Neighbourhood Plan Consultation

- 58 A Consultation Statement was submitted to the Peak District National Park Authority alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*⁹.
- 59 On behalf of Bakewell Town Council, a Neighbourhood Plan Working Group comprising members of the public, representatives of local businesses and organisations and Councillors was created. With the support of 5 sub-groups, the Working Group produced the Neighbourhood Plan.
- 60 A Workshop Event and a Drop-in consultation event were held during September 2014 and the outcome of these informed subsequent Working Group meetings. Also during 2014, a workshop was held with Peak District National Park Officers to consider options around the town's development boundary.
- 61 The draft plan was produced and consulted on during February and March 2018. Responses to this were considered and a revised draft plan was produced. This was consulted upon between July and September 2019.

⁹ Neighbourhood Planning (General) Regulations 2012.

- 62 The Consultation Statement provides a summary of the main issues and concerns raised, along with responses by the Qualifying Body and reference to resultant amendments to the plan, where made. This demonstrates how matters raised were taken into consideration and helped to inform the plan-making process.
- 63 As well as making use of the Bakewell Town Council website, public consultation was supported via emails, a press notice and advertisements in the Peak Advertiser, flyers and posters.
- 64 The Consultation Statement provides evidence to demonstrate that public consultation formed part of the plan-making process, that there were opportunities for people to have a say and that matters raised were duly considered.
- 65 Taking all of the above into account, I am satisfied that the consultation process complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

- 66 The introductory section to the Neighbourhood Plan is succinct and clear. It provides a neat introduction to the Policies that follow. Further detailed information relating to the Neighbourhood Area is provided in supporting Appendices and these are well-referenced in the Neighbourhood Plan.
- 67 The Neighbourhood Plan proposes the designation of areas of Local Green Space. To accord with national policy, areas of Local Green Space must be demonstrably special and this could be for a variety of reasons. However, the Vision for Bakewell suggests that areas of Local Green Space are designated because they *“are important for the setting of Bakewell,”* which is not the case.
- 68 I recommend:
- **Change second bullet point on page 6 to: *“Demonstrably special green spaces are designated as Local Green Space. The landscape...”***

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Development Boundary

Policy DB1: Development Boundary

- 69 Bakewell is the largest settlement in the Peak District National Park. In order to promote a sustainable level and distribution of development to help conserve and enhance the National Park, Core Strategy Policy DS1 (*“Development strategy”*) directs the majority of development into Bakewell along with a number of other named settlements.
- 70 In this way, the Core Strategy supports new build development including affordable housing, community facilities and small-scale retail and business premises in Bakewell and other named settlements.
- 71 DMP Policy DMB1 (*“Bakewell’s Development Boundary”*) states that:
- “The future development of the town of Bakewell will be contained within the Development Boundary.”*
- 72 The Development Boundary for Bakewell is defined in the adopted DMP and the supporting text to Policy DMB1 also states that:
- “...this Plan sets out the strategic context for Bakewell but leaves space for the community to devise local policy. The Neighbourhood Plan for Bakewell will consider: the development boundary...”*
- 73 The supporting text goes on to set out a long list of things that the Neighbourhood Plan *“will consider.”* This is not the same thing as stating that Policies in the Neighbourhood Plan *“must include.”*
- 74 Whilst there is no requirement for a Neighbourhood Plan to allocate land for development, it may do so. The Bakewell Neighbourhood Plan does not allocate any land for development.

- 75 Whilst the Neighbourhood Plan does not allocate any land for development, both Policy DB1 and its supporting text refer to "*Extension Areas*."
- 76 This results in a confusing and potentially misleading Neighbourhood Plan – to the extent that land which has not been allocated for development and which is not supported by any substantive evidence in respect of deliverability, or site specific, or even general principles for future development, is referred to as though it is capable of providing for Bakewell's future development needs.
- 77 This is problematic. Taking the example of the playing fields at Lady Manners School, which are identified in the Core Strategy as "*Community Recreation Areas*," with the exception of a small area of land – not shown in the Neighbourhood Plan - where planning permission has been granted for residential development, the majority of "*Land bounded by Shutts Lane and Monyash Road*" comprises the existing Lady Manners Secondary School playing fields. These playing fields clearly perform a very important existing function, notwithstanding any open space or gap benefits arising in respect of local character.
- 78 The Local Education Authority is opposed to the development of the playing fields and there is no substantive evidence to demonstrate that the playing fields can be replaced in an appropriate manner elsewhere. Rather, the Local Education Authority highlights some of the many factors that need to be taken into account when considering the scope for playing field relocation and none of these are addressed in any significant way by the Neighbourhood Plan.
- 79 Paragraph 16 of the Framework requires plans to be deliverable.
- 80 Given the above, it appears inappropriate for Policy DB1 to simply refer to "*Extension Areas*" without appropriate supporting information in respect of deliverability. The Neighbourhood Plan does not allocate land for development. Consequently, it is not supported by evidence to justify or support allocations, nor by informative land use planning policies to guide development allocations.
- 81 The Neighbourhood Plan does not provide any substantive detail in respect of how "*Extension Areas*" might be delivered and as a result, the first part of Policy DB1 does not meet the basic conditions.

82 In addition, Part B of Policy DB1 goes on to require *any* residential or industrial development in “*Extension Areas*” to *facilitate* attractive pedestrian and cycle routes to the town centre. There is no information to demonstrate that such facilitation is deliverable or that any such requirement has regard to Paragraph 56 of the Framework, which sets out the national test for planning obligations:

“Planning obligations must only be sought where they meet all of the following tests:

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

83 Thus, whilst the DMP provides scope for the consideration of Bakewell's Development Boundary as part of the neighbourhood planning process, it is difficult to conclude that Policy DB1's approach to “*Extension Areas*” contributes to the achievement of sustainable development, as required by the basic conditions.

84 However, Parts C, D and E of Policy DB1 provide safeguards in respect of managing flood risk within Bakewell's Development Boundary and have regard to Chapter 14 of the Framework, “*Meeting the challenge of climate change, flooding and coastal change,*” which requires plans to take a proactive approach to mitigating and adapting to climate change, including taking into account the long-term implications for flood risk.

85 Also, as noted earlier in this Report, both the Peak District National Park and the Environment Agency support the Neighbourhood Plan's approach (as set out in Policy DB1 part E) of providing for a 10 metre buffer from the river bank on land between Ashford road and the River Wye.

86 Taking all of the above into account, I recommend:

- **Change title of Policy DB1 to “*Development within Bakewell's Development Boundary*”**
- **Delete Parts A and B of Policy DB1 and replace with “*Development within Bakewell's Development Boundary must take account of the following:*”**

- Retain the text in Policy DB1 parts C, D and E but replace “C, D and E” with bullet points
- Delete Map 2 and replace with a Map showing the outer edge of the Bakewell Development Boundary, as per the DMP. Do not include any other notations or shading
- Page 7, change title to 2.0 to “*Development within Bakewell's Development Boundary*”
- Delete Paras 2.1 and 2.2 and replace with “*Bakewell is the Peak District's largest settlement and development plan policies provide for a sustainable level and distribution of development in the town to help conserve and enhance the National Park. Bakewell's Development Boundary is indicated on Map 2.*”

The Peak District National Park Authority's Part 2 Local Plan Development Management Policies (DMP) (retain hyperlink [HERE](#)) Policy DB1 (“Bakewell's Development Boundary”) states that “The future development of Bakewell will be contained within the Development Boundary. The DMP Policies Map provides detailed information on land use planning policies that apply within Bakewell's Development Boundary, alongside Policies in the Neighbourhood Plan.”

- Delete Paras 2.4 to 2.7, inclusive
- Para 2.7, delete first sentence and replace with “National planning policy, as set out in Chapter 14 of the Framework, “*Meeting the challenge of climate change, flooding and coastal change,*” requires plans to take a proactive approach to mitigating and adapting to climate change, including taking into account the long-term implications for flood risk.”
- Para 2.7, retain second sentence (“PDNPA...place.”) and delete last sentence, replacing it with “*Policy DB1 seeks to ensure that development takes account of this.*”

Environment and Heritage

Policy ENV1: Protection and Enhancement of Bakewell's Setting

87 Chapter 15 of the Framework, "*Conserving and enhancing the natural environment,*" requires planning policies to:

"...contribute to and enhance the natural and local environment..."
(Paragraph 170, the Framework)

88 To achieve this, national policy supports policies aimed at:

"...protecting and enhancing valued landscapes...recognising the intrinsic character and beauty of the countryside...(and) minimising impacts on and providing net gains for biodiversity..."
(Paragraph 170, the Framework)

89 Together, amongst a wealth of other things, the Core Strategy and the DMP provide strategic and detailed land use planning policies to protect and enhance the beauty of the Peak District and to support net gains for biodiversity.

90 In general terms, Policy ENV1 seeks to ensure that development takes the above into account and in this way, it has regard to national policy and is in general conformity with the development plan.

91 However, as set out, parts of Policy ENV1 appear unclear and could give rise to support for proposals that do not contribute to the achievement of sustainable development.

92 The title of Policy ENV1 refers to the protection and enhancement of the setting of Bakewell, whereas the Policy is only concerned with development within the town's Development Boundary.

- 93 This is confusing and results in an imprecise policy, contrary to national planning guidance, which requires planning policies to be clear and unambiguous¹⁰:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 94 The Policy goes on to support any development within the Development Boundary, subject only to it meeting the measures listed in criteria (i) to (v). This could give rise to support for inappropriate forms of development.
- 95 It is not clear, in the absence of substantive information, why Policy ENV1 is not concerned with the environment across the whole of the Neighbourhood Area. For example, neither national nor local policy seek to limit net gains for biodiversity to the Peak District's settlements.
- 96 Further, as set out, Policy ENV1 places requirements on all forms of development within the Development Boundary, regardless of scale, nature or any consideration of viability or deliverability.
- 97 Most applications for development relate to relatively small proposals, for example, household applications for residential extensions and there is no substantive evidence to demonstrate that such developments can and should, for example, provide street trees or net gains for biodiversity. This would go beyond national or local planning policy requirements and no information has been provided in justification of such a departure, having regard to Paragraphs 16 and 56 of the Framework, referred to earlier in this Report in consideration of Policy DMB1.
- 98 There is no detailed evidence establishing what the landscape's "capacity" to accommodate additional development comprises. Consequently, this part of the Policy appears vague and subjective and having regard to Paragraph 16 of the Framework, it is not:

“...evident how a decision maker should react to development proposals.”

¹⁰ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- 99 Many forms of lighting do not require planning permission and it is not clear, in the absence of any information, how limiting and reducing *“the impact of light pollution”* from all *“externally visible light sources”* might be delivered by all development within the Development Boundary. The recommendations below recognise the importance of preventing light pollution in an appropriate manner.
- 100 The Policy includes a vague reference to *“restoring and enhancing connectivity for nature and people.”* In the absence of specific details this part of the Policy fails to have regard to Paragraph 16 of the Framework, referred to above.
- 101 Part B of Policy ENV1 refers to planning application requirements over which the Neighbourhood Plan has no control. The information required to make a valid planning application consists of mandatory national information requirements; information provided on the planning application form; and information to accompany the application as specified by the Local Planning Authority on their local list of information requirements.
- 102 The Town Council is free to *“encourage”* planning applicants to undertake a local landscape and visual impact assessment, but such encouragement does not equate to a land use planning policy requirement. Further, it is unlikely that it would be viable, appropriate or necessary, for the majority of applications within the Development Boundary to produce such information.
- 103 Paragraph 3.5 of the supporting text states that Bakewell's setting is *“vulnerable to unsympathetic development.”* The landscape surrounding Bakewell is protected by the development plan and no detailed information has been provided to support the contention in Paragraph 3.5.
- 104 Paragraph 3.14 of the supporting text reads as though it comprises a Policy, which it does not.
- 105 Taking all of the above into account, I recommend:
- **Policy ENV1, change the title to *“Landscape and Biodiversity”***

- **Replace the wording of Policy ENV1 with “*Development must respect landscape character. The securing of measurable net gains for biodiversity and the planting of native species of trees which respect local scale and form will be supported. Proposals within the Development Boundary should be designed to minimise impacts on light pollution from externally visible light sources.*”**
- **Para 3.2, change to “...this plan. *Contributing to the achievement of sustainable development is one of the ‘basic conditions’ ...*”**
- **Delete Paras 3.3 and 3.4 (NB, it is not the role of the Neighbourhood Plan to “*support*” particular adopted policies)**
- **Para 3.5, line 5, delete “It is also vulnerable to unsympathetic development.”**
- **Para 3.14, change to “...Bakewell’s *landscape character in accordance with the Landscape Strategy. This will enable new development to assimilate successfully into the environment.*”**

Policy ENV2: Protection and Enhancement of Bakewell's Special Character

- 106 National and local policy promotes high quality development. National planning policy recognises that:

“Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.”

(Paragraph 124, the Framework)

- 107 DMP Policy DMC3 (*“Siting, design, layout and landscaping”*) requires development to meet a high standard that respects, protects and where possible, enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the Peak District's distinctive sense of place.
- 108 Whilst Policy ENV2 generally attempts to provide for high quality development and in this way, meets the basic conditions, the wording of the Policy itself is somewhat confusing, appears vague in places and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 109 The Policy requires all development to make a positive contribution to the public realm, including by the provision of street trees (which also partially repeats part of the previous Policy). In the absence of any justification, it is not clear how all development might achieve this, whether it would be possible for all development to do so, or why all development should need to do so. Many forms of development do not impinge upon the public realm and there is no substantive evidence to justify an obligation for development to provide street trees, nor any details to demonstrate that such a requirement is deliverable.
- 110 Part B of Policy ENV2 requires all applicants to demonstrate how proposals align with principles set out within various guidance. Guidance is precisely that. It does not comprise adopted planning policy and there is no substantive evidence to justify a requirement for all planning applications to align with the principles of the guidance referred to. Consequently, this appears as an onerous obligation, contrary to Paragraph 56 of the Framework, referred to earlier in this Report.

- 111 Part C of Policy ENV2 appears vague and a little confusing. In the absence of any detailed information, it is not clear how every residential development, from one house upwards, can both retain *and* create a sense of place at the same time. Further, there is nothing to indicate how all residential development can meet the stringent requirement of, amongst other things, *"taking advantage of micro-climate"*, or on what basis such a thing might be judged and who by.
- 112 Further, it is not clear why all residential development *must* enhance streets and enhance spaces. This is a hugely onerous (and as set out, subjective) planning obligation that goes well beyond national policy, even for Conservation Areas. It is also unclear, in the absence of information, how all residential development must *"define"* streets and spaces. In the absence of a clear justification, the approach set out does not meet the basic conditions.
- 113 As above, good design is inseparable from sustainable development and the recommendations below take this into account.
- 114 The final part of the Policy sets out a requirement that goes beyond the powers of a development plan. Whilst useful and informative, Building for Life assessments are not mandatory and as noted earlier in this Report, planning application requirements do not fall within the remit of the Neighbourhood Plan.
- 115 Taking this and all of the above into account, I recommend:
- **Change title of Policy ENV2 to *"DN Policy 3: Green Infrastructure and Local Character"***
 - **Delete Parts A and D of Policy ENV2**
 - **Change the wording of Part B of Policy ENV2 to *"All development must respect local character. It should be of a high quality and contribute to Bakewell's distinctive sense of place, having regard to guidance as set out in the National Park Design Guide...Guidance Note."* (retain HyperLinks)**
 - **Change the wording of Part C of Policy ENV2 to *"New housing development should contribute to local character and distinctiveness, having regard to topography, landscape features, habitats, buildings, orientation and micro-climate."***

- **Add new Para 3.22 *"In addition to taking relevant guidance into account, Town Council will seek to encourage proposals for more than 10 units to incorporate a Building for Life assessment."***
(retain HyperLink)

Policy ENV3: Protection of Non-Designated Heritage Assets

- 116 Chapter 15 of the Framework, *“Conserving and enhancing the historic environment,”* recognises heritage assets as an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance.
- 117 DMP Policy DMC5 (*“Assessing the impact of development on designated and non-designated heritage assets and their settings”*) sets out a detailed policy framework for the conservation of heritage assets in accordance with national policy.
- 118 Whilst it is not the purpose of the Policies of the Neighbourhood Plan to repeat or to rely upon existing development plan policies, as set out, Policy ENV3 appears largely reliant upon DMP Policy DMC5.
- 119 The general aim of Policy ENV3 is to ensure that non-designated heritage assets are protected. As set out, the Policy seeks to protect something that has not been specified or identified (Paragraph 3.23 refers to *“...not an exhaustive list, which may be added to...”*). In the absence of evidence, it is unclear how a land use planning policy might protect something that, in effect, does not yet exist.
- 120 The supporting text, in Paragraph 3.22, does not provide an accurate summary of DMP Policy DMC5 and this results in an incorrect interpretation of heritage policy.
- 121 Taking all of the above into account, I recommend:
- **Change the wording of Policy ENV3 to *“Non-designated heritage assets and their settings will be conserved in a manner appropriate to their significance.”***
 - **Para 3.22, change last sentence to *“...be assessed and requires heritage assets and their settings to be conserved in accordance with their significance.”***

Policy ENV4: Local Green Spaces

122 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

123 The Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 101, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

124 Given the importance of the designation, Local Green Space boundaries should be clearly identified in the Neighbourhood Plan itself. Whilst I note that an Appendix contains clearer plans, the plan on page 28 of the Neighbourhood Plan does not show all of the areas of Local Green Space and it is not possible to clearly identify the boundaries of each area of Local Green Space, especially the smaller ones.

125 During consultation, a query emerged in respect of whether a private patio area was erroneously included as Local Green Space. This demonstrates the importance of clear plans and I make recommendations in this regard, below.

126 The designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.

127 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

- 128 Evidence has been provided to support the designation of each proposed Local Green Space, having regard to the relevant national policy tests. However, relative to the size of Bakewell – the largest settlement in the Peak District National Park – several of the proposed areas of Local Green Space very clearly comprise extensive tracts of land, contrary to the planning tests set out in national policy.
- 129 These comprise Sites: 1, River Wye; 4, Fields north of Holme Lane; 26, Manners Wood; 27, Monsal Trail; 29, Dry Hills; and 30, Golf Course.
- 130 These sites are extensive in comparison to the size of the built-up area of Bakewell. Furthermore, these sites and most notably, Site 1 and Site 4, do not appear to be particularly well-defined. Given this and in the absence of any specific substantive evidence to demonstrate that the sites are not extensive, I recommend that these sites are not designated as areas of Local Green Space as they do not pass the appropriate tests.
- 131 National Policy requires policies for managing development within a Local Green Space to be consistent with those for Green Belts and the recommendations below take this into account.
- 132 The “*local benefits*” set out in Paragraph 3.26 do not comprise benefits that support the designation of Local Green Space designation. In this regard I note that designation as Local Green Space does not prevent development from taking place.
- 133 I recommend:
- **Replace the wording of Policy ENV4 with “*The areas listed in Table 1 and shown on the plans below are designated as Local Green Space. The management of development within areas of Local Green Space will be consistent with that for development within Green Belts.*”**
 - **Delete Sites 1, 4, 26, 27, 29 and 30 from Table 1 (and from any associated plans)**

- Provide plans below Policy ENV4 in the Neighbourhood Plan that clearly identify the boundaries of every designated Local Green Space (NB, this may be on individual plans or on plans showing more than one Local Green Space. The most important thing is that there can be no confusion over any boundary). In carrying out this exercise, ensure that no area of land is incorrectly included (for example, private gardens, private patio areas etc).
- Change Para 3.24 to “...Table 1 and the plans below Policy ENV4, and on....to Bakewell, *do not comprise extensive tracts of land, are demonstrably special...*”
- Delete Para 3.26

Housing

Policy H1: Affordable Housing

134 To deliver a sufficient supply of homes, national planning policy requires plans, amongst other things, to meet:

"...the needs of groups with specific housing requirements..."
(Paragraph 59, the Framework)

135 Adopted planning policy provides a clear, up-to-date and supportive affordable housing land use policy framework for Bakewell and the Peak District National Park. This is set out in Core Strategy Policies HC1 (*"New housing"*) and DMP Policies DMH1 (*"New affordable housing"*); DMH2 (*"First occupation of new affordable housing"*); and DMH3 (*"Second and subsequent occupation of affordable housing"*).

136 As noted earlier in this Report, whilst there is no requirement for a Neighbourhood Plan to allocate land for development, it may do so. However, rather than *"address insufficient affordable homes"* (Paragraph 4.3), Policy H1 simply presents general support for non-specific affordable housing and refers to existing development plan policies. The Neighbourhood Plan does not allocate land for the development of affordable housing.

137 The Policy itself appears vague and is reliant upon and adds nothing substantive to, existing development plan policies. It does not provide a decision maker with a clear indication of how to react to development proposals.

138 The Policy does not meet the basic conditions.

139 I recommend:

- **Delete Policy H1.**
- **Para 4.3, line 3, delete "that the Neighbourhood Plan seeks to address"**
- **Delete Paras 4.6 and 4.7**

- **Para 4.8, line 7, end paragraph “definition of affordable housing.” (delete unsubstantiated text/to end of para “...but are...chapter.”)**
- **Delete Para 4.9, which effectively states that the information provided is now out of date**
- **Delete Para 4.11**

Policy H2: Market Homes and Starter Homes on Previously Developed Sites

140 Paragraph 16 of the Framework states that plans should:

*"...be prepared positively, in a way that is aspirational **but deliverable.**"*
(my emphasis)

141 Policy H2 sets out an aspirational approach to providing Starter Homes on previously developed land. However, there is no substantive evidence to demonstrate that the approach set out is deliverable. No site is allocated for the development envisaged by the Policy.

142 In the absence of evidence, for example, detailed market and viability information, it is not possible for me to conclude that a Policy requiring at least half of all new homes to be built on previously developed land to comprise Starter Homes with occupancy restrictions and for all homes to be built on such land to be subject to a "*primary full-time occupancy*" restriction in perpetuity, is deliverable.

143 Consequently, in the absence of information to the contrary, it could well be the case that the requirements set out in Policy H2 are not deliverable and there is nothing substantive to demonstrate that this is not the case. In this regard, I am mindful that there have been representations, including from Derbyshire Dales District Council, that have questioned the viability of the approach set out Policy H2.

144 For the reasons above, I am unable to come to the conclusion that Policy H2 meets the basic conditions.

145 I recommend:

- **Delete Policy H2**
- **Page 33, delete title at top of page ("Market...Sites") and replace with the title "*Starter Homes*"**
- **Delete Paras 4.13 to 4.19, inclusive and replace with a new para "*The government classes Starter Homes (retain Hyper-Link) as affordable homes and the Bakewell community recognises the need for Starter Homes for the local population.*"**

Policy H3: Specialist Housing

146 National housing policy, set out in Chapter 5 of the Framework, *"Delivering a sufficient supply of homes,"* requires planning policies to reflect the housing needs of different groups in the community:

"...including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes."

(Paragraph 61, the Framework)

147 In general terms, Policy H3 supports the provision of new housing for older people, although the Policy reference to *"reasonably flat locations with relatively easy access to the town centre,"* appears subjective and open to wide interpretation. The Policy goes on to require all housing development within such vague locations to meet *"specialist needs,"* without any clear indication of what these are, or how and why such a requirement might be deliverable; along with a similarly ambiguous requirement to *"meet the needs of the towns ageing population."*

148 Given the above, the Policy does not provide a decision maker with a clarity in respect of how to react to a development proposal, having regard to national policy. Also, Policy H3 imposes requirements on residential development without providing substantive justification in respect of deliverability. As such, it is not possible to conclude that the requirements of the Policy, notwithstanding their ambiguous nature, are deliverable.

149 Policy H3 does not *"enable reasonably flat access to the town's facilities for older and/or disabled residents,"* as suggested in Paragraph 4.24.

150 The Policy also goes on to impose obligations on the local housing authority and to set out Building Regulations requirements. These are not land use planning matters that the Neighbourhood Plan can control.

151 Earlier housing Policies in the Neighbourhood Plan do not meet the basic conditions. Whilst Policy 3, as set out, does not meet the basic conditions for the reasons given above, I am mindful that the community has, through the consultation process, expressed considerable support for appropriate affordable housing, including housing to meet the needs of the town's older and mobility impaired residents.

152 Taking this and all of the above into account, I recommend:

- **Replace the wording of Policy H3 with “*Within Bakewell’s Development boundary, the provision of new affordable housing, including homes suitable for older and mobility impaired people, will be supported.*”**
- **Delete Para 4.20**
- **Delete Para 4.24**

Community Facilities

Policy CF1: Newholme Hospital

- 153 Newholme hospital is a Grade II Listed Building located within Bakewell Conservation Area. In general terms, Policy CF1 seeks to ensure that Newholme Hospital retains provision for community facilities, should the site be redeveloped. The Policy also includes a heritage reference.
- 154 Chapter 8 of the Framework, *"Promoting healthy and safe communities,"* requires planning policies to:
- "...guard against the unnecessary loss of valued facilities...ensure that...facilities and services...are retained for the benefit of the community."*
(Paragraph 92, the Framework)
- 155 Paragraph 184 of the Framework recognises heritage assets as an irreplaceable resource and requires them to be:
- "...conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*
- 156 The first part of Policy CF1 requires applications for redevelopment to include a heritage and landscape assessment which details *"enhancements to the listed buildings"* and which considers the heritage value of non-listed buildings, as well as considers landscaping.
- 157 However, neither national nor local strategic policy requires heritage assets to be *"enhanced."* Rather, as above, heritage assets must be conserved in accordance with their significance. No justification is provided in respect of any requirement for enhancement.
- 158 In accordance with national policy (Paragraph 189 of the Framework), an applicant is required:
- "...to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance..."*

- 159 The requirement in Policy CF1 for the provision of an assessment detailing enhancements does not have regard to the Framework.
- 160 The Policy goes on to require any redevelopment of Newholme Hospital to include community facilities. To some extent, this has regard to national policy, in that the approach would effectively serve to retain important community facilities. However as presented, such retention is "*subject to the NHS wider estate reorganisation programme.*" This appears as a reference to supporting text in the DMP, which relates to wider matters than the provision of community facilities.
- 161 Confusingly, the final part of Policy CF1 goes on to remove any requirement for community facilities at Newholme Hospital, so long as affordable housing, Starter Homes or homes for older people form part of any redevelopment. The Neighbourhood Plan considers such uses as meeting a community need.
- 162 Taking the above into account, I recommend:
- **Replace the wording of Policy CF1 with "*The redevelopment of Newholme Hospital will be supported subject to it conserving heritage assets in a manner according to their significance. Redevelopment should include the provision of community facilities and/or meet a community need such as the provision of affordable housing, Starter Homes and/or specialist housing/housing for older people.*"**
 - **Delete Para 5.6 to 5.9 inclusive (NB, There is no Para 5.7. Para 5.8 reads as though it comprises a Policy, which it does not).**

Policy CF2: Development of Community, Sports and Arts Facilities

163 To provide the social, recreational and cultural facilities and services the community needs, Paragraph 92 of the Framework requires planning policies to:

“...plan positively for the provision of shared spaces, community facilities...meeting places, sports venues, open space...”

164 Policy CF2 supports the delivery of new community facilities and has regard to the Framework.

165 As set out, the Policy reads as though it comprises a demand or is a fait accompli, rather than a land use planning policy and this is a matter addressed in the recommendations below.

166 There is no information to demonstrate that it would be deliverable for all new community facilities to link to existing pedestrian and cycle paths. Whilst such links might be possible, they could amongst other things, be prohibitively expensive or involve third party land and as such, may render the delivery of community facilities, in the manner envisaged by the Policy, unviable. The recommendations below address this matter.

167 I recommend:

- **Replace the wording of Policy CF2 with “*The development of new community, sports and arts facilities within the Development Boundary; and new playing fields within or adjacent to the Development Boundary, will be supported. New facilities should be accessible for all and the development of links between new facilities and existing pedestrian and cycle paths will be supported.*”**
- **Delete Para 5.15 (the Neighbourhood Plan does not “*provide for the relocation and redevelopment of the existing playing fields at Lady Manners School*”)**

Economy

Policy E1: Bakewell Central Shopping Area and Primary Shopping Area

168 The decline of town centre retail uses, with expenditure increasingly spent elsewhere, most notably at large supermarkets, retail parks and on-line, has been exacerbated by the political response to coronavirus.

169 National policy, in Chapter 7 of the Framework, "*Ensuring the vitality of town centres*," recognises both the important role that town centres play at the heart of local communities and the need for their diversification:

"...in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses..."

(Paragraph 85, the Framework)

170 Recent changes to Planning Use Classes have resulted in a new Use Class E, which enables changes from retail to other commercial uses without the need for planning permission. Also, changes to the General Permitted Development Order (GPDO) provide scope for retail uses to change to other uses without the need for planning permission.

171 Core Strategy Policy HC5 ("*Shops, professional services and related activities*") provides a supportive framework for the provision of shops, professional services and related activities in Bakewell Central Shopping Area. DMP Policy DMS1 ("*Shops, professional services and related activities in Core Strategy DS1 settlements*") encourages these uses, along with those for the consumption of food and drink.

172 However, rather than recognise and provide for flexibility, Policy E1 focuses on the retention of retail uses by seeking to prevent the proportion of A1 units in Bakewell Primary Shopping Area from falling below 70% of all units. This is despite the Neighbourhood Plan itself includes a Table showing that parts of the Primary Shopping Area already contain streets where the proportion of retail units is already well-below 70%.

173 Consequently, Policy E1 appears unrealistic and there is no evidence to demonstrate that its aims are deliverable. There is nothing, for example, to indicate that there is any unmet demand for A1 units whilst, conversely, the evidence provided – including photographs of vacant shop units and declining proportions of retail to other uses - appears to suggest a lack of such demand.

174 The Policy does not appear to promote flexibility or support ways for Bakewell Town Centre to become resilient in a world where the high street needs to reinvent itself and resultantly, the Policy appears not to have regard to Paragraph 85 of the Framework. Whilst evidence of demand for the uses supported by the development plan is provided, these comprise the types of uses that Policy CF1 seeks to prevent or limit and as such, the Policy is not in general conformity with the strategic policies of the development plan.

175 The introduction to Chapter 6 of the Neighbourhood Plan states that:

“This section...aims to encourage and enable the creation and maintenance of a dynamic, balanced and sustainable local economy...”

176 As per Paragraph 171 above, national policy recognises the hugely important role that town centres can play in the success of communities. In recognition of this, the Framework requires planning policies to:

“...plan positively for the provision and use of shared spaces, community facilities (such as local shops...guard against the unnecessary loss of valued facilities and services...ensure that established shops...are able to develop and modernise...”

(Paragraph 92)

177 Taking this and the above into account, I recommend:

- **Change title of Policy E1 to “Bakewell Central Shopping Area”**
- **Delete Policy E1 and replace with “Retail development in Bakewell Central Shopping Area will be supported.”**
- **Delete Paras 6.3 to 6.13 inclusive**
- **Replace Map 8 with a plan showing just the Central Shopping Area**
- **Delete references to Primary Shopping Area and delete plan on page 45 and Table on page 46**

Policy E2: Employment Sites

- 178 Bakewell is an important employment centre in the Peak District. In accordance with the Core Strategy requirement for appropriate employment sites to be protected for employment use, DMP Policy DME3 (*"Safeguarding employment sites"*) provides a flexible policy framework to safeguard sites for industrial or employment uses, unless evidence justifies mixed use development, in which case the predominant uses should remain industrial or employment uses.
- 179 The supporting text to DMP Policy DME3 supports the safeguarding of other employment generating sites through Neighbourhood Plans.
- 180 Policy E2 safeguards employment sites in Bakewell and in this way, is in general conformity with the strategic policies of the development plan.
- 181 Part B of Policy E2 infers that the Neighbourhood Plan can grant planning permission, which it cannot. Further, this part of the Policy does not have regard to the sequential test for retail development, set out in Paragraphs 89 and 90 of the Framework, or to the flexibility for changes of use within Use Class E (Commercial, Business and Service) that do not require planning permission.
- 182 Similarly, Part C of the Policy appears unduly restrictive and is not in general conformity with DMP Policy DME3, which provides for considerably more flexibility. The conflicting approach set out in Policy E2 is not justified by any substantive evidence.
- 183 The requirement in Part D of the Policy for a 10 metre buffer reflects Environment Agency and Local Planning Authority comments, as noted earlier in this Report.
- 184 I recommend:
- **Policy E2, delete parts B and C**
 - **Page 52, delete last six lines of (4) and replace with "...directly from the A6. This is strongly supported by local people *and has funding approval.*"**
 - **Para 6.20, delete last two sentences ("In particular...10.13).")**

Transport and Communications

Policy TC1: Improvements for Non-Car Users

185 The first part of Policy TC1 places requirements on all developments regardless of deliverability or the tests for planning obligations set out in Paragraph 56 of the Framework. This part of the Policy is also vague, as no indication is provided of when the Policy requirements would be "*applicable,*" who would determine this, or on what basis. This part of the Policy does not meet the basic conditions.

186 Policy TC1 Part B appears aspirational and is unsupported by evidence of deliverability and Part C runs the risk of supporting unsustainable development, through support for any proposals so long as their "*design*" lessens the impacts of traffic.

187 Notwithstanding the above, Paragraph 98 of the Framework states that planning policies should:

"...protect and enhance public rights of way and access, including opportunities to provide better facilities for users..."

188 Taking this and the above into account, I recommend:

- **Replace wording of Policy TC1 with "*The protection and enhancement of public rights of way and access will be supported.*"**

Policy TC2: Car and Cycle Parking

189 Policy TC2 seeks to prevent the loss of car parking spaces and supports the provision of cycle facilities. This has regard to Paragraph 102 of the Framework, which supports the promotion of cycling and recognises that appropriate parking can make an important contribution to creating high quality places.

190 As set out, the Policy appears to be worded in a negative way and does not make the most of opportunities to promote cycling.

191 I recommend:

- ***Replace wording of Policy TC2 with "A. Development should not result in a net decrease in public or private car parking spaces. B. Development of cycling facilities in Bakewell town centre that respect local character and highway safety will be supported"***

Policy TC3: Re-opening the Matlock-Buxton Railway

192 Core Strategy Policy T5 (*“Managing the demand for rail, and reuse of former railway routes”*) safeguards the route of the Matlock-Buxton railway, subject to the continuity of the Monsal Trail, by realignment if necessary.

193 It is not the role of Neighbourhood Plan Policies to offer *“support”* for adopted development plan policies and the Monsal Trail is not a Local Green Space.

194 I recommend:

- **Delete Policy TC3**
- **Delete Paras 7.24 and 7.25 (and title above Para 7.24)**

Policy TC4: Broadband

195 Chapter 10 of the Framework, "*Supporting high quality communications,*" supports the delivery of full fibre broadband connections and requires plans to provide for digital infrastructure to be upgraded over time.

196 Whilst Policy TC4 supports the provision of superfast broadband infrastructure, it seeks to impose an obligation on all forms of development regardless of deliverability or the national tests for planning obligations set out in Paragraph 56 of the Framework.

197 I recommend:

- **Policy TC4 delete Part B and change Part A to "*The development of full fibre broadband connections, including associated infrastructure, will be supported.*"**

8. The Neighbourhood Plan: Other Matters

198 The recommendations made in this Report will have a subsequent impact on Contents, including Policy, Map, paragraph and page numbering.

199 I recommend:

- **Update the Contents and Policy, Map, paragraph and page numbering to take into account the recommendations contained in this Report**

9. Referendum

200 I recommend to the Peak District National Park Authority that, subject to the recommended modifications, **the Bakewell Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 201 I am required to consider whether the Referendum Area should be extended beyond the Bakewell Neighbourhood Area.
- 202 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 203 Consequently, I recommend that the Plan should proceed to a Referendum based on the Bakewell Neighbourhood Area approved by the Peak District National Park Authority in 15th November 2013.

Nigel McGurk, May 2021
Erimax – Land, Planning and Communities

