

PEAK DISTRICT NATIONAL PARK

Examination of Development Management Policies

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Dear Mr Taylor

MODIFICATIONS TO PEAK DISTRICT NATIONAL PARK DEVELOPMENT MANAGEMENT POLICIES DOCUMENT

- 1 As indicated in the final hearing session on 24 May 2018 and as confirmed by my subsequent note I am writing to set out my interim views on further modifications that are needed to make the Peak District National Park Development Management Policies (DMP) document sound. My views concern matters of soundness in terms of consistency with national policy, effectiveness and justification.
- 2 I understand, following the discussions that took place at the hearing that the Authority intends to put forward further modifications to policies DME1, DME4, DME5, DMH8, DMH9, DMS1, DMU1 and DMMW5. Modifications to those policies are necessary in the interests of effectiveness. I will explain the reasons for my findings in detail in my final report.
- 3 In addition to these discussed modifications, there remain a number of issues which concern the soundness of the document. I set out below my interim views on these issues which are intended to assist the Authority in preparing modifications to the DMP. In reaching these views I have taken into account the representations made and the comments made at the hearing. I have concentrated on principal issues and have not covered all policies in detail.
- 4 My comments are given without prejudice to the contents of my final report which will follow consultation on Main Modifications. In particular the emergence of further evidence or any change to national policy may alter my conclusions.

Conserving and enhancing the National Park's valued characteristics

- 5 Policy GSP1 of the Core Strategy states the requirement of national policy, now in paragraph 116 of the National Planning Policy Framework (the Framework) regarding major development. However policy DMC1 part B is not entirely consistent with either the Core Strategy or national policy in that it takes a generally restrictive approach to development and does not allow for consideration of the extent to which such effects could be moderated, which together with other considerations forms part of national policy. Additionally, the supporting text refers to consideration of 'serious adverse effect' which differs both from the requirement of policy DMC1 and national policy. There should be more flexibility in the policy to ensure its justification. The policy and the supporting text should be amended to ensure consistency with national policy and effectiveness.
- 6 Policies DMC6, DMC8 and DMC9 concerning designated heritage assets should state that public benefits would be weighed against less than substantial harm, in order to ensure consistency with national policy in paragraph 134 of the Framework.
- 7 Part A (iii) of policy DMC10 takes a restrictive approach to conversion of heritage assets to higher intensity uses where these are outside settlements, farmsteads and groups. Higher intensity uses are defined in the supporting text as including recreation use, holiday accommodation, business use and housing. Paragraph 28 of the Framework supports the sustainable growth and expansion of business in rural areas, including through conversion of rural buildings, and sustainable rural tourism. Paragraph 55 allows for the use of heritage assets for housing in rural areas. The restrictive approach of DMC10 A (iii) is inconsistent with national policy in these respects. It is also inconsistent with other policies in the Plan, notably DME5, DMR3, DMH1, DMC10C and HC1 of the Core Strategy. This inconsistency should be addressed.

Farming and Economy

- 8 The restriction in DME2A to use within a use class is unduly restrictive and not justified. Such restrictions can only be achieved by imposing conditions restricting permitted changes of use. Any such condition must meet the six tests in paragraph 206 of the Framework and it is not possible to say that those tests would be met in all cases. Therefore a rigid, blanket policy such as this is not justified. A possible form of wording could be "Where proposals for farm diversification are allowed, the Authority will consider removing permitted development rights to limit the range of uses permissible, where to do so would be necessary, reasonable and consistent with national policy".

- 9 The wording of part B of policy DME4 is restrictive in terms of requiring businesses to demonstrate need. The Framework in paragraph 21 requires policies to be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. I suggest that the policy wording is adjusted to "have regard to" the need for particular business premises.

Housing

- 10 In the amendments suggested in its hearing statement the Authority has included the revised definition of affordable housing which is in the consultation draft revised Framework. Depending on the content of the final adopted document and the timing of its adoption this may need to be revisited.
- 11 Paragraph 6.37 states that homes built by individuals to meet their own need are classified as intermediate houses, within the definition of 'affordable housing'. Such housing would be permitted under policy DMH1. However that policy does not permit self-build and custom build housing, which is described in paragraph 6.12. In order to be clear and effective, either the supporting text should be amended to clearly explain the differences between these types of housing as identified or part C of policy DMH1 should be amended if the two types cannot effectively be distinguished.

Shops, Services and Community Facilities

- 12 The requirement of policy DMS1 to provide supporting evidence to show that local convenience shopping would not be adversely affected or undermined is vague. If it is a policy requirement to provide a retail impact assessment then the floorspace threshold should be set and this would require justification. As worded the policy is not effective as its detailed requirements are not clear.

Travel and Transport

- 13 Policy DMT1 is unduly restrictive with respect to railway development. Although there is a need to consider any major development in accordance with national policy it is also a requirement of national policy to encourage the development and use of sustainable means of transport. Enhancement of the Hope Valley line and re-instatement of the Woodhead and Matlock to Buxton line would be cross-park infrastructure but it is not clear whether a compelling national need could be demonstrated for those projects. The Authority should consider changing the emphasis of the policy to be more supportive of railway development.
- 14 As worded, policy DMT1 would also potentially be unduly restrictive with respect to improvements and alterations to local roads which may

be necessary to improve highway safety or accommodate new development. The policy wording should be altered to allow for such alterations in order to be justified, effective and consistent with paragraph 32 of the Framework.

Minerals and Waste

- 15 The text in paragraph 11.1 of the DMP which states that 'The general direction of core strategy policy is therefore to continue to enable progressive reduction in mineral working in the National Park' has a different emphasis from the 'gradual' reduction of aggregates and other land-won minerals in paragraph 14.4 of the Core Strategy. Paragraph 144 of the Framework requires as far as is practical the maintenance of landbanks of non-energy minerals from outside National Parks. However paragraph 11.1 of the DMP does not recognise the practicality of needing to work minerals where they occur. Neither does it distinguish between the different types of minerals that are worked or recognise the value of fluorspar or local building stone. The paragraph should be amended to state that major developments will not be allowed except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Any statement which refers to gradual reduction in minerals working must be qualified to acknowledge practical considerations in ensuring adequate supplies of minerals taking into account the availability of minerals outside the National Park. These amendments are necessary to ensure consistency with national policy.
- 16 The detailed criteria in policy DMMW1 do not fully reflect the requirements of paragraph 116 of the Framework. Evidence of the proximity of the mineral extraction to the end-user market is only likely to be relevant in limited cases. National need is a relevant consideration under paragraph 116 and the policy should include reference to this. Applicants should not be required to demonstrate the viability of their proposal but the viability of alternatives would be relevant. The reference to viability in part A should be explained in this context. The policy should also include a reference to the impact of permitting or refusing proposals on the local economy as provided for by paragraph 116. The need to demonstrate the requirements set out in the criteria may vary in the case of applications for extensions to mineral workings and the policy should acknowledge this.

Process

- 17 I am not inviting comments from the Authority or anyone else on the preliminary views expressed in this letter. They are primarily provided for the purpose of identifying the matters where consideration should be given to modifications in order to achieve soundness. These are in

addition to those which have been set out in the Authority's hearing statements. If there are any points of fact or clarification that the Authority wishes me to address please let me know.

- 18 The Authority should now prepare a consolidated schedule of main modifications and should consider the need for any consequential changes that might be required in connection with any main modifications. I will need to see the draft schedule before it is published and may have comments on it. The Authority should satisfy itself that it has met the requirements for sustainability appraisal by producing an addendum to the Sustainability Appraisal of the submitted plan in relation to the main modifications, as appropriate. I will need to see a draft of the addendum and may have comments on it. The addendum should be published as part of the public consultation.
- 19 The Authority should also consider whether the main modifications necessitate any further Habitats Regulations Assessment.
- 20 The Authority should identify any additional modifications it wishes to make and should send these to me together with its schedule of main modifications. This is simply for me to check that they are in fact additional modifications and not main modifications which affect the substance or application of a policy. It should be made clear in the consultation on Main Modifications that additional modifications (if these are included in the consultation) are not a matter for the Inspector.
- 21 I would be grateful if the Authority would now provide a timetable through to the publication of the main modifications for consultation. In the meantime if the Authority has any procedural or other questions, please contact the Programme Officer.

Nick Palmer

INSPECTOR

6 June 2018