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Introduction

- 1.1 This is the Development Management Policies Document for the Peak District National Park. It contains a written statement of policies for the positive management and control of development and the use of land¹.
- 1.2 This introduction explains:
- the policy background
 - understanding the statutory purposes and the attendant duty of the National Park
 - the purpose of the Development Management Policies Document
 - the relationship to the National Park Management Plan
 - how to use the following chapters
 - the presumption in favour of sustainable development in the context of National Park purposes.
 - securing planning benefits

Policy Background

- 1.3 The Peak District National Park is classified as a 'Category V Protected Area' in the International Union for Conservation of Nature (IUCN) World Commission on Protected Areas classification system. The definition of a Category V area is:
- An area of land... where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.*²
- 1.4 International Directives also drive planning matters in the National Park. The EC Habitats Directive³ gives protection to a range of important habitats and species, and the European Directive on Strategic Environmental

Assessment (SEA),⁴ ensures that social and environmental factors are given proper weight in plan making decisions.

- 1.5 Development Management Policies build on the strategic principles set out in the Core Strategy Development Plan Document (Core Strategy), adopted in October 2011. The Core Strategy sets out the spatial planning framework for the National Park over a 20 year horizon. It is the Core Strategy that decides basic directions and policies, taking into account key local issues and trends, Government policy and the policies of neighbouring authorities.
- 1.6 The Government published the National Planning Policy Framework (NPPF) in March 2012. It explains that national policy does not change the statutory status of the development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in itself and sets out the Government's planning policies and how these should be applied. The NPPF recognises that plans and decisions need to take local circumstances into account so that they respond to the different opportunities for achieving sustainable development. It also explains that 'Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements'.⁵
- 1.7 Forward planning by National Park Authorities is very different to other normal local authorities who must 'ensure choice and competition in the market for land'⁶. Development management in National Parks, which 'have the highest status of protection in relation to landscape and scenic beauty'⁷, is conservation led, rather than market led. Paragraph 115 of the NPPF refers to further guidance and information about the statutory purposes of National Parks provided through the English National Parks and the Broads: UK Government Vision and Circular 2010 (2010 National Parks Circular), thereby bringing consideration of the statutory purposes of the National Park into the National Planning Policy

1 Development is defined in section 55 of the Town and Country Planning Act 1990

2 IUCN World Commission on Protected Areas, Europarc Federation, with the assistance of the World Conservation Monitoring Centre (1994) Guidelines for applying Protected Area Management Categories.

3 European Council Directive 92/43/EEC, which has been transposed into national legislation through the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations 2010).

4 SEA-an environmental assessment of certain plans and programmes, including those relating to spatial planning, required under European Directive 2001/42/EC.

5 NPPF para2

6 NPPF para 47

7 NPPF para 115

Framework.

- 1.8 The 2010 National Parks Circular paragraph 20 reiterates paragraph 115 of the NPPF⁸ and confirms that National Park designation confers the highest status of protection as far as landscape and natural beauty is concerned. National Parks make a significant contribution to the cultural and natural heritage of the UK. The Circular states that National Parks ‘are living and working landscapes and over the centuries their natural beauty has been influenced by human activity such as farming and land management activities. They contain important wildlife species, habitats and geodiversity, many of which have been formally recognised as being part of national and international importance (28% by area of SSSI in England is found in National Parks)’. Furthermore ‘Cultural heritage and landscape are fundamental to quality of place and, as they are central to attractiveness, distinctiveness, diversity and quality of place in the Parks, should be protected and enhanced’.

What is the Development Management Policies Document?

- 1.9 The Development Management Policies Document conforms with and helps implement the policies and objectives of the Core Strategy. It supplements the spatial strategy and core policies of the Core Strategy with detailed operational policies.
- 1.10 Development management policies provide a positive policy framework in which high quality development that fits the core strategic aims and policy principles of the Core Strategy should be approved, and poor development that conflicts should be refused unless other material considerations indicate otherwise. **Policies GSP1-4 of the Core Strategy** lay down the principles of the development plan reflecting the primary legislation⁹. **Policy GSP1** makes it clear that ‘All policies must be read in combination’ and that ‘All development shall be consistent with the National Park’s legal purposes and duty’. If it appears that there is a conflict between these purposes the National Park Authority must attach greater weight to the conservation and enhancement of natural beauty, wildlife and cultural heritage. This is known as the Sandford Principle.

- 1.11 The Development Management Policies Document forms Part 2 of the Peak District National Park Authority’s statutory Local Plan. Policies within the document will be used alongside the adopted Core Strategy and adopted Supplementary Planning Documents in the determination of planning applications. All previously ‘saved’ policies in the Local Plan (2001) have already expired or are replaced by the policies in this document.
- 1.12 This document was prepared in consultation with residents, businesses, Parish Councils, statutory bodies and the voluntary and community sector. Further information about the consultation and details on how the responses have informed this document are set out in the Consultation Statement submitted alongside the Development Management Policies Document for examination. The evidence base ensures that policies are based on sound principles.
- 1.13 Development management policies provide the detailed criteria to inform planning decisions. The National Park Authority’s validation criteria are also important since they set out the detailed requirements for each type of development proposal.
- 1.14 The National Planning Policy Framework (NPPF) sets out the Government’s requirements for the planning system and provides a framework for locally distinctive plans and policies. The designation of the National Park as a nationally significant landscape area enables National Park Authorities to fulfil two statutory purposes:
- to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
 - to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park.
- 1.15 Other matters also need careful consideration such as residential amenity, traffic impacts and more general environmental quality, so again it is the role of development management policy to ensure that all the necessary considerations are laid out for each form of development proposal.

8 NPPF para 115 ref 25

9 The National Parks and Countryside Act 1949 (as amended).

Understanding the statutory purposes and duty of the National Park

- 1.16 A key function of a National Park Authority in achieving its statutory purposes is through the planning process, both plan making and decision making. The National Park Authority has full responsibility for planning including those responsibilities that normally fall with a County or Unitary Authority, such as minerals and waste planning. However matters that lie outside the planning system remain with the relevant local authority e.g. for highways, housing, education, health and waste collection.
- 1.17 Paragraph 14 of the National Planning Policy Framework (NPPF) recognises that policies in National Parks will need to restrict development in order to fulfil statutory purposes. This is consistent with the duty placed on relevant authorities¹⁰ under the primary legislation¹¹ to 'have regard to the purposes'.... 'in exercising or performing any functions in relation to, or so as to affect, land in a National Park'. Primary legislation, the NPPF and the Core Strategy for the National Park, put the conservation and enhancement of natural beauty, wildlife, cultural heritage first if there is a conflict with the other statutory purpose of promoting opportunities for the understanding and enjoyment of the valued characteristics of the National Park by the public (**Core Strategy policy GSP1 C**).
- 1.18 In pursuing the two statutory purposes under the primary legislation the Authority has a duty to seek to foster the economic and social wellbeing of local communities, co-operating with other local authorities in order to do so. It is important to seek common ground between conservation, enjoyment and socio-economic wellbeing wherever possible. In many cases they can be interdependent but where there are conflicting considerations the purposes take precedence.
- 1.19 The valued characteristics of the National Park include opportunities for quiet enjoyment; wildness and remoteness; landscape and wildlife; geology and geomorphology; clean earth, air and water; the cultural heritage of history, archaeology, buildings, customs and literary associations; and any other features which make up its special quality. They are often referred to in the policies in this Development Management Policies Document, sometimes singly, sometimes under the

generic name 'valued characteristics'. They are referred to as 'special qualities' in the primary legislation. The Core Strategy contains additional description under each chapter heading. Protection of the ability of the public to enjoy these valued characteristics underlies the purposes of National Parks and the policies of this Development Management Policies Document.

Relationship with the National Park Management Plan

- 1.20 The current National Park Management Plan (NPMP) was produced in 2012 and sets out a refreshed vision. The NPMP is reviewed every 5 years and this provides the overarching context for all stakeholders managing the National Park. As such the NPMP is a material consideration in planning decisions. However where there is a conflict between the documents the Local Plan has primacy.

How to use the following chapters

- 1.21 Each chapter sets out policies and proposals related to a particular development management issue. Policies apply throughout the entire National Park unless stated otherwise. The areas to which policies for only parts of the Park apply are shown on the Policies Map. It is fundamental to the use of the whole Local Plan that policies are not read in isolation. Several policies may apply to any given situation. In particular the Core Strategy must always be used as the starting point. The Development Management Policies supplement, but do not seek to repeat, policy already agreed in the Core Strategy. Planning proposals will be tested against the National Park Authority's policies in the Core Strategy and the Development Management Policies Document, as well as any Neighbourhood Plan covering an area. The text which precedes a development management policy often refers in bold to one or more key Core Strategy policies, but other Core Strategy policies may also be relevant. For example:

¹⁰ Any Minister of the Crown, any public body, any statutory undertaker or any person holding public office

¹¹ The National Parks and Countryside Act 1949 (as amended).

1.22 Any proposal for development will need to be considered against **Core Strategy policies GSP1 and DS1** as these address the Park's statutory purposes and the overarching development strategy for the area. There would also be a need to consider any enhancement opportunities (**GSP2**) and general development management principles laid down in policy **GSP3**. There may also be landscape and conservation issues (**L1, L2, and L3 of the Core Strategy**). The relevant Core Strategy policy would then need to be applied for the type of development proposed along with the relevant development management policies. Any specific valued characteristics affected such as a Conservation Area, a heritage asset, or nature conservation interests would require detailed consideration under the relevant development management policies. Other material considerations are addressed in the Core Strategy, this Development Management Policies Document and other Supplementary Planning Documents. Applicants should familiarise themselves with both documents prior to making an application.

Operating the presumption in favour of sustainable development in the context of National Park purposes

1.23 Policy DM1 sets out how the presumption in favour of sustainable development, as set down in the National Planning Policy Framework (NPPF), should be applied to ensure that it does not conflict with the National Park's statutory purposes. The government has given a commitment to maintain key protections for the countryside. The National Planning Policy Framework reflects this commitment. The special role of National Parks is recognised in the framing of the presumption in favour of sustainable development which sets out that authorities should meet objectively assessed needs unless specific policies in the Framework indicate development should be restricted. Crucially, National Parks are identified as one such area of statutory protection reflected in policy.¹²

DM1: The presumption of sustainable development in the context of National Park purposes

- A. When considering development proposals the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions that are consistent with National Park purposes:
- to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
 - to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park.
- B. Planning applications that accord with the policies in the development plan will be approved without unnecessary delay, unless material considerations indicate otherwise.

Securing planning benefits

1.24 Since the adoption of the Core Strategy in 2011 the Authority has considered the potential for and viability of using the Community Infrastructure Levy (CIL) as a means of securing funds for strategic infrastructure. A joint study with Derbyshire Dales District Council, High Peak Borough Council and Staffordshire Moorlands District Council was completed in July 2013 and considered the viability of applying a CIL in the National Park. The outcome of the study was that in the National Park there is minimal strategic infrastructure need, and that there did not appear to be evidence of a significant funding gap, which is required for the introduction of CIL to be justified.

1.25 Further, the costs involved in the collection and administration of CIL within the National Park could outweigh the benefits of the revenues from CIL, given the limited scale of development likely to take place. That said, given the limited infrastructure requirements, there is still scope to utilise s106 agreements to fund local infrastructure needs. The levels

¹² NPPF paras 14 (including reference 9) and 115 (including reference 25). Letter from DCLG to Sir Michael Pitt (3 March 2014).

of funding required are relatively small and infrastructure investment needs could therefore be delivered using pooled S106 revenues (from less than 5 schemes, in line with regulations).

- 1.26 In addition, a proportion of the infrastructure needs in the National Park could be delivered by the districts that cover the National Park. It is suggested that their Regulation 123 lists could include an allocation to sub-regional strategic infrastructure funding to be used, for example, to meet the cost of green infrastructure requirements in the National Park. The National Park Authority could press this case.
- 1.27 In light of these findings, consultants recommended that whilst there may be potential to introduce CIL implementing CIL should not be the preferred means for funding strategic infrastructure investment within the National Park.
- 1.28 Since 2011 monitoring has highlighted that the main use of s106 has been to secure affordable housing to address local housing needs in the National Park. S106 is also used for a range of other occupancy ties and further explanation of the role of these legal agreements is set out in Chapter 6 in relation to housing policies.
- 1.29 Monitoring has also highlighted a number of areas where approval of planning permission has been granted contrary to policy, particularly in schemes involving

judgement over the degree of conservation and enhancement benefit achieved in furtherance of National Park purposes. This has raised concern over the potential for loss of valued features and characteristics of the National Park prompting the call for further investigation of the use of s106 to seek wider benefits in order to mitigate such losses, particularly those involving heritage assets, areas of biodiversity or areas where the quiet enjoyment of the National Park is adversely affected.

- 1.30 It is vital that priority remains with the achievement of the conservation and enhancement of the National Park's valued characteristics. In many cases planning conditions will provide an appropriate mechanism to mitigate the impact and allow sustainable development to progress. However in some cases planning conditions may not be sufficient to outweigh the harm to the National Park. Here, planning permission should be refused. Nevertheless if approval is otherwise granted for material planning reasons but contrary to policy, s106 agreements could be used to mitigate the impacts of the development and, where appropriate, secure wider benefit specifically in order to secure National Park purposes. Such benefits could include financial contributions towards landscape scale projects conservation projects or the pursuit of recreation opportunities.