

# *Plan Review – Peak District National Park Authority*

*Review of the Development Management Policies DPD*



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## *Chapter 1: Introduction*

# 1 Introduction

## 1.1 Planning Advisory Service plan review support

- 1.1.1 The Planning Advisory Service (PAS) provides consultancy and peer support, learning events and outline resources to improve local government planning. 'Plan review' is one of a range of direct support packages available to local authorities.
- 1.1.2 Plan review draws on recent Government announcements, Planning Practice Guidance (PPG), policy and the tests of soundness presented within the National Planning Policy Framework (NPPF) and the latest reports on local plans issued by the Planning Inspectorate (PINS). The reviews also take into consideration matters of compliance with planning and environmental assessment regulations. Plan review is akin to a health check. It is about helping councils to 'take a step back' and understand the risks and opportunities that the plan in its current form presents.
- 1.1.3 The output is generally a short advice note setting out some thoughts and suggested actions.
- 1.1.4 Outcomes can include increased confidence in the draft plan and an understanding of any vulnerable areas plus potential mitigating actions.

## 1.2 Support to the Peak District National Park Authority

- 1.2.1 The Peak District National Park Authority (henceforth the 'Park Authority') is currently in the process of preparing a new NPPF-compliant replacement for its Development Management Policies in the 2001 Local Plan (henceforth 'DM DPD'). The Core Strategy was adopted in 2011, but was recently reviewed to determine compliance with the NPPF. This review concluded that the Core Strategy did indeed comply with the NPPF.
- 1.2.2 The Development Management policies are being updated and rationalised to comply with the requirements of the NPPF and there is an appreciation that despite the Park Authority's status, and the discrete nature of the review, the correct processes and checks need to be complied with none the less.
- 1.2.3 With this in mind, AECOM have undertaken a policy-by-policy check of the draft DM policies to provide detail on which policy text is in compliance with the NPPF and which is not. The scope has been further expanded, following a meeting with the Park Authority, to cover the following issues in the context of the Park Authority and emerging DM DPD:

- 1) The likelihood of the Inspector to open discussions on 'wider' plan issues such as Objectively Assessed Housing Need and the need for a five year land supply i.e. those issues that would otherwise be addressed in a Core Strategy type Local Plan Part 1.
- 2) Address DtC requirements and comment on the linkage to DM policies and how discussions have held to shape these as well as strategic issues
- 3) Comment on how the Park Authority can demonstrate whole plan viability.
- 4) Consideration of the wider policy landscape as it relates to Local Development Orders, starter homes, first time buyer grants and other emerging initiatives.
- 5) Consideration of the wider spatial issues e.g. related to Local Enterprise Partnerships and potential Combined Derbyshire Spatial Statement.

1.2.4 The report has been structured to reflect this revised scope. Chapter 2 covers NPPF compliance and Chapter 3 addresses the wider scope issues. Chapter 4 sets out recommendations and next steps.

### 1.3 Method

1.3.1 The NPPF tests of soundness are used as the basis for structuring the review. The NPPF defines a sound approach as one that is:

- **Positive** – i.e. based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – i.e. the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – i.e. deliverable over the plan period, including in-light of the potential need for joint / cross-boundary working; and
- **Consistent with national policy** – i.e. in-line with the need to achieve sustainable development in accordance with the policies in the NPPF.

1.3.2 The report is structured around the above headings with a conclusions and recommendations section summarising the various risks and opportunities highlighted in this report.

1.3.3 In undertaking this assessment we have been informed by the Inspector's opinions from three examinations of Development management DPDs:

- **Lancaster City Council:** Report on the Examination into Lancaster District Development Management Development Plan Document and the Morecambe Area Action Plan.<sup>1</sup>

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<sup>1</sup>

<https://www.lancaster.gov.uk/GetAsset.aspx?id=fAAxADAAOQAxADUAFAB8AFQAcgB1AGUAFAB8ADAfAA1>

- **Southend on Sea Borough Council:** Report on the Examination into the Southend on Sea Development Management DPD<sup>2</sup>
- **Norwich City Council:** Report on the Examination into the Norwich Development Management Policies Local Plan<sup>3</sup>

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[https://www.southend.gov.uk/info/200420/development\\_plan\\_documents/389/development\\_management\\_dpd](https://www.southend.gov.uk/info/200420/development_plan_documents/389/development_management_dpd)

<sup>3</sup> <http://www.norwich.gov.uk/localplanupdate>

*Chapter 2: Assessment*

## 2 *Assessment*

- 2.1.1 The Development Management DPD should be based on a Local Plan based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. The NPPF sets out 12 principles through which it expects sustainable development can be achieved.
- 2.1.2 **Table 2.1** sets out a policy by policy review of the policies included in Appendix 1: A compendium of Draft Polies

**Table 2.1:** Policy by policy assessment of the DM DPD policies

| <i>Policy number</i>  | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>   |
|---|-----------------|------------------|------------------|---|
| LDM1<br>Presumption in favour of sustainable development  | ✓               | ✓                | ✓                | Consistent.<br>NPPF seeks LPAs to follow the approach of the presumption in favour of sustainable development. Policy LDM1 clearly demonstrates this and complies with paragraphs 14 and 15 of the NPPF. It also adheres to NPPF paragraph 151, which requires local plans to be prepared with the objective of contributing to the achievement of sustainable development.   |
| LDM2<br>Delivering National Park purposes and protecting the National Park's valued characteristics | ✓               | ✓                | ✓                | Consistent.<br>Policy LDM2 reflects paragraph 7 and the recognised three dimensions (economic, social and environmental) to sustainable development. Paragraph 8 requires the three dimensions to be sought jointly and simultaneously through the planning system, which LDM2 seeks to achieve. Specifically, paragraph 115 applies much greater weight to the conservation of landscape, biodiversity and heritage in national parks than outside. Policy LDM2 accounts for this.   |
| LL1<br>Conserving and managing the Natural Zone   | ✓               | ✓                | ✓                | Consistent.<br>NPPF paragraph 157 requires local plans to contain a clear strategy for enhancing the natural environment. Policy LL1 promotes the Natural Zone and applies strict protection to the landscape and geology of this area. The strict protection is supported by paragraph 10 of the NPPF, which acknowledges that plans need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development in different areas. The policy complies with NPPF paragraphs 109 and 113, which require protection of landscape and geology and the application of criteria based policies against which proposals affecting landscape and geology can be judged. |
| LL2<br>Landscape conservation and enhancement   | ✓               | ✓                | ✓                | Consistent.<br>NPPF paragraph 157 requires local plans to contain a clear strategy for enhancing the natural environment. Paragraph 109 requires the protection and enhancement of valued landscapes whilst paragraph 110 identifies the aim in preparing plans to meet   |

| <i>Policy number</i>  | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>  |
|---|-----------------|------------------|------------------|--|
|   |                 |                  |                  | development needs should be to minimise pollution and other adverse effects on the natural environment. Furthermore, paragraph 115 applies great weight to conserving landscape and scenic beauty. Through establishing a strategy and incorporating subject areas addressed by the NPPF against which proposals must be assessed, Policy LL2 meets the requirements of the NPPF.  |
| LL3 Siting, design, layout and landscaping                      | ✓               | ✓                | X                | <p>Not consistent.</p> <p>A core land use planning principle, as listed in NPPF paragraph 17, is to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings. In paragraph 57 the NPPF goes on to require positive planning for the achievement of high quality and inclusive design. Whilst Policy LL3 clearly promotes high quality design it omits inclusivity such as referring to the accommodation by design of less able bodied groups such as disabled and elderly persons. This omission brings into question the deliverability of the plan over its period.</p> <p>The policy conforms to NPPF paragraphs 58-62 by avoiding unnecessary prescriptive criteria and providing general design requirements. The policy provides for the design of buildings and areas, taking account of establishing a sense of place, responding to the local landscape and heritage setting and creating visually attractive and secure developments. It also reflects the requirements of NPPF paragraphs 126 and 128 with regards to considering the historic context and distinctiveness, and assessing the significance of heritage assets that may be affected. The policy requires attention to be paid to cumulative impacts of development in the national park, which reflects NPPF paragraph 115 by the application of great weight to conserving landscape and scenic beauty as well as wildlife and cultural heritage.</p> |
| LL4 Pollution, disturbance, contaminated land and unstable land | X               | ✓                | ✓                | <p>Not consistent.</p> <p>Policy LL4 is in accordance with NPPF paragraph 109 which expects the prevention of new development that contributes to pollution and meets the aim of paragraph 110 to minimise pollution and other adverse effects on the local and natural environment. NPPF paragraphs 120-122 and 125, relating to ground pollution, land instability and light</p>   |

| <i>Policy number</i>  | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>  |
|---|-----------------|------------------|------------------|--|
|   |                 |                  |                  | pollution, are adhered to. An apparent omission is that of noise and air quality (NPPF paragraphs 123 and 124), which would be expected some reference in a policy of this type. These omissions conflict with the overarching aim of the planning system to achieve sustainable development, in this instance the policy limits the plan from completely achieving an environmental role, to include the minimisation of pollution as per NPPF paragraph 7.   |
| LL5 Settlement limits   | ✓               | ✓                | ✓                | Consistent.<br>NPPF paragraph 17 requires the active management of patterns of growth to focus significant development in locations which are or can be made sustainable. NPPF paragraphs 109 and 115 require the protection and enhancement of landscape value, with greater weight applied to national parks than to areas outside of this designation. Policy LL5 seeks to strike a balance between the aforesaid requirements of the NPPF and in doing so accords with them.   |
| LL6 Safeguarding, recording and enhancing nature conservation interests | X               | ✓                | X                | Not consistent.<br>Policy LL6 complies with NPPF paragraph 109 and 114 which require the minimisation of impacts on biodiversity and positive planning for the creation, protection, enhancement and management of biodiversity networks. However, its requirement to ensure nature conservation of features of importance in their original location is deemed inconsistent with the NPPF. At paragraph 118, the NPPF expects the application LPAs to refuse development only if significant harm cannot be avoided. It clearly states that measures to avoid such harm include, albeit as a last resort, compensation. In acceptable practice, this could be the relocation of a nature conservation feature, for example. This inconsistency is considered to conflict with the presumption in favour of sustainable development principle and doubts the effectiveness of the plan in its ability to deliver over the plan period. |
| LL7 Sites, features or species of wildlife, geological or               | ✓               | ✓                | ✓                | Consistent.<br>Biodiversity and geology is covered across a number of NPPF paragraphs namely 109, 113, 114, 115, 117, 118 and 119. Policy LL7 is broadly considered to comply with the applicable requirements of the NPPF therefore suggesting its consistency with the Framework. One  |

| <i>Policy number</i>   | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>   |
|--|-----------------|------------------|------------------|---|
| geomorphological importance  |                 |                  |                  | notable exclusion is any reference to the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds of Habitats Directives is being considered, planned or determined.   |
| LL8 Protecting trees, woodlands or other landscape features put at risk by development | X               | ✓                | ✓                | Not consistent.<br>Policy LL8 complies with NPPF paragraph 109 in requiring the protection of valued landscapes and to minimise impacts on biodiversity. Specifically it addresses the protection of trees and hedgerows, including ancient woodland, as covered by NPPF paragraph 118. Paragraph 118 resists the loss of or deterioration of irreplaceable habitats and the loss of aged or veteran trees unless the need for, and benefits of, the development in that location clearly outweigh the loss. Although the principle of the policy does not conflict with paragraph 118, it does not extend an allowance for development in exceptional circumstances which in turn goes against the principle in favour of sustainable development. |
| LL9 Assessing the impact of development on heritage assets and their settings.         | ✓               | ✓                | ✓                | Consistent.<br>The NPPF addresses the assessment of heritage assets and their settings across paragraphs 126, 128, 129, 131-136 and 141. Policy LL9 complies with these paragraphs.   |
| LL10 Scheduled Monuments   | X               | ✓                | ✓                | Consistent.<br>NPPF paragraph 132 recognises that substantial harm or loss of scheduled monuments should be wholly exceptional. The principle of Policy LL10 follows paragraph 132, however it does not extend an allowance for development in wholly exceptional circumstances which in turn goes against the principle in favour of sustainable development.  |
| LL11 Listed Buildings  | ✓               | ✓                | ✓                | Consistent.<br>NPPF paragraphs 132 to 134 and 141 are applicable to policy LL11 and against which the policy complies.  |
| LL12 Conservation Areas  | ✓               | ✓                | ✓                | Consistent.<br>Policy LL12 addresses the requirements of NPPF paragraphs 135-138 and 141 and  |

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|---|-----------------|------------------|------------------|---|
|   |                 |                  |                  | therefore complies with them.   |
| LL13<br>Registered<br>Parks and<br>Gardens                              | ✓               | ✓                | ✓                | Consistent.<br>Policy LL13 addresses the requirements of NPPF paragraph 132 and therefore adheres to them.  |
| LL14<br>Conversion of<br>heritage assets                                | ✓               | ✓                | ✓                | Consistent.<br>NPPF paragraphs 126 and 131-136 apply to policy LL14. The policy accords with the paragraphs' requirements.  |
| <b>Recreation and Tourism</b>   |                 |                  |                  |   |
| LRT1 Camping<br>and touring<br>caravan sites                            | ✓               | ✓                | ✓                | Consistent.<br>One of the core principles of the planning system, as recorded by NPPF paragraph 17, promotes mixed use developments and encourages multiple benefits from the use of land in rural areas recognizing that some open land can perform many functions (such as wildlife and recreation). NPPF paragraph 19 places significant weight on the need to support economic growth. Paragraph 28 follows this up by supporting a strong rural economy and includes that of sustainable growth and expansion of all types of business and the provision and expansion of tourist facilities in appropriate locations. Furthermore, NPPF paragraph 64 resists poor design that fails to improve the character and quality of an area. Policy LRT1 addresses these principles and requirements and is in direct compliance with the NPPF. |
| LRT2 Holiday<br>occupancy of<br>camping and<br>touring caravan<br>sites | ✓               | ✓                | ✓                | Consistent.<br>Policy LRT2 complies with NPPF paragraph 115 by seeking to protect valued characteristics of the area whilst also adhering to paragraph 28 by allowing the expansion of tourist facilities in appropriate locations.   |
| LRT3 Holiday<br>occupancy of<br>self-catering<br>accommodation          | ✓               | ✓                | ✓                | Consistent.<br>Policy LRT3 complies with NPPF paragraph 115 by seeking to protect valued characteristics of the area whilst also adhering to paragraph 28 by allowing the expansion of tourist facilities in appropriate locations.   |

| <i>Policy number</i>  | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>  |
|---|-----------------|------------------|------------------|--|
| LRT4 Facilities for keeping and riding horses                                       | ✓               | ✓                | ✓                | Consistent.<br>Policy LRT4 complies with NPPF paragraphs 28, 70 with regards to the provision of recreational facilities, and paragraphs 109, and 115.   |
| <b>Homes and communities</b>  |                 |                  |                  |  |
| LHC1 New affordable housing   | ✓               | ✓                | ✓                | Consistent.<br>NPPF paragraph 10 recognises that local plans need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. Paragraph 47 requires local plans to meet the full, objectively assessed need for affordable housing. Paragraph 50 expects the delivery of a wide choice of housing provision including where affordable housing need is identified. Paragraph 54 requires LPAS to be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing. Policy LHC1 addresses the delivery of new affordable housing in line with the aforesaid NPPF paragraphs. It also accounts for the limitations of the environmental value of the national park, which reflects NPPF paragraph 115. Please see our additional advice regarding viability later on in the report. |
| LHC2 First occupation of new affordable housing                                     |                 |                  |                  | Para 10 –local plans need to account for local circumstances so that they respond to the different opportunities for achieving sustainable development in different areas.   |
| LHC3 second and subsequent occupation of affordable housing (the occupancy cascade) |                 |                  |                  | As above   |
| LHC4 Businesses having an essential need  | ✓               | ✓                | ✓                | Consistent.<br>Policy LHC4 responds to NPPF paragraphs 10 and 55. Paragraph 55 recognises that to promote sustainable development in rural areas, housing should be located where it will  |

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|---|-----------------|------------------|------------------|--|
| for worker accommodation  |                 |                  |                  | enhance or maintain the vitality of rural communities and seeks the avoidance of new isolated homes unless there are special circumstances. Policy LCH4 reflects this. The policy also responds to other NPPF paragraphs such as paragraph 17 (managing patterns of growth), 28 (supporting the rural economy), 58 (good design).  |
| LHC5<br>Conversion of outbuildings to ancillary residential use | ✓               | ✓                | ✓                | Consistent.<br>In supporting the transition to a low carbon future, NPPF paragraph 17 encourages the reuse of existing resources, including the conversion of existing buildings. Paragraph 50 promotes a mix of housing based on current and future trends and the needs of different groups in the community whilst paragraph 51 requires LPAs to bring back into residential use empty buildings. Policy LHC5 addresses these principles and requirements.  |
| LHC6<br>Conversion of buildings to open market residential use  | X               | ✓                | ✓                | Not consistent.<br>NPPF paragraph 49 expects housing applications to be considered in the context of the presumption in favour of sustainable development. Paragraph 17 and more specifically paragraphs 51 and 55 encourage the re-use of empty disused buildings. Paragraph 55 requires LPAs to avoid new isolated homes in the countryside unless there are special circumstances such as where redundant or disused buildings lead to the enhancement to the immediate setting. The policy LHC6 is very much geared towards the reuse of historic buildings built before 1914 and is of architectural and historic interest. Although paragraph 115 applies greater weight for the conservation of national parks, the policy is considered to conflict with the principle of the presumption in favour of sustainable development and limits support for the vitality of rural areas through housing provision. |
| LHC7<br>Redevelopment of previously developed sites             | ✓               | ✓                | ✓                | Consistent.<br>NPPF paragraph 111 requires the effective re-use of previously developed land provided that it's not of high environmental value. Paragraph 70 seeks local plans to guard against the unnecessary loss of valued social and recreational facilities whilst paragraph 74 resists open space from being built. Paragraph 109 protects valued landscapes. Policy LHC7 reflects the requirements of the NPPF.   |

| <i>Policy number</i>  | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>  |
|---|-----------------|------------------|------------------|--|
|   |                 |                  |                  | <u>This policy should be reviewed</u> in light of recent Government announcements regarding the possibility of zoning and starter homes exception sites for underused or unviable brownfield land <sup>4</sup> .   |
| LHC8<br>Extensions and alterations,   | ✓               | ✓                | ✓                | Consistent.<br>Policy LHC8 complies with NPPF paragraphs 58, 109 and 115.  |
| LHC9<br>Replacement dwellings,  | ✓               | ✓                | ✓                | Consistent.<br>Policy LHC9 complies with NPPF paragraphs 58, 115   |
| LHC10<br>Subdivision of dwelling units                                      | ✓               | ✓                | ✓                | Consistent.<br>Policy LHC10 complies with NPPF paragraphs 58, 115  |
| LHC11 New outbuildings in the curtilage of dwelling houses                  | ✓               | ✓                | ✓                | Consistent.<br>Policy LHC10 complies with NPPF paragraphs 58, 115. The NPPF defines Previously Developed Land as that which includes the curtilage of the developed land. Whilst this policy is generally consistent, it could be amended to include provisions within the NPPF that set out that not all the curtilage should be assumed should be developed. |
| LHC12 Section 106 agreements  | ✓               | ✓                | ✓                | NPPF paragraph 173 sets out that policies should ensure the provision of a competitive return to willing land owners and enable the development to be deliverable. On the other hand NPPF paragraph 28 encourages steps to support a prosperous rural economy (but does not mention housing)   |
| LHC13<br>Retailing and service provision in Core Strategy named settlements | X               | ✓                | ✓                | Not consistent<br>NPPF paragraph 23 sets out that town centres policies should provide positive, competitive town centre environments. Policies should promote choice and diversity as well as reflecting the individuality of town centres.   |
| LHC14 Change of use of shops,   | ✓               | ✓                | ✓                | Consistent   |

<sup>4</sup> <https://www.gov.uk/government/news/productivity-plan-launched>

| <i>Policy number</i>   | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>   |
|--|-----------------|------------------|------------------|---|
| community services and facilities                                |                 |                  |                  | NPPF paragraph 28 promotes the retention and development of local services and community facilities in villages, including local shops. This policy sets out to achieve the NPPF aim, by regulating change of use (to a non-community use). However, the steps required could potentially be overly onerous (i.e. the requirement to undertake investigations over a period of 6 months, and draw on the findings of a Housing Needs Survey). Also, it is noted that the policy supports, to some extent, change of use from shops, community services and facilities to affordable housing. It would seem (unless the existing evidence base is very strong) that this policy position should be arrived at subsequent to the consideration (through appraisal and consultation) of reasonable alternatives. Finally, it is suggested that the final criterion (c) is somewhat unclear.  |
| LHC15 Retail development outside Core Strategy named settlements | ✓               | ✓                | ✓                | <p>Consistent</p> <p>This policy looks to respond to specific issues that can arise within a rural area like the Peak District, e.g. the tendency to expand the retail offer at petrol stations. Reference is made to the importance of maintaining the retail vitality, viability or potential of nearby settlements, and also to the need to account for the Landscape Strategy and Action Plan. The policy has clearly been drafted in light of the NPPF Core Planning Principal to recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. However, there is also a need to balance this against the various aspirations around ‘supporting a prosperous rural economy’ set out within NPPF paragraph 28; and there is a need to give careful consideration to NPPF paragraph 25, which states that the sequential approach to retail development (whereby out of town development is the last resort) should not be applied to applications for small scale rural development. The Council might consider inserting reference to ‘small scale’ schemes, and potentially even look to appraise / consult-on two alternative approaches.</p> |
| LHC16 Shop Fronts  | ✓               | ✓                | ✓                | <p>Consistent</p> <p>Given the situation in the Peak District, this policy would seem to be in-line with NPPF paragraph 60, which states that: “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation,</p>   |

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|--|-----------------|------------------|------------------|--|
|  |                 |                  |                  | originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.” It would also seem to be in line with NPPF paragraph 67, which deals with advertisements. Paragraph 68 is also of note, as it suggests that an Area of Special Control Order should be sought where advertisements should be controlled on the basis of local amenity.  |
| LHC17 Outdoor Advertising  | ✓               | ✓                | ✓                | Consistent<br>The requirement for advertisements to be ‘of a high standard of design, materials and construction’ might be considered onerous as a criterion. It may be more appropriate to refer to these matters as a factor that will be taken into account when considering a proposal in terms of other criteria (e.g. those that relate to local amenity).   |
| LHC18 Safeguarding sites for community facilities                  | ✓               | ✓                | ✓                | Consistent<br>Whilst it is not immediately apparent that a policy is warranted (given other policy focused on community facilities), the policy may be justified given local circumstances. It is, of course, the case that community facilities should be supported through policy in the Peak District, and perhaps there is a tendency for delivery of community facilities to suffer from delays.  |
| LHC19 Retention of community recreation sites or sports facilities | ✓               | ✓                | ✓                | Consistent<br>This policy is consistent (near word for word, bar the final criterion) with NPPF paragraph 74, which deals with the protection of open space, sports and recreational buildings and land, including playing fields. It is also noted that NPPF paragraph 28 refers to the need to retain sports venues in rural areas. In order to ensure consistency with NPPF paragraph 74, the final criterion (“Exceptionally, where sites or facilities...”) should be amended to clarify that it is the site that must be demonstrated as being no longer needed for sports or recreation, not the existing facility. The Council might also wish to consider testing, through alternatives appraisal/consultation, the principal of delivering affordable housing on sites currently used for sports or recreation (in exceptional circumstances). This policy should be kept under review following Government announcements to expand on the |

**Policy number**   **Positive**   **Justified**   **Effective**   **Consistent with the NPPF**

Starter Homes exception site policy.

**Economy**

|  |   |   |   |  |
|--|---|---|---|--|
| LE1 Agricultural or forestry operational development   | ✓ | ✓ | ✓ | <p>Consistent</p> <p>Tight regulation of agricultural buildings is clearly justified in a National Park; however, there is a need to examine the criteria to be applied carefully, given NPPF policy on supporting a prosperous rural economy. It might be considered onerous to require applicants to provide information on the way in which the development would contribute to NPA objectives; and similarly in might be onerous to request applicants to demonstrate that the development would be unobtrusive within the landscape under a future scenario that involves landscape change resulting from agricultural or forestry practices.</p> |
| LE2 Farm diversification   | ✓ | ✓ | ✓ | <p>Consistent.</p> <p>NPPF paragraph 28 promotes the diversification of agriculture and expansion of rural business including through the conversion of existing buildings and well-designed new buildings. Policy LE2 complies with the NPPF.</p>   |
| LE3 Safeguarding employment sites  | ✓ | ✓ | ✓ | <p>Consistent.</p> <p>NPPF paragraph 22 requires local plans to avoid the long term protection of sites allocated for employment and allows for alternative uses to be applied for where market signals and the need for the use is substantiated. Policy LE3 complies with the NPPF. This policy should be kept under review following Government announcements to expand on the Starter Homes exception site policy.</p>   |
| LE4 Reuse of non-safeguarded, unoccupied or under-occupied employment sites in DS1 settlements | ✓ | ✓ | ✓ | <p>Consistent.</p> <p>NPPF paragraph 28 requires planning policies to support economic growth in rural areas in order to create jobs and to support the sustainable growth and expansion of all types of business and enterprise in rural areas. Policy E4 complies with the NPPF. This policy should be kept under review following Government announcements to expand on the Starter Homes exception site policy.</p>  |

| <i>Policy number</i>   | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>   |
|--|-----------------|------------------|------------------|---|
| LE5 Class B1 employment uses in the countryside outside DS1 settlements                  | ✓               | ✓                | ✓                | Consistent.<br>NPPF paragraph 28 supports economic growth in rural areas whilst paragraph 115 applies great weight to the conservation of the national park. Furthermore, NPPF paragraph 200 resists the use of removing permitted development rights by condition unless there is clear justification to do so. Policy LE5 complies with the NPPF. |
| LE6 Home working   | ✓               | ✓                | ✓                | Consistent<br>Paragraph 21 address live/work type arrangement in that policies should “facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.” The policy does conform to other element of the NPPF namely paragraphs 115 and 120.  |
| LE7 Expansion of existing industrial and business development                            | ✓               | ✓                | ✓                | Consistent<br>The policy does conform to NPPF paragraph 115 and 120 in terms of protecting amenity.   |
| LE8 Design, layout and neighbourliness of employment sites including haulage depots      | ✓               | ✓                | ✓                | Consistent<br>The policy does conform to NPPF paragraph 115 and 120 in terms of protecting amenity.   |
| <b>Minerals and waste</b>  |                 |                  |                  |   |
| LMW1 Assessing and minimising the environmental impact of minerals and waste development | ✓               | ✓                | ✓                | Consistent<br>LMW1 sets out a range of conditions for application for mineral development or waste management facilities. These are based to a large extent on the inference that as long as impacts can be mitigated or reduced to the minimum practical level then development, might be allowed.   |
| LMW2 Waste Management  | ✓               | ✓                | ✓                | Consistent<br>Waste management should largely be confined to the strategic polices in the core strategy   |

| <i>Policy number</i>                            | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>  |
|---|-----------------|------------------|------------------|--|
|   |                 |                  |                  | / Local Plan. The policy should refer to the National Waste Management Plan rather than the National Planning Policy for Waste.  |
| <b>Travel and transport</b>                     |                 |                  |                  |  |
| LT1 Cross-park infrastructure                   |                 |                  |                  | N/A  |
| LT2 Access and Design Criteria                  | ✓               | X                | ✓                | Not consistent<br>Access, in relation to transport, is covered in paragraph 32 in that it should be safe and achievable for all people. This latter point should be picked up in LT2   |
| LT3 Railway construction                        |                 |                  |                  | Not relevant<br>The NPPF considers rail construction to a limited extent in paragraph 31. However the creation of new railways would largely be a matter for the relevant authority. Nonetheless, the policy does provide protection for the park's environment. It should perhaps also include the special characteristics of the park as a condition of permission (the enhancement of).   |
| LT4 Development affecting a public right of way | ✓               | X                | ✓                | Not consistent<br>Paragraph 75 sets out the NPPF's view on PRow. These should be improved and added to. As currently drafted this policy might not be the most appropriate as it should build in connectivity into its formulation to ensure conformity with the NPPF paragraph 75 "Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails." |
| LT5 Operational parking                         | ✓               | ✓                | ✓                | Consistent<br>Paragraph 39 sets out the government's position on car park provision. Specifically it requires that planning policies take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.   |
| LT6 Non-operational                             | ✓               | ✓                | ✓                | Consistent<br>Paragraph 39 sets out the government's position on car park provision. Specifically it   |

| <i>Policy number</i>   | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>  |
|--|-----------------|------------------|------------------|--|
| parking  |                 |                  |                  | requires that planning policies take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.  |
| LT7 Residential off street parking                                   | ✓               | ✓                | ✓                | Consistent<br>Paragraph 39 sets out the government's position on car park provision. Specifically it requires that planning policies take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles. |
| LT8 Air transport  | ✓               | ✓                | ✓                | Consistent<br>This is consistent with paragraphs 115 and 120 of the NPPF in that the polices ensures that uses are located in the appropriate locations and that the characteristics of the park are protected.  |
| <b>Utilities</b>   |                 |                  |                  |  |
| LU1 Development that requires new or upgraded service infrastructure | ✓               | ✓                | ✓                | Consistent<br>This is in accordance with paragraph 115 of the NPOPF in protecting the characteristics of the National Park.  |
| LU2 New and upgraded utilities services                              | ✓               | ✓                | ✓                | Consistent<br>This is in accordance with paragraph 115, 43 and 120 of the NPOPF in protecting the characteristics of the National Park.  |
| LU3 Development close to utility installations                       | ✓               | ✓                | ✓                | Consistent<br>NPPF paragraph 17 sets out that the plan should secure a good standard of amenity. Paragraph 120 says that polices should ensure new development is appropriate for its location, including the effects of pollution and land instability.   |

| <i>Policy number</i>   | <i>Positive</i> | <i>Justified</i> | <i>Effective</i> | <i>Consistent with the NPPF</i>   |
|--|-----------------|------------------|------------------|---|
| LU4<br>Telecommunications<br>infrastructure  | ✓               | ✓                | ✓                | Consistent<br>Preferred approach advocated well located and designed infrastructure whilst also being permissive to provide service to the park – particularly important in rural areas. This is in accordance with paragraph 43. |
| LU5 Restoration<br>of utility and<br>telecommunications<br>infrastructure<br>sites | ✓               | ✓                | ✓                | Consistent<br>Reuse of infrastructure to their previous use fits with the prioritisation of PDL in the NPPF.  |

## 2.2 Implications for the National Park

2.2.1 The implications for the Park Authority of policies that have been assessed as 'non-complaint' with the NPPF needs to be filtered through the special circumstances that are applicable to the park(s). Paragraph 115 sets out that:

*“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”*

2.2.2 Footnote 25 references the English National Parks and the Broads: UK Government Vision and Circular 2010 in terms of further guidance and information. Specifically, the circular sets out Priority Outcomes for the parks and the government for the period 2010 – 2015:

- a renewed focus on achieving the Park Purposes;
- leading the way in adapting to, and mitigating climate change; a diverse and healthy natural environment, enhanced cultural heritage and inspiring
- lifelong behaviour change towards sustainable living and enjoyment of the countryside;
- foster and maintain vibrant, healthy and productive living and working communities;

- working in partnership to maximise the benefits delivered.

2.2.3 The National Parks and Access to the Countryside Act 1949 defines the National Park purposes as being to conserve and enhance natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public.

2.2.4 Given this wider context, we have analysed the non-conformance issues identified to see if these are likely to be issues in taking the plan forward.

### **LL3: Siting, design, layout and landscaping**

2.2.5 LL3 was considered to have compliance issue with regard to the policy being not effective in failing to take into account inclusivity in terms of high quality design. Given the identified issue of an ageing population<sup>5</sup> it seems that this is a legitimate omission and the policy could be amended in line with the duty and purpose of the National Park

#### Recommendation(s):

- 1) Update policy LL3 to include need based inclusivity elements.

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<sup>5</sup> See Sustainability Appraisal Scoping Report:  
[http://www.peakdistrict.gov.uk/data/assets/pdf\\_file/0008/90197/draft-scoping-report-with-consultation-responses.pdf](http://www.peakdistrict.gov.uk/data/assets/pdf_file/0008/90197/draft-scoping-report-with-consultation-responses.pdf)

## **LL4: Pollution, disturbance, contaminated land and unstable land**

- 2.2.6 LL4 is considered to be non-compliant in relation to the omission of noise and air quality. It is not considered that the inclusion of these elements would in any way run contrary to the Duty and Purpose of the Plan and as such its amendment is recommended.

### Recommendation(s)

- 2) Amend policy to include reference to noise (and arguably tranquillity) and air quality.

## **LL6: Safeguarding, recording and enhancing nature conservation interests**

- 2.2.7 LL6 has been identified as being NPPF non-compliant due to conflict with paragraph 118 – that development can only be refused if significant harm can be avoided. The policies adherence to the approach that would ensure the nature conservation of features of importance in their original location apparently contradicts this.
- 2.2.8 An important component of the identity of the national park is its setting and character. Allowing development to occur at the expense of this would / should only be allowed in extreme circumstance, if at all. In this case, being in conformity with the NPPF might threaten the areas that have been identified in the NPPF as having *“the highest*

*status of protection in relation to landscape and scenic beauty.”*

- 2.2.9 Paragraph 9.15 of the Adopted Core Strategy sets out the special qualities in regard to the Peak District National Park. Specifically, and related to this policy. *“cultural heritage of history, archaeology, customs, traditions, legends, arts and literary associations; and the flow of landscape character across and beyond the National Park boundary, providing a continuity of landscape and valued setting for the National Park”* are considered to be particularly relevant. Furthermore, the Sandford Principle sets out that conservation of the national park is to be given priority in the case of an irreconcilable difference between the purses of the park (if deference to the promotion of *“opportunities for the understanding and enjoyment of the special qualities [of the parks] by the public.”*

- 2.2.10 No recommendations are made for this policy.

## **LL8: Protecting trees, woodlands or other landscape features put at risk by development**

- 2.2.11 See analysis of LL6.

## **LHC6: Conversion of buildings to open market residential use.**

- 2.2.12 See analysis of LL6.

## *LHC13: Retailing and service provision in Core Strategy named settlements*

2.2.13 See analysis of LL6.

## *LT2: Access and Design Criteria*

2.2.14 LT2 has been considered inconsistent with the NPPF due to the emphasis in the NPPF that access to transport should be safe and achievable for all people.

2.2.15 Whilst it is recognised that the unique geography of the park may provide some barrier to this, there should still be an aspiration to ensure access to (public) transport for all, or at least as many as possible.

### Recommendation(s)

- 3) To amend policy LT2 to include a greater emphasis on access to transport for all.

## *LT4: Development affecting a public right of way*

2.2.16 LT4 has been considered non-compliant due to the failure to include the provision to link up existing rights of way. It is considered that this is a marginal non-conformity and it throws up a number of issues

2.2.17 A duty of the park is to *“to promote opportunities for the understanding and enjoyment of the special qualities [of the parks] by the public.”* This being the case, enhancing the connectivity of PRoW within the park seems to be a clear

policy aspiration. However, enhancing connectivity may increase the recreational users and therefore pressure on the park and be in contravention of Purpose 1: *“to conserve and enhance the natural beauty, wildlife and cultural heritage of the national parks...”* Nonetheless it is considered that this is a legitimate comment and the policy should be amended to include reference to connectivity.

### Recommendation(s)

- 4) Amend policy LT4 to reflect the NPPF’s view on connectivity of PRoW

## 2.3 Implications of Inspector’s Reports

### *Lancaster City Council*

2.3.1 The DMDPD contains a number of generic planning policies for assessing development proposals and there is little in the way of strategic content that would have ramifications for other agencies or neighbouring authorities. Despite this, it is apparent that the Council has engaged with key partners where cross-boundary issues arise although these relate more to matters associated with the forthcoming Land Allocations Development Plan Document. Where necessary, the Council has had discussions with other bodies and has paid particular attention to affordable housing, transport, flooding, coastal change and environmental conservation.

- 2.3.2 The lack of an up-to-date strategic plan means doubts have been expressed about the validity of progressing the current plans. This is a valid criticism because decisions on the amount, type and distribution of future land uses will have implications for other policy areas. However, the generic nature of the DMDPD means it is unlikely to compromise strategic aims but it would assist in supporting wider plan objectives by regulating development activities.
- 2.3.3 The Council has defined an approach to planning for retail both within shopping areas and for locations beyond town centre boundaries. For the moment, the Council proposes to rely on the default floorspace threshold in the NPPF (2,500 sqm) for the purpose of the sequential test. As a short term measure this is not unreasonable but, as its own evidence indicates, further thought needs to be given to setting a local threshold figure having regard to the retail circumstances prevalent in the District.
- 2.3.4 Similarly, the Council has specified an intention to review limits on non-A1 uses in primary and secondary retail frontages, thereby allowing the Council to respond to the changing function of shopping centres and, if appropriate, adopt a more flexible approach to uses in local and neighbourhood centres.
- 2.3.5 It is not the role of the DMDPD to initiate boundary changes to shopping areas or designate new centres because the Land Allocations Plan is a more appropriate vehicle for doing so.
- 2.3.6 There is a need to ensure the consistent use of terminology and reference to NPPG in supporting the re-use of rural buildings. Similarly, there is a need to consider the provisions in paragraph 55 of the NPPF relating to redundant or dis-used buildings.
- 2.3.7 New permitted development rights for agricultural buildings came into effect on 6 April 2014. Subject to compliance with relevant criteria these allow for the conversion of existing agricultural buildings to residential use. This should be referenced in any policy on diversification of the rural economy.
- 2.3.8 Policies relating to certain types of development (e.g. Caravan Sites, Chalets & Log Cabins or Wind Turbines) can be made more effective by acknowledging that visual amenity and landscape are important factors and should be taken into account when determining planning applications
- 2.3.9 Making better use of previously developed land (PDL) and avoiding the inappropriate protection of employment sites are principles expounded in the NPPF. There is a need to reflect the position advocated in national guidance by accepting there will be instances where alternative use of employment land or improvements to existing sites may

have wider benefits. Insofar as these policy approaches provide more flexibility and consistency with national policy guidance they are necessary to make the Plan sound.

2.3.10 A policy stating the position that the Council would take if consulted on NSIP applications (e.g. National Grid) can be appropriate, even though the policy would have not material weight.

2.3.11 Provision of infrastructure in a timely manner is highly desirable and for allocated sites it is possible to use development briefs to achieve this. However, there is a need to avoid too restrictive a stance.

2.3.12 Transport Statements, Assessments and Travel Plans are a means of demonstrating how an effective transport network can be maintained. Mitigation measures to offset the effects of new development may allow additional traffic to be accommodated. In that respect, they are seen as an essential component of a successful scheme in showing how good levels of accessibility can be maintained.

2.3.13 It can be appropriate to condense and combine policy coverage for Green Infrastructure and Open Space, Sports and Recreation Facilities. With regards to green infrastructure and open space, standards should be set through a local plan (likely to be a site allocations plan)

although an SPD could also present the Council's position (in a non-policy form, to inform negotiations).

2.3.14 It is not necessary to refer to the making of tree preservation orders because Councils have the authority to do so under existing regulations.

2.3.15 There is a need to provide an effective balance between the Council's ambitions and the practical constraints to achieving sustainable design.

2.3.16 There can be criticism from the development industry regarding the need for Sustainability Statements; however, there are a useful means of assessing provisions in connection with Sustainable Design. They show the extent to which sustainable design is integral to new developments, and although the government is looking to reduce the regulation of national housing standards through the Building Regulations, until these changes are implemented it is unreasonable for the Council to continue to seek this information.

2.3.17 A relatively high target for affordable housing can be appropriate particularly as it is not unreasonable to expect current difficulties of development viability will become less pronounced in a strengthening economy.

2.3.18 Policy can identify sustainable rural settlements and the criteria to be employed when assessing specific housing types and locations. Major development proposals in rural areas will normally be allocated through a Local plan but there may be circumstances where schemes could be acceptable outside the formal allocation process. This reflects the less restrictive policy stance found in the NPPF.

2.3.19 Paragraph 55 of the NPPF says that isolated homes in the countryside should be avoided unless there are special circumstances and this is should referred to in policy.

2.3.20 Viability will often be a common thread in representations. The need for services and facilities to support new development should be a requirement of policy; however, policy should acknowledge that viability may influence how far development can support other initiatives and that this will be taken into account, including the implications of a future CIL.

2.3.21 Employment and Skills Plans, which seek to improve the skills and job opportunities of local people, may need to be limited to larger-scale schemes.

### *Southend on Sea Borough Council*

2.3.22 There are no **cross-boundary issues** arising from the SDM that have not already been addressed through higher level

strategic documents. As a result the duty to co-operate is not engaged.

2.3.23 A linkage box can highlight the relationship with the CS, therefore demonstrating that policies are consistent with the CS and positively promote its aim, strategic objectives and key policies.

2.3.24 The Government attaches great importance to the design of the built environment and the NPPF confirms that good design is a key aspect of sustainable development. Nevertheless, requiring that all developments “enhance” the character of the site, its local context and surroundings would set the bar too high. Such a provision may have the consequence of preventing development of the necessary calibre in localities that are already attractive or distinctive.

2.3.25 The Technical Consultation of the Housing Standards Review (DCLG, September 2014) indicates that the Code for Sustainable Homes will be wound down from the time that the Government’s statement of policy regarding the application of the standards is made. It is intended to issue this in 2015. Plan policies should not refer to the Code from after that date but policy would not inconsistent with Government policy at present. The situation should be explained and also outline the options of issuing a position statement or undertaking a partial review in due course.

2.3.26 In the absence of clear evidence to warrant the retention of family-sized homes, there is insufficient justification to resist, in principle, the conversion of single dwellings to two or more dwellings. Policy should therefore be worded positively, confirming that proposals will be judged against matters of character, appearance and function.

2.3.27 The Planning Practice Guidance (PPG) states that the need to provide housing for older people is critical, hence where there is a higher proportion of the elderly compared to the national average resisting the loss of existing bungalows is justified to protect supply. However, policy should recognise that proposals may be acceptable if they would not result in a net loss of housing accommodation suitable for the needs of older residents having regard to the Lifetime Homes Standards.

2.3.28 Historic environment policy should reflect that of the NPPF closely, with a distinction made between substantial and less than substantial harm, and also reference made to 'weighing any harm against public benefits'.

2.3.29 In advance of the statement of Government policy on the Housing Standards Review there is no reason to preclude the use of space standards. Evidence points to the potential value of standards for the quality of life of occupiers of 2 bedroom flats in particular and that achieving them would not be an added development cost. However, confirmation

of the Council's approach following the anticipated changes to be introduced by the Government should be included for the sake of clarity.

2.3.30 A requirement that all development proposals make provision for high quality public transport facilities is unrealistic. A realistic requirement is for all major developments to include provision for safe, convenient and legible access to public transport.

## Norwich City Council

- 2.3.32 Policy flexibility will help to encourage the delivery of beneficial development even when market conditions are difficult. Planning Obligations policy should make clear that a flexible approach is to be taken to development proposals, that pays regard to the impact on viability of planning obligations, site specific policy requirements, and CIL.
- 2.3.33 It is clearly important to ensure that account is taken of the likely impact of surrounding land uses on future occupiers when assessing development proposals. In particular there is a need to ensure that the continued operation of established authorised uses and activities on adjacent sites is not prejudiced or unreasonably restricted. A policy on amenity can be appropriate.
- 2.3.34 It would not be justified to include specific reference to very detailed matters, such as the use of large trees and the provision of nesting sites, within a design principles policy. Such matters should be covered in general terms within the policy and their appropriateness a matter for determination at application stage, having regard to expert advice.
- 2.3.35 If inappropriate residential development within gardens can be resisted with the various policies within the DMP there is no need to have a specific policy relating to the development of garden areas.
- 2.3.36 Biodiversity offsetting schemes should only be allowed in exceptional circumstances, with the assessment of such schemes a matter for the Council drawing upon expert advice. Efforts to produce a systematic methodology to assess such schemes are welcomed.
- 2.3.37 The identification and protection of the local character areas is endorsed and supported where it is consistent with the guidance in paragraph 114 of the NPPF relating to the creation and safeguarding of networks of biodiversity and green infrastructure.
- 2.3.38 It is necessary to recognise in the policy that significant weight will be given to meeting local needs for school places when assessing the extension, expansion or redevelopment of school buildings and facilities on existing school playing fields.
- 2.3.39 The identification and protection of open space within specific areas is endorsed and supported where the approach is consistent with the guidance in paragraph 76 of the NPPF relating to the special protection of green areas of importance to the local community.
- 2.3.40 A failure to identify sites for travellers are does not sit comfortably with the advice in the PPTS which makes it clear that local plans should identify a specific deliverable supply of sites for travellers as part of the overall housing

requirement. Consideration can be given to whether the Plans should be found unsound on this basis.

2.3.41 A relatively low threshold for retail development outside of defined centres can be set where evidence demonstrates that the scale of district centres tends to be smaller than average and impact would be evident from moderate scales of development, i.e. where accepting retail development of up to 2500 sq.m (i.e. the NPPF default setting) may well lead to the diversion of trade from other centres.

2.3.42 The deregulatory changes introduced by the GPDO 2013 mean that policy cannot now seek to prevent the loss of office space to housing. Rather, policy can only regulate office conversion schemes that relate to non-residential uses.

2.3.43 Where there is a list of assets of community value (ACV) it can be unclear about the list's status or how it is to be taken into account in planning decisions. It is apparent from the ACV legislation and regulations that the process of listing assets of community value is separate from the planning process (i.e. inclusion on the ACV list simply confirms that a community group believes that the facility has some community worth) and is not based on an objective assessment of community value. Consequently the weight that can be attached to the ACV list in determining planning

proposals is likely to be limited if unsubstantiated by other objective evidence.

2.3.44 Paragraph 173 of the NPPF states that sites and the scale of development in a local plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. There is a need to be clear that specific policy requirements that would clearly and demonstrably compromise scheme viability will be the subject of negotiation, recognising that CIL contributions, planning obligations and abnormal development costs could individually make development unviable as well as in combination.

## 2.4 Whole plan viability testing

2.4.1 The NPPF requires Local Planning Authorities to model the 'cumulative impact' of local plan policy on viability to ensure that the overall delivery of the plan is not threatened by additional local policy costs that are over and above the normal costs of development i.e. building regulations. Crucially when modelling viability the Council should ensure that landowners and developers can attain 'competitive returns'. The Council should ensure that whole plan viability is explicitly assessed using the available guidance. This will demonstrate compliance with the processes advocated in the guidance document (please refer to the PAS website for further viability information).

2.4.2 Testing viability is important and in simple terms the objective is to assess whether planned development is likely to occur within the lifetime of the Plan and will not be unduly threatened by policy that places development at risk. Paragraph 173 of the NPPF, reads:

*"...the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

2.4.3 There is now statutory guidance produced by Government in the National Planning Practice Guidance website. This should be used alongside the two key pieces of non-statutory guidance published shortly after the NPPF. These are:

- the Local Housing Design Group's (LHDG) 'Viability Testing Local Plans: Advice for planning practitioners' (June 2012), and

- the Royal Institution of Chartered Surveyors (RICS) guidance note, 'Financial viability in Planning' (August 2012).

2.4.4 'Viability Testing Local Plans' has regularly been referenced in Inspectors main issues and questions and at Examinations. The Royal Institution of Chartered Surveyors (RICS) guidance note is more technical in nature but also provides useful guidance for chartered surveyors that may be conducting viability testing. The RICS guidance includes a definition of what is meant by 'financial viability' in a planning context. It defines this as:

*"An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project."*

2.4.5 The Local Housing Delivery Group guidance (also known as the Harman report) defines viability as follows:

*"An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and the costs and availability of development finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates a land value sufficient to persuade a land owner to sell the land for the*

*development proposed. If these conditions are not met, a scheme will not be delivered.”*

2.4.6 The RICS and Harman reports advocate slightly different approaches when it comes to how you deal with the competitive return for the landowner. In simple terms the RICS approach starts with the market value approach and applies professional judgment at the end of the process to take account of emerging policy. In contrast the Harman approach starts with a professional judgement as to how emerging policy may impact on land value and then sense checks these judgements by utilising local market evidence – this takes the Existing Use Value and applies a premium that would induce the landowners to sell i.e. the landowners competitive return. The different approaches should be referenced in any viability evidence produced to support the emerging policies.

2.4.7 The principles that underpin both guides, applied conscientiously, will produce broadly similar conclusions on viability. You will need to be able to demonstrate to the Inspector that a thorough assessment of viability has been undertaken.

## 2.5 The wider housing landscape

### *Help to Buy*

2.5.1 The Help to Buy (HtB) scheme is subdivided into four sections:

- Equity loan: the government will provide £9.7bn of investment to help 194,000 homebuyers. The equity loan is available to those who want a new home but would struggle to pay the repayments for a low deposit mortgage.
- Mortgage guarantee: The scheme is open for loans to existing homeowners, as well as first time buyers. The loans are available on new and existing houses with a value of up to £600,000.
- New buy: enables all households, not just first time buyers, to buy a new build home with a 5% deposit.; and
- Shared ownership: shared ownership schemes allow people to buy an initial share of a home and pay rent on the remainder, usually to a housing association.

### *The effect on the housing market and potential implications for the Peak District National Park Authority*

2.5.2 As part of this study we were unable to find any ‘formal’ reviews of the effects of the HtB schemes, however, there were a number of sources that indicated that the effects would broadly be:

- Loans and grants have been in the main outside the south east of England, with the midlands seeing a particular increase (see **Figure 2.1**).
- Renters priced out of the housing market<sup>6</sup>
- A catalyst to construction<sup>7</sup>

2.5.3 With regard to the National Park, there are two ways in which it might be affected. Firstly through 'external supply'. Notably, the HtB schemes seem to be working most effectively in the areas of the north and middle of England with Leeds and Birmingham particularly popular.<sup>8</sup> An increase in housing supply in the areas surrounding the park may generate economic benefits and environmental impacts. Economic benefits through increased tourism and recreation, environmental impacts through the effects of increased traffic and congestions (mainly air quality and severance issues).

2.5.4 The second potential impact is through indirect effects on the Peak District's housing market. A major increase in housing supply (an increase of approximately 99,000 homes is targeted across Manchester, Sheffield and Stoke-on-Trent by 2027<sup>9</sup>) could result in residents leaving these increasingly

densified areas in pursuit of moving somewhere more tranquil e.g. the Peak District. This could affect the house prices in the area by decreasing affordability whilst at the same time increasing pressure on land within the park for development.

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<sup>6</sup> <http://www.insidehousing.co.uk/impact-of-help-to-buy-revealed/7003199.article>

<sup>7</sup> <http://www.theguardian.com/money/2014/mar/16/help-to-buy-one-year-on-homebuyers>

<sup>8</sup> <http://www.telegraph.co.uk/finance/personalfinance/borrowing/mortgages/10862234/The-impact-of-Help-to-Buy-II-in-six-charts.html>

<sup>9</sup> Housing targets: Sheffield - 25,650 dwellings over the period 2008/09 to 2025/26 (Core Strategy, 2009); Manchester - approximately 60,000 new dwellings over the

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period 2009 to 2027 (Core Strategy, 2012); Newcastle-under-Lyme and Stoke-on-Trent - 13,500 dwellings over the period 2006/07 to 2025/26 (Core Strategy, 2009).



**Figure 2.1:** Help to buy sales by region<sup>10</sup>

<sup>10</sup> <http://www.insidehousing.co.uk/impact-of-help-to-buy-revealed/7003199.article>

## 2.6 Wider spatial issues

2.6.1 This section considers wider spatial issues relevant to the DMDPD and the Peak District National Park’s Local Plan more generally. It focuses on the proposed D2 joint spatial statement and plans related to relevant Local Enterprise Partnerships (LEPs).

### *Proposed D2 joint spatial statement*

2.6.2 The ten local authorities of Derby and Derbyshire, working with the Derby and Derbyshire, Nottingham and Nottinghamshire (D2N2) LEP, have set up a Derby and Derbyshire (D2) Joint Committee to promote economic development in the area. The D2 Joint Committee for Economic Prosperity has highlighted that six out of eight D2 district/borough local plans have encountered significant challenge around meeting DtC requirements, particularly in relation to housing growth provision. Thus they have recommended coordinating the development, agreement and continual update of a joint “spatial statement” on agreed growth assumptions and related evidence. This non-statutory planning guidance should:

- satisfy the DtC requirements;
- provide clarity on how land, housing and infrastructure implications of the LEP’s economic initiatives can be reflected in local planning decisions;

- reinforce messages to Government that D2 authorities are positively embracing the growth agenda; and
- help form part of the context for collaborative working relationships as the ten local authorities move forward on developing their combined proposals.

2.6.3 This spatial statement will be important in coordinating strategic decision making about the distribution of development in Derby and Derbyshire and is likely to have implications for the next update of the Peak District Core Strategy. For example the proposed distribution of housing growth will have important implications in terms of visitor numbers, traffic flows and economic development in the National Park. Given the DMDPD does not address strategic issues the spatial statement is likely to be of less relevance; nevertheless it will be important to have regard to any emerging draft joint spatial statement as the DMDPD is finalised.

#### *LEP activities covering the Peak District*

2.6.4 Six LEPs cover the Peak District National Park: D2N2, Sheffield City Region, Stoke-on-Trent & Staffordshire, Leeds City Region, Greater Manchester and Cheshire & Warrington. They have a clear agenda to drive economic growth, with job creation and higher value added economic activity targets.

2.6.5 The Peak District Outline Economic Growth Package (2014) focuses on the potential for economic growth to be delivered from the Peak District and how this can support the wider strategic objectives of the different LEPs which cover parts of the National Park. Specific interventions of most relevance to spatial planning include:

- development of business premises to support new businesses to set up and grow, along with associated transport improvements to facilitate access to and opening up of such sites;
- support growth of the visitor economy and its supply chains through the Pedal Peak sustainable cycling initiatives.

2.6.6 While these proposals are again likely to be most relevant to the update of the Peak District National Park Core Strategy (e.g. ensuring the latest cycle routes being created are included on relevant maps), implications for the DMDPD should also be considered, for example the scope to include a policy supporting the provision of cycle facilities as part of new development.

#### *D2N2 LEP*

2.6.7 Of the six LEPs that overlap parts of the Peak District, the D2N2 LEP covers the largest part of the National Park, hence it deserves particular attention. The D2N2 LEP has a Strategic Economic Plan in place that aims to support the creation of an additional 55,000 private sector employee

jobs in D2N2 by 2023. It also aims to accelerate the delivery of 77,000 new homes needed to support growth. The LEP places significant emphasis on the area's visitor economy in its economic strategy, including in the Peak District National Park which it recognises as *"one of the UK's most important tourism assets"*. However the LEP's Visitor Economy Review and Investment Study flags the general lack of serviced accommodation across the National Park and in particular the lack of branded hotels. Perhaps a DMDPD policy encouraging appropriate hotel development could be considered?

2.6.8 The Strategic Economic Plan also highlights the role of key towns as local centres for growth: a focused programme is proposed to transform Buxton's role as one of England's premier spa towns; and a range of site remediation or access improvement measures will be funded to unlock new housing and employment sites in Ashbourne, Matlock, Bakewell and Buxton. This suggests the need to collaborate to develop planning briefs or Area Action Plans to shape development in some of these towns.

2.6.9 Key challenges to growth in the National Park identified by the LEP include broadband 'coldspots' and poor Trans-Pennine connectivity, both road and rail. The LEP has worked with the Department for Transport and Highways

Agency on the Trans-Pennine routes feasibility study<sup>11</sup> covering the highly congested A628 corridor and other Peak District routes. The findings of this study will clearly be important in informing the next update to the Peak District Core Strategy. Indeed given the scale of projected housing growth in the urban areas closest to the National Park (an increase of approximately 99,000 homes is targeted across Manchester, Sheffield and Stoke-on-Trent by 2027<sup>12</sup>) there would appear to be a very real danger of increasing congestion of the area's roads as increasing numbers of urban dwellers seek to escape to the tranquillity, fresh air and wildlife of the National Park, simultaneously undermining the very features that draw them to visit.

### *Support to growth in nearby urban areas*

2.6.10 The LEP documents largely neglect the important 'ecosystem services' that the Peak District provides to nearby urban areas such as Manchester, Sheffield and Stoke on Trent. The populations of these areas are significant beneficiaries of the services provided by the National Park. These include provision of opportunities for recreation and contact with nature (widely recognised in LEP documents),

<sup>11</sup> <https://www.gov.uk/government/publications/trans-pennine-routes-feasibility-study-technical-reports>

<sup>12</sup> Housing targets: Sheffield - 25,650 dwellings over the period 2008/09 to 2025/26 (Core Strategy, 2009); Manchester - approximately 60,000 new dwellings over the period 2009 to 2027 (Core Strategy, 2012); Newcastle-under-Lyme and Stoke-on-Trent - 13,500 dwellings over the period 2006/07 to 2025/26 (Core Strategy, 2009).

but also provision of wider services such as clean water, carbon storage, local food and flood risk management (largely neglected in LEP documents). The National Park's contribution to making these urban areas attractive places to live, work and invest should not be undervalued. Indeed the National Park may want to consider including explicit reference to ecosystem services in the DMDPD (e.g. as part of policy LL2 or LL4). This would be consistent with the NPPF which states (para 109) that *"The planning system should contribute to and enhance the natural and local environment by... recognising the wider benefits of ecosystem services"* (defined in the NPPF as the benefits people obtain from ecosystems such as, food, water, flood and disease control and recreation).

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