

Independent Examination of Peak District National Park Development Management Policies

Peak District National Park Authority Responses to Matters and Issues

NB, existing modifications are highlighted in red with suggested new changes shown with strikethrough and underline.

Matter 3 – Overview of Soundness

Issue 1: Are the policies consistent with, and do they positively promote, the spatial policies contained in the Core Strategy?

Issue 2: Are the individual policies clear, justified and consistent with national policy and will they be effective?

General comments and questions:

1 How does the DMP relate to made neighbourhood plans and any that have been subject to a referendum? Does the DMP propose any policy that would supersede a policy in a made neighbourhood plan?

There are 2 made neighbourhood plans in PDNP: Chapel en-le-Frith (part inside) and Bradwell (wholly inside). There are no neighbourhood plans that are post referendum but not yet made.

The neighbourhood plans are in general conformity with the Core Strategy and the DMP is the detailed expression of the Core Strategy. A policy by policy analysis of each neighbourhood plan shows:

(i) Chapel Neighbourhood Plan:

- some neighbourhood policies do not relate to the DMP as they concern land that is outside the National Park
- in most other cases, the neighbourhood policy does relate to a DMP Policy, or a group of DMP Policies (such as 'Conserving and enhancing the National Park') by either:
 - replicating the DMP Policy; or
 - adding local detail, in which case the DMP and neighbourhood policies could be applied in conjunction
- Chapel Neighbourhood Policy '*TM2: Touring Caravanning and Camping Sites Development*' supports proposals for the use of land for small touring caravanning and/or camping sites as long as they are 'well screened'. This relates to DMP policy *DMR1 'Touring camping and caravan sites'* which would not permit touring camping

and caravan sites unless there was no harm to the landscape. The issue of 'harm to the landscape' is more fundamental in a national park and could still occur even if a site was 'well screened'. TM2 requires the provision of improved facilities such as shops and recreation opportunities to be of a scale suited to the site itself. DMR1 describes this as the needs of the site and also requires that there is no significant adverse impact on the vitality and viability of existing facilities in surrounding communities.

- These considerations in effect take DMP Policy DMR1 further and as such it should supersede Chapel Neighbourhood Policy TM2 for that part of Chapel Neighbourhood Area that is inside the National Park.

(ii) Bradwell Neighbourhood Plan

- All the neighbourhood policies relate very directly to a DMP policy or a set of policies, are in accordance with them, could be applied together, and add local detail.

2 Paragraph 116 of the Framework resists major developments in National Parks except in exceptional circumstances and where it can be demonstrated they are in the public interest. Would policies DMC1 and DMMW1 be consistent with the Framework and the Core Strategy? policies GSP1 and DS1 in as far they would restrict major development? Should any modifications to those policies be considered?

Modification M1.4 provides additional text to DM1 to qualify how the Authority would, in accordance with National guidance, establish whether development is major. The exceptional circumstances however require assessment against paragraph 116 and, in the context of sustainable development in a protected landscape, it is justified that the Authority, in reaching a decision, gives more weight to any detrimental effect on the environment and specifically the landscape, and the extent to which that can be moderated. This is because the conservation of the National Park is in the national public interest rather than the narrower interests of people living and working in the area. The Authority would also consider that in most cases major development is not needed in terms of the impact it would have on the local economy, and that the value of a high quality landscape to the local economy makes it harder to justify major development in local economic terms.

Finally, the Authority would place great weight on the scope for major development outside the designated area since the reasons for refusing it in areas without a landscape designation cannot logically carry the same weight towards protection of the landscape. With this application of paragraph 116, it is considered that DMC1 is consistent with national policy tests for major

development and the way in which that should be applied in a national park in order to conserve nationally significant landscapes. DMMW1 is also compatible with paragraph 116 because it requires an assessment of availability of the mineral both inside and outside the National Park, and an assessment of the impact on the local economy, alongside the assessment of impact on the National Park landscape that applies to all development under core strategy policies GSP1, GSP2, and GSP3, and Development management policy DMC3.

It is not considered that further modifications to DMC1 and DMMW1 are justified because to do so would raise the possibility of major development, which is unjustified against the backdrop of national guidance and could lead to pressure in terms of proposals for mineral extraction and more generally pressure on policy to conserve and enhance valued landscape character. The approach to deciding whether development is 'major' would be informed by legal advice given to another English National Park Authority in 2014 (EB10), and which is reflected in modification M1.4.

3 Would the policies concerning designated heritage assets (policies DMC5 to DMC10) be consistent with the Framework in terms of balancing less than substantial harm against public benefits and should modifications be considered?

The Authority considers that the balancing of harm with public benefits, as required by Paragraphs 133 and 134 of the NPPF, requires a more careful consideration of what would constitute public benefit in a national park context, and a more careful consideration of what constitutes less than substantial harm in the context of a protected landscape. However, the Authority agrees that public benefit from enhancement of heritage assets and their settings can sometimes only be achieved if there is scope for work that cannot avoid a degree of removal, alteration and/or or additions to such assets. The Authority also accepts that as currently worded, policies DMC5 and DMC7 could prevent such work. On this reasoning, the Authority considers that the following suggested modification to policies DMC5 and DMC7 and DMC10 makes them compatible with NPPF paragraphs 133 and 134. The proposed amendments would replace proposed modification M3.36 in DMC5 and respond to stakeholder comments on that proposed modification. Policies DMC6, DMC7, DMC8 and DMC9 are already directly linked to Core Strategy L3 and DMC5 by paragraphs 3.69, 3.75, 3.85 and 3.88 respectively so apart from the proposed changes to these three policies the Authority does not consider changes to DMC6, DMC8 and DMC9 are needed to make them compatible with NPPF paragraphs 133 and 134.

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| DMC5 Assessing the impact of development on <u>designated and non-designated</u> heritage assets and their settings. |
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A. Planning applications for development affecting the significance of a heritage asset, its setting and their significance must clearly demonstrate in a Heritage Statement:

(i) how the assets are significant including how any identified features of value will be conserved and where possible enhanced; and

(ii) why the proposed development and related works are desirable or necessary

B. The ~~Heritage Statement~~ supporting evidence must be proportionate to the significance of the asset. It may be included as part of the a Heritage Statement or Design and Access Statement where relevant.

C. Proposals likely to affect heritage assets with archaeological ~~or other heritage interest~~ and potential archaeological interest ~~or potential interest~~ should be supported by appropriate information that identifies what impacts are identified, ~~or~~ a programme of archaeological works to a methodology approved by the Authority.

D. Non-designated heritage assets of archaeological interest demonstrably of equivalent significance to scheduled monuments will be considered in accordance with policies for designated heritage assets.

E. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of the development on the ~~character, appearance and~~ significance, character and appearance of the heritage asset and its setting.

F. ~~Development will not be permitted if it would:~~ Development considered through application of parts A to E to constitute development of a designated or non-designated heritage asset will not be permitted if it would:

(i) ~~adversely affect the character and significance, character and appearance~~ of a heritage asset and its setting by any means including scale, mass, height, proportion, design, plan-form, (including through subdivision), detailing or, materials used;

(ii) result in the loss of, or irreversible damage to original features or other features of importance or significance or the loss of existing features which contribute to the ~~character, appearance, significance, character and appearance~~ or setting (e.g. boundary walls, railings or gates) unless agreed by the Authority that the loss of such features is necessary.

(iii) result in the addition of new features, that would adversely affect the significance, character, appearance, or setting of a heritage asset (e.g. boundary walls, new access, services, garden, domestic apparatus)

unless adequate justification is provided, to the satisfaction of the Authority, that the proposed changes, loss or irreversible damage, and/or addition of new features to heritage assets and their settings:

(iv) are less than substantial in terms of harm to ~~impact on~~ the character and significance of the heritage asset and its setting; and

(v) the public benefit from making the changes, including enabling optimum viable use, and net enhancement to the cultural heritage asset and its setting, outweigh harm.

DMC7: Listed Buildings

- A. Planning applications for development affecting a listed building and/or its setting should clearly demonstrate:
- (i) How their significance will be preserved; and
 - (ii) Why the proposed development and related works are desirable and necessary
- B. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the significance and architectural and historic interest of the listed building and its setting and any curtilage listed features.
- C. Development will not be permitted if it would:
- (i) Adversely affect the character, scale, proportion, design, detailing of, or materials used in the listed building; or
 - (ii) Result in the loss of or irreversible change to original features or other features of importance or interest.
- D. In particular, development will not be permitted if it would directly, indirectly or cumulatively lead to:
- (i) removal of original walls, stairs, or entrances, or subdivision of large interior spaces;
 - (ii) removal, alteration or unnecessary replacement of structural elements including walls, roof structures, beams and, floors;
 - (iii) the unnecessary removal, alteration or replacement of features such as windows, doors, fireplaces and plasterwork;
 - (iv) the loss of curtilage features which complement the character and appearance of the listed building (e.g. boundary walls, railings and gates);
 - (v) repairs or alterations involving materials, techniques and detailing inappropriate to a listed building;
 - (vi) the replacement of traditional features other than like for like, authentic or original materials and using appropriate techniques;
 - (vii) extensions to the front of listed buildings;
 - (viii) extensions of more than one storey to the rear of listed small houses or terraced properties.
 - (ix) inappropriate impact on the setting of the listed building.

unless justified to the satisfaction of the Authority that the proposed changes, loss or irreversible damage, and/or addition of new features to heritage assets and their settings are:

- (x) less than substantial in terms of impact on the character and significance of the heritage asset and its setting, and
- (xi) the public benefit from making the changes, including enabling optimum viable use, and net enhancement to the cultural heritage asset and its setting, outweigh harm.

- E. Where change to a listed building is acceptable, an appropriate record of the building will be required to a methodology approved in writing by the

Authority prior to any works commencing.

DMC10 Conversion of a heritage assets

A. Conversion of a heritage asset to a use other than that for which it was designed will be permitted provided that:

- (i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and
- (ii) the building is capable of conversion ~~requiring no more than minor structural work~~, the extent of which would not compromise the significance ~~historic interest~~ and character of the building; and
- (iii) where the proposal involves the conversion to higher intensity uses, development will only be permitted within existing settlements, smaller hamlets, on farmsteads, and in groups of buildings ~~in sustainable locations~~; and
- (iv) ~~the new use does not require changes to the asset's setting and/or curtilage or new access or services that would adversely affect the heritage asset's significance or have an adverse impact on its setting, including on the landscape character or character of the built environment of the area; the changes brought about by the new use, and any associated infrastructure (such as access and services) and conversion, conserves and enhances the heritage significance of the asset, its setting (in accordance with DMC5), any valued landscape character, and any valued built environment.~~
- (v) the new use of the building or any curtilage created would not be visually intrusive in its landscape or have an adverse impact on tranquility, dark skies or other valued characteristics; and

B. Buildings which are not deemed to be a heritage asset will not **normally** be permitted for conversion to higher intensity uses.

C. Proposals under Core Strategy policy HC1 part CI will only be permitted where:

- (i) the building is a designated heritage asset; or
- (ii) based on the evidence, the National Park Authority has identified the building as a non- designated heritage asset; and
- (iii) it can be demonstrated that conversion to a market dwelling is required in order to achieve the conservation and where appropriate

the enhancement of the significance of the heritage asset and the contribution of its setting.

D. In all cases attention will be paid to the impact of domestication and urbanisation brought about by the use on landscape character and the built environment including:

- (i) the supply of utility and infrastructure services, including electricity, water and waste disposal to support residential use;
- (ii) the provision of safe vehicular access;
- (iii) the provision of adequate amenity space and parking;
- (iv) the introduction of a domestic curtilage;
- (v) the alteration of agricultural land and field walls;
- (vi) any other engineering operation associated with the development.

4 How would the DMP policies on the economy requiring restrictions on further changes of use, removal of permitted development rights, time limited permissions and personal permissions be justified? Would those policies be consistent with national policy in the Planning Practice Guidance?

The tools made available to the Authority by policy are not intended to prevent development in accordance with national policy and guidance. They are however considered necessary to conserve and enhance the national park landscape and guard against development that once established can prove difficult or impossible to remove or control. None of the tools has resulted in consistent loss of appeals (CD40) since publication of the NPPF, the NPPG and adoption of the Core Strategy (CD26). The use of these tools continues a long standing approach used in saved Local Plan policies LE2, LE3, LE4, (CD21) that enables careful development of business in the countryside.

5 Would such restrictions be consistent with the need to support economic growth in rural areas (paragraph 28 of the Framework)? Would requirements such as demonstrating need for a business be consistent with the Framework? Are the employment policies sufficiently supportive of economic growth?

The Authority has balanced NPPF paragraph 28 against the requirements of paragraph 14 and paragraphs 115 and 116 of the NPPF and the English National Parks and the Broads Vision and Circular (CD16). In this context, the Authority

policies specify what types of business is appropriate, and where. This spatial approach reflects that business is welcome in the National Park, but that some uses are more appropriate than others depending on its type and its proposed location. This is no different to the concept of allocating business sites in any other LPA area, but is more cautious to reflect the highest landscape protection afforded by national park status. Policies seek to promote appropriate economic growth in pursuit of National Park purposes. The Authority is particularly supportive of business where it contributes positively to the conservation and enhancement of the special qualities of the National Park, as outlined on page 59 paragraph 9.15 of the Core Strategy; and where it is in accordance with the spatial objectives for the economy, as outlined on pages 44-47 of the same document (CD26). This position is also supported by CD16. The Authority points out that the justifiably more restrictive planning context has not prevented a strong economy. The National Park exhibits high employment levels, low unemployment figures. It also has a proven value to the economy from its conserved and enhanced landscape. This was part of evidence for the Core Strategy policies supporting economic development (CD26 page 103 reference 109⁽¹⁾ More recent evidence commissioned by National Parks England for all English National Parks shows the positive contribution that the National Parks make to the wider rural economy². In this respect, prevention of harmful development enables a strong economy without the need for high levels of new development, and in tune with a protected landscape designation and the NPPF. The Core Strategy page 103 Paragraph 3.5 and reference 109 highlight the positive impact a high quality landscape has on the economy. This can be attributed in part to the controlled policy framework for land use planning.

6 The housing policies necessarily take a restrictive approach having regard to National Park objectives and policies for housing provision are set out in the Core Strategy. Is it necessary to explain in the background text of the DMP how housing is to be delivered in order to provide clarity?

The Authority considers that paragraph 6.6 (linked to the Core Strategy) explain firstly where housing can be delivered and key principles behind policies to permit housing. Paragraphs 6.29 – 6.45 then explain what type of housing is acceptable on what type of sites, and what size of house might be acceptable as affordable housing. Paragraph 6.35 and 6.36 explain that the Authority does not allocate sites, and gives the reasons for this. They also explain that the Authority works with communities to understand potential for housing, and they encourage potential applicants to talk to the Authority and the community in order to understand where the Authority and community might accept new housing.

¹ SQW Consulting : Contribution of the Peak District National Park to the economy of the East Midlands (2008)

² Gross Value Added of English National Parks – Update (Cumulus Consultants 2017)

http://www.nationalparksengland.org.uk/data/assets/pdf_file/0005/1070348/Gross-Value-Added-for-England-National-Parks-2017-Update.pdf

Supporting text also explains that an individual has the ability to address his/her own needs if a site is considered acceptable and the person's housing need and local connection is proven. It explains the policy flexibility where disability is the issue, or where the household size exceeds the limits shown in policy. It explains how dwelling use is possible through conversion, and the circumstances in which that could or couldn't be accepted as affordable housing. The Authority therefore considers that the background text regarding how housing can be delivered is comprehensive.

7 Affordable housing is required for people who live locally but other than this there is no explanation as to how the needs of different groups in the community such as older people would be accommodated. How would affordable housing meet the needs of all groups in the community? Should there be a criteria-based policy for other types of housing? Should the background text explain what the expected proportion of affordable housing units in any scheme should be?

The Core Strategy explains the intent of adopted housing policies, which is to prioritise new housing for those from any age group whose needs are not met by the availability of housing in the area. In many cases this is down to the affordability of housing. The Authority policy in this, and previous plan periods has been to prioritise new housing for this material planning reason. Within this overarching context, policies address the needs of various groups of all ages and, for example in many towns and villages such as Bakewell, Bradwell, Butterton, Tideswell and Warslow, an element of the social housing stock is particularly suited to elderly persons. The housing providers develop the type of housing suited to the particular needs of the community whether that is young single people, young couples, families or elderly persons. The Authority policy therefore enables all needs to be addressed. The Authority does not however classify the housing "preferences" of any group as "housing need" and does not seek to address general housing demand, as would be the expectation in non-protected areas. The justification for this approach is further explained by proposed modification M6.2, which responds to representations requesting clarification on housing policy approach in the long term interests of conserving the special qualities of the National Park.

Other representations highlight a desire by some to provide additional housing that may address the broader community 'needs'. Such a definition would stem from an as yet undefined definition of what a healthy and vibrant community [terms set out in the broader National Park Management Plan (EB14)] requires by way of housing. It would then be necessary to enable housing that assists in reaching that objective. However the current plan considers "housing need" to be a matter understood and determined by the relevant housing authority, and considers all other claimed housing need as housing preference or aspiration. Whilst new build housing predominantly address problems of housing affordability,

the Authority's Annual Monitoring Reports demonstrate that many more market houses than new build affordable houses are added to housing stock every year, mostly by conversions, but occasionally by new build housing justified to achieve enhancement of previously developed land (CD36, CD37, CD38, CD39). These houses have no occupancy restriction and are bought and sold freely on the open market as comparable with the 80% plus of the overall housing stock that is market housing. This balanced approach gives options to the National Park population irrespective of their economic circumstances whilst also offering opportunities to those aspiring to live in the area. This is also important given the wider area economic aspiration held by constituent Local Authorities to attract high quality jobs to the area.

The Authority does not consider that it is possible to set a useful threshold for proportions of affordable housing to be achieved on any enhancement scheme because since the adoption of the Core Strategy, attempts to secure affordable housing as part of such schemes have been suppressed on viability grounds, and the Authority approach to exceptions site development is already tougher than many other authorities in requiring those sites to be given over 100% for affordable housing. This balance ensures that where enhancement is the primary objective, an arbitrary proportion does not stifle schemes, but where development would not otherwise be accepted at all, i.e. on exception sites it is accommodated for the primary purpose of addressing local need for affordable housing for all age groups.

Overall the Authority considers that such changes would represent a significant move beyond the adopted position of the Core Strategy and would require a comprehensive review of the Local Plan as a whole to assess the scope for and impacts of such changes.