

## **Peak District National Park Authority - Development Management Policies Comments on Policies Proposed by Participants during Examination**

### **Policies to be considered:**

- 1. Renewable Energy**
- 2. Riverside Business Park**
- 3. Community Led Housing**
- 4. Hydrocarbon development (Fracking)**

### **1. Renewable Energy – Proposed by Chatsworth Settlement Trustees**

*A. Proposals for renewable energy development will be supported, subject to a balanced consideration of the following criteria:*

- (i) the contribution to renewable energy consumption and reducing carbon emissions, and associated legally binding targets;*
- (ii) the demonstrable economic and other public benefits, which may arise;*
- (iii) the effects on the special qualities of the National Park;*
- (iv) landscape and visual impacts, including both stand-alone or cumulative impacts;*
- (v) residential amenity impacts, including visual amenity and noise, and where relevant air quality and shadow flicker;*
- (vi) hydrological and drainage impacts;*
- (vii) impacts on designated nature conservation sites, protected species and habitats;*
- (viii) impacts on the significance of designated heritage assets, and their setting;*
- (ix) impacts on public rights of way and bridleways, and associated recreation use;*
- (x) proposed access arrangements for the construction and maintenance of the development;*
- (xi) impact on existing land use and agricultural land classification; and*
- (xii) where relevant, impacts on telecommunications and aviation infrastructure.*

*B. Where the impacts of renewable energy development are (or can be made) acceptable proposals for renewable energy development will be approved. Mitigation, where this is proposed, will be considered favourably where this may address potential impacts.*

*C. At such time when a renewable energy development becomes redundant or reaches the end of its consented period, above ground structures shall be decommissioned and the site restored.*

*D. The applicant will be required to provide information that is no more than sufficient to understand the potential benefits and impacts of the development.*

## **Comments by Peak District National Park Authority**

This policy was proposed as part of representations made on the Publication version of the Development Management Policies (DMP). At that stage, the original decision not to bring forward an additional renewables policy was maintained. Taking into account the plan as a whole, a policy relating to renewables is already set out in the Core Strategy, namely policy CC2: Low carbon and Renewable Energy Development.

This policy takes a positive position in encouraging proposals for low carbon and renewables development subject to an assessment of their impact on landscape character, cultural heritage assets, other valued characteristics and other established uses in the area.

It considers the cumulative impacts of renewables infrastructure both within and across the National Park boundary.

It then goes on to consider the balance between conservation interests and other benefits of renewable and low carbon development. This element was subject to a debate both during the hearing into the Core Strategy and following adoption. Nevertheless the policy as constructed was considered sound. The Authority contended that it was important to reflect the statutory nature of protections in National Park purposes in dealing with the question of planning balance.

Following adoption, a series of cases involving small to medium sized wind turbines in the White Peak landscape character area tested the policy and in one case an Inspector found that the construction of the policy did not allow beneficial aspects of renewables development to be considered alongside matters of harm. Nevertheless the appeal was dismissed on grounds of landscape harm.

In considering the merits of the policy the Authority determined that the essential conservation objectives were made clear by policy CC2 and therefore still had some merit. However the perception that the policy was negatively framed required attention and as such 2 actions followed. Firstly a supplementary planning document was produced in order to further explain the planning balance that must be made taking beneficial aspects into account. Secondly, a series of promotional documents were produced to highlight exemplar case studies.

On the back of the policy a regular flow of renewable and low carbon proposals have been approved in addition to the high numbers of installations approved through permitted development.

The move to a low carbon environment is an important objective for National Park Authorities but one that must be managed carefully in order to integrate new infrastructure into nationally important landscapes.

The Authority will welcome the opportunity to review this area of policy upon a full review of the Local Plan but feels there is no justification to bring about the different balance assumed by the proposed policy at this stage and without a full exploration of evidence and alternatives that could be generated by a more substantive issues and options stage. Moreover such a stage would allow a full Sustainability Appraisal and Habitats Regulations Assessment to be undertaken.

The range of detailed criteria suggested are already adequately covered, either by policy CC2 or by other Development Management policies.

In conclusion, the Authority does not wish to include the proposed policy.

## **2. Riverside Business Park – Proposed by Litchfield’s on behalf of Litton Properties**

*Riverside Business Park is an important mixed-use destination and the largest concentration of Class B employment floorspace in the Peak District National Park. The use of existing floorspace and the development of new floorspace at the Business Park will be permitted for a range of uses, subject to criteria. Development of the Riverside Business Park may include:*

- (a) employment uses (B1/B2/B8);*
- (b) housing, including a proportion of affordable housing subject to further assessment of viability;*
- (c) commercial uses comprising financial and professional services (A2), shops (A1), and restaurants and cafés (A3);*
- (d) Tourist accommodation (C1); and/or*
- (e) Leisure (D2).*

*Development will be permitted provided that:*

- (i) The site remains predominantly in employment use (B1 /B2/B8);*
- (ii) The heritage assets and their settings are adequately safeguarded in the long term;*
- (iii) The design, layout, and landscaping are satisfactory;*
- (iv) There would be no significant adverse impact on the amenity of surrounding uses; and*
- (v) The access arrangements are satisfactory.*

### **Comments by Peak District National Park Authority**

The Riverside Business Park is one of a small handful of strategically important business sites within the Peak District National Park. As such it has been identified in a list of sites worthy of being safeguarded for such use.

The Authority contend that existing policy DME3 (with suggested minor modifications) alongside other policies in the plan provides the basis for the protection of the highest quality and most suitably located business sites.

From a technical perspective, the criteria proposed are weaker than those anticipated for example by DMC3: Siting, design, layout and landscaping. This looks for the detailed treatment of schemes to be of a high standard that respects, protects and where possible enhances the natural beauty, quality and visual amenity of the landscape, including wildlife and cultural heritage that contribute to the distinctive sense of place. Whereas the proposed policy only requires that “the design, layout and landscaping are satisfactory”.

The Riverside Business Park now benefits from a full set of planning permissions enabling the redevelopment of the site as a modern business park, including a 72-bed Premier Inn, realising policy objectives of the Core Strategy.

The planning permissions also smooth the way for a D2N2 (LEP) grant which has been earmarked for this site and is currently under negotiation. This would assist the delivery of associated infrastructure, improving access to the site via a new bridge from the A6.

As such, it is considered that the policy is not necessary.

## Community Led Development – Proposed by John Youatt

### Community led development

*1. Proposals for housing or other locally needed development led by a community interest will be approved, subject to other policies in this plan. Applications driven by commercial entities will not be assisted or encouraged.*

*2. Proposals can include cross subsidy from the added value of open market housing or other added value, sufficient to meet enhancement costs, where there is no alternative source of capital.*

### Comments by Peak District National Park Authority

The key difference between aspects of this policy and existing policies (adopted Core Strategy and emerging Development Management Policies document) appears to be the resistance to commercially driven schemes in favour of those proposed, inspired by and delivered by the local community.

Policy HC1 of the Core Strategy already allows for community led schemes and schemes involving the community to be delivered. This may be achieved through either the exceptions site approach or via enhancement sites.

**Exceptions sites** by their nature, are only accepted where they support delivery of locally needed affordable housing and as such attract involvement by local housing associations and in a recent case at Youlgrave, a Community Land Trust. They are predicated on a local housing needs survey and their development involves Parish Councils both in the survey stage and in exploring potential sites.

**Enhancement sites** are driven by the need to take opportunities to enhance the valued characteristics (special qualities in other words) of the National Park. Policy HC1 part C accepts that market housing can form a part of the housing mix to deliver an enhancement site but also seeks to provide a contribution to affordable housing. This is only prevented where the costs of developing the site to include affordable houses make the scheme unviable. Nevertheless a number of approved enhancement sites have contributed to affordable housing in the area, including a contribution of 12 homes (out of a total of 55) to a Community Land Trust as part of the redevelopment of an engineering business in the village of Bradwell.

It is questionable whether the range of enhancement schemes that have been approved would have occurred without the commitment of private (or commercially oriented) investment. To lose the potential for such enhancements would undermine this objective of the Core Strategy which aligns so closely to National Park purposes.

Certainly to move to a policy that discourages or prevents a commercial element would require a new evidence base and whole plan viability testing to ensure the approach would be sound. Such evidence could be brought forward as part of a more substantive review or strategic policies, but as it stands the proposed policy is unlikely to be sound.

The existing (Core Strategy) and proposed (Development Management) policy framework already supports community involvement in the development of local schemes, including through the Authority's support for neighbourhood planning.

A technical observation regarding the proposed policy is that it contains no control criteria to ensure the strategic intent, for instance it does not suggest that “commercially driven enterprises will not be permitted”. Instead it only suggests that such entities “will not be assisted or encouraged”.

As such it is considered that there is no justification to move to a different strategic model of delivery through the Development Management Policies document and as such the proposed policy is not supported by the Authority at this stage.

### **3. Hydrocarbon development (Fracking) – proposed by Friends of the Peak District**

*Example taken from Policy M16, North Yorkshire Joint Minerals and Waste Plan (Publication Draft November 2016).*

*Hydrocarbon development of the types identified below should be located in accordance with the following principles:*

*a)*

*Exploration, appraisal and production of conventional hydrocarbons, without hydraulic fracturing;*

*Exploration for unconventional hydrocarbons, without hydraulic fracturing:*

*Proposals for these forms of hydrocarbon development will be permitted in locations where they would be in accordance with Policies M17 and M18 and, where relevant, part d) of this Policy.*

*b)*

*Exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing;*

*Exploration for unconventional hydrocarbons, involving hydraulic fracturing;*

*Appraisal and/or production of unconventional hydrocarbons (other than coal mine methane):*

*Surface proposals for these forms of hydrocarbon development will only be permitted where they would be outside the following designated areas: National Park, AONB, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and Accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II\* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest. Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will only be permitted where it can be demonstrated that significant harm to the designated asset will not occur. Where lateral drilling beneath a National Park or AONBs is proposed for the purposes of appraisal or production, this will be considered to comprise major development and will be subject to the requirements of Policy D04. Surface and sub-surface proposals for these forms of hydrocarbon development will also be required to be in accordance with Policies M17 and M18. Surface proposals will also, where relevant, need to comply with Part d) of this Policy.*

*c) Coal mine methane:*

*Proposals for production of coal mine methane resources will be supported where any surface development would be located on industrial or employment land or within the developed surface area of existing or former coal mining sites.*

*d) All surface hydrocarbon development:*

*i) Where proposals for surface hydrocarbon development fall within a National Park or an AONB or associated 3.5km buffer zone identified on the Policies map, or is otherwise considered to have the potential to cause significant harm to a National Park and/or AONB, applications must be supported by a detailed assessment of the potential impacts on the designated area/s. This includes views of and from the associated landscapes from significant view points and an assessment of the*

*cumulative impact of development in the area. Permission will not be granted for such proposals where they would result in unacceptable harm to the special qualities of the designated area/s or are incompatible with their statutory purposes in accordance with Policy D04.*

*ii) Surface hydrocarbon development will only be permitted where the undeveloped character of defined Heritage Coast will be protected.*

*e) Conversion of well pads and wells for further or alternative forms of hydrocarbon development:*

*Where proposals are brought forward for the conversion of an exploration well pad or individual well to one to be used for appraisal and/or production purposes, or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons, such proposals shall be subject to the spatial principles set out in this Policy as relevant.*

### **Comments by Peak District National Park Authority**

The North Yorkshire example as set out above does not easily fit with the policy needs of a National Park as it necessarily covers a broader area including both designated landscapes (AONB's and National Parks) alongside undesignated areas. As such a policy may be more justified in order to explain the differing approaches to promotion and protection.

In contrast the Local Plan for the National Park requires a strong policy starting position which is achieved through policy MIN 1 and context in the Core Strategy, alongside the provisions laid down in regulations, namely that surface level extraction of unconventional hydrocarbons (fracking) will not be permitted in National Parks; leaving potential only for proposals to come forward below 1200m. Owing to this strong context DMP coverage is limited to a reference in the supporting text to the legal context and explains how existing policies will be applied in respect of proposals for unconventional hydrocarbons.

It is unreasonable to include detailed policies relating to land outside the plan area as it is the responsibility of each respective planning authority to set out an appropriate local planning framework e.g. the Minerals Local Plan of a County Council.

However, when dealing with applications for schemes which span the National Park boundary it will be possible to apply a suite of policies both in relation to minerals development and others detailing the scope for impacts on the valued characteristics of the National Park. Similarly where developments occur within close proximity to the National Park there remains scope to make strong representations on any scheme impacting negatively on the setting of the protected area. The Authority works hard to ensure that all neighbouring plans include policies that pay regard to the purposes of the National Park. When commenting on proposals the Authority may still make reference to valued characteristics, including the flow of landscape character across and beyond the National Park boundary. This is already a feature of the definition of valued characteristics laid down in paragraph 9.15 of the Core Strategy.

As such the policy proposed is not considered necessary.