

Public Document Pack

Tel: 01629 816200
Fax: 01629 816310
E-mail: customer.service@peakdistrict.gov.uk
Web: www.peakdistrict.gov.uk
Minicom: 01629 816319
Aldern House . Baslow Road . Bakewell . Derbyshire . DE45 1AE



Our Ref: A.1142
Date: 7 March 2013



NOTICE OF MEETING

Meeting: **National Park Authority Meeting**
Date: **15 March 2013**
Time: **10.00 am**
Venue: **Aldern House Baslow Road Bakewell**

JIM DIXON
CHIEF EXECUTIVE

AGENDA

PART A

1. **Apologies for absence.**
2. **Chair's Announcements.**
3. **Minutes of the meeting held on 1 February 2013:** approve as a correct record.
4. **Urgent Business.**
5. **Public Participation.**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Members Declarations of Interest.**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
7. Adoption of Supplementary Planning Document for Climate Change and Sustainable Building (BJT/A.6101) 30 mins
Appendix 1
Appendix 2
Appendix 3
8. Review of Standing Orders in Respect of Referral of Planning Applications to Authority (JRS) 20 mins
Appendix 1
Appendix 2

- | | | |
|-----|---|---------|
| 9. | Appointments Process Panel (A.111/JS) | 15 mins |
| 10. | Appointments to vacancies on Outside Bodies and Member Representative Roles (A.1155/RC) | 5 mins |
| 11. | Prudential Code for Capital Finance and Treasury Management Policy (A1327/PN)
Appendix 1 | 15 mins |
| 12. | Items for approval with no discussion | |

At the Authority meeting held on 5 October Members agreed to introduce a six month trial of the Chair identifying agenda items where there would be no discussion unless there was an advance request from an individual member for a discussion to take place. The Chair has agreed that the following items will be dealt with in this way:

1. Amendments To Standing Orders: Management Review –Operations And Part 2 (Contracts) Update– (A.11/JS)
Appendix 1
Appendix 2
Appendix 3
2. Equality Policy (DU)
Appendix 1
3. Pensions report (DU)
Appendix 1

Duration of Meeting

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Authority will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Authority has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)

Agendas and reports

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website www.peakdistrict.gov.uk .

Background Papers

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/382. E-mail address: democraticservices@peakdistrict.gov.uk.

Public Participation and Other Representations from third parties

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Resources to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website www.peakdistrict.gov.uk or on request from Democratic Services 01629 816362, email address:

democraticservices@peakdistrict.gov.uk, fax number: 01629 816310.

Written Representations

Other written representations on items of report, except those from formal consultees, will not be reported to the meeting if received after 12noon on the Wednesday preceding the Friday meeting.

Recording of Meetings

The Local Government Act 1972 does not require the Authority to permit the recording of meetings by sound, video, film, photograph or any other means. However, the Authority permits a handwritten record being taken at meetings and in addition, requests in advance for recording Authority meetings and committee meetings will be allowed if it is in the interests of helping the wider public observe and understand Authority decision-making.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. The recordings will usually be retained only until the minutes of this meeting have been confirmed.

General Information for Members of the Public Attending Meetings

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at www.travelineeastmidlands.co.uk.

Please note that there is no catering provision for members of the public during meal breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

To: National Park Authority Members

Constituent Authorities
Secretary of State for the Environment
Natural England

This page is intentionally left blank

7. ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENT FOR CLIMATE CHANGE AND SUSTAINABLE BUILDING (BJT/A.6101)

Purpose of the report

1. To recommend that the Authority adopts the text of the Supplementary Planning Document for Climate Change and Sustainable Building, and that the document be designed and published with additional illustrations.

Recommendations

That:

1. **The Authority adopts the text of the Supplementary Planning Document (SPD) for Climate Change and Sustainable Building as set out in Appendix 1.**
2. **The Director of Land Use Policy in consultation with the Chair of Authority be granted delegated authority to agree minor text and formatting changes to the SPD to improve the final document both for immediate use and to create a professionally designed version of the document for public release.**
3. **Following publication the Director of Planning in consultation with the Chair of Planning Committee be granted delegated authority to agree future minor technical revisions to the SPD to enable it to remain up to date, accurate and relevant.**

How does this contribute to our policies and legal obligations?

National Planning Policy Framework (NPPF)

2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the East Midlands Regional Plan 2009, the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. At its meeting on 1st February 2013 the Authority determined that the adopted policies in the Local Development Plan are consistent with the NPPF (Minute 6/13).
3. Paragraph 153 of the NPPF states that supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development. For the Climate Change and Sustainable Building SPD officers advise that the central purpose of the document is to guide planning applications towards the kind of locations and design styles that are most likely to succeed through the planning process and as such is justified under the terms of the NPPF.

National Park Management Plan 2012-17

4. The Supplementary Planning Document will help in the achievement of all 4 headline themes of the new National Park Management Plan. The text below in bold italics is to

demonstrate the way the SPD will further these themes.

5. **A DIVERSE WORKING AND CHERISHED LANDSCAPE**

A resilient Peak District where the unique beauty of its working landscapes, its wildlife and environment, its tranquility, cultural heritage and the communities within it, continue to be understood and valued nationally for their diversity and richness.

The SPD establishes a ‘landscape-first’ approach to ensure that solutions are developed in the full knowledge and respect for the special landscape we are working in.

6. **A WELCOMING AND INSPIRING PLACE**

An inspiring Peak District where all are welcome to discover, enjoy, understand and value the special qualities of the national park; a place where people can develop a sense of adventure and belonging, and play a part in its sustainable future.

The SPD raises awareness of the need to build and design in sustainable ways that respect the special environment of the National Park.

7. **THRIVING AND VIBRANT COMMUNITIES**

A lived in, sustainable, thriving and innovative Peak District that engages both local and neighbouring communities, and promotes a high quality of life by conserving and enhancing the special qualities of the national park.

The SPD will help individuals and communities work towards realizing their own aspirations for achieving more sustainable homes and community buildings

8. **AN ENTERPRISING AND SUSTAINABLE ECONOMY**

An enterprising and sustainable Peak District economy which capitalises on and enhances its special qualities and promotes a strong sense of local identity, reflecting the aspirations of local business, organisations and communities.

The SPD offers positive guidance on the opportunities for ‘greening’ a range of buildings with particular support for the farming environment and for ensuring that even converted traditional buildings can provide a sustainable base for small businesses.

Corporate Objectives 2012 – 15

9. The Supplementary Planning Document will aid the achievement of corporate objective 3 “to provide a high quality planning service that achieves purposes” and objective 4 “to lead a programme to reduce greenhouse gas emissions across the National Park and adapt to climate change by inspiring and enabling others and through direct actions in our own operations”.

Local Development Plan

10. Adopted Core Strategy policies set the overriding context for securing National Park purposes and sustainable development through the planning process. The following policies set the primary context for the Supplementary Planning Document:
- GSP1 – Securing National Park Purposes and Sustainable Development;
 - GSP2 – Enhancing the National Park;
 - GSP3 – Development Management principles;
 - DS1 – Development Strategy;
 - L1 – Landscape Character and Valued Characteristics;
 - L2 – Sites of Biodiversity or Geo-Diversity Importance;
 - L3 – Cultural Heritage Assets of Archaeological, Architectural, Artistic or Historic Significance;

- CC1 – Climate Change Mitigation and Adaption;
- CC2 – Low Carbon and Renewable Energy Development;
- CC3 – Waste management;
- CC4 – On-Farm Anaerobic Digestion of Agricultural Manure and Slurry;
- CC5 – Flood Risk and Water Conservation

Policy Background

11. Since adopting its last Supplementary Planning Guidance for Renewables and Conservation in 2003, a raft of scientific data, legislative change and technological advancements have emerged, leaving a clear and urgent need to bring the Authority's guidance up to date and reflect the encouragement set out in the adopted Core Strategy for a more sustainable approach to building design, energy efficiency and for the encouragement of renewable energy production.
12. Nevertheless, many of the underlying principles in the existing guide are maintained e.g. the need to prioritise landscape protection and to retain the energy hierarchy as a central theme which allows innovative approaches to sustainability while conserving and enhancing the valued characteristics of the National Park.
13. The process for engaging others in the production of this SPD began during 2010 with a stakeholder workshop at Losehill Hall. Following adoption of the Core Strategy in 2011, work resumed on drafting material for the SPD. A representative group of stakeholders was then brought together to gather thoughts and steer the direction of the document. Officers prepared a range of draft materials and organized a stakeholder forum, held on the 1st February 2012. The Member Representative for climate change took a strong role at this stage by chairing the event and maintaining effective dialogue with officers. Representative groups engaged at this stage included:
 - Statutory bodies such as Natural England, English Heritage and the Environment Agency;
 - Community interest through the Peak Park Parishes Forum and Sustainable Youlgrave;
 - Countryside business interests through the National Farmers Union and the Country Land and Business Association;
 - Countryside and sustainable development interest through the National Trust and Friends of the Peak District;
 - Social housing interests through the Peak District Rural Housing Association.
14. Some of the key observation to emerge from this session were the need to:
 - Prepare a practical and workable forward looking document;
 - Link to wider aspirations to helping mitigate and adapt to climate change
 - Prepare an enabling document with a positive tone.
 - Incorporate the landscape strategy with care so as to reflect the context but not get too bogged down in detail;
 - Face up to issues on permitted development and conservation areas
 - Make the work a step by step guide to successful and well informed planning applications.
15. Using this steer a draft version of the SPD was produced and approved for public consultation by Planning Committee on the 11th May 2012. The document was subsequently released in June 2012 for an 8-week consultation. Members were invited to contribute to the development of the SPD through that consultation. Subsequent Member input to the process was principally maintained via the Member Representative for climate change.

However, when the responses to public consultation were considered, leading to changes in the document, other Member Representatives and the Chair of Planning Committee were also engaged to ensure that related and wider aspects had been considered.

16. Through the process we aimed for consensus on key issues, building on and developing the themes which had been established and agreed through the Core Strategy and at earlier stages in the SPD consultation process. As a result the final document remains true to the principles and technical guidance on policies laid out at the draft stage, but the consultation responses and contributions made have led to amendments and changes which improve the document, highlighting the value of maintaining constructive dialogue on significant and influential documents that can have a long and meaningful lifespan.

Key issues emerging from consultation

17. A summary of key issues arising from the consultation stage, and the way that responses have been used to improve the document are included at Appendix 2. Following the public consultation stage it has been necessary to maintain dialogue with a limited number of stakeholders to ensure that their remaining concerns have been considered. The final text achieves its aim of balancing National Park purposes with the desire to create an enabling document that will help people to make successful planning applications. The input from stakeholders has led to a document that is focused on the essential planning information applicants will require as they move through the statutory process.

Proposals

18. As a result of the consultation process officers organised the detailed responses and created a summary of issues to consider alongside the draft version. These points were all shared with the Member Representative for climate change and decisions were made as to what changes could be incorporated. These are also highlighted in Appendix 2. Officers are confident that the revised Supplementary Planning Document is now ready to be adopted so that it may be used from this point forward by applicants and the Authority.
19. One of the matters resolved by this final version of the document is the nature of the relationship to detailed landscape sensitivity guidance for wind turbines which formed part of the evidence base for the Core Strategy. At the draft stage it was proposed to include this or a summary of it as part of the document, however responders felt that while the principle of landscape considerations was appropriate the guidance made the document too lengthy. As such a method has been found of making a formal link (described in the text and to be activated electronically in the published version) in the document to a separate Annex, which gives detailed technical guidance for each landscape character area of the National Park. This link can be seen at page 38 of the SPD.
20. Officers are keen that SPD's with strong design and landscape content are well designed and produced to fully demonstrate the valued context in which they apply, and to offer high quality illustrations that best demonstrate the intent of policy. As such the recommendations in this report also include firstly the delegation of authority to the Director of Land Use Policy in consultation with the Chair of Authority to make minor changes as part of both the production of a professionally designed version of the document both for print and web release, and secondly delegation to the Director of Planning in consultation with the Chair of Planning to agree minor revisions should the need arise in future so that the document remains up to date.

Any future need for more substantive revisions in the light of significant technological changes and advances would be considered with members at the appropriate time.

21. It is proposed that the document will be uploaded to the Authority web-site as soon as possible after adoption so that it may be quickly publicly accessible and used. Alongside the document officers also intend to provide an initial set of best practice case studies to highlight practical ways in which policy can lead to successful schemes. Examples of such case are included for members' consideration at Appendix 3. It is envisaged that these examples may be added to and improved over time to ensure that as further schemes are approved the Authority can continue to advocate and encourage high quality sustainable developments that integrate well with the natural and built heritage of the National Park.

Further encouragement of exemplar climate change adaptation and mitigation measures

22. As stated above officers have clarified that the main purpose of the SPD is to enable high quality planning applications that lead to a greater number of sustainable developments. However while officers have sought to retain a distinctive planning focus there remains an important supporting role to the broader commitment of the Authority to address climate change and sustainable development. As such the document will make an important contribution by encouraging people to work with officers on finding solutions that reflect that commitment and fit well with the purposes of the National Park. The introductory sections of the SPD provide encouraging, enabling language to aid this commitment.
23. The publication of the SPD will not preclude the potential for other promotional material to be produced to cover other aspects of climate change, e.g. around adaptation projects or to further promote the opportunities available through the SPD and find ways of encouraging to people to use the SPD to explore possible sustainable development opportunities.

Are there any corporate implications members should be concerned about?

Financial

24. None

Risk Management

25. None

Sustainability

26. None

Consultees: Director of Land Use Policy and Director of Planning

27. Comments incorporated

Background papers (not previously published)

28. Technical Annex to the SPD entitled "Landscape Sensitivity Assessment and Guidance for Wind Turbine Applications" (accessed as a link from the main SPD, see page 38)

Appendices

1. The final SPD for adoption
2. Summary of responses to draft SPD and key changes made
3. Example case studies for website

Report Author, Job Title and Publication Date

29. Brian Taylor, Policy Planning Manager, 7 March 2013

Supplementary Planning Document Climate Change and Sustainable Building March 2013

1.	Introduction	3
2.	How to use this document.....	5
2.1	General.....	5
2.2	The special context of the National Park	5
2.3	Our strategic planning principle for climate change.....	5
2.4	Improving the sustainability of buildings	5
2.5	Using the relevant guidance for your proposed development.....	6
3.	National significance of the Peak District National Park.....	7
3.1	National Park Legislation.....	7
3.2	National Planning Policy Framework (NPPF).....	7
3.3	English National Parks' Vision and Circular 2010.....	9
3.4	Peak District National Park Planning Policy.....	9
4.	Do you need planning permission?.....	11
4.1	How to find out if you need planning permission	11
5.	Sustainability requirements for all forms of development.....	12
5.1	General.....	12
5.2	Location of development	12
5.3	The Energy Hierarchy	12
5.4	Water efficiency.....	17
5.5	Waste Management.....	20
5.6	Design considerations	217
6.	Sustainability principles for traditional and historic buildings.....	22
6.1	General.....	22
6.2	Insulation and draught proofing	22
6.3	Low carbon and renewable energy.....	23
7.	Sustainability Requirements for New Buildings.....	25
7.1	General.....	225
7.2	New build housing.....	25
7.3	New build non-residential buildings	29
7.4	Other types of development	30
8.	Preparing a planning application.....	31
8.1	Understanding landscape character and valued characteristics.....	31
8.2	Using the Landscape Strategy and Action Plan	32
8.3	Using the Landscape Sensitivity Assessment for wind turbines	35
8.4	Planning Application Validation Guidance.....	388

8.5	Biodiversity protection and enhancement	398
8.6	Impact of development on Heritage Assets	39
8.7	Using the Environmental Management Checklist	40
8.8	Will an Environmental Impact Assessment be required?	401
9.	Low Carbon and Renewable Energy	444
9.1	General.....	444
9.2	Solar technologies.....	477
9.3	Heat Pumps	555
9.4	Wood fuelled heating and biomass boilers.....	588
9.5	Hydropower	61
9.6	Anaerobic digestion	633
9.7	Wind turbines	666
10.	Flood Risk and Sustainable Drainage.....	766
10.1	Reducing the risk of flooding	766
10.2	Strategic flood risk assessment	767
10.3	Site specific flood risk assessment	767
10.4	Sustainable Drainage.....	79

Appendices

Appendix A - Core strategy policies.....	1
Appendix B - Requirements and Guidance Summary for New Housing.....	1

Appendix C - The Environmental Management Checklist

Annexes

Annex 1 - Landscape Sensitivity Assessment and Guidance for Wind Turbine Development

Annex 2 - Case Studies

Index of Figures

Figure 1 - Energy hierarchy	13
Figure 2 - Landscape Character Areas.....	33
Figure 3 - Landscape Character Types	34
Figure 4 – Using the energy hierarchy to achieve the highest possible standards of carbon reductions a more sustainable National Park could look something like this...	466
Figure 5 - Illustrative guidance for locating solar technologies in a traditional village scene.....	511
Figure 6 - Illustration demonstrating scale of existing landscape features in relation to a small wind turbine.....	699
Figure 7 – Landscape First (step 2) – Illustration to show how to get the scale and location of a proposed wind turbine right.....	Error! Bookmark not defined.
Figure 8 - Understanding Skylining.....	722

1. Introduction

1.1 Climate Change and Sustainable Building

- 1.1.1 This Supplementary Planning Document for Climate Change and Sustainable Building promotes the positive role that sustainable buildings, and low carbon and renewable energy can play in reducing greenhouse gas emissions. It provides guidance on adapting to and mitigating the impacts of climate change in ways that are appropriate to the statutorily protected landscapes of the Peak District National Park.
- 1.1.2 Over the coming decades climate change is likely to pose new challenges for communities, landscapes and wildlife. To help slow the rate of climate change we need to reduce the emission of greenhouse gases. In the Peak District the National Park Authority is reducing the greenhouse gases it is responsible for. We have a Carbon Management Plan to reduce our carbon footprint by 30% by 2015 (based on a 2010/11 baseline). Example actions include:
- ensuring that, wherever possible, our buildings are well insulated, draft free and that heating systems are properly controlled
 - using video conferencing to reduce travel to meetings,
 - installing renewable energy where appropriate – including a biomass boiler at our Head Office.
- 1.1.3 Residents too are reducing greenhouse gas emissions, by better insulating their homes, reusing materials, using energy efficient lighting, turning off unnecessary appliances and installing low carbon and renewable technologies..
- 1.1.4 This Supplementary Planning Document (SPD) gives guidance on development appropriate to the protected National Park landscape, directing it to the most sustainable locations, conserving water, minimising waste and avoiding the risk of flooding. Sustainability standards for new housing and non-residential buildings offer a positive platform towards zero carbon development in the National Park. Developers are encouraged to make development as sustainable as possible through the planning and construction phase, since retrospective energy improvements are more difficult and costly to achieve.
- 1.1.5 We want sustainable building and low carbon and renewable energy installations to be the norm. The SPD provides positive guidance on the application of the policies of the Core Strategy Development Plan Document ([Link](#)) (adopted October 2011) and promotes the use of the energy hierarchy to ensure that the quickest and most cost-effective methods of carbon reduction are used first. It also promotes an increased consideration of landscape character - how landscape has evolved and how individual buildings, roads and settlements contribute to this character. This will help to ensure that new development proposals meet the National Park's primary purpose to conserve and enhance the natural beauty, wildlife and cultural heritage, whilst at the same time contributing to a reduced environmental footprint and a sustainable future for communities and businesses.
- 1.1.6 This SPD replaces the Supplementary Planning Guidance for Energy, Renewables and Conservation which was adopted in October 2003. It provides:
- Information to help make applications in accordance with the development plan.
 - Guidance on sustainable building and means of reducing carbon emissions using the energy hierarchy

- Examples of low carbon and renewable energy installations and ways of minimising visual impact
- Guidance on best practice sustainability measures for historic buildings
- Guidance on landscape character and valued characteristics, understanding the sensitivity of landscape in order to put forward appropriate development proposals
- Guidance on assessing the impact of development
- Guidance on the policy requirement for buildings to achieve sustainability standards such as the Code for Sustainable Homes.
- Guidance on the requirement for new build non-domestic buildings over 1,000 m² to achieve a Building Emissions Rate 10% lower than the Target Emissions Rate
- Brief descriptions and links to the information needed to submit a planning application
- Guidance on water conservation, flood risk and the use of sustainable drainage
- Links to other sources of technical information and advice

1.1.7 Whilst the main focus of the document is on climate change, there are a wide range of mitigation measures that can be taken to adapt to expected changes in climate. Chapter 5 provides guidance on sustainability requirements for all forms of development. Chapter 10 provides detailed guidance on water management measures.

2. How to use this document

2.1 General

2.1.1 This document will be used by the National Park Authority to help guide planning decisions. It explains how the Core Strategy policies for Climate Change and Sustainable Building are applied and how to reflect these policies when you take a proposal through the planning process.

2.1.2 This chapter introduces:

- **The special context of the National Park**
- **Our strategic planning principles for climate change**
- **Improving the sustainability of buildings**
- **Using the relevant guidance in the document**

2.1.3 Section 2.5 guides you to the chapters of the document most relevant to particular projects. However, applicants are advised to read Chapters 3-5 and Chapter 8 first before the specific guidance for their proposed development. Those advise on the national and local planning context and overarching sustainability principles.

2.2 The special context of the National Park

2.2.1 Chapter 3 provides a summary of the legal framework that we work to in the Peak District National Park and sets out other key considerations such as Government policy on the management of National Parks and the relationship to the National Planning Policy Framework.

2.3 Our strategic planning principle for climate change

2.3.1 The starting point for decision making for a local planning authority is the adopted development plan. Appendix A ([Link](#)) summarises this National Park's most relevant policies in relation to climate change and sustainable buildings, and we encourage you to familiarise yourself with them. The fundamental principle established by the climate change policies in the adopted [Core Strategy](#) is that all new development must be built to high sustainability standards. **Policy CC1** sets out a list of headline matters that need to be addressed in all development.

2.3.2 This is a significant change from the previous Supplementary Planning Guidance published in 2003 which focussed primarily on renewable energy production. While this remains a key means of our move towards a low carbon, self-sufficient and sustainable society, we now want to raise the profile of the energy hierarchy and its essential principles for reducing our energy needs and making our buildings more sustainable.

2.4 Improving the sustainability of buildings

2.4.1 It is our aim that not only will this SPD be used to guide planning decisions but also to raise standards in sustainable building. Chapter 4 explains the principles of the Energy Hierarchy and how it can help to:

- reduce the need for energy
- use energy more efficiently
- supply energy efficiently

- use low carbon and renewable energy

Chapter 4 also covers the principles of:

- making the most efficient and sustainable use of land, buildings and natural resources
- water conservation
- waste minimisation

2.4.2 Chapter 5 focuses on sustainable approaches for traditional and historic buildings and shows that great opportunities can be found to improve the sustainability of our most valued buildings and historic environments.

2.5 Using the relevant guidance in the document for your proposed development

2.5.1 Against the background of chapters 1-5 we encourage you to contact the Authority to discuss the planning of your project. When you are preparing your plans and applications, we will advise you on the adopted Development Plan for the National Park, our adopted guidance such as this SPD, and our adopted strategies and other documents including the Landscape Strategy and Action Plan, Biodiversity Action Plan and Conservation Area Appraisals).

2.5.2 Specific requirements are explained for:

- Historic buildings – Chapter 6
- New-build housing – Chapter 7 section 7.2
- New build non-residential buildings – Chapter 7 section 7.3
- Assessing the impact of development – Chapter 8
- Low carbon and renewable energy – Chapter 9
- Flood risk and sustainable drainage – Chapter 10

3. National significance of the Peak District National Park

3.1 National Park Legislation

3.1.1 The approach to development within the National Park and affecting the National Park is governed by the legal requirements (the statutory purposes) as set out in the National Parks and Access to the Countryside Act 1949, as amended by the Environment Act 1995:

- **to conserve and enhance the natural beauty, wildlife and cultural heritage; and**
- **promote opportunities for the understanding and enjoyment of the special qualities by the public.**

3.1.2 The purpose of the planning system is to determine planning applications in the public interest. National Park Authorities are required, above all other planning considerations, to work in the national public interest to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. Where there is an irreconcilable conflict between the two statutory purposes the conservation and enhancement of the National Park must be given priority. This is known as the Sandford Principle. **.(add footnote – National Parks Policy Review Committee 1974, principle enshrined in National Parks and Access to Countryside Act 1949 (as amended) section 11A(2))**

3.1.3 In pursuing the statutory purposes, National Park Authorities also have a duty to seek to foster the economic and social well-being of local communities. The Authority must not approve development that fosters the economic and social well-being of local communities where the purposes are not met.

3.1.4 This chapter summarises the most relevant parts of:

- the Government's National Planning Policy Framework
- the Government's Vision and Circular for National Parks and the Broads 2010
- Peak District National Park Planning Policy

3.2 National Planning Policy Framework (NPPF)

3.2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and highlights the statutory status of the development plan as the starting point for decision-making.¹

3.2.2 The NPPF emphasises the key role that planning plays in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability in providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure which is central to the economic, social and environmental dimensions of sustainable development. It requires local planning authorities to support the move to a low carbon future by:

- planning for new development in locations and ways which reduce greenhouse gas emissions,

¹ (Ref Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990)

- actively supporting energy efficiency improvements to existing buildings; and
- when setting any local requirement for a building sustainability, do so in a way consistent with the Government's zero carbon buildings policy, adopting nationally described standards'.

3.2.3 National Park planning policy requires that new build housing match the Code for Sustainable Homes Level as required by Government of Registered Social Landlords. This will secure long term reductions in carbon emissions throughout the lifetime of the building.

3.2.4 In order to help increase the use and supply of renewable and low carbon energy the NPPF requires local authorities to:

- have a positive strategy to promote energy from renewable and low carbon sources
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily including cumulative landscape and visual impacts
- support community initiatives for low carbon and renewable

3.2.5 The NPPF is clear that the normal presumption in favour of sustainable development does not apply where 'specific policies in this framework indicate development should be restricted' (NPPF paragraph 14). The list of examples where development should be restricted includes land within a National Park.

3.2.6 This recognition that development should be restricted within National Parks is consistent with the fact that National Park Authorities must give primacy to National Park purposes (see above). The NPPF therefore ensures that there is no conflict between the primary legislation of the National Parks and Access to the Countryside Act 1949 (as amended by the Environment Act 1995), and national planning guidance. In other words, where development fails to conserve and enhance natural beauty, wildlife and cultural heritage it will not be approved, irrespective of other material considerations – applicants therefore need to ensure that development is consistent with National Park purposes. This is a significant difference between National Park Authority planning practice and the planning practice in other local authorities.

3.2.7 Paragraph 115 of the NPPF states 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. The NPPF points to the English National Parks and the Broads: UK Government Vision and Circular 2010 as providing further guidance and information about their statutory purposes, management and other matters (see section 3.3).

3.2.8 NPPF paragraphs 11 and 12 explain the requirement in planning law that applications for planning permission must be determined in accordance with the development plan and states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'. In a National Park context other material considerations must not outweigh the statutory purposes of the National Park, unless by order of the Secretary of State, for example for development in the national interest not able to be provided elsewhere.

- 3.2.9 What is and is not a material planning consideration can be a difficult concept. To assist, a link is provided to [Planning Aid's explanation of Material Planning Considerations](#)².

3.3 English National Parks and the Broads: UK Government Vision and Circular 2010

- 3.3.1 The Vision and Circular 2010 [\(Link\)](#) (referred to in the NPPF paragraph 115) provides policy guidance on the English National Parks and further guidance and information about the statutory purposes of National Parks, their management and other matters.
- 3.3.2 The Vision and Circular sets out the principles of sustainable development in a National Park context.

The principles of sustainable development include living within environmental limits, achieving a sustainable economy and ensuring a strong, healthy and just society. There are wide ranging demands and needs within the Parks, including for example, conservation, public access, local employment and affordable housing. The Authorities' primary responsibility is to deliver their statutory purposes. In doing so, they should ensure they are exemplars in achieving sustainable development, helping rural communities in particular to thrive. Such models can offer wider application to other areas beyond the Park boundaries, and Authorities are encouraged to disseminate their experience to other rural authorities. For example, through the use of resources such as the Sustainable Development Fund, the Authorities have piloted initiatives which have tested new approaches and, in doing so, they have become examples of best practice.

Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come. Within the Parks conserving and enhancing the landscape, biodiversity, cultural heritage, dark skies and natural resources, and promoting public understanding and enjoyment of these should lie at the very heart of developing a strong economy and sustaining thriving local communities.

- 3.3.3 In accordance with the Vision and Circular the National Park Authority is playing a key role on its estates as an exemplar of sustainable land management to prevent further carbon loss from its peat soils and to encourage carbon storage. This SPD encourages everyone to tackle climate change by minimising carbon emissions and water usage in development and by seeking opportunities for low carbon renewable energy installations appropriate to the national value of the landscape.

3.4 Peak District National Park Planning Policy

- 3.4.1 The Peak District National Park Core Strategy [\(Link\)](#) (adopted 2011) sets out policy principles to achieve the statutory purposes of the National Park for the plan period up to 2026, while seeking to contribute to greenhouse gas reduction targets established by the United Kingdom in ways that are consistent with the legislation for National Parks (refer to the Introduction and Appendix 1 of the Climate Change Action Plan for more detail – [Link](#)). This SPD supplements various aspects of adopted policy where this helps to explain the intent behind the policy principles. Key Core Strategy policies that are relevant are set out in Appendix A to this SPD and can be summarised as follows.

- 3.4.2 **GSP1 Securing National Park Purposes and Sustainable Development.** This sets out the policy link to the statutory legislation and reveals the commitment to the sustainable development of the area in the context of National Park designation;

- 3.4.3 Policies directly related to the first statutory purpose:

² <http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf>

- **L1 Landscape character and valued characteristics**
- **L2 Sites of biodiversity or geodiversity importance**
- **L3 Cultural heritage assets of archaeological, architectural, artistic or historic significance**

The key message of these policies is that development must conserve and enhance natural beauty and valued landscape character, designated sites, protected species, Biodiversity Action Plan habitats and species, and cultural heritage assets. Chapter 8 of this SPD provides further guidance on considering the impact of development on these and other valued characteristics.

3.4.4 Climate Change Policies:

- **CC1 – Climate change mitigation and adaption**
- **CC2 – Low carbon and renewable energy development**
- **CC3 – Waste management**
- **CC4 – On-farm anaerobic digestion of agricultural manure and slurry**
- **CC5 – Flood risk and water conservation**

Guidance on how to apply these policies is set out in detail in chapters 5 to 10.

4. Do you need planning permission?

4.1 How to find out if you need planning permission for your development

- 4.1.1 You may normally carry out a number of minor changes to your house without the need to apply for planning permission. This is known as "**permitted development**". Permitted development rights are set by Parliament. Information about the relevant regulations can be found on the [Planning Portal](#).
- 4.1.2 In **National Parks**, permitted development rights are more restricted. Similarly **Conservation Areas** are designated for their special architectural and historic interest and permitted development rights are restricted. Even where planning consent is not required for a **Listed Building** you should check (contact details to be added xxx) whether there is a requirement for separate Listed Building Consent. You will need to consider the consent requirements for the building itself, its setting and its curtilage.
- 4.1.3 In some cases permitted development rights only exist provided that certain criteria (including design criteria) can be met. Solar panels for example, can be classed as permitted development but only where criteria can be met. To qualify as permitted development the effect on the external appearance of the building or the amenity of the area has to be minimised so far as is practicable. The advice in this document can help you minimise harmful effects so that your development can benefit from permitted development rights. Where planning consent is required the guidance in this document will help you put forward development proposals that are more likely to be approved.
- 4.1.4 Please check the history of your property before carrying out any works in case your permitted development rights have previously been removed by the National Park Authority either by condition or by issuing an Article 4 direction. This would mean that you would have to submit a planning application for work which normally would not need one.
- 4.1.5 Please discuss your proposal with the Authority before carrying out work in case it needs planning permission. (contact details) Ask for guidance including whether the proposal can be classed as 'permitted development' and whether or not you need to apply for planning permission for all or part of the work.
- 4.1.6 The Town and Country Planning (General Permitted Development) Order 1995 is the principal order for permitted development which has been subject to a number of subsequent amendments.
- 4.1.7 The Order sets out classes of development for which a grant of planning permission is automatically given, provided that no restrictive condition is attached or that the development is exempt from the permitted development rights. Designated areas including the National Park are referred to as Article 1(5) or Article 1(6) land in the legislation.

5. Sustainability requirements for all forms of development (Policy CC1)

5.1 General

- 5.1.1 Spatial planning is of fundamental importance in delivering sustainable development and has a pivotal role to play in climate change mitigation and adaptation. The Peak District National Park Authority seeks to make a strong positive contribution within the protected landscape of the National Park through the promotion of sustainable building, the energy hierarchy, energy, water and waste efficiency measures and low carbon and renewable energy solutions that do not compromise landscape, heritage and biodiversity.
- 5.1.2 The key principles for climate change mitigation and adaptation are set out in Policy CC1 – see Appendix A.

5.2 Location of development

- 5.2.1 The Core Strategy policy DS1 (Development Strategy) directs development to the most sustainable locations based on a range of criteria. The settlement matrix in Appendix 3 of the Core Strategy sets out the potential to develop without causing harm to valued landscape characteristics of settlements.
- 5.2.2 New developments should use land efficiently and integrate well with the old to maintain the character of towns and villages. Other key considerations are amenity, safety and inclusive access. See Design Guide paragraphs 5.2 - 5.17 ([Link](#))
- 5.2.3 The retention and reuse of heritage assets is encouraged, both to conserve and enhance them and to avoid the material and energy costs of new development. See Chapter 8 on conversions in the Design Guide ([link](#)). Chapters 4 and 10 of the Design Guide give useful guidance on choice of materials ([link](#)) and other details ([link](#)). In all development, the impacts on climate change of all parts of the construction process should be taken into consideration (including the energy/resource use in the making of the construction materials and the transport of goods etc). In this way, the 'whole life' environmental cost of the development can be understood. ([Link to add: http://www.bre.co.uk/page.jsp?id=1578](#))

5.3 The Energy Hierarchy

- 5.3.1 The principles of first minimising heat loss from a building, then using energy more efficiently and then using low carbon and renewable energy are key ways of reducing carbon emissions and the costs of energy use.
- 5.3.2 This sequence is known as the energy hierarchy and is shown below as an inverted pyramid, with the first actions to take shown as Level 1.

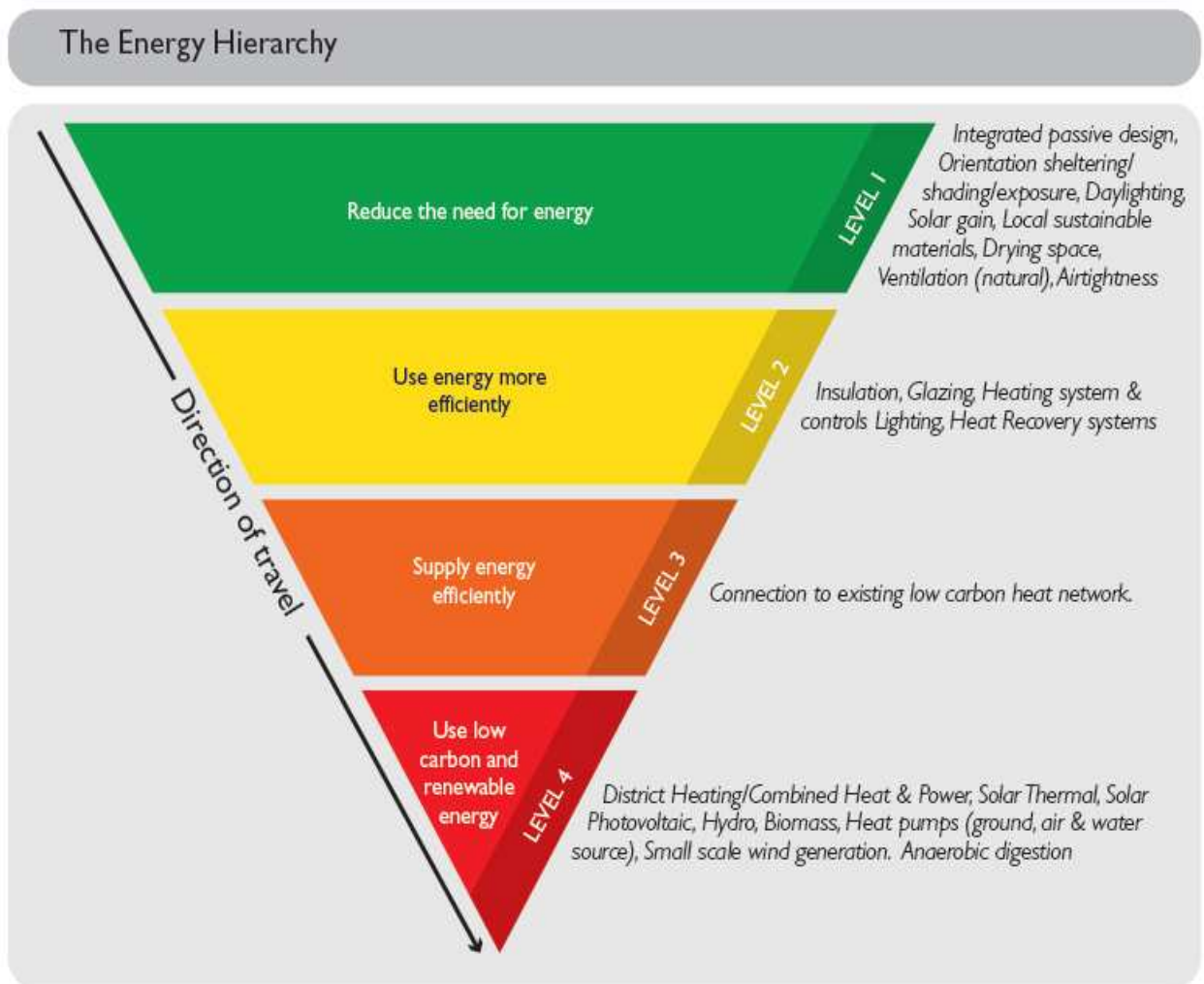


Figure 1 - Energy hierarchy

Examples of possible action at each level are given below.

Level 1 - Reduce the need for energy

5.3.3 Integrated Passive Design is a way of using design principles to reduce carbon emissions. Policy CC1 B requires that all developments take account of the energy hierarchy. Integrated passive design is a low cost way of building sustainably.

Key methods for considering integrated passive design

- Orientation: making best use of high summer sun angles and low winter sun angles on southern exposures while minimising excessive solar gain on east and specifically west exposures from low year-round sun angles
- glazing: sizing, positioning and detailing windows to get the most benefit from the sun while avoiding overheating in summer and heat loss in winter
- thermal mass: providing sufficiently exposed thermal mass to store heat from the sun in the winter and act as a heat sink for cooling in the summer. Benefits of thermal mass are often lost through excessive wall, ceiling and floor covering
- Insulation: specifying high levels of insulation to reduce unwanted heat loss or heat gains through the roof, walls, doors windows and floors

- Natural ventilation: designing clear and robustly controlled flows through buildings for daytime and night time cooling. Building air-tightness forms a critical component for achieving effective natural ventilation
- Zoning: providing carefully considered zoning to allow different thermal requirements to be compartmentalised. Substantial savings can be achieved.

5.3.4 Exemplary sustainable buildings do not have to cost more provided that good passive design features are fully integrated into the design process from the earliest stages rather than retrofitting expensive features at a later stage. Any additional costs of sustainable design are often recouped very quickly by much smaller energy bills.

Level 2 - Use energy more efficiently

5.3.5 The benefits of using energy more efficiently can be significant in saving households and businesses money on fuel bills and reducing carbon emissions cost effectively. The Energy Saving Trust provides detailed information on home improvements, insulation, heating and hot water and electricals. <http://www.energysavingtrust.org.uk/>

5.3.6 See also Chapter 6 (Sustainability principles for traditional and historic buildings) and Chapter 7 (Sustainability requirements for new buildings) in this SPD.

Level 3 - Supply energy efficiently

5.3.7 Connection to or development of a mini district heating network can be a carbon efficient means of energy supply. District heating is the supply of heat to a number of buildings or homes from a central heat source through a network of pipes carrying hot water or steam. This is a more efficient way of generating and delivering heat than the use of individual heating systems in every building. District heating pipes can connect to a range of sources of heat supply including CHP, biomass or ground source heat pumps.

5.3.8 A district heating system typically comprises an energy centre, a network of insulated pipes and a series of heat exchangers with heat meters in the individual buildings which are being supplied with heat. The energy centre may generate heat only, or it may be a combined heat and power (CHP) plant. Some district heating systems also include cooling.

5.3.9 District heating is of most benefit in areas with accessible waste heat, high demand or electrically heated dwellings and is best suited to the following three groups: new development, local authorities/housing associations/public buildings, large commercial buildings. The National Park has examples of mini district heating connected to a central biomass boiler at Chatsworth and at Beechenhill Farm.

5.3.10 The Heat Mapping study for Local Authorities, East Midlands (Chapter 5 and Appendix 5.1) provides useful technical detail.³

Level 4 - Use Low Carbon and Renewable Energy

5.3.11 Once the energy needs of a new building have been minimised through the design, then consider how the remaining energy needs can be met. This is important for heating and cooling as well as electricity generation. There are opportunities in all types of

³ Low Carbon Energy Opportunities and Heat Mapping for Local Planning Areas Across the East Midlands: Final Report March 2011 Prepared for East Midlands Councils By Land Use Consultants, Centre for Sustainable Energy and SQW <http://www.emcouncils.gov.uk/Renewable-Energy-Study>


development to use low impact energy sources, however the type of installation will be affected by the physical nature of the building and by site characteristics, its historic, archaeological and biodiversity interest and its landscape sensitivity. See more details in Chapter 6 (Assessing the impact of development) and Chapter 9 (Low carbon and renewable energy) in this SPD.


Saving carbon emissions through energy efficiency and micro renewables





DIAGRAM 1: SAVING CARBON EMISSIONS THROUGH ENERGY EFFICIENCY AND RENEWABLES

KEY

 = Measures which are the first things you should consider actioning

 = Measures listed which may require planning permission


























 = Measures which may have an impact on bats or other ecology.

 = Measures which could be eligible for funding under the Green Deal (www.decc.gov.uk/greendeal)















Don't forget! If your building is listed you may require listed building consent for any planned additions or alterations.

Please check the above in advance by contacting the Peak District National Park Authority Customer Service Team
T: 01629 816 200 E: customer.service@peakdistrict.gov.uk

Potential energy efficiency measures

No.	MEASURE	SEE KEY			
1	Draught strips on doors, windows & letter boxes				
2	Double / triple glazing units				
3	Internal secondary glazing				
4	Internal shutters / blinds / thick curtains				
5	Chimney balloons				
6	Internal solid wall insulation				
7	Loft / roof insulation				
8	Cavity wall insulation				
9	Zoned low energy lighting				
10	Energy monitor / smart meter				
11	Heat exchanger				
12	Under floor insulation				
13	Hot water cylinder insulation				
14	Replacement doors				
15	Electric programmable boiler controls / zoning				
16	A+++ white goods				
17	High efficiency condensing boiler				
18	Presence sensors				
19	Sun pipe				

Potential low carbon / renewable efficiency measures

No.	MEASURE	SEE KEY			
20	Wood burning stove / biomass boiler				
21	Heat pumps				
22	Solar thermal / hot water panels				
23	Solar photovoltaic / electric panels				
24	Hydro power (rarely applicable to an individual house)				
25	Wind turbine (rarely applicable to an individual house)				
26	Anaerobic digestion (rarely applicable to an individual house)				

5.3.12 The Environmental Management Check List in Appendix D of this Supplementary Planning Document can help when considering any development. Its aims are to ensure the sustainability of the development and to help in completing a Design and Access Statement where applicable, or to show that Core Strategy Climate Change Sustainable Building policies have been taken into consideration in other applications.

.....

Energy Performance Certificates and feed in tariffs

5.3.13 There is an important relationship between feed-in tariffs for low carbon and renewable energy and energy performance certificates.

5.3.14 The government has stated that reducing demand for energy, as one of the most cost-effective ways of reducing carbon emissions, should be prioritised before installing low carbon and renewable energy technologies such as solar photovoltaics. This principle is set out in National Park Core Strategy Policy CC1 D which states 'all development must achieve the highest possible standards of carbon reductions'.

5.3.15 New rules on the payment of feed in tariffs for solar photovoltaic installations came into force in April 2012. An energy performance certificate showing that the property has achieved a band D or better is required at the time of application to get the standard rate of feed in tariff rather than the lower rate.

5.3.16 The Energy Performance Certificate indicates the energy efficiency of the building fabric and heating, ventilation, cooling and lighting systems. The rating is compared to two benchmarks for the type of building: one appropriate for new buildings and one appropriate for existing buildings.

5.4 Water efficiency

5.4.1 Due to climate change, summer rainfall is expected to decrease and the frequency of exceptionally dry summers is expected to increase. However, demand for water is predicted to rise as a result of hotter summers and growth in the number of households. The strain on water supplies is also increased by the pollution and depletion of existing water resources.

5.4.2 To cope with this increased demand for water and the reduced, less predictable summer rainfall patterns, developments should achieve the highest possible standards of water efficiency.

5.4.3 Incorporating facilities to minimise the use of water, as part of development proposals, reduces the amount of waste water produced and the infrastructure to deal with it, as well as reducing carbon emissions since there is an energy cost in treating and supplying water. A significant proportion of energy used in the home is for heating water, therefore any reduction in water use will also provide a direct reduction in energy consumption and emissions of greenhouse gases. A key benefit is the reduction in metered water and energy bills.

5.4.4 Water conservation can be achieved by incorporating water-saving devices, using alternative water sources and careful design of landscaping and garden areas.

Water conservation methods

- install a water meter to help detect leaks and discourage waste
- provide water butts
- specify low-water use fittings and appliances
- provide guidance to householders on how to conserve water
- ensure that the design of buildings and their surrounding landscape maximises water efficiency and minimises water wastage
- provide a rainwater harvesting system as part of the development
- design surface water drainage systems to take into account future changes in rainfall
- identify opportunities to use water more efficiently during the construction and operation of any development
- incorporate products and systems that detect leaking and burst pipes and either shut off the system or sound an alarm.


5.4.5 Further advice on water efficiency measures can be obtained from the Environment Agency's Water Demand Management Team including advice on water-saving technologies. ([Link](#))


5.4.6 Issues regarding sustainable drainage and flood risk are dealt with in [Chapter 10](#) of this SPD.

Adapting to the expected changes in the climate



DIAGRAM 2: ADAPTING TO THE EXPECTED CHANGES IN THE CLIMATE**KEY**

















 = Measures which are the first things you should consider actioning

 = Measures listed which may require planning permission

Don't forget! If your building is listed you may require listed building consent for any planned additions or alterations.

Please check the above in advance by contacting the Peak District National Park Authority Customer Service Team
T: 01629 816 200 E: customer.service@peakdistrict.gov.uk

Potential adaptation measures

No.	MEASURE	SEE KEY	
RESILIENCE TO FLOODING			
1	Door flood guards		
2	Sustainable drainage installed – e.g. permeable paving		
3	Air brick covers		
4	Water metering / leakage detection systems		
5	Flood sacks		
6	Increased gutter, downpipe & drain size		
7	Waxed window frames & doors		
8	Re-landscape areas to divert water away from your property		
9	Non-return valves to drains & water inlet pipes		
10	Raised power points & consumer unit		
11	Ceramic tiles or rugs rather than carpets		
12	Expensive or irreplaceable items put on high mounted shelves.		
13	Water resistant skirting boards		
14	Know how to turn off your gas, electricity & water mains supplies.		
15	Water pump in cellar		
RESILIENCE TO HOT WEATHER & DROUGHT			
16	Internal shutters (provide additional shading)		
17	Insulation (reduces overheating of properties)		
18	Spray or 'clutch' type taps		
19	Water efficient 'A' rated appliances		
20	Water efficient showers & smaller baths		
21	Dual & low flush toilets		
22	Sign up for Floodline Warnings Direct online at www.environmentagency.gov.uk or call Floodline on 0845 988 1188.		
23	Water butts		
24	Rain water / grey water recycling		
25	Garden design – including trees for more shading		
26	Plant selection – more drought resilient species		

5.5 Waste Management

- 5.5.1 The responsibility for protecting the National Park from the detrimental impact of waste management development lies with the National Park Authority. The Authority is the waste planning authority for the area and Core Strategy policy CC3 sets out the close working relationship between the National Park Authority and its constituent authorities in terms of waste management.
- 5.5.2 As part of the planning process, consideration is given to waste generated as a result of development, which adds to existing waste that must be managed. The minimisation of waste, for environmental protection, needs to be considered:
- During demolition and site clearance
 - During construction
 - When development is finally occupied
- 5.5.3 Whenever possible, waste deriving from site preparation and demolition should be used on site as part of the new development or otherwise recycled, recycled construction materials should be used, and the use of construction materials monitored to avoid over-ordering.
- 5.5.4 Waste minimisation is a priority as part of the development process in order to conserve resources and reduce carbon emissions.

Waste minimisation measures

General

- Work with collection and disposal authorities to promote the waste hierarchy - prevention, minimisation, reuse, recycling, energy recovery, disposal (the least favoured option) - whilst adhering to the National Park statutory purposes.

Design

- Ensure that waste collection is considered in building designs to maximise recycling opportunities
- Ensure building designs provide adequate interior and exterior space for storage and segregation of waste
- Consider the choice of building materials with respect to repair, maintenance and eventual decommissioning of the building, and consider incorporating recycled/recyclable material wherever possible
- Consider "in-house" systems for segregation (and collection) of materials, and how these could be successfully integrated with local authority waste collection arrangement
- Ensure adequate provision of on-site sustainable waste management facilities, where appropriate

Construction and demolition

- Obtain the appropriate permit and/or exemption from the Environment Agency if any waste is to be re-used and/or treated on site
- Ensure a registered waste carrier is used to convey any waste material off site to a suitable authorised facility
- The developer has a duty of care to ensure all waste materials removed go to an appropriate licensed disposal site and/or relevant documentation is completed and kept in line with regulations
- Comply with the legal requirement to have a site waste management plan for all new

construction projects worth more than £300,000

Post-construction

- provide guidance prior to occupation to householders about composting, local refuse and recycling arrangements
- Provide home composting units for new residential units that have private gardens

5.6 Design Considerations

- 5.6.1 Core Strategy policy GSP3 gives the strategic base for considering high quality design in the National Park that respects both the character of the area and seeks high levels of sustainability. The National Park Authority's **Design Guide** ([link](#)) sets out the principles of good design and designing in harmony with the local building tradition. In Chapter 3 it addresses New Development and there are chapters on Sustainable Design principles in New Homes (Chapter 6) and Materials (Chapter 4). The Design Guide is a material planning consideration in all planning applications and is a useful document for reference in pre-application discussions about design issues.

6. Sustainability principles for traditional and historic buildings (Policy CC1)

6.1 General

- 6.1.1 With historic buildings and those of traditional local vernacular, reducing energy needs should be achieved in a manner that minimises any negative impact on their character. Please discuss your proposals with the Authority at the outset ([Link](#)) to avoid the risk of taking inappropriate action that you might be asked to undo.
- 6.1.2 Where there may be an impact on Biodiversity (for example bats) please refer to section 8.4 of this SPD.
- 6.1.3 English Heritage has provided useful guidance for owners of traditional buildings on the [refurbishment of traditional windows](#), including draught exclusion. This can provide a cost-effective and more sustainable means of both conserving the traditional appearance of a building and reducing energy loss. The National Park Authority has also produced guidance on the best approach to [managing sustainability issues for historic buildings](#).

6.2 Insulation and draught proofing

- 6.2.1 Traditional and historic buildings need to breathe: their fabric must be able to absorb and release moisture. Impervious wall coverings, renders, modern plasters and insulation materials are unsuitable because they can trap moisture inside the building's fabric, increasing the risk of damp and timber decay. Natural insulation materials such as sheep's wool and hemp fibre are breathable and usually suitable for use in historic buildings. They have good thermal properties, enable the movement of moisture and prevent condensation. It may be best to consult an expert where there are existing damp problems.



Photo 1 – Sheep wool insulation

- 6.2.2 Insulation and draught proofing is one of the best and least intrusive ways of reducing heat loss, with little or no change to the property's appearance. In historic buildings, the main sources of draughts can be tackled as follows.
- Suspended timber ground floors – insulation can be installed beneath these (avoid insulation on top of timber floors, which can lead to rot).
 - Open chimneys – these can be blocked using chimney balloons, leaving a small gap to ventilate the flue.
 - Gaps around windows and external doors – draughts can be reduced or eliminated by adding draught stripping.

- 6.2.3 Adding insulation externally to solid external walls, for example rendering, requires planning permission in a National Park. It can cause problems for stone buildings and must therefore be done with care. External render is seldom part of the Peak District building tradition and rarely appropriate on traditional and historic buildings.
- 6.2.4 On the internal face of solid external walls, insulated lime plaster is currently the only wall treatment that can be recommended unreservedly. Modern insulating linings can lead to damp and rot, and also alter the character of rooms because of their regular uniformity and impact on internal features such as fireplaces, architraves and skirting. Case studies available on the National Park Authority website [\(link\)](#) give examples of use of high levels of insulation.
- 6.2.5 Roof insulation is the most cost-effective action, the outlay being recouped by savings in heating bills in as little as three years. Adequate ventilation must be provided above the insulation layer to protect the roof structure from damp and rot. There is a potential for the insulation of the roofs of buildings to damage or block bat roosts.
- 6.2.6 Existing historic windows should be repaired and draught-proofed wherever possible. The character of buildings can be harmed by inappropriate, modern windows and fittings, which are not always cost-effective. More appropriate options for improving the thermal efficiency of historic windows may include:
- Blinds or heavy curtains –these almost halve heat loss.
 - Internal shutters – these reduce heat loss slightly more.
 - Secondary glazing – this improves thermal efficiency (and sound insulation). A secondary glazed window can also be double-glazed, effectively providing triple glazing to the opening as a whole.
 -



Photo 2 Window shutters

6.3 Low carbon and renewable energy

- 6.3.1 There may be scope for small-scale renewables in historic buildings - see Chapters 8 and 9 in this SPD. Consult the Authority ([Link](#)) to check what approvals are needed and for advice on the possibilities and impacts having regard to all the environmental issues (landscape, cultural heritage and wildlife). Low carbon and renewable energy installations can protect historic buildings and their settings. Solutions which potentially have the least visual impact for historic buildings include:
- Heat pumps (ground, air and water)
 - Water turbines
 - Wood fuel heating and biomass
- 6.3.2 Those that can have greater impact include:

- Wind turbines
- Solar thermal panels and photo-voltaic panels

6.3.3 From a cultural heritage perspective it is preferable to incorporate solar panels while a building is being re-roofed because this enables them to be much less obtrusive (see the [Design Guide](#) for advice). At the same time take wildlife issues into account (such as the potential for harming bat roosts).

Sources of further information

Energy Heritage: [A Guide to Improving Energy Efficiency in Traditional and Historic Homes](#), by Changeworks for Historic Scotland

[Improving the Thermal Performance of Traditional Windows](#), Glasgow Caledonia University, for Historic Scotland

English Heritage publications:

- Energy Conservation in Traditional Buildings
- Research into the Thermal Performance of Traditional Windows: Timber Sash Windows
- Draught proofing and secondary glazing
- Microgeneration in the historic environment
- <http://www.english-heritage.org.uk/professional/advice/hpg/> A guide to heritage protection in England

See: www.english-heritage.org.uk

See the free Home Energy Check on the [Energy Savings Trust website](#)

Check the efficiency of your current boiler on the [Boiler Efficiency Database](#)

Energy Savings Trust: Adapting to climate change: guidance for adaptation extras

For further advice on these issues or on the need for approvals, or to discuss any specific proposal you may have, contact the Authority ([link](#)).

Advice about reducing greenhouse gases is available from:

- [The Code for Sustainable Homes](#): Setting the standard in sustainability for new homes
- Royal Institute of British Architects: [Principles of Low Carbon Design](#)

Advice about responsible sourcing of materials can be found at:

- <http://www.greenbooklive.com/> and at the [Building Research Establishment](#).
- Useful Heritage Building management advice can be found at the [Lifetimes Homes Standard](#) and the [Building Conservation Website](#)

Further information on [solar technology](#) and [small scale wind generators](#) and [small scale hydro-power](#) is available at the Energy Saving Trust, hydro-power also being covered by [Peak Power](#).

7. Sustainability Requirements for New Buildings (Policy CC1)

7.1 General

7.1.1 The National Park Authority is actively encouraging sustainable building and the use of the energy hierarchy in all development. It is promoting sustainability standards to new build housing and new non-residential buildings.

7.1.2 For all forms of development, Core Strategy Policy CC1 has the following sustainability requirements:

- Making efficient and sustainable use of land, buildings and natural resources
- Taking account of the energy hierarchy
- Be directed away from flood risk areas and seeking to reduce overall risk from flooding
- Achieving the highest possible standards of carbon reductions
- Achieving the highest possible standards of water efficiency

7.1.3 Policy CC1 also sets out minimum requirements for new buildings.

7.2 New build housing

7.2.1 Government mechanisms for sustainability measures may change but at all times housing must match the sustainability standard required by the government for affordable housing by registered social landlords. This is currently the Code for Sustainable Homes Level 3. The only exception to this requirement is for affordable housing schemes of one or two units justified under the affordable housing criteria and built by an individual or family⁴.

7.2.2 The policy wording for new build housing is as follows:

CC1

In all new and replacement housing, other than affordable housing of less than 3 units, a minimum sustainability standard, equivalent to that required by the government of affordable housing, shall be achieved unless the applicant provides evidence to demonstrate that it is not viable for a particular development.

7.2.3 Applicants are encouraged to recognise the long term benefits of going beyond minimum standards particularly in terms of energy efficiency, carbon reduction and water efficiency, and use the **Code for Sustainable Homes** Technical Guide as a useful resource.

7.2.4 The Code for Sustainable Homes is based on a set of sustainable design principles. It encourages use of the energy hierarchy (see section 5.3) and design to reduce water use and the need for heating.

7.2.5 It gives new homes a star rating from 0 to 6, based on their performance in a variety of categories including: energy, construction materials, waste, water and ecology. Star ratings are allocated using minimum standards plus points awarded for additional sustainable design features. The sustainability of a new home is judged independently

⁴ Please refer to the Supplementary Planning Guidance 'Meeting the local need for affordable housing in the Peak District National Park'.(Link)

by accredited assessors. There is a design stage assessment and then a post completion check to verify the rating.

- 7.2.6 Your architect may have experience of working under the Code for Sustainable Homes and may either be a Code assessor or choose to work with one. For those who are building a house under the code for the first time, detailed guidance is given in CLG (2010), Code for Sustainable Homes, Technical Guide (see web [link](#) below) Registered social landlords are already very familiar with the Code for Sustainable Homes assessments and procedures. Energy Performance Certificates are also used when homes are built, sold, or let.



Photo 3. New build affordable housing, Bamford

- 7.2.7 The Code measures the sustainability of a home against design categories, rating the 'whole home' as a complete package. The design categories included within the Code are:

Energy and carbon dioxide emissions	ENE 1	Dwelling emission rate
	ENE 2	Fabric energy efficiency
	ENE3	Energy display devices
	ENE4	Drying space
	ENE5	Energy labelled white goods
	EN6	External lighting
	EN7	Low and zero carbon technologies
	EN8	Cycle storage
	EN 9	Home office
Water	WAT1	Indoor water use
	WAT 2	External water use
Materials	MAT1	Environmental impact of materials
	MAT 2	Responsible sourcing of materials – basic building elements
	MAT 3	Responsible sourcing of materials – finishing elements
Surface water run-off	SUR 1	Management of surface water run-off from developments
	SUR 2	Flood risk
Waste	WAS1	Storage of non-recyclable waste and recyclable household waste
	WAS2	Construction site waste management
	WAS 3	Composting

Pollution	POL 1	Global warming potential of insulants
	POL 2	NOx Emissions
Health and well-being	HEA 1	Daylighting (making good use of natural light)
	HEA 2	Sound insulation
	HEA 3	Private space
Management	MAN 1	Home user guide
	MAN 2	Considerate constructors scheme
	MAN 3	Construction site impacts
	MAN 4	Security
Ecology	ECO 1	Land of low ecological value
	ECO 2	Ecological enhancement
	ECO 3	Protection of ecological features
	ECO 4	Change in ecological value of site

7.2.8 Mandatory minimum performance standards are set for some issues. In all the Code level ratings there is a single mandatory requirement for:

- Environmental impact of materials;
- Management of surface water run-off from developments;
- Storage of non-recyclable waste and recyclable household waste.

7.2.9 In recognition of their importance to the sustainability of any home, two issues with increasing mandatory minimum standards through the Code levels are:

- Dwelling emission rate (the amount of CO₂ calculated to be emitted by the proposed dwelling over a year in Kg/m²);
- Indoor water use.

7.2.10 The National Park Authority's policies encourage you to go beyond the current minimum government standard for affordable housing, Code Level 3, and in all development you should aim for the lowest possible Dwelling Emission Rate and the lowest water use in order to reduce carbon emissions, save water and reduce expenditure on fuel bills over the lifetime of the building.

7.2.11 In determining whether new housing meets the requirements of the Code for Sustainable Homes, Code assessors conduct initial design stage assessments, recommend a sustainability rating, and issue an interim Code certificate. They will perform a post-completion check to verify the rating before a final Code certificate of compliance is issued.

What does this mean in practice?

7.2.12 When proposing a new housing development or a replacement dwelling, consider the sustainability of the design by reference to the Code for Sustainable Homes, Passivhaus techniques and Building for Life (see paragraphs 7.2.18 and 7.2.19). Other important sustainable building considerations are set out in **Chapter 6**.

7.2.13 Early consultation with the Authority will help guide you through the application process and explain the criteria for new build housing in the National Park, which are different from those of other local planning authorities.

7.2.14 Before work commences on site for all new-build housing developments (other than new build affordable housing of one or two units by private individuals), the Authority will require:

- evidence that the development is registered with a Code for Sustainable Homes Certification Body; and
- a pre-assessment report (or design stage certificate with interim rating) indicating that the development can achieve the required Code for Sustainable Homes Level (or any successor scheme).

7.2.15 Any housing scheme granted consent by the National Park Authority will include the following planning conditions or similar:

- the development hereby permitted shall be built to a minimum of the Government's Code Level for Sustainable Homes Level (or its successor) required of Registered Social Landlords at the time of commencement of the building works
- no development shall take place until a Design Stage assessment (under the Code for Sustainable Homes or its successor) has been carried out and a copy of the summary score sheet and Interim Code Certificate indicating that the development can achieve the stipulated final Code Level (or any such national mechanism that replaces this) have been submitted to and approved in writing by the Local Planning Authority
- prior to the first occupation of the dwelling, a copy of the summary score sheet and Post Construction Review Certificate (under the Code for Sustainable Homes or its successor) shall be submitted to the Authority verifying that the agreed standards have been met.

7.2.16 Where any criteria to gain credits under the Code for Sustainable Homes conflict with the policies aimed at protecting the National Park, the conservation and enhancement of the National Park will take precedence and applicants should consider different and more appropriate design solutions. For example the opportunity to experience dark skies is recognised as one of the valued characteristics of the National Park which must be conserved and enhanced. External lighting and security lighting under category EN6 will require careful consideration and in some instances may not be appropriate.

7.2.17 Similarly the ecological value of the National Park is an important material consideration in planning decisions. Applicants should seek guidance from the National Park Authority and follow the procedures set out in the Authority's Validation Criteria (which provides further information on ecological impacts and survey requirements) before deciding whether criteria under the Code for Sustainable Homes, Ecology section, can be met.

Other useful sustainability standards for new build housing

7.2.18 **Passivhaus** techniques are increasingly being used by the Building Research Establishment to provide a cost effective approach to achieving higher levels of the Code for Sustainable Homes in new buildings. Passivhaus certification is a separate sustainability standard which can be helpful as guidance but is not a requirement in the National Park.

Passivhaus

A Passivhaus is a building for which thermal comfort can be achieved solely by post-heating or post cooling of the fresh air mass, which is required to achieve sufficient indoor air quality condition without the need for additional recirculation of air.

..... Meaning the heating requirement in a Passivhaus is reduced to the point where a traditional heating system is no longer considered essential.

An important factor of a Passivhaus is that they do not conform to any one design style, therefore a Passivhaus can either be of traditional or more contemporary design.

7.2.19 Another useful resource when considering sustainable development is Building for Life, which is used for larger schemes built by Registered Social Landlords.

7.2.20 **Planning Application Validation Guidance** (see section 8.6) explains the requirements for a Design and Access statement, the Environmental Management Checklist (also found in Appendix C of this SPD), and also gives guidance in appendix 1 on Section 106 agreements. For affordable housing you should also refer to the supplementary planning guidance 'meeting the local need for affordable housing in the Peak District National Park' (see [link](#))

Sources of further information

The Code for Sustainable Homes: setting the standard in sustainability for new homes

Royal Institute of British Architects: Principles of Low Carbon Design

<http://www.greenbooklive.com/>

Building Research Establishment ([link](#))

Code for Sustainable Homes Technical Guide.

<http://www.communities.gov.uk/publications/planningandbuilding/codeguide>

Passivhaus primer: introduction. An aid to understanding the key principles of the Passivhaus standard. www.passivhaus.org.uk

Building for Life

<http://www.designcouncil.org.uk/our-work/cabe/sectors/housing/building-for-life/>

7.3 New Build Non-Residential Buildings

7.3.1 Commercial properties and public buildings account for around 25% of the UK's carbon emissions.

7.3.2 Policy CC1 specifies a minimum requirement for a certain scale of new build non-residential buildings. Whilst the requirement is for buildings above 1,000m² floorspace, the key principle is to achieve the lowest building emission rate possible in any building that is covered by Building Regulations⁵. This will reduce the energy use of the building, reducing costs and carbon emissions.

Building Emission Rates for non-domestic development

7.3.3 The lower the Building Emission Rate, the more carbon and energy efficient the building will be.

7.3.4 Policy CC1 for non-residential buildings is as follows:

CC1

“Non-residential major development above 1000 m² floorspace must achieve a Buildings Emissions Rate at least 10% less than the Target Emissions Rate.”

⁵ Part C Building Regulations national calculation methodology (NCM).

- 7.3.5 Case studies show that low building emission rates can also be achieved in much smaller buildings, demonstrating the benefits of a high thermally-efficiency in terms of energy and carbon savings. Photo 4 shows a replacement village hall in Over Haddon that integrates well with the village setting. It was designed to use the principles of passive design and incorporating an air source heat pump, rainwater harvesting and solar photovoltaic panels.
- 7.3.6 By using the National Calculation Methodology (NCM) in accordance with Part L2 of the UK Building Regulations, developers calculate the Building Emission Rate of Kg CO₂ / m² per annum compared to a Target Emission rate for a standard building of that type. These calculations form the basis of the Energy Performance Certificate rating.



Photo 4. New build village hall, Over Haddon

7.4 Other types of development

- 7.4.1 For other types of development such as extensions, renovations, and new portal frame farm buildings, there is no requirement in the Core Strategy to go beyond Building Regulations in terms of sustainability standards. However, energy costs are rising, and water supply cannot be guaranteed in drought conditions. Therefore, consider how to reduce the need for energy, to conserve water wherever possible, and to increase the capacity for energy generation where it does not compromise the valued characteristics of the National Park.

8. Preparing a planning application

8.1 Understanding landscape character and valued characteristics

8.1.1 Government policy and legislation seek to maintain the integrity and quality of the landscapes within National Parks and also those landscapes that provide a setting to the National Parks. The Peak District National Park Landscape Strategy and Action Plan (Link xxx) is key to an understanding of what needs to be conserved and enhanced. It sets out the overall strategy for each Landscape Character Area and provides guidelines for each Landscape Character Type. This chapter gives detailed advice on the capacity of the landscape to integrate development whilst conserving and enhancing the valued character of the area.

8.1.2 Core Strategy Policy L1 sets out the policy principles:

L1: Landscape character and valued characteristics

A. Development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.

B. Other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted.

8.1.3 Paragraph 9.15 of the Core Strategy, the background information to Landscapes and Conservation policies, states ‘applicants are advised to familiarise themselves with the full Landscape Strategy as an aid to making an application for planning permission which has landscape implications.’

8.1.4 The Natural Zone is defined as areas which substantially include:

- a quality of wilderness;
- relatively natural vegetation which is largely self sown;
- few obvious signs of human influence such as field boundaries;
- ‘open country’ which has particular importance for certain types of recreation associated with adventure and contact with nature;
- high wildlife value; comprising habitats falling within the statutory Section 3 Map (or limestone dale) definition*;
- natural beauty, which in the opinion of the National Park Authority, is particularly important to conserve

Add footnote - *The type of land eligible for inclusion on the Section 3 Map is statutorily defined (Wildlife and Countryside (Amendment) Act, 1995) as “areas of mountain, moor, heath, woodland, down, cliff or foreshore whose natural beauty it is, in the opinion of the authority, particularly important to conserve.”

8.1.5 The valued characteristics of the National Park include:

- natural beauty, natural heritage, landscape character and diversity of landscapes
- wildness and remoteness
- clean earth, air and water
- importance of wildlife in the area's unique biodiversity
- thousands of years of human influence which can be traced through the landscape
- distinctive character of hamlets, villages and towns

- trees, woodlands, hedgerows, stone walls, field barns and other landscape features
- significant geological features,
- wealth of historic buildings and registered parks and gardens
- opportunities to experience tranquillity and quiet enjoyment
- opportunities to experience dark skies
- opportunities for outdoor recreation adventure
- opportunities to improve physical and emotional well-being
- easy accessibility for villages from surrounding areas
- vibrancy and sense of community
- cultural heritage of history, archaeology, customs, traditions, legends, arts and literary associations
- environmentally friendly methods of farming and working the land
- craft and cottage industries
- special value attached to the National Park by surrounding urban communities
- the flow of landscape character across and beyond the National Park boundary, providing continuity of landscape and valued setting for the National Park
- any other feature or attribute which make up its special quality and sense of place

8.1.6 It is fundamental to the proper consideration of the Development Plan that the statutory purposes of the National Park are given priority in decision making. Policies must be read in combination, and in the hierarchy of policy the flow is as follows:

General Spatial Policies – statutory purposes of National Park designation;
 The Development Strategy – guiding the broad distribution of development;
 Policies relating to the core purposes – Landscapes and Conservation and Recreation and Tourism;
 Other thematic policies e.g. for Housing, Economy or Climate Change.

8.2 Using the Landscape Strategy and Action Plan

8.2.1 The landscapes of the Peak District National Park have been mapped with eight landscape character areas representing broad areas of landscape which share a common identity.

See Figure 2 Landscape Character areas below.

Landscape Character Areas

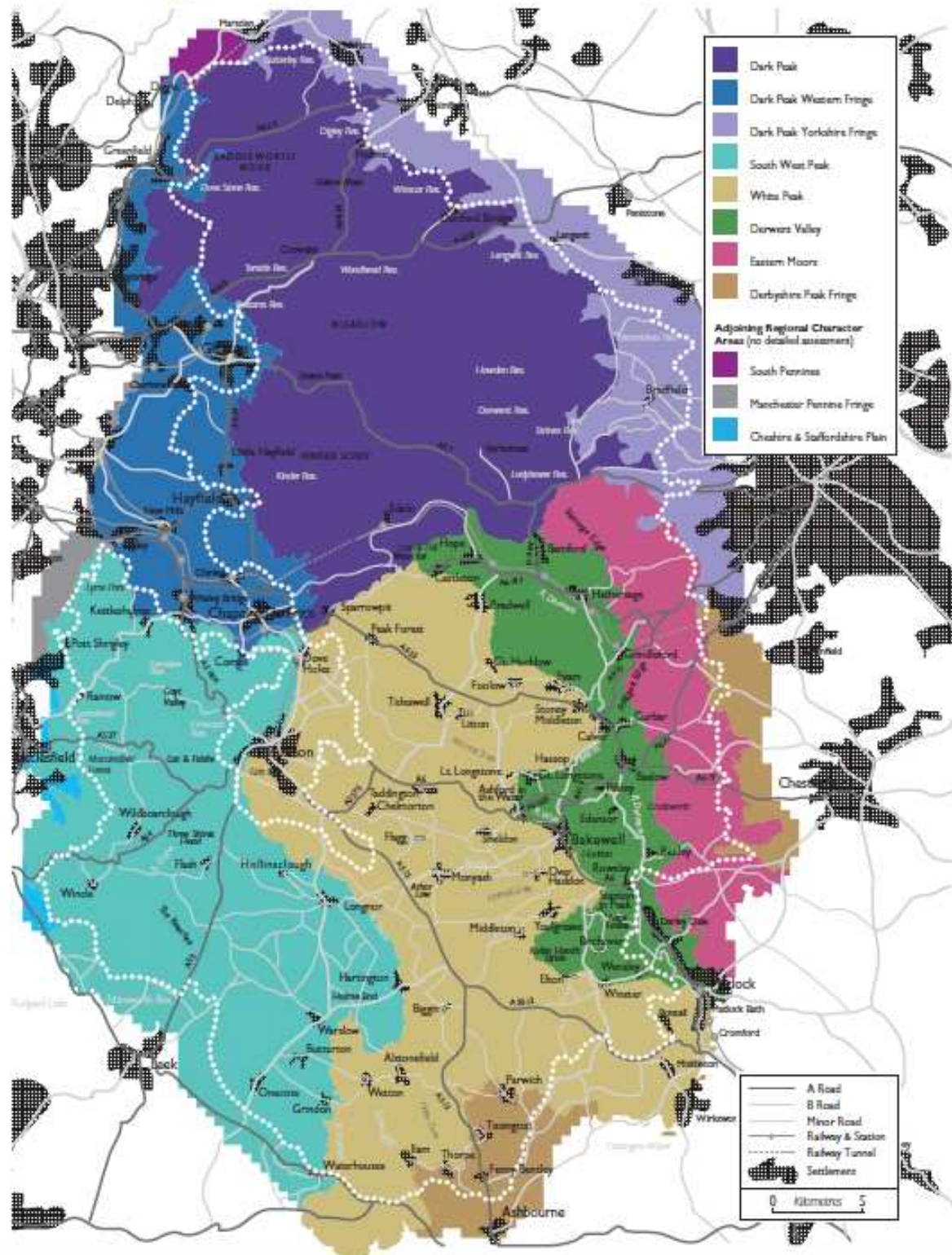


Figure 2 - Landscape Character Areas

8.2.2 Within each area a number of landscape character types have been defined.

See Figure 3 Landscape Character Types below.

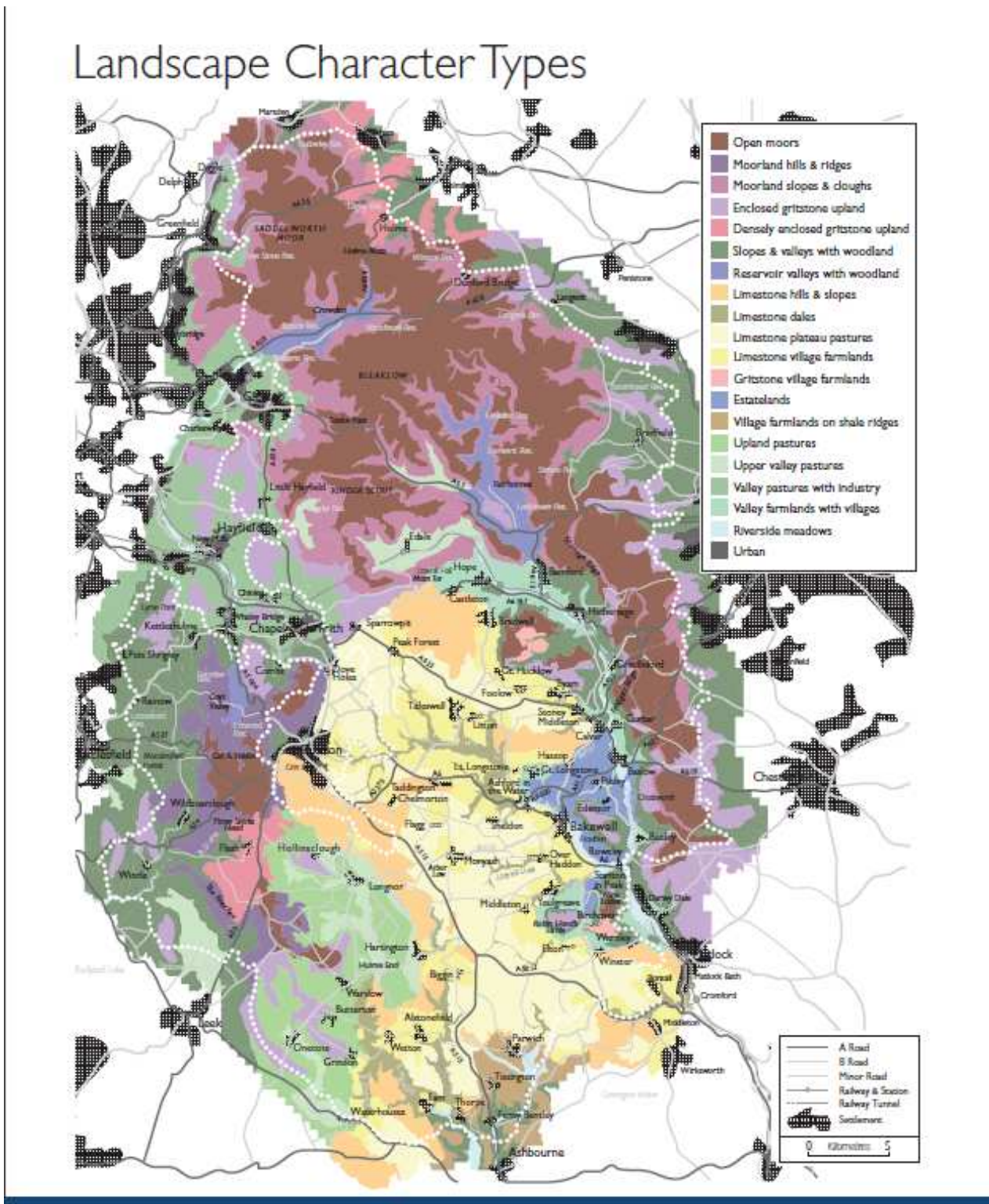


Figure 3 - Landscape Character Types

8.2.3 The Landscape Strategy and Action Plan demonstrates how the obligations of the European Landscape Convention will be fulfilled within the Peak District National Park. It provides a context and direction for actions to conserve and enhance natural beauty, wildlife and cultural heritage, and for managing landscape change in a sustainable manner to reinforce character and local identity.

8.2.4 Consideration of landscape implications is a key starting point for any development proposal. Adopting a 'Landscape First' approach will help developers to assess whether or not the landscape character area and type has, in general, capacity for development.

How to use the Landscape Strategy and Action Plan for a planning application with landscape impacts

General Guidance

1. Identify the 'Landscape Character Area' and 'Landscape Character Type' of the development site using the Landscape Strategy and Action Plan interactive map <http://resources.peakdistrict.gov.uk/landscapestrategy/lcamap/>

2. Identify the key characteristics of this 'Landscape Character Type' from the 'Landscape Strategy and Action Plan'.

3. Note general comments from the 'Issues of Change' section for your development. For low carbon and renewable energy projects note comments from the 'Energy and Infrastructure' section.

4. From the 'Landscape Guidelines' including the 'Plan' section in the overall strategy for each landscape type, identify whether or not there is capacity for the particular type of development in this landscape character type.

5. Assess the effect that the proposal will have on the landscape and, if necessary, modify it to ensure a positive contribution to landscape character and sense of place.

Any application with a landscape impact must show how this guidance has been taken into account.

8.3 Using Landscape Sensitivity Assessment for wind turbine development

8.3.1 In addition to the Landscape Strategy and Action Plan, a Landscape Sensitivity Assessment was carried out for wind turbine development within the Peak District National Park and the area surrounding it. This is as required by the Department of Energy and Climate Change and Natural England to provide guidance on how to integrate renewable/low carbon energy without compromising the purposes/integrity of designated areas such as National Parks (reference - add below DECC Renewable and Low carbon Energy capacity methodology, January 2010, chapter 3). The Sensitivity Assessment forms part of the 'Low carbon energy opportunities and heat mapping for local planning areas across the East Midlands, March 2011' ([link](#)).

8.3.2 The Landscape Sensitivity Assessment for Renewables in the Peak Sub-Region was carried out (as part of the Peak Sub-Region Climate Change Study) by Land Use Consultants and forms part of the evidence base for the Core Strategy. It can assist developers in assessing the scope for development and provides general guidance on the scale of wind turbines which may be accommodated within a particular landscape type.

The assessment takes into consideration that legislation confers on the National Park the highest national level of protection in respect of the landscape and natural beauty. The study can be accessed at the following [link](#).

8.3.3 Landscape sensitivity guidance is provided on three scales of wind turbine:

- Small Scale – up to 15m to blade tip
- Medium Scale – 15m-65m to blade tip
- Large Scale – over 65m to blade tip

8.3.4 The assessment uses a sensitivity score applicable to the whole of the UK, with National Parks at the top end of the sensitivity.

8.3.5 Criteria for determining landscape sensitivity to wind turbines are based on attributes of the landscape most likely to be affected by their development:

- landform
- land cover/land-use
- landscape pattern
- sense of enclosure
- sense of naturalness
- inter-visibility
- sensitive/rare landscape features

8.3.6 To assist applicants, a summary of the sensitivity of each landscape character area to each scale of turbine has been produced as Annex 1 of this document. It sets out the study findings, including the analysis of landscape sensitivity for each landscape character type and guidance on where and how wind turbine developments can be accommodated ([link](#)).

How to use the Landscape Sensitivity Assessment and Guidance for wind turbine applications

Step 1

First follow steps 1-5 of How to use the Landscape Strategy and Action Plan ([link xxx](#)) - refer to general guidance from the Landscape Strategy and Action Plan in your planning application.

Step 2

Find the landscape sensitivity assessment guidance for the particular landscape character type for the development proposal from the contents list in Annex 1 by following this link ([Link xxx](#)). Make reference to key sensitivities and guidance in the application, and show how they have been taken into account.

Below is an example of one of the landscape sensitivity summaries which shows moderate – high sensitivity to turbines up to 15m to blade tip (small scale), suggesting there may be some potential for this scale of wind turbine in this landscape type depending on the characteristics and topography of the individual site, any cumulative impacts and any other material considerations.

Example - Landscape Type: Moorland slopes and cloughs (PD)

Constituent character areas: Eastern Moors, Dark Peak, Dark Peak Western Fringe

Overview – Although the presence of woodland and a sloping topography could indicate the potential to incorporate wind turbines, this landscape's exposed undeveloped nature, lack of enclosure, panoramic views, high value for recreation, inaccessibility, valued moorland habitats and important industrial heritage

all pose severe constraints to wind turbines.

	Low	Low - moderate	Moderate	Moderate - high	High
Large turbines					
Medium turbines					
Small turbines					

(High sensitivity to large and medium scales of wind turbine, moderate-high sensitivity to small turbines)

Key sensitivities:

The landscape attributes that would be particularly sensitive to wind turbines are:

- Its characteristic gritstone landform and famous edges.
- Wild, open moorland expanses.
- High levels of tranquillity and remoteness.
- Panoramic views across lower ground.
- Biodiversity-rich moorland and clough-side habitats, including scree slopes
- Important features relating to the landscape's industrial heritage.

Guidance:

- This landscape would not be suitable for large or medium scale wind turbines because of its open character and long views.
- Single small-scale turbines are likely to be most appropriate. These should be located close to existing built and infrastructure elements (e.g. roads) to minimise visual impacts.
- The location of single turbines should take into account their potential inter-visibility with other turbine locations to minimise the impacts of cumulative development.
- Utilise the screening effects of the area's undulating topography to integrate development into the landscape.
- Ensure that features related to past industrial activity are protected.
- Locate any wind energy developments away from the most prominent rural skylines, and consider the impact of tracks and ancillary buildings.
- Protect areas of semi-natural moorland and scree slopes from the impacts of development.
- Maintain key views across the landscape and beyond.

8.3.7 The areas bordering the National Park also have a greater degree of sensitivity to development when compared to other landscapes. This is because of their role in providing a setting to the National Park.

- 8.3.8 The Landscape Sensitivity Assessment and Guidance for wind turbine applications for the different Landscape Character types of the Peak District National Park is found at: http://www.peakdistrict.gov.uk/data/assets/pdf_file/0007/314674/Annex1-Landscape-Sensitivity-Assessment-and-Wind-Turbine-Guidance.pdf.

8.4 Planning Application Validation Guidance

- 8.4.1 Please refer to Planning Application Validation Guidance ([link](#)) for details of impact assessments and other general requirements in support of your application, including:
- Noise Impact Assessment
 - Developments affecting Ecological or Geological feature
 - Applications within or adjacent to a Conservation Area
 - Applications involving disturbance of ground within an area of Archaeological Potential
 - Applications related to or impacting on the setting of heritage assets
 - Photographs and Photomontages (as part of a visual impact assessment)
- 8.4.2 Where planning consent is required you should also contact the National Park Authority ([Link](#)).

8.5 Biodiversity protection and enhancement

General

- 8.5.1 The Peak District National Park area is legally protected to conserve and enhance species and habitats under the National Parks and Access to the Countryside Act 1949 (as amended). Development outside the National Park boundary can also have an impact on protected species and Biodiversity Action Plan species associated with the National Park. The Authority can advise on potential impacts on biodiversity ([Link xxx](#)).
- 8.5.2 Policy L2 of the Core Strategy – Sites of biodiversity or geodiversity importance - sets out the National Park strategic policy for these statutory considerations.

Building work in roof spaces, cavity wall insulation, removal and pointing of external walls

Bat roosts

- 8.5.3 All bats and their roosts are protected by the Wildlife and Countryside Act (as amended) 1981 and by the Conservation of Habitats and Species Regulations 2010. Advice must be sought from Natural England ([Link](#)) before anything is done that could affect bats or their roosts. Bats return to the same places every year and a bat roost is protected even if there are no bats there.
- 8.5.4 Bats often use the wall infill of properties as bat roosts and therefore any potential access points should be thoroughly checked prior to commissioning cavity wall insulation, pointing of external walls or removal of external walls.
- 8.5.5 Similarly, prior to any building work in roof spaces, including insulation work and installation of solar photovoltaics or solar thermal systems, you should establish whether or not bats or their roosts are present.

- 8.5.6 Access points to the roost could be in a range of locations. The Bat Conservation Trust has provided useful information for householders checking for bat roosts in their properties and how to avoid impacting on roosts:

http://www.bats.org.uk/publications_download.php/1135/Bats_and_Buildings_2012_web.pdf

Bird nests

- 8.5.7 All bird nests are legally protected from damage, destruction or interference while in use or being built. Advice must be sought from Natural England ([Link](#)) before anything is done that could affect nesting birds. If works are completed during the bird breeding period (March to September inclusive) a quick check for nesting birds should be carried out. If nesting birds are found to be present, these areas should be left undisturbed until the young have fledged.

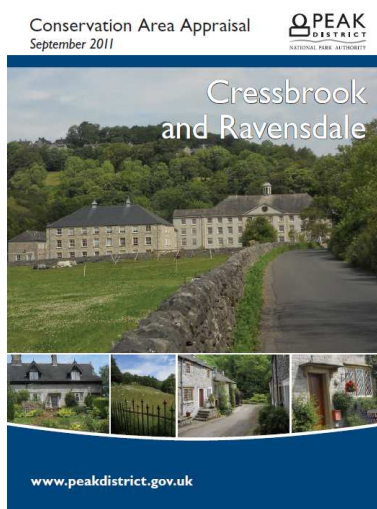
Enhancing biodiversity in the built environment

- 8.5.8 There can be opportunities to enhance biodiversity at the time of development, for example by:
- creating features suitable for bats within the building e.g. access points along the ridge
 - providing bird boxes
 - providing bat boxes
- 8.5.9 Further advice can be found in the National Park Authority's leaflet 'wildlife and buildings' ([link](#)) and the Bat Conservation leaflet referred to above.

8.6 Impact of development on Heritage Assets

- 8.6.1 Heritage assets are those parts of the historic environment that have significance to this and future generations because of their historic, archaeological, architectural or artistic interest. They can include:
- Scheduled Monuments
 - Listed Buildings and their setting
 - Registered Parks and gardens
 - Conservation Areas
 - Non-designated heritage assets, such as archaeological earthwork sites (e.g. Roman and medieval settlement remains), ridge and furrow ploughing, lead rakes, field wall patterns, isolated field barns and limekilns.
 - Archaeology
- 8.6.2 Policy L3 of the Authority's Core Strategy sets out the strategic policy for these statutory considerations.
- 8.6.3 References to List Descriptions, Conservation Area Appraisals (where available) and Historic Environment Records (HERS) are key considerations.
- 8.6.4 The whole of the National Park has been designated as a nationally significant area for its natural beauty, wildlife and cultural heritage. The National Park Authority is required by a different statute to designate Conservation Areas where groups of buildings (and the lanes, plants, trees and open spaces between and around them) create places of special architectural or historic interest. The fact that Conservation Areas have been designated within the National Park does not undermine the status of the rest of the area.

- 8.6.5 Within the context of National Park designation Conservation Area Appraisals help in understanding the architectural and historic significance of an area and what is special about it. They help shape future development as well as giving an idea of what enhancements could be made.
- 8.6.6 Conservation Area Appraisals provide, for example, detail on the importance of open spaces within a settlement's layout, the setting of a building or views into or out of an area. The consultation and adoption process for the appraisals gives them additional weight when considering planning decisions, and at appeal.
- 8.6.7 The National Park has designated 109 Conservation Areas. Conservation Area Appraisals are based on English Heritage's guidance ([link](#)). Cressbrook and Ravensdale's Conservation Area Appraisals ([link](#)), for example, was carried out in September 2011.



- 8.6.8 Some of the appraisals are on the Authority's website ([link](#)). Others are in hard copy and can be accessed by contacting the Authority ([contact details](#)).

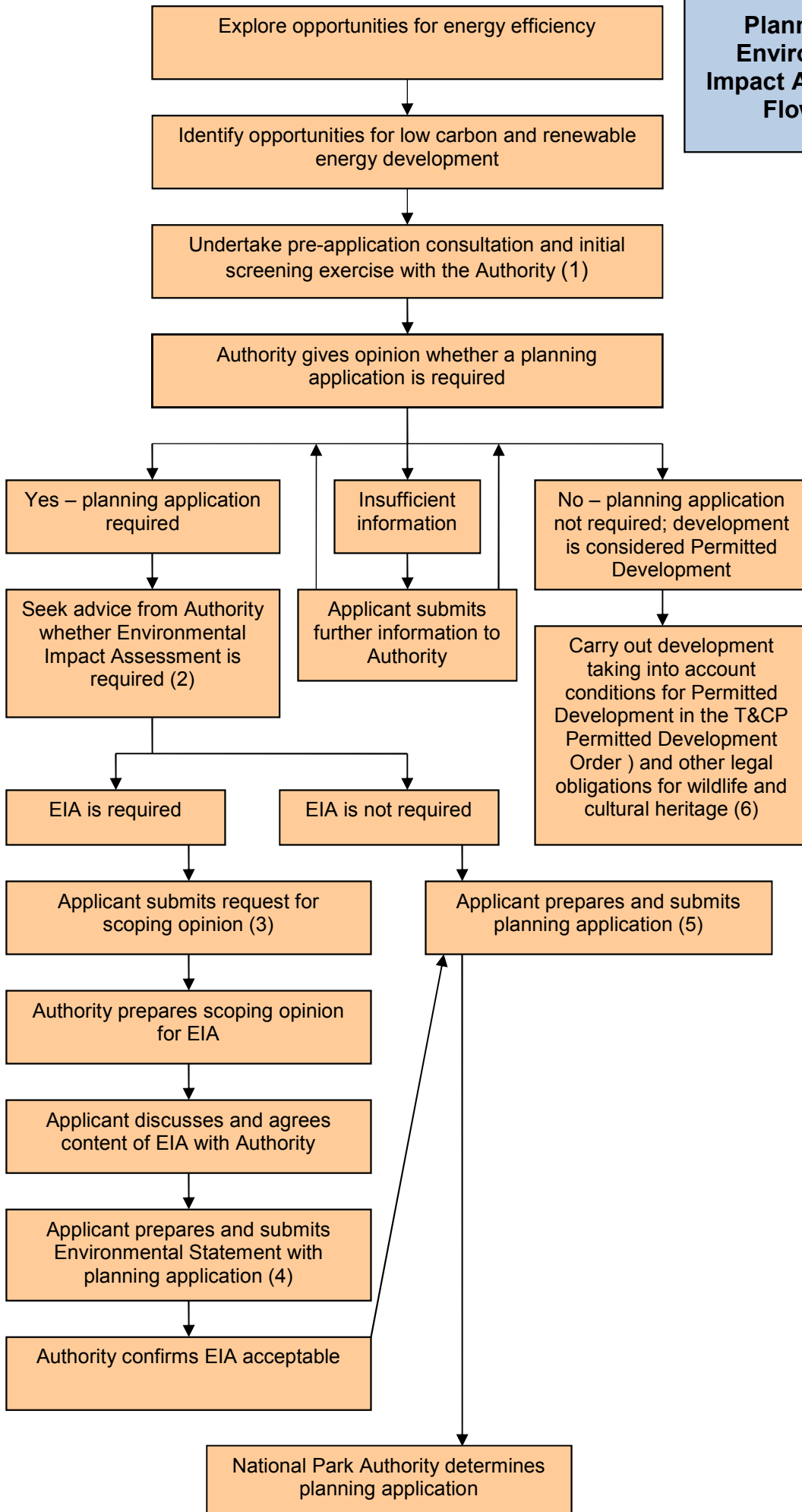
8.7 The Environmental Management checklist

- 8.7.1 The Environmental Management Checklist (Appendix C) works through the general policy on Climate Change (CC1) and is a useful way for applicants to make sure that all aspects of sustainable building have been considered before submitting an application.
- 8.7.2 The Environmental Management Checklist should be submitted as part of the Design and Access statement, or as part of the planning application, to show that the Core Strategy policies on Climate Change and Sustainable Building have been taken into consideration. It is a means of demonstrating that policy requirements have been met, for example that the development has taken account of the energy hierarchy and that the highest possible standards of carbon reductions and water efficiency standards have been achieved.
- 8.7.3 For new-build housing (see Section 7.2) and new-build non-residential building (over 1,000 m²) (Section 7.3) applicants must meet sustainability requirements or provide written evidence, including costings as to why they are not viable for a particular development.

8.8 Will an Environmental Impact Assessment be required?

- 8.8.1 National Parks are classed as sensitive areas under the [Environmental Impact Regulations](#) (part 1, 2.1) and there is no threshold for the scale of development which may require an environmental impact assessment. The Authority is required to assess whether an Environmental Impact Assessment is required for all development types listed in schedule 2 of the regulations. You can request a screening opinion to determine whether EIA is required before submitting a planning application for your scheme. Your request should be accompanied by enough information to enable a judgment to be made. Normally, this will require a plan showing the proposed location, a brief description of the nature, purpose and size of the scheme, and an indication of its possible environmental effects. Where a full EIA is not required, the Authority may still ask for further information about potential environmental impacts.

Planning and Environmental Impact Assessment Flowchart



Notes to flow diagram

1. Discuss your proposal with the Authority; provide details of the proposal for an informal view.
2. Submit Environmental Impact Assessment (EIA) screening request to Authority in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. For proposals within a designated environmental area such as the National Park, thresholds for Schedule 2 development do not apply due to the sensitivity of the landscape. Wind turbine, hydro and anaerobic digester developments in particular may require an EIA.
3. Based on the Authority's EIA screening opinion, submit request for a scoping opinion for the content of the EIA. Note that environmental information may still be required/requested without formally entering into EIA procedure.
4. Undertake the necessary studies and survey work to identify the potential environmental effects and proposed mitigation strategy. This could include studies of landscape/visual impact, ecology, noise, odour, and traffic impact for example.
5. Prepare planning application in line with the National Park Authority's planning policies as set out in the Core Strategy, and use the validation check list and the Environmental Management Checklist. It is helpful to agree the validation check list prior to submitting an application, so that the Authority can tell you if further information is required before it is registered. Outside settlements it is important to use the Landscape Strategy and Action Plan to gain an understanding of the landscape character of the area and the likely impacts of your proposal. For wind turbine development you should also refer to the Landscape Sensitivity Assessment. If you register an application with insufficient information this can be a ground for refusal.
6. Even if planning consent is not required for your particular development, ancillary development associated with permitted development may still require separate planning consent. For example a chimney or flue for a biomass boiler, or installation of pipe work for a ground source heat pump in a field adjacent to the house rather than within its curtilage, may require a planning application in its own right. Therefore it is important to discuss all aspects of your proposed development with the Authority.

9. Low Carbon and Renewable Energy (Policy CC2)

9.1 General

9.1.1 The fourth stage in the energy hierarchy is to consider small scale low carbon and renewable energy technologies to further reduce energy costs and carbon emissions.

9.1.2 Over the last decade the National Park Authority has used sustainable development grants, business advice, the Environmental Quality Mark and the planning process to help secure low carbon and renewable energy solutions. The Authority encourages the uptake of low carbon and renewable energy where this does not compromise the statutory purposes of the National Park (see Chapter 3). The key principle is that development proposals should respect the National Park context and demonstrate a clear understanding of landscape sensitivity and biodiversity impacts (see Chapter 8), looking for an appropriate solution through the pre-application and feasibility stage.

9.1.3 This chapter sets out the key planning considerations for

- solar technologies
- heat pumps
- wood fuelled heating and biomass boilers
- hydropower
- anaerobic digestion
- wind turbines

9.1.4 Policy CC2 of the Core Strategy is constructed to enable low carbon and renewable energy development that conserves and enhances the nationally significant area of the National Park (Parts A and B) whilst recognising the importance of carbon reduction and the desire of individuals to increase sustainability and reduce long-term energy costs (Part C).

CC2 Low carbon and renewable energy development

A. Proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character cultural heritage assets, other valued characteristics, or other established uses of the area;

B. Cumulative impacts of low carbon and renewable energy development within the National Park and visible beyond its boundary must be taken into account;

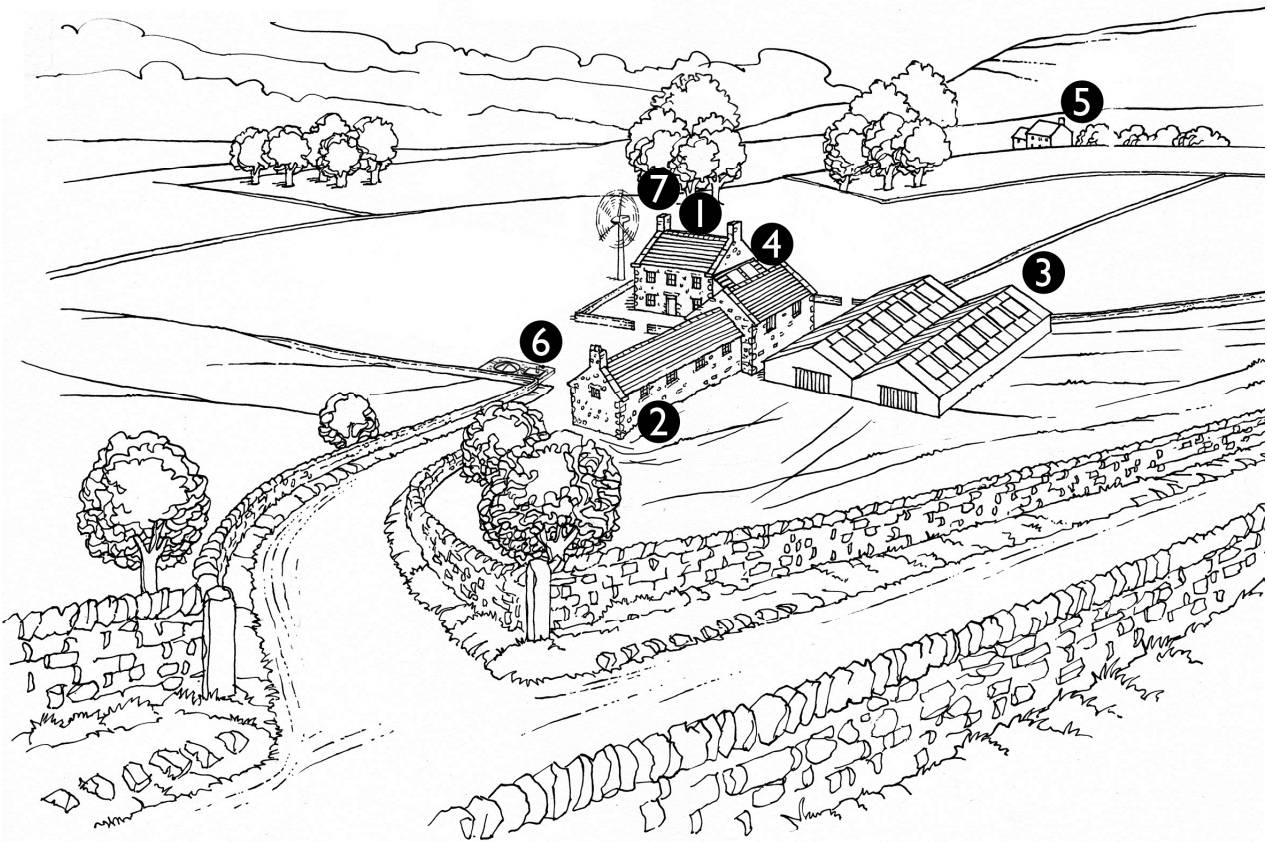
C. Where proposals do not compromise the valued characteristics of the National Park the Authority will also take into account the economic, social and wider environmental benefits of renewable and low carbon development.

9.1.5 The statutory purposes require the National Park Authority to ensure schemes do not cause harm to the National Park's valued characteristics, including landscape character, whether it be locally, in the wider landscape or cumulatively. The Authority must not allow the promotion of opportunities for understanding and enjoyment (its other purpose), the economic and social well-being of local communities (the attendant duty), or wider environmental considerations to outweigh its statutory purpose to conserve and enhance the National Park (see Core Strategies GSP1, GSP3, L1 and CC2). The NPPF (paragraph 14) states that the normal presumption in favour of sustainable development

does not apply where 'specific policies in this framework indicate development should be restricted'. This statement includes land within a National Park.

- 9.1.6 The 'landscape first' approach ensures that the landscape has the capacity for the development without compromising the valued characteristics of the site and buildings that are subject to the development proposal (Core Strategy Policy GSP3) and without adversely affecting the landscape character, cultural heritage assets, other valued characteristics or other established uses of the area (Core Strategy Policy CC2). Development proposals which can achieve this are therefore more likely to be approved.
- 9.1.7 Core Strategy Policy CC1 requires schemes to achieve the highest possible standards of carbon reductions. For this reason energy audits are not required as part of the planning application process, since where there is landscape capacity for development the maximum achievable savings in CO2 is the best possible outcome.
- 9.1.8 The National Park Authority's Landscape Strategy and Action Plan and the Peak Sub Region Climate Change Study provide useful guidance on the scale and type of development that may be acceptable in a particular landscape type. See Chapter 8.
- 9.1.9 Where development would be detrimental to its context the developer can consider altering the scale or type of development. A mix of technology types can be a useful way of maximising carbon reductions and reducing energy costs whilst respecting the natural beauty of the National Park - see figure 4 below.
- 9.1.10 CC2 B states that 'Cumulative impacts of low carbon and renewable energy development within the National Park and visible beyond its boundary must be taken into account'. The following types of project should be included (subject to the availability of information) in any assessment of the cumulative and 'in combination effects' of development:
- 'in combination effects' of applications for multiple structures
 - existing completed projects
 - approved but uncompleted projects
 - plans or projects for which an application has been made and which are under consideration for consent by the Authority or neighbouring authorities which would impact on the setting of the National Park.
 - plans and projects which are reasonably foreseeable
- 9.1.11 Some areas of the National Park known as the Natural Zone are considered so sensitive to development that no form of development requiring planning consent, other than for stated exceptional circumstances, is permitted there (See Policy L1).

Figure 4 – Using the energy hierarchy to achieve the highest possible standards of carbon reductions, a more sustainable National Park could look something like this...



Key

1. Energy efficiency improvements to the farmhouse; biomass boiler or ground (or air) source heat pump.
2. Converted traditional building taking an energy efficiency approach; also considering ground or air source heat pumps. Photovoltaic solar slates on south facing roof that have the appearance of traditional slates.
3. Solar panels on south facing roofs of portal framed farm buildings. These should be dark in colour, with a dark frame.
4. Solar panels (photovoltaic or water heaters) on south-facing roof of lean-to extension of farm house.
5. Small-scale hydro power scheme in a converted mill building.
6. Small-scale anaerobic digester dealing with 'on farm' generated slurry. Can be sited in an existing yard area, with the apparatus being generally underground so that the exposed parts are no higher than the existing walls. Screen with a drystone wall to match the existing.

7. Wind turbine in a Landscape Type that has capacity for wind turbine development and in scale with the group of buildings, located as near to them as turbine performance allows and taking account of topple distance. Protected species issues will need to be taken into consideration.

9.2 Solar technologies

Overview

9.2.1 The two most common types of technology are solar photovoltaics (PV) and solar thermal. Both solar PV and solar thermal units have great potential to be used throughout the National Park on dwellings and agricultural, industrial and community buildings, provided care is taken to minimise their visual impact. Both technologies can be retrofitted on existing buildings or integrated into the design of new buildings.

Solar Photovoltaics (PV)

9.2.2 Solar photovoltaics produce electricity from the light of the sun. PV can be either roof mounted or freestanding in modular form, or integrated into the roof or facades of buildings through the use of solar shingles, solar slates, solar glass laminates and of solar building design solutions. There is considerable variation in appearance, and care should be taken to choose those with the least visual impact. The electricity produced can either be used on site, stored in batteries or the excess fed into the grid via the mains supply. For further information see ([energy savings trust link](#)).



Photo 5. Solar Photovoltaics, Shallow Grange Farm

Solar Thermal

9.2.3 Solar water heating is deployed primarily as a building mounted technology serving the needs of the building with which it is associated. It involves collecting heat from the sun via heat absorbent collectors. Two main types are common in the UK: flat plate collectors and evacuated tube collectors. In both types, radiation from the sun is collected by an absorbing plate in the collector, and is transferred to the hot water system using a heat exchanger. These systems are a long established renewable technology. They are generally easy to install and can heat water throughout the year. They work best

alongside existing water heating systems which can help top up the heating system in winter months when solar energy is less abundant. For further information see ([energy savings trust link](#)).

Practical Considerations

- 9.2.4 Modern industrial and agricultural buildings often cover a relatively large area. They offer the greatest potential for renewable energy generation in the National Park without compromising the valued characteristics of the surrounding area. The use of dark panels and dark coloured frames in simple configurations such as horizontal bands or covering the entire roof are the best ways of minimising impact. Other large modern buildings such as village halls can offer potential to supply electricity to the building itself or to provide a wider community benefit. When considering solar panels it is important to minimise cast shadow, for example from trees or chimneys.
- 9.2.5 To assist in improving the energy performance of a building refer to Chapters 5, 6 and 7.

Planning Considerations

- 9.2.6 See Chapter 8, Preparing a planning application.
- 9.2.7 Under certain circumstances solar PV or solar thermal are classed as permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). All parts of the regulations that apply to your particular development must be met⁶.
- 9.2.8 If you are considering solar technology installations for your home, business or community building, the Authority will be able to advise you about current permitted development rights, the planning application process, the information needed to support your particular proposal and any additional consents required (e.g. listed building, protected species).
- 9.2.9 Large scale ground mounted solar arrays are not appropriate. To meet National Park policies, ground mounted solar arrays outside the curtilage of a building should be avoided, and in any case are likely to require an application for change of use.
- 9.2.10 As well as the standard restrictions within the relevant classes of permitted development which must be complied with, there are also conditions that require a planning judgment to be made about the siting of the solar technology to determine whether the development is classed as permitted development or not. These conditions are set out below. Solar PV or solar thermal equipment:
- shall, so far as practicable, be sited so as to minimise the effect on the external appearance of the building

⁶ Note that legislation referred to may be further amended. At the time of writing this SPD, consult in particular amendments under:

Statutory Instrument 2011 (number 2056) which includes permitted development (part 40) installation of domestic microgeneration equipment.

Statutory Instrument 2012 (number 748) which includes permitted development (part 43) installation of non- domestic microgeneration equipment.

- shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area
- when no longer needed for micro-generation shall be removed as soon as reasonably practicable.

9.2.11 Before commissioning an installation it is advisable to check with the Authority that the siting of the installation will minimise the effect on the appearance of the building and amenity of the area. In cases where harmful effects of solar panels have not been minimised the Authority may take action to remove the installation.

9.2.12 Installation of solar technologies can cause harm to bats and bat roosts. For example solar energy may directly impact on the roost through disturbance or damage or indirectly through changes in temperature which could cause roost abandonment. Roof spaces of buildings, roof slates/tiles and walls should always be checked for bat use before carrying out any works. If roosts are found to be present advice should be sought from Natural England. See Section 8.5 - Biodiversity protection and enhancement.

9.2.13 For **Listed Buildings** you will need listed building consent to fix panels to either the main building or any pre-1948 outbuilding within the curtilage.

Ways to minimise impact

9.2.14 There are four key factors in minimising the impact of solar panel on National Park values:

- A. Choose the least obtrusive location
- B. Choose the least obtrusive type of panel
- C. Decide if reroofing is required
- D. Select the simplest configuration of panels

A. Choosing the least obtrusive location

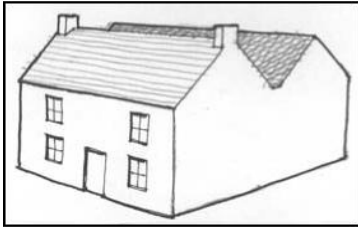
Ground mounted arrays - For historic buildings in particular, including listed buildings, the best solution is to avoid roofs entirely and use a ground mounted array in an area of the garden or curtilage least harmful to the setting of the building. Although this involves more cabling, it avoids the problem of additional roof load and drilling through roof coverings to fix the panels into position. When panels are subsequently removed from roofs, making good the fixing holes is a considerable problem. A ground mounted array also allows easier maintenance and renewal of the panels.



Photo 6. Solar panels

When a ground location is impossible and panels have to go on a roof, simplicity of arrangement is the key. It is easy to spoil a building by adding roof panels in an insensitive way, ignoring the building's character and appearance and the balanced nature of its elevational features.

Double roof with a central valley gutter - use one of the hidden inner slopes to screen the panels



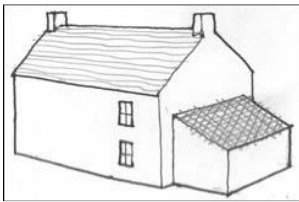
Parapet roof - the parapet may enable the panels to be hidden

Attached conservatory, garage or modern extension – siting the panels on a subsidiary extension leaves the main part of the property unaltered. This is particularly important when the main roof is open to view.



Flat roofed element – it may be possible to locate solar panels on the flat roof on an angled frame.

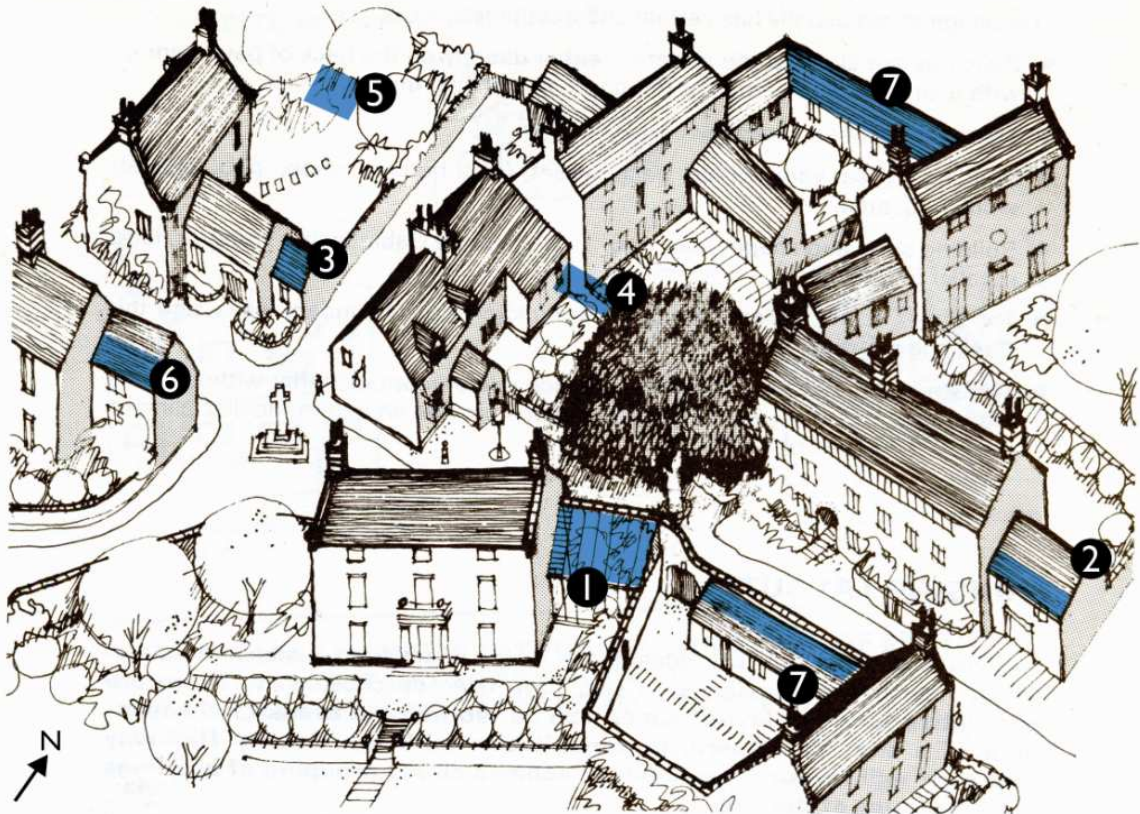
Rear or side elevation – depending on the property's orientation it may be possible to minimise visual impact by siting panels on the roof of the rear or side elevation. Possibly problematic with a listed building.



Gable wall - it may be possible to fix solar panels on an angled frame to a wall which is not too prominent in the street scene. Possibly problematic with a listed building.

Front roof slope – only as a last resort consider fixing solar panels on the front roof slope. This option however will certainly be resisted in the case of a listed building, where the effect on the building's character and appearance is likely to be too damaging to be acceptable.

Figure 5 - Illustrative guidance for locating solar technologies in a traditional village scene.



A key principle illustrated here is the use of subsidiary elements of the village scene, rather than the main buildings (particularly if they are listed).

Key

1. A conservatory to a listed building is used: acceptable because it is a modern addition and set back from the main building. Where the curtilage character is particularly sensitive it may also be possible to apply solar strips to the inside of conservatory glass or semi-transparent materials, although these would be less efficient.
2. A modern garage extension. This might consist of a blue slate roof integrating panels or solar slates in a band at the top or bottom. For panels the preferred location would normally be at the bottom, but in areas of shadow a band at the top may be acceptable.
3. This example shows how it is sometimes better to apply materials to the entire slope. The result is a simpler, less fussy appearance which works well here alongside simple architectural styles.
4. This example shows how a walkway or linking section between buildings can be used effectively to accommodate panels.
5. Freestanding ground array of panels
6. House extension. This might consist of a blue slate roof integrating panels or solar slates in a band at the top or bottom. For panels the preferred location would normally be at the bottom, but in areas of shadow a band at the top may be acceptable
7. Rear garden outbuilding. Panels in a band along whole length can be used effectively.

It may also be possible, depending on location and shading, to locate free standing appliances within the garden or curtilage, preferably out of public view.

Solar slates integrated into the roof of a modern extension which is clearly open to public view

seamlessly integrates renewables into this setting.

Locating solar panels on the roofs of extensions or outbuildings which are hidden from public view offers great potential.



Photo 7. Traditional roovescape in Bakewell, requires careful consideration to integrate panels without harming its character

B. Choosing the least obtrusive type of panel

Plain, dark, neutral panels are the least obtrusive. In particular avoid PV panels with obvious star patterns.

Choose a panel with a black background.

Choose a panel with black framing – avoid panels with bright aluminium edging which emphasise the panel module compared to roofing slates or tiles.

PV panels that are the size of modern tiles or traditional slates are the least obtrusive form of PV panel. They are more suitable for properties being reroofed.

Flat panel solar thermals are simpler in design and less obtrusive than evacuated tube panels.



Photo 8 Photovoltaic panels on patent glazed roof.

C. Decide if reroofing is required

The neatest option is to remove part of the existing roof covering, installing the panels flush with the existing covering. This is certainly worth considering if the roof does not retain its original slates or tiles and is in need of repair or renewal.

Placing panels on top of existing slates or tiles is a cheaper option but they will be well above the roof surface and obtrusive. There are also the issues of extra loading and damage to roof coverings which should be taken into consideration.

D. Select the simplest configuration of panels



Photo 9. Retrofitted photovoltaics, Over Haddon

Photovoltaics

Cover the whole area of subsidiary roof with panels – this will look simpler and neater than covering half the main roof. It is best to leave a complete, horizontal strip of roofing visible at the eaves, or at the ridge.

Use simple arrangements on larger roofs – either a horizontal line of panels at eaves level or alternatively immediately below the ridge (see photo 12)



Photo 10. New build replacement dwelling, Curbar with simple arrangement of solar panels below the ridge

Arrange panels in landscape rather than portrait format to reflect the horizontal proportions of traditional buildings.



Photo 11. Over Haddon Village Hall

Solar thermal

Often need fewer panels than photovoltaics.

Specify a panel with the same module size and finish as a roof light or as a PV panel so they can all form part of the same simple linear arrangement.

Sources of further information

<http://www.planningportal.gov.uk/planning/greenerhomes/generation/solarthermal>

9.3 Heat Pumps

- 9.3.1 Heat pumps can be particularly well suited to new build development and to the conversion of traditional buildings within the Peak District National Park.
- 9.3.2 A heat pump is a device for transferring energy in the form of useful heat from one place to another. Ground Source Heat Pumps provide a valuable resource by using the earth as a heat sink to store heat or as a source of heat. Heat can be stored or obtained from shallow ground, about 2 m depth, or by deeper bore-holes. Most ground source heat pumps use closed loop pipes, buried in the ground horizontally or vertically. Alternatively, heat pumps can be laid in the bottom of a pond or reservoir. The heat extracted is delivered via the heat pump for space or water heating.
- 9.3.3 It is possible to use a communal ground array linked to heat pumps installed within each building as a district heating system. This method is increasingly being used by social housing providers. A source of power is required for the heat pump.



Photo 12. Excavation for Ground Source Heat Pump, Dove Valley Farm

- 9.3.4 Bore hole systems may be best in more built up areas where space is more limited, whereas good opportunities for loop systems can be found on farms where large surface areas are normally available.



Photo 13. Dove Valley, minimal impact on the landscape through use of a ground source heat pump.

- 9.3.5 Air source heat pumps have a heat exchanger installed on the outside of a building. With a similar appearance to an air conditioning unit, they might not be appropriate on front elevations or on listed buildings. Screening can help to reduce visual impact but needs to avoid interfering with the unit's operation. Careful siting is required to avoid the impact of noise on neighbours. An acoustic housing can help to reduce noise impact. Some air source heat pumps can also be installed within a building with vents for an air supply/discharge.



Photo 14. Air source heat pumps at Over Haddon Village Hall and on a new affordable home in Calver

Practical considerations

- 9.3.6 Check that:

- your building is well insulated, at least up to current building regulations;
- your heating system is appropriate to use with a heat pump;
- you have enough outdoor space to install the ground or air collector and for any necessary digging equipment to access the site;
- you have space to house the heat pump unit either indoors or outdoors;

- you have space for a hot water cylinder if the heat pump is for domestic hot water,

Planning considerations

9.3.7 See Chapter 8, Preparing a planning application. The following guidance specific to heat pumps should be considered.

- In principle, ground source heat pumps can be fitted anywhere subject to ecological and archaeological and groundwater concerns, although the site must be returned to its original state after installation.
- Outside the curtilage of a dwelling or in the curtilage of a non-domestic building, for example on agricultural land, a ground source heat pump will require planning consent.
- Always ask your installer to consult the Authority and explain the precise location of the proposed pipework, to check that it will not disturb important archaeological features or an important natural habitat.
- Environmental surveys may be required to support a planning application e.g. a wildlife survey to ensure that ecological or environmental impacts are taken into consideration. Examples include where a ground source heat pump would be sited on an area of flower-rich grasslands or an area used by protected species such as great crested newts.
- In some circumstances installation of a ground source heat pump may be inappropriate due to archaeological concerns connected with digging the trench for the coils.
- The installation of a ground source heat pump could affect the local water table. Permits may be required from the Environment Agency, who should be contacted at the outset.
- Land Drainage Consent may be required from the County Council if any works are to be undertaken on or near an ordinary watercourse.
- Wherever possible the pump should be housed in an existing building. If this is not possible ask your installer to check whether planning permission is required for the housing.
- Consider noise impact of air source heat pump on your property and on neighbouring properties.
- Ensure that the cumulative noise impact of the heat pump with other existing or proposed heat pumps has been considered.
- Consider the design and colour finish of visible equipment to help to reduce its impact.
- Within the curtilage of a listed building the installation of any heat pump will require an application for listed building consent.
- Environmental Risk Assessment and Method Statements for ground source heat pumps construction and operation may be required.

Sources of further information

Energy Savings Trust – Heat Pumps

<http://www.energysavingtrust.org.uk/Generate-your-own-energy>

Planning Portal – Domestic Heat Pumps

<http://www.planningportal.gov.uk/permission/commonprojects/heatpumps/>

Planning Portal – Heat Pumps in the grounds of a non-domestic building

<http://www.planningportal.gov.uk/permission/commonprojects/heatpumpsnd>

A practical handbook on ground source heat pumps for social housing providers

<Http://www.reading.gov.uk/.../20121218GeopowerPracticalhandbook.pdf>

9.4 Wood fuelled heating and biomass boilers

- 9.4.1 Wood burning stoves and biomass boilers are particularly well suited to properties where there is adequate space for the plant and storage for fuel.
- 9.4.2 In many National Park properties, particularly the more remote properties, biomass can provide an alternative, sustainable fuel source for heating systems. Many such properties will have outbuildings attached to the property which can provide opportunities to house biomass boilers and fuel stores. Existing chimneys can also be used for the biomass systems flue (these may need upgrading for example by relining).
- 9.4.3 Mini district heat mains are a useful way of providing a sustainable fuel source to a number of properties.. These systems use a central woodchip or wood pellet boiler for hot water to supply a number of buildings on the same site, in which heat is regulated by a heat exchanger.



Photo 15. Wood fuel store for biomass stove

Practical considerations

- 9.4.4 A key consideration for wood fuelled biomass heating is the type of fuel to be used. Options include woodchip, logs and wood pellets.. The storage of fuel is an essential consideration in biomass systems and one that needs much greater thought than gas or oil fired systems. Whatever type of biomass fuel is used there needs to be sufficient access to the fuel store for appropriate delivery vehicles, particularly in the case of pellets and chip.
- 9.4.5 The works involved in installing a biomass system, particularly works to a roof, chimney or outbuilding have the potential to disturb bats, which are a protected species, so before proceeding, the property should be checked for the presence of bats. If these are found

then works should not commence and Natural England should be contacted for advice (Link). Where planning permission is required a protected species survey may be required to accompany such an application.

- 9.4.6 Address the risk of dust explosions when storing and using some kinds of biomass materials through the design of the system.



Photo 16. Mini district heating system at Beechenhill Farm

Planning considerations

- 9.4.7 See Chapter 8, Preparing a planning application.
- 9.4.8 Installing a domestic biomass fuel stove, burner or boiler does not usually require planning permission, although external alterations including a new flue, chimney or a new outbuilding (for example for a fuel store or boiler house) may do - check with the Authority. If the building is listed, listed building consent may be required for internal and external works. For listed buildings it is always worth talking through your ideas with the Authority's staff at an early stage.
- 9.4.9 When the Authority grants permission for conversion of a traditional building to another use, 'permitted development rights' may sometimes be removed to conserve the character of the original building (see paragraph 4.1.4)
- 9.4.10 The addition of a chimney, new flue or outbuilding has the potential to detract from the character of a converted building and its setting, and where this is the case, it is unlikely that planning permission would be granted. Flues that run up an external wall are unlikely to conserve the character of a building. Instead the flue should remain internal up to roof height, and be sited on roof slopes that are hidden from public view. The external finish of a flue should be matt black. Chapter 8 on conversions in the Authority's [Design Guide](#) provides further explanation.
- 9.4.11 Any new buildings should generally be constructed of materials to match the existing (see the [Design Guide](#) for more details). Alternatively it may be possible to install a fuel hopper underground. Advice should be sought from the Building Regulations section of your Council to understand the requirements, which you would also need to incorporate into the design of your scheme. Alternatively a HETAS certified installer may be able to self-certify the installation of a boiler thereby covering building regulations requirements.

- 9.4.12 Larger biomass fuel installations that involve the development of new buildings or plant will require planning permission. For the development of new buildings to house biomass boilers on farms you should check which type of application is required by contacting the Authority. Proposals are screened for Environmental Impact Assessment, which may be required in a few cases.



Photo 17. Wood burning stove

Sources of further information

The Planning Portal [*provide weblink*] lists exceptions for designated areas/designated land, including National Parks, where there are restrictions on development.

Installation of a flue forming part of a biomass heating system on a house or block of flats.
www.planningportal.gov.uk/permission/commonprojects/biomass

Installation of a flue forming part of a biomass heating system on a building that is not a house or block of flats.
<http://www.planningportal.gov.uk/permission/commonprojects/fluesmg>

The Biomass Energy Centre (BEC) is UK Government sponsored and draws together information and advice from existing sources into one easy-to-use website with an information enquiry service tailored to the needs of individuals, companies, local authorities and other organizations.
www.biomassenergycentre.org.uk

The Energy Saving Trust is a useful source, particularly for advice on wood fuel heating.
<http://www.energysavingtrust.org.uk/>

Health and Safety in Biomass Systems.
http://www.cea.org.uk/PDFs/Biomass_HandS.pdf

Read our blog to see our experience of installing a biomass boiler at the Peak District National Park Authority's head office in Bakewell. <https://biomasslog.wordpress.com/>

9.5 Hydropower

- 9.5.1 Within the Peak District National Park there are opportunities to use old mill sites and weirs for hydro power schemes where there is a suitable flow or head of water within water courses.
- 9.5.2 The report [Peak Power: developing micro-hydro power in the Peak District](#) highlights the potential and identifies potential constraints. The Environment Agency document '[Planning for Hydropower: a Good Practice Guide](#)' is also useful.
- 9.5.3 Possibilities for hydropower exist wherever a stream runs down a hillside, a river passes over a waterfall or weir, or a reservoir discharges back into the river. There are already many examples of water power in the Peak District such as:
- Water and sewerage companies use flows between and from reservoirs to provide about 1.4 MW of electricity in the Longdendale and the Upper Derwent catchments (the major source of the hydropower in the Peak District at present).
 - Alport Mill near Youlgrave (a 30 kW turbine installed in 2009).
 - A restored turbine at Flewitts Mill near Ashford-in-the-Water.
- 9.5.4 Hydro development in the Natural Zone is more likely to have a significant impact on the environment. Rivers are likely to be in a more pristine condition and ecologically important. Nevertheless, there may be instances where the impact can be kept to acceptable levels and hydropower may still be an option worth considering. Early discussion with the Authority is advised.

Practical considerations

- 9.5.5 A successful small scale hydropower system needs:
- A suitable head and flow, and space for infrastructure;
 - A nearby demand for electricity or the possibility of grid connection;
 - Suitable site access for construction equipment;
 - To deal satisfactorily with the landscape, water quality, heritage and ecological impacts of the development.



Photo 18. Flewitts Mill near Ashford in the Water

Planning considerations

- 9.5.6 See Chapter 8, Preparing a planning application. You are advised to contact the Authority before submitting an application.
- 9.5.7 Schemes that harmonise with their surroundings are the most likely to be acceptable. New buildings and structures should therefore be designed to conserve and enhance the local landscape, with particular attention given to architectural quality, the choice of building materials and the ability of the scheme to blend in with the natural environment. As with all forms of energy generation, the impact of grid connection should be carefully considered and new power lines placed underground. The turbine house with grass roof at Alport Mill provides a good example of a suitable low impact building.
- 9.5.8 The complexity of hydropower schemes and the number of regulatory bodies involved means that research and consultation before submitting a planning application are particularly important.
- 9.5.9 Your installers need to consider the likely impact of the proposed development on the environment and character of the area and whether planning consent will be required for any additional buildings or other structures in addition to the hydropower installation itself.
- 9.5.10 Applicants are advised to contact the Environment Agency [\(link\)](#) at the feasibility stage to discuss the types of permits and licences that may be required in addition to talking to the National Park Authority.
- 9.5.11 The grant of planning permission does not pre-judge the outcome of any consents required from other bodies.
- 9.5.12 The method used to abstract water may require Land Drainage Consent from the County Council.
- 9.5.13 Hydropower developments have the potential to impact on a range of ecological interests for example due to the infrastructure or altered flow rates impacting on habitats. The Authority may therefore require developers to undertake an evaluation of the site and adjacent habitats to accompany the planning application.
- 9.5.14 Many sites which are considered suitable for hydro schemes involve historic sites and structures (former mills often have very early origins). Many will be listed buildings and, occasionally also, Scheduled Monuments, so will require specific permissions. Schemes can be designed to have neutral or positive impact.
- 9.5.15 Where a historic mill site may have potential for a hydro scheme, it is likely to require archaeological input at the pre-application stage, to assess issues such as levels of ground disturbance and the modification of existing water management features. The Authority can provide a brief for this work.
- 9.5.16 Information to be submitted with a planning application is likely to include:
- an ecological evaluation of the site considering upstream and downstream impacts, along with indirect impacts. This would also identify both the effect of the scheme and the measures proposed to mitigate or compensate for negative impacts (provision for fish passes for example);
 - A heritage asset statement;

- an archaeological evaluation of the site to identify if any impact and mitigation measures are required;
- maps, diagrams and drawings showing the location and design of intake, pipeline, turbine house, and tailrace;
- photomontage of intake;
- landscaping provisions;
- details of grid connection works,;
- details of vehicular access and vehicular movement both during and after construction; and
- site management measures during the construction phase.

Sources of further information

[British Hydropower Association, England and Wales Resource Study October 2010](#)

[The National River Flow Archive](#)

[Peak Power: 'Developing micro-hydro power in the Peak District'](#)

[The Environment Agency's Good Practice Handbook for Hydro Power:](#)

Environment Agency advice on setting up a new hydro power scheme.

<http://www.environment-agency.gov.uk/business/topics/water/126575.aspx>

9.6 Anaerobic digestion

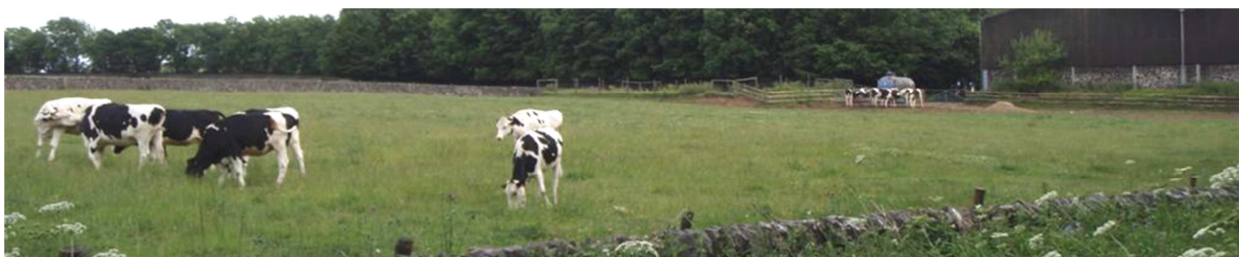


Photo 19

9.6.1 Anaerobic digestion is decomposition caused by bacterial action in the absence of air to produce energy, usually in a purpose built digester. This is typically a cylindrical tank built above or partly below ground, ranging in size from one cubic metre (200 gallons) for a small household unit, to about ten times this for a typical farm plant. It can use agricultural manure and slurry, as well as crops. The resulting biogas is used as a fuel or to generate electricity, and the digestate can be used as a fertiliser or soil conditioner.

9.6.2 Anaerobic digesters can be successfully integrated into a farm complex and can provide a useful means of both dealing with agricultural manure and slurry and of providing a sustainable source of heat. More complex systems can also produce electricity. Because of the benefits of anaerobic digestion and its compatibility with other farm activities the Peak District National Park Authority consulted on and included in its Core Strategy a separate policy for on-farm anaerobic digestion installations using only slurry and other feedstocks from a farm or group of farms. This section deals with the provisions within Policy CC4. Schemes using mixed waste streams are dealt with under 'Core Strategy Policy CC3 Waste management' and are outside the scope of this document.

CC4: On-farm anaerobic digestion of agricultural manure and slurry

Proposals for the management of agricultural manure and slurry generated within the National Park must follow the following principles:

A. Applications for single on-farm anaerobic digester units, and any associated development for management of waste or renewable energy generation, must only use agricultural manure and slurry arising on the planning unit and crops grown for the purpose on the unit.

B. Centralised on-farm anaerobic digestion facilities will only be permitted where they:

I. serve a number of farms mainly within the National Park in close proximity to each other; and

II. deal only with agricultural manure and slurry arising on the farms involved and crops grown for the purpose on those farms; and

III. are justified by a comparative analysis of alternative single on-farm proposals in terms of economic and functional viability, taking into consideration effects on the environment.

Practical Considerations

9.6.3 Small single farm-based systems can be more beneficial to the environment, amenity and health than manure storage and spreading.

9.6.4 Larger single on-farm schemes and on-farm collective schemes require more infrastructure and are likely to have more impact, therefore greater care is needed on the location, design and landscaping of such schemes. Detailed guidance on ways of successfully integrating large agricultural developments can be found in the Supplementary Planning Guidance - [Agricultural Developments in the Peak District National Park \(2003\)](#). Collective schemes involving the transport of manure for energy production will result in increased traffic and pollution from vehicles, and information regarding the routing and number of vehicle trips will be required.

9.6.5 Anaerobic digestion can also deal with domestic, industrial and commercial waste including mixed waste streams (including agricultural waste or products). Only small scale proposals to serve local communities that do not undermine the strategy and approach of the relevant municipal waste management strategy, and do not involve importation of waste from outside that community may be permitted. Policy CC3 is clear that new, expanded, or replacement large scale waste facilities will not be permitted.

Planning considerations

9.6.6 See Chapter 8, Preparing a planning application. Also refer to the Authority's Validation Guidance ([link](#)).

9.6.7 Since there can be significant environmental issues related to any type of anaerobic digestion proposal, you should consult the Authority at an early stage. Any scheme in the National Park could require an Environmental Impact Assessment. You should therefore ask the Authority for a scoping opinion, to advise whether or not EIA is required for the proposed development.

9.6.8 In some cases the installation of an anaerobic digester can require significant earthworks with ground disturbance. If a proposed development is likely to affect a site of ecological interest or a protected species the Authority can require developers to undertake an evaluation of the site.

9.6.9 For the development of new buildings to house anaerobic digesters on farms you should check which type of application is required by contacting the Authority ([Link](#)).

9.6.10 The objective in a National Park is to find a solution that conserves and enhance the natural beauty, wildlife, cultural heritage, valued landscape character and other valued characteristics. To achieve this systems and buildings should:

- be within or adjacent to existing built development to minimise visual and landscape impact;
- be designed to re-use existing buildings where feasible in preference to new buildings;
- be of a scale functionally required only to meet the needs of the individual farm or the group of farms which the facility is designed to serve;
- be located, designed and proposed to be operated so that they respect and do not adversely affect the valued characteristics of the National Park, including the natural and built environment and local community in terms of amenity, transport, visual impact and landscape impact;
- deal only with on-farm agricultural waste and crops grown on-farm for the purpose, not with municipal waste;
- be designed in such a manner that the facility and any associated buildings or other structures can be appropriately removed from the site when no longer needed for the purposes;
- be of suitable materials and colours to help them integrate with their surroundings;
- avoid prominent locations such as skylines;
- not detract from existing landmarks;
- not be prominent in key views, particularly from open moorland;
- conserve and enhance the historical value of any features and remains or the ecological value of wildlife and habitats;
- conserve and enhance the character and appearance of Listed Buildings and Conservation Areas.
- take account of the further guidance available on the siting and design of agricultural developments in the Authority's Supplementary Planning Guidance – Agricultural Developments in the Peak District National Park (2003) (Link).

9.6.11 Centralised on-farm anaerobic digestion facilities which collect from a cluster of farms are subject to more onerous environmental permitting procedures by the Environment Agency than using only on-farm waste from a single farm. However Core Strategy Policy CC4B gives guidance on the possibility of centralised on-farm anaerobic digestion facilities.

9.6.12 Information required to accompany a planning application may include:

- site plan and elevation drawings to help determine visual impact;
- photomontage of digester, plant building(s) and chimney stack with clear indication of building material;
- information on electricity grid connection, including the transformer and undergrounding of transmission lines;
- details of vehicular access and movement;
- landscaping provisions;
- site management measures during the construction phase;
- a model of emissions dispersion;
- details of preliminary discussions with the Environment Agency about pollution control and environmental permits or exceptions;
- for anaerobic digesters serving several farms, a comparative analysis of alternative single on-farm proposals is needed, covering economic and functional viability, and effects on the environment - this should include copies of each farm's waste management plan or Nitrate Vulnerable Zone records.



Photo 20

Waste regulatory controls

- 9.6.13 It is important to consult the Environment Agency ([Link](#)) regarding the need for licensing. Digesters must conform to waste regulatory controls and avoid pollution that could harm the environment or human health. You should check with the Environment Agency about the impact of the proposed digester on watercourses and other features, and gain a clear understanding of how the Agency will apply waste regulatory controls to your proposal. The type of authorisation required will depend on the scale and nature of the processing carried out, but will typically cover both the digestion process itself and the burning of resultant biogas. The Environment Agency may either require an Environmental Permit or the need to be registered as an exempt waste operation.

Sources of further information

[Environmental Agency \(2010\) Environmental permitting and Anaerobic Digestion](#)

Aardvark 2009, economic modeling of low-tech, low-cost anaerobic digestion/biogas installations in a range of rural scenarios in Cornwall, the Isles of Scilly and Exmoor National Park

<http://www.exmoor-nationalpark.gov.uk/communities/sustainable-exmoor/sdf-projects/anaerobic-digestion-feasibility-for-exmoor/Low-Tech-Low-Cost-Economic-Modelling-Report-Final.pdf>

A community-based study into the potential for anaerobic digestion can be seen at <http://www.sustainableyoulgrave.org/>. The study was prepared with financial assistance from the National Park Authority's Sustainable Development Fund and includes 'A toolbox guide for assessing the feasibility of an anaerobic digestion project for the benefit of a community or single farm'. Most of the detail given within this document relates to large scale mixed waste facilities considered under Core Strategy policy CC3 which are outside the scope of this 'Climate Change and Sustainable Building' SPD, and are the responsibility of the relevant municipal waste Authority.

9.7 Wind turbines

- 9.7.1 Wind turbine development is the most challenging of all types of low carbon and renewable energy development to accommodate in a statutorily protected landscapes. The construction of even a single small wind turbine is likely to have significant visual impact in an open landscape. Careful attention to scale, location and design is needed.
- 9.7.2 Wind energy developments are unique, in that they introduce a source of movement into the landscape. Wind turbines use the wind to rotate aerodynamic blades to create electricity. The amount of energy derived depends on wind speed and the swept area of the blade.
- 9.7.3 In all cases, wind turbines consist of the tower, a hub, blades, a nacelle (which contains the generator and gearboxes), a transformer that can be housed either inside the nacelle or at the base of the tower, and turbine foundations.
- 9.7.4 There is no particular preference to the style of turbine. In most turbines the blades turn around a horizontal axis and typically have three, but sometimes two, blades. In some designs the blades turn around a vertical axis.



Photo 21. Vertical axis turbine, picture courtesy of Land Use Consultants

- 9.7.5 An understanding of local landscape character and other valued characteristics (see paragraph 9.15 of the Core Strategy) and how these are taken into account can assist in finding a solution that does not compromise the statutory purposes of the National Park. Where development is in scale with its surroundings, well designed and sited, making use of the existing built environment, natural cover and local topography, an application for planning consent is more likely to be successful.
- 9.7.6 In some cases combining a wind turbine with other technologies can help to reduce its scale. Wind turbines can be very effective when used in conjunction with solar arrays because if there is not enough solar energy, wind energy will probably be available, and vice versa.
- 9.7.7 It is advisable to discuss your proposal with the Authority. Details of the proposed location and scale including plans, visual impact assessments, photographs and photo montages will help to inform pre-application discussions/advice.

Practical considerations

- 9.7.8 Before proposing a wind turbine:
- Monitor the wind speed at the proposed site over a period of time to estimate its performance. Actual output may differ from that estimated by more general wind speed data;
 - Consider a site nearer to buildings or trees which may be easier to accommodate in the landscape;
 - Try to find a site where the prevailing wind is not obstructed.
 - Consider the impact of the turbine on ecology.
 - Check that the proposed turbine is covered by the Microgeneration Certification Scheme?
 - Research and show on plans the methods for putting transmission lines underground and methods of connecting to the building or grid.

- Will there be interference with communications such as air navigation or radio and television? Contact Ministry Of Defence and National Air Traffic Service (NATS) before submitting a planning application. Evidence that any potential aviation issues have been resolved must be submitted as part of a planning application.
- Will flicker or noise from turning blades affect your own or neighbouring property?
- Take into account the topple distance of the turbine.
- What alternative energy reduction or means of supply are also practical?



Photo 22. Example of turbine located close to buildings and facing into the prevailing wind

Planning considerations

9.7.9 See Chapter 8, Preparing a planning application.

Landscape

9.7.10 The objective in a National Park is to find a solution that conserves and enhances the natural beauty, wildlife, cultural heritage, valued landscape character (as identified in the Landscape Strategy and Action Plan) and other valued characteristics (paragraph 9.15 National Park Core Strategy 2011).

9.7.11 Landscape sensitivity assessment has shown that there is potential for wind turbine development within the National Park provided it is carried out in an appropriate location and at the right scale (see Figure 6 which demonstrates scale). To achieve this, the strategy for wind turbines is to integrate them into the landscape so they appear as part of the existing built environment. The sensitivity assessment states that small turbines, defined as less than 15m to blade tip, offer the most potential for wind energy generation acceptable within the National Park provided their location and appearance does not detract from the landscape or the special qualities of the National Park. Beyond this scale it is difficult to avoid harm to the landscape.

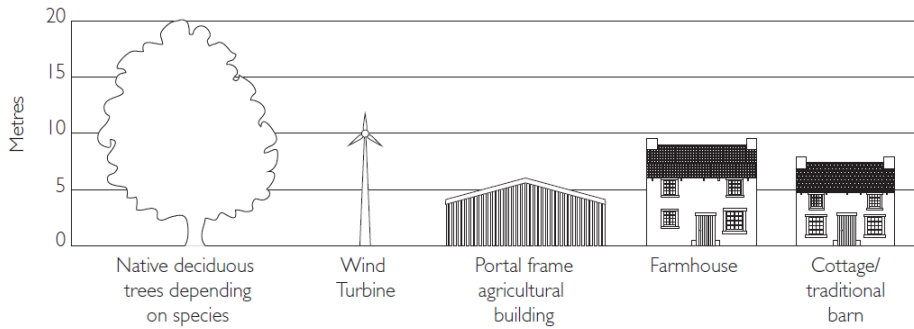
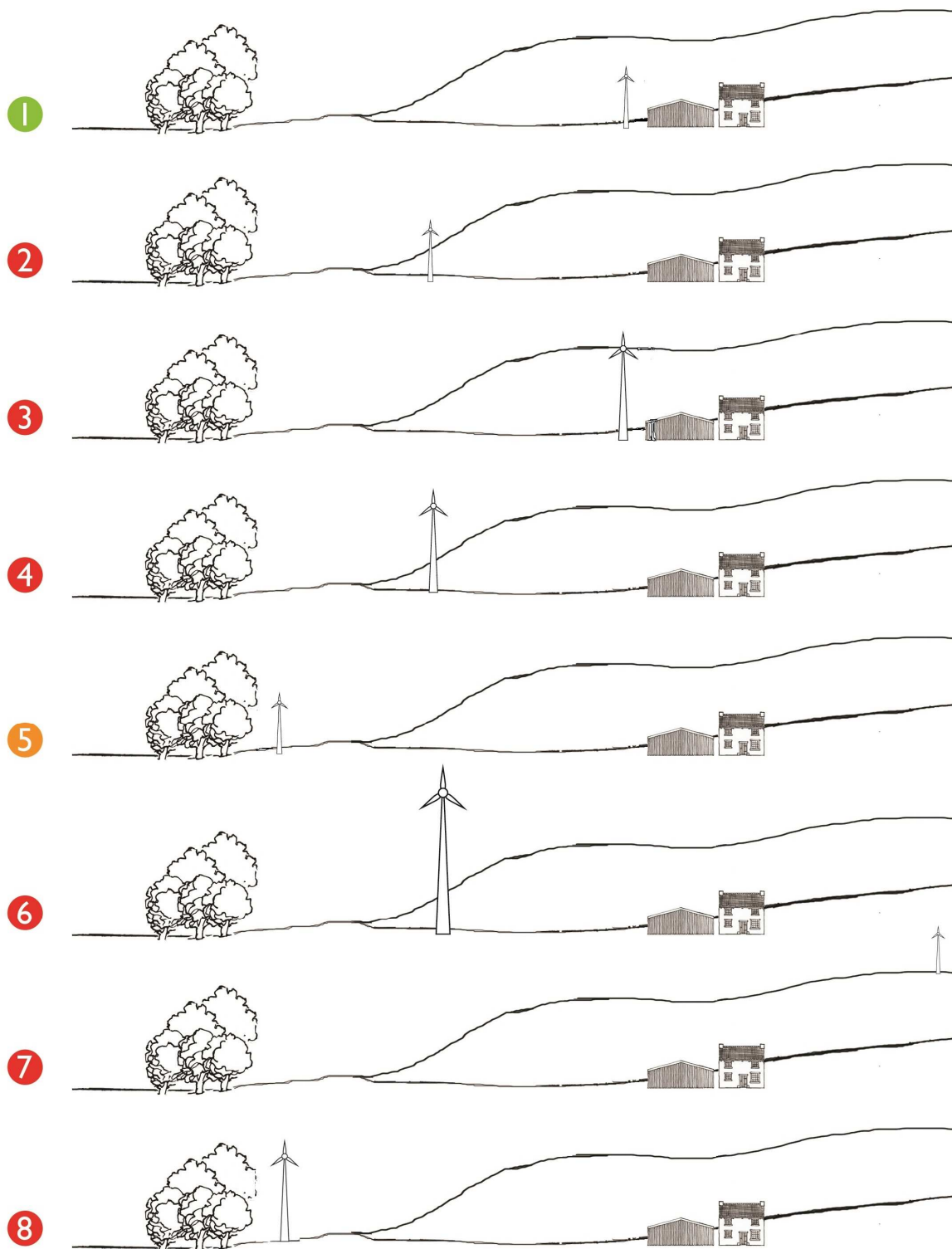


Figure 6 - Illustration demonstrating scale of existing landscape features in relation to a small wind turbine.

- 9.7.12 A 'Landscape First' approach is fundamental to any planning decision - development that would harm the landscape should not be considered as it would be contrary to National Park purposes and planning policies. Policy L1 of the Core Strategy sets this out. Although the best available wind resource is likely to be in an isolated open countryside location, wind turbine development in these locations are likely to harm the landscape and other valued characteristics of the National Park.
- 9.7.13 The first step is to identify whether the landscape character type has opportunities for wind turbine development. Section 8.2 explains how to use the Landscape Strategy and Action Plan to do this. In order to assist in planning applications for wind energy development, a Landscape Sensitivity Assessment was carried out which provides guidelines on the scale of development that may be acceptable in a particular landscape type – see Section 8.3. Reference to the Landscape Strategy and Action Plan must be included in any application along with reference to Landscape Sensitivity Assessment guidance for the particular Landscape Character type.
- 9.7.14 The next step is to identify existing features of the built environment within a location to which the scale and siting of the wind turbine should be related, so that it is in scale with, and reads in the landscape, as part of the existing built environment. There may be some limited opportunities close to existing groups of trees as illustrated and described in figure 7.

Figure 7. Relationship of turbines to buildings, landform and trees.



Key to illustration

Green – Opportunity -The relationship of this scale and location to the existing built environment is where the most capacity for a single wind turbine exists, but great care must be taken to ensure there is no harm to the landscape through a site specific assessment.

Amber - Caution - The relationship of this scale and location to natural features has some limited capacity for a single wind turbine, but great care must be taken to ensure there is no harm to the landscape through a site specific assessment.

Red – No opportunity - The relationship of the scale and location of each single wind turbine coloured red indicates adverse impact

Notes

1. Wind turbine in scale with the group of buildings and located amongst or next to them. Lower impact, less likely to harm.
2. Wind turbine in scale with buildings but not well related to the group. Obtrusive and likely to harm.
3. Wind turbine not in scale with buildings, similar scale to larger trees, although its siting is well related to the group, it is obtrusive and harms its setting and the landscape.
4. Wind turbine not in scale with buildings. Similar scale to larger trees and not well related to building group. Harmful to its setting and the landscape.
5. Wind turbine not related to building group, but well related to trees and of similar scale to smaller ones leaving larger trees to dominate. Lower impact, less likely to harm.
6. Wind turbine completely out of scale with other features in the landscape. Very harmful to setting and the landscape.
7. Wind turbines of any scale that skylines should be avoided due to harm to the landscape.
8. Wind turbine located close to group of trees, similar scale to the larger trees, fails to let the larger trees remain dominant in the landscape. Generally harmful to setting and landscape.

9.7.15 To operate effectively the prevailing wind would need to be unobstructed upwind of the turbine. Having identified a potential site, the wind turbine provider can advise about the suitability of the site for its wind resource. This would usually be monitored over a period of time with an anemometer. In many cases a site close to buildings or other landscape features may be a compromise in terms of wind resource, but would be more acceptable in the landscape.

9.7.16 Some locations will be inappropriate for wind turbine development either because of the wind resource or because the landscape is too open or particularly sensitive to change or where international designations apply. Development requiring planning permission is not permitted in the Natural Zone, other than in specific exceptional circumstances (Core Strategy Policy L1 and Local Plan Policy LC1).

9.7.17 Development that breaks the ridgeline of a hill when viewed at a distance from the turbine will have significant landscape impacts. If your site is on a down slope or on lower ground, rather than a plateau area of higher ground or on a hill, then the impact of the wind turbine on existing views will be reduced;

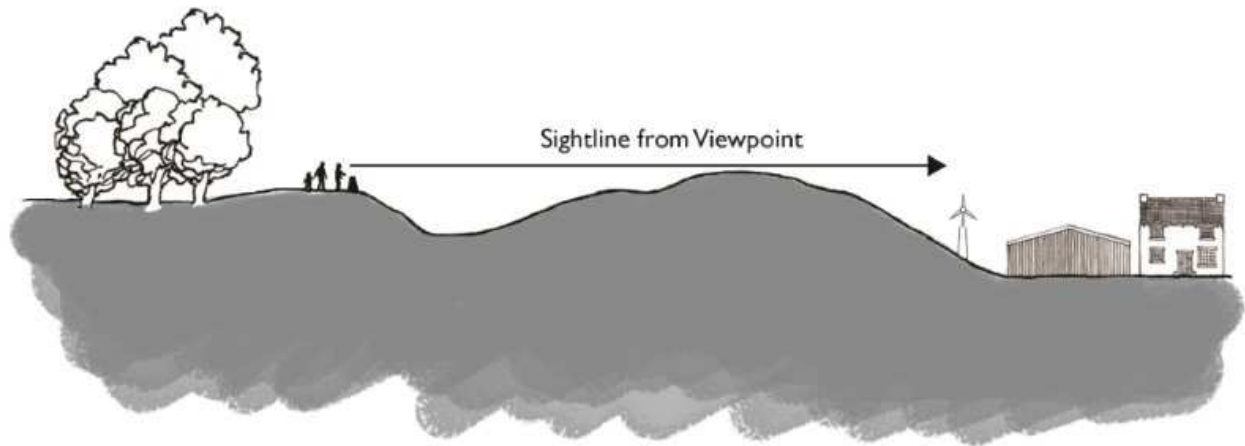


Figure 7 - Understanding Skylining



Photo 23 - Example of a wind turbine breaking the ridgeline, demonstrating how skylining can impact negatively on the natural beauty of the area if the guidance in figure 8 isn't achieved.

9.7.18 Other factors to consider are;

- The cumulative impact of the wind turbine with other existing or proposed wind turbines;
- the landscape impact of access tracks, ancillary buildings for electrical equipment,
- power lines (which should be underground);
- the finish of the turbine - in most cases it is likely a dark colour will help to reduce the impact of the turbine;
- the wind turbine should not bear advertising, logos or branding.

9.7.19 Due to the statutory purposes of the National Park and planning policies, economic, social and wider environmental based arguments for a renewable energy scheme carry little weight in the decision making process and should not outweigh impact on the landscape.

Ecology

9.7.20 Wind turbines have the potential to impact on a range of ecological interests, in particular birds and bats. Most common impacts are those associated with collision risk and displacement from suitable habitat. The location of a turbine needs to be considered and in most cases supporting survey information is required. Separate ecological guidance has been produced by the Authority specifically relating to this issue ([link](#)).

9.7.21 Sometimes it is not possible to mitigate against the ecological impact associated with a wind turbine, so other types of low carbon and renewable development should be considered. In some cases the 'Landscape First' approach of closely relating the proposed wind turbine development to built or natural features may not be compatible with ecological interests. For example locating the turbine close to buildings, trees or hedgerows may increase the risk of bat and bird strike.

Noise and disturbance

9.7.22 Take into account the impact of the turbine including noise, disturbance and shadow flicker on private and public enjoyment (amenity) of the area and valued characteristics including the tranquillity of the area.

- All wind turbines will produce sound when rotating due to the movement of the blades through the air and from the generator and any associated gearboxes.
- The acoustic data for the wind turbine will always need to be submitted with a planning application. Consult the Environmental Health department of the constituent Local Authority.
- In some cases a noise survey will be required as supporting information for a planning application. In general these establish existing background noise levels at nearby noise receptors (e.g. a house, office or school) and assess the impact of the turbine on these receptors.
- Shadow flicker can impact on buildings when the movement of the turbine blades results in the shadow appearing on and off as it rotates.

9.7.23 Motion of the wind turbine can impact on the valued characteristics of the National Park. This is particularly relevant where a wind turbine can be seen or heard from public rights of way and other public and private vantage points. The valued characteristics that are particularly sensitive to the noise and disturbance from wind turbine proposals are:

- Opportunities to experience tranquillity and quiet enjoyment.
- Natural beauty, natural heritage, landscape character and diversity of landscapes.
- Sense of wildness and remoteness.
- Opportunities to improve physical and emotional well-being.

Heritage Assets and Archaeology

9.7.24 Some proposals may need a heritage statement where the proposal will impact on existing heritage assets, including listed buildings and their settings, conservation areas and scheduled monuments. The impact on the historic landscape character of the site should also be considered when designing a scheme.

9.7.25 Some proposals may need archaeological assessments, where foundations and undergrounding of electricity cables may impact on any site of known or suspected interest.

Retention of existing landscape features

- 9.7.26 The plans submitted for a planning application should identify any existing landscape features in the applicant's ownership which may help to screen or filter views of the proposed turbine. Where existing landscape features (buildings or trees) have been identified that provide screening or filtering to a proposed wind turbine, and these are in the same ownership as the site, planning conditions may be used to ensure that if these are removed the wind turbine will also be removed.
- 9.7.27 Planning conditions are not able to be used in the same way if the features are not in the same ownership as the site. In those circumstances the applicant should make a statement about the predicted longevity of the features. Permanent features, in comparison to features that are unlikely to be retained throughout the life of the proposed wind turbine development should be given significantly different weight in assessing their effectiveness. For example a commercial forestry plantation is at some point highly likely to be felled to harvest the resource for which it has been planted; the life and effectiveness of a plantation for screening or filtering views may therefore be very temporary in comparison to an historic woodland. Trees with existing preservation orders can be assumed to have longevity.

Environmental statement

- 9.7.28 The National Park Authority may require further details regarding the environmental effects of a wind turbine proposal and may request an environmental impact assessment for development having significant environmental consequences as a result of its nature and/or location. Schedule 4 to the Environmental Impact Regulations sets out the information that should be included. Individual wind turbines are listed under schedule 2.3(i) of the Town and Country Planning (Environmental Impact Assessment) regulations 2011, as amended. Since National Parks are classed as "sensitive areas" (Part 1, 2.1) there is no threshold for the scale of development which may require an environmental impact assessment (EIA). In National Parks, all development types listed in schedule 2 require the Authority to carry out screening opinion as to whether environmental impact assessment is required.
- 9.7.29 It is possible for a developer to request a screening opinion prior to an application being submitted to determine whether an Environmental Impact Assessment is required. In cases where a full environmental impact assessment is not required, the Authority may still require environmental information to be provided.

Photographs and photomontages

- 9.7.30 The planning application validation guidance (Document VPA1) sets out the requirements for photographs and photomontages to help determine the impact of a wind turbine. [Link](#). In addition to the details specified in the validation criteria, details of the make, model and type of camera and the focal length of the lens used should be included.

Improving on the standard information submitted with a planning application

- 9.7.31 Consider submitting plans which also show the turbine in context with existing features to which its scale and siting is related. This will help anyone involved in the application process to easily ascertain its height in relation to existing features. In some cases this may be a requirement.
- 9.7.32 In some instances an applicant may be required to put up a dummy structure in the chosen location to show the height to blade tip, to help demonstrate the impact of the proposal on the landscape. Previously applicants have used a windsock mounted on a pole to achieve this.

9.7.33 Where consent is granted for a wind turbine, planning conditions will be applied to ensure a satisfactory standard of development. These can include:

- finish and colour of wind turbine
- under grounding of cabling
- no external lighting
- foundations of turbine below ground level
- landscaping of foundations of turbine
- no logos or other form of advertisement on the wind turbine
- requiring removal of wind turbine when no longer required for energy generation
- removal of turbine if existing trees or buildings, in the applicant's ownership necessary to screen or filter views of the proposed turbine, are removed.

Sources of further information

NOABL Wind Map - <http://www.rensmart.com/Weather/BERR>

10. Flood Risk and Sustainable Drainage (CC5)

10.1 Reducing the risk of flooding

10.1.1 All forms of flooding and their impact on the natural and built environment are material planning considerations.

10.1.2 Core Strategy Policy CC5 sets out the overall policy on flood risk, and together with the guidance in this SPD complements the responsibilities of the Environment Agency.

CC5: Flood risk and water conservation
<p>A. Development proposals which may have a harmful impact upon the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless net benefits can be secured for increased floodwater storage and surface water management from compensatory measures.</p> <p>B. Where flood management schemes are proposed to reduce the risk of flooding to established material assets, they should wherever possible secure wider benefits for the natural environment, such as habitat creation or landscape enhancement.</p> <p>C. Development which increases roof and hard surface area must include adequate measures such as Sustainable Drainage Systems to deal with the run-off of surface water. Such measures must not increase the risk of a local water course flooding.</p> <p>D. New development must allow an appropriate set-back distance for adequate maintenance of watercourses</p>

10.1.3 The Environment Agency which is a consultee in the planning process has a statutory duty to manage flood risk for all non-minor planning applications in flood zones 2 and 3. and anything greater than 1 hectare in flood zone 1. It also has responsibility for all development in flood zone 1 located in an area identified as having critical drainage problems. When lead Local Flood Authorities are established you will need to check that development is in accordance with the strategy of the Flood Authority as it will be responsible for flood risk from surface water, groundwater and ordinary watercourses.

10.1.4 The main planning aims are to manage flood risk to an acceptable level, and direct development to areas with the lowest risk wherever possible. Floodplains need protecting because they provide water storage and corridors for its movement in time of flood. Opportunities should be taken to reinstate areas of floodplain that have been used incorrectly in the past, restoring the natural course of rivers and promoting green corridors. Please seek ecological advice on this. Any buildings that are allowed in areas of higher risk will need to be flood resistant / resilient.

Planning considerations

10.1.5 Before you formally submit a planning application, take account of the flood risk zone that your site is in and discuss this with the Environment Agency and bodies such as internal drainage boards, sewerage undertakers, highway authorities and reservoir owners and operators (the National Park Authority can help you to decide which bodies might have an interest). For example, you should be aware of the Environment Agency (Midlands) by-law requiring all development to be set back at least 8 metres from a main river, and its view that culverts should not be used unless all other options have been exhausted. Wherever possible, existing culverts should be opened up and re-naturalised.

10.1.6 These discussions should help you to identify the likelihood, extent and nature of flood risk based on Flood Zones, to assist you with a Flood Risk Assessment (see Technical Guidance to the National Planning Policy Framework [link](#)). Depending on the nature, scale and location of the proposed development, you may then need to provide information as part of your planning application to demonstrate considerations under a Sequential Test and perhaps, an Exception Test – see Section 10.3. It is your or your agent's responsibility to:

- ensure that the development is in accordance with policies on flood risk in both the Local Development Plans and government policy on flood risk;
- provide a Flood Risk Assessment where required, demonstrating whether the proposed development is likely to be affected by flooding from any source;
- satisfy the Authority that the development will itself be safe and will actually reduce overall flood risk wherever possible or, if it will increase flood risk elsewhere, describe the measures proposed to deal with this;
- demonstrate that any measures needed to manage flood risk will be securely funded to enable the development to remain safe throughout its lifetime;
- identify and incorporate measures to reduce flood risk to the development itself and elsewhere, using sustainable drainage systems and, where necessary, flood resilience measures.

10.1.7 Wherever possible, measures to deal with flood risk should identify opportunities to enhance biodiversity and amenity, protect the historic environment, and seek collective solutions to managing flood risk. The Environment Agency's River Basin Management plans provide useful guidance since actions in one part of the River basin can impact on other parts. Issues such as availability of water supplies, maintaining the quality of water in rivers and managing flood risk are considered as a whole

10.2 Peak District National Park's Strategic Flood Risk Assessment

10.2.1 A Level 1 Strategic Flood Risk Assessment (SFRA) was carried out in September 2008. It explains the levels and varying types of flooding in the Peak District National Park, taking the impact of climate change into account. A copy is available on the National Park Authority website:

<http://www.peakdistrict.gov.uk/index/looking-after/plansandpolicies/ppbackground/sfra.htm>

The core recommendations of the SFRA provide a basis for Core Strategy Policy CC5 and inform this guidance.

10.2.2 The Assessment gives guidance on other forms of flooding as well as flooding from main rivers and for that reason it should be used when applying the Sequential Test.

10.3 Site Specific Flood Risk Assessment, the Sequential and Exception Tests

10.3.1 The Environment Agency provides advice to developers and planning authorities on where Site Specific Flood Risk Assessments are required and how and when the Sequential Test and Exceptions Tests should be applied during the planning process; general guidance is provided in the Technical Guidance to the NPPF (xxx).

10.3.2 Environment Agency Flood Risk Standing Advice for Applicants and their Agents
<http://www.environment-agency.gov.uk/research/planning/82587.aspx>

10.3.3 Sequential Test Process

http://www.environment-agency.gov.uk/static/documents/Business/SequentialTestProcess_v3.1.pdf

Information required by the Peak District National Park Authority for applying the Sequential Test

10.3.4 For non–minor development proposed in flood zone 2 or 3 you should find out whether the development will be able to meet the requirements of a Sequential Test at the very early stages of a planning application. It is the responsibility of the applicant to assemble the relevant evidence to allow the Peak District National Park Authority to apply the Sequential Test.

10.3.5 You will need to:

- State the Flood Zone of the proposed site of the development;
- State the Flood Risk Vulnerability Classification;
- put forward reasonably available alternatives in lower risk flood zones, starting with flood zone 1 with a justification of why the site proposed is preferable (see examples of evidence bases to use below);
- identify appropriate areas of search for the chosen development (see examples of areas of search below);
- Give address and locations of reasonably available sites with flood zones and details of any constraints to delivery; and
- Conclude whether or not there are any reasonably available sites in a lower flood risk zone or at a lower risk of flooding than the proposed site.

10.3.6 Please find below for assistance examples of evidence bases which can be used to identify reasonably available alternative sites:

- Strategic Housing Land Availability Assessment
- Employment Land Review
- Market search
- Sites of other planning applications

10.3.7 Appropriate areas of search for development are:

- New housing - elsewhere within the same village or town where a need for housing has already been established.

Please note that you should first demonstrate that you are responding to an identified need for affordable housing or pursuing development that is justified by conservation and enhancement of the National Park under housing policy. (Housing for key workers in agriculture, forestry or other rural enterprises - search area to be agreed with National Park Authority based on the functional needs for such housing identified);)

- Replacement dwelling – Sequential Test not required provided the replacement dwelling is not placed at an unacceptable level of flood risk, and does not significantly increase the footprint of the original building (as a guide an increase of more than 20% of the original building’s footprint- without more recent extensions - would not normally be supported without a sequential test). The fact that an existing dwelling may already be at risk, does not automatically mean that this would be considered acceptable for a replacement.
- Community development – elsewhere within the community which the proposed facility is designed to serve;

- Employment, retail and commercial development – search area to be agreed with National Park Authority based on the scale, nature and intended market for the proposed development.

Minor Development

10.3.8 The definition of minor development is set out in paragraph 10 of the Technical Guidance to the NPPF along with criteria where flood risk issues would need to be considered. In all cases development still needs to meet the requirements for Flood Risk Assessment and flood risk reduction as set out in Table 1. The National Park Authority and the Environment Agency can advise applicants about necessary requirements in each case. Important considerations include: the Environment Agency's standing advice for Flood Risk Assessment, any flood protection already incorporated in the property and the incorporation of flood resilience measures in the design.

Measures required when development is permitted in areas of higher flood risk

10.3.9 If development cannot be avoided, it will often be necessary to incorporate measure to mitigate (offset or reduce) the likely consequences of a flood including the use of techniques to increase the resistance of a building to flooding and to make it more resilient when it does flood. Such measures can include:

- dry pedestrian access to and from the development without needing to pass through flood zones 3a or 3b;
- secured emergency vehicular access;
- Sustainable Drainage measures to achieve a minimum reduction of 20% in Greenfield Discharge.
- raised ground floor levels to a minimum of 600mm above the 100 year peak flood level plus climate change flood level (+ 20% flows) determined as an outcome of the site-based Flood Risk Assessment.

10.3.10 Further Guidance is found in CLG (2007) 'Improving the Flood Performance of new buildings, Flood Resilient Construction' incorporates the following Guidance, see: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

10.3.11 This provides detail about the use of:

- Ground supported floors or suspended floors (not recommended in most cases) and floor finishes
- Hardcore and blinding
- Damp Proof Membranes
- Insulation materials (water will lower the insulation properties of some insulation materials)
- Floor sumps: provision of a sump and automatic pump at a low point of the ground floor is recommended where flooding is relatively frequent (dimensions and operational procedure to be agreed with the planning authority)
- Non-ferrous materials for under-floor services
- Basements (these are discouraged and where permitted must conform to agreed details).

10.4 Sustainable Drainage

10.4.1 Policy CC5C Flood Risk and Water Conservation states:

“Development which increases roof and hard surface area must include adequate measures such as Sustainable Drainage Systems to deal with run-off of surface water. Such measures must not increase the risk of a local water course flooding”

10.4.2 With the onset of Climate Change, drainage systems are becoming overloaded and inadequate for the more intense and more frequent rainfall that is occurring and is projected to occur. A new approach is needed:

“Sustainable drainage” allows for management of surface water with the aim of:

- reducing damage from flooding,
- improving water quality,
- protecting and improving the environment,
- protecting health and safety, and
- ensuring the stability and durability of drainage systems.



Photo 24. Car passing through localised flood waters

10.4.3 Traditional drainage involves piping water off-site as quickly as possible. On the other hand SuDS (Sustainable Drainage Systems) try to mimic natural drainage systems and retain water on or near the site, reducing the rate of surface water run-off even at times of peak rainfall, promoting ground water recharge and improving water quality and amenity. In this way they can help to reduce the frequency of floods that occur when the capacity of sewers is exceeded. A suitably designed SuDS scheme can also greatly enhance biodiversity, broadening the range of habitats. These are significant advantages when compared to piped systems and the variety of SuDS techniques available means that virtually any development can make use of them.

10.4.4 Because of their importance, SuDS will be the starting point when considering new development. Most importantly, compliance with national standards for SuDS will be a requirement under the Flood and Water Management Act 2010. Construction work which has drainage implications will need to be agreed by the approving body whether or not planning permission is required.

10.4.5 Wherever reasonably practicable, sustainable drainage should be incorporated into development proposals. It is important to remember that such systems:

- may require more space than conventional drainage systems;
- should be integrated into the overall site concept and layout;
- will require agreements on adoption, maintenance and operation;
- require a means of monitoring long-term performance;

- should not involve the use of any contaminated land before there has been adequate investigation and remedial action; and
- may require careful attention to ground stability which can be affected by infiltration of water.

10.4.6 There may be limited opportunities to use infiltration devices (where water is drained directly into the ground) where:

- the soil is not very permeable
- the water table is high
- the groundwater under the site may be put at risk
- land contamination or ground instability may be present

Planning Considerations

10.4.7 In the future, possibly mid-to-late 2013, it will be important for developers to take into account the requirements of both the sustainable drainage “Approving Body” and those of the National Park Authority when new legislation is brought in. The grant of planning permission by the National Park Authority will not bind the SuDs Approving Body. The following points should be borne in mind.

10.4.8 The rate and amount of surface water run-off from development can be reduced by avoiding large areas of impenetrable hard surfacing and using soft landscaping and permeable surfaces wherever possible. You should check with the Authority whether planning consent is required for the laying of any new hard surface.

10.4.9 Sustainable drainage and the most appropriate system for your proposal should be considered early in the site evaluation and planning process as well as at the detailed design stage.

10.4.10 Soil and ground conditions, together with the size and type of development, will determine the possible methods of drainage and particularly the suitability of different natural filtration methods. A suitable system needs to match local geological and hydrological conditions. When designing one you should:

- consult the Environment Agency or its successor the SuDs Approval Body
- carry out soakage / percolation tests in accordance with Soakaway Design Digest BRE365 to determine the scope for filtration on site
- assess the long term cost of maintaining the drainage system over the lifetime of the development - a fully costed and funded proposal will need to be agreed with the National Park Authority in consultation with the Environment Agency (or its successor the SuDs Approval Body) before planning permission is granted.
- consider using green infrastructure to help reduce surface water run-off by slowing precipitation, binding soil to prevent erosion and expiring water to the atmosphere.

10.4.11 You should check the National Park planning application validation criteria, (documents VPA1 and VPA2 for householder applications) and discuss all aspects of your proposal with the Authority. The Design and Access form should set out clearly the sustainable drainage method(s) to be used for the development. The National Park Authority’s Planning Application Validation Guidance provides further explanation on Ecological Impacts and survey requirements.

Sources of further information

Environment Agency ‘Understanding Flood Risk using our Flood Map’

<http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/geh00306bkiy-e-e.pdf>

Environment Agency 'What I need to do for my flood risk assessment'
<http://www.environment-agency.gov.uk/research/planning/93498.aspx>

CLG (2007) 'Improving the Flood Performance of new buildings, Flood Resilient Construction'
http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

Water Framework directive – [link](#)
<http://www.environment-agency.gov.uk/research/planning/33362.aspx>

River Basin Management Planning:
<http://www.environment-agency.gov.uk/research/planning/33240.aspx>

National Flood Forum
<http://nationalfloodforum.org.uk/>

SuDs link to add:
<http://www.susdrain.org/>

River basin management plans, Environment Agency – [link](#) actions in one part of the River basin can impact on other parts – issues such as availability of water supplies, maintaining the quality of water in rivers and managing flood risk are considered as a whole.

Appendices

Appendix A - Core strategy policies

GSP1: Securing national park purposes and sustainable development

- A. All policies must be read in combination.
- B. All development shall be consistent with the National Park's legal purposes and duty.
- C. Where there is an irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority.
- D. Where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area
- E. In securing national park purposes major development should not take place within the Peak District National Park other than in exceptional circumstances. Major development will only be permitted following rigorous consideration of the criteria in national policy.
- F. Where a proposal for major development can demonstrate a significant net benefit to the National Park, every effort to mitigate potential localised harm and compensate for any residual harm to the area's valued characteristics would be expected to be secured.

GSP2: Enhancing the National Park

- A. Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon.
- B. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other Core Policies.
- C. When development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complementing the locality and helping to achieve biodiversity objectives.
- D. Opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.
- E. Development in settlements necessary for the treatment, removal or relocation of non-conforming uses to an acceptable site, or which would enhance the valued characteristics of the National Park will be permitted. In such cases a site brief may be necessary to achieve the best mix of uses to secure the conservation and enhancement of the National Park and the most sustainable outcome for the community.

GSP3: Development management principles

All development must conform to the following principles:
Development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. Particular attention will be paid to:

- A. impact on the character and setting of buildings
- B. scale of development appropriate to the character and appearance of the National Park
- C. siting, landscaping and building materials
- D. design in accordance with the National Park Authority Design Guide
- E. form and intensity of proposed use or activity
- F. impact on living conditions of communities
- G. impact on access and traffic levels
- H. use of sustainable modes of transport
- I. use of sustainable building techniques
- J. ground conditions including any land instability from former mining, quarrying or industrial uses
- K. adapting to and mitigating the impact of climate change, particularly in respect of carbon emissions, energy and water demand

GSP4: Planning conditions and legal agreements

- A. To aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
- B. The National Park Authority's use of broader mechanisms will pay close regard to the advice of County and District Councils and other relevant service and infrastructure providers in each part of the National Park.

DS1: Development strategy

A. To promote a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park, the following principles will be applied to determine proposals for new development. These principles must be considered in relation to the specific core polices in this plan and the subsequent Development Management Policies DPD.

B. The majority of new development (including about 80 to 90% of new homes) will be directed into Bakewell and named settlements, with the remainder occurring in other settlements and the rest of the countryside.

C. In all settlements and in the countryside outside the Natural Zone the following forms of development will be acceptable in principle (where permission is required):

- agriculture, forestry, and other rural enterprises requiring a rural location, including farm diversification;
- extensions to existing buildings;
- recreation and tourism;
- mineral working;
- conversion or change of use for housing, community facilities and business uses including visitor accommodation, preferably by re-use of traditional buildings;
- renewable energy infrastructure;
- utilities infrastructure;
- other development and alternative uses needed to secure effective conservation and enhancement.

D. In Bakewell and the following named settlements there is additional scope to maintain and improve the sustainability and vitality of communities across the National Park. In or on the edge of these settlements new build development will be acceptable for affordable housing, community facilities and small-scale retail and business premises. Other than in Bakewell, no development boundaries will be drawn.

Alstonefield
Ashford
Bamford
Baslow and Bubnell
Beeley
Biggin
Birchover
Bradwell
Butterton
Calton
Calver
Castleton
Chelmorton
Curbar
Earl Sterndale
Edale (Grindsbrook)
Edensor
Elton
Eyam
Fenny Bentley
Flagg
Flash
Foolow
Froggatt
Great Hucklow
Great Longstone
Grindleford and Nether Padley
Grindon
Hartington
Hathersage with Outseats

Hayfield
High Bradfield
Low Bradfield
Holme
Hope
Kettleshulme
Little Hayfield
Litton
Longnor
Middleton by Youlgrave
Monyash
Over Haddon
Parwich
Peak Forest
Pilsley
Rainow
Rowsley
Sheen
Stanton in Peak
Stoney Middleton
Taddington
Thorpe
Tideswell
Tintwistle
Tissington
Wardlow
Warslow
Waterhouses
Wensley
Wetton
Winster
Youlgrave

E. Where there is pressure for development and the National Park Authority is uncertain about the capacity for this in a named settlement, an assessment of site alternatives will be required to demonstrate the extent of development which may be permitted. This process should involve the Parish Council or Parish Meeting and demonstrate that the proposed development complements:

- the settlement's overall pattern of development;
- the character and setting of nearby buildings and structures; and
- the character of the landscape in which the settlement sits.

F. In addition to the general scope for development set out above, in Bakewell the spatial strategy will also seek to:

- retain a development boundary;
- protect the range and integrity of the Central Shopping Area;
- safeguard employment sites and promote the take-up and enhancement of under-used employment sites; and
- offer scope for a new build hotel to serve the town and improve the range of visitor accommodation available within the National Park.

L1: Landscape character and valued characteristics

A. Development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.

B. Other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted.

L2: Sites of biodiversity or geodiversity importance

A. Development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting.

B. Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

C. Development must conserve and enhance any sites or features of geodiversity importance and where appropriate their setting.

D. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on any sites or features of geodiversity importance or their setting that have statutory designation or are of international or national importance for their geodiversity.

L3: Cultural heritage assets of archaeological, architectural, artistic or historic significance

A. Development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest;

B. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset of archaeological, architectural, artistic or historic significance or its setting, including statutory designations or other heritage assets of international, national, regional or local importance or special interest;

C. Proposals for development will be expected to meet the objectives of any strategy, wholly or partly covering the National Park, that has, as an objective, the conservation and where possible the enhancement of cultural heritage assets. This includes, but is not exclusive to, the Cultural Heritage Strategy for the Peak District National Park and any successor strategy.

CC1: Climate change mitigation and adaptation

In order to build in resilience to and mitigate the causes of climate change all development must:

- A. Make the most efficient and sustainable use of land, buildings and natural resources.
- B. Take account of the energy hierarchy by:
 - I. reducing the need for energy;
 - II. using energy more efficiently;
 - III. supplying energy efficiently; and
 - IV. using low carbon and renewable energy.
- C. Be directed away from flood risk areas, and seek to reduce overall risk from flooding within the National Park and areas outside it, upstream and downstream.
- D. Achieve the highest possible standards of carbon reductions.
- E. Achieve the highest possible standards of water efficiency.

In all new and replacement housing, other than affordable housing of less than 3 units, a minimum sustainability standard, equivalent to that required by the government of affordable housing, shall be achieved unless the applicant provides evidence to demonstrate that it is not viable for a particular development.

Non-residential major development above 1000m² floorspace must achieve a Buildings Emissions Rate at least 10% less than the Target Emissions Rate.

CC2: Low carbon and renewable energy development

- A. Proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character, cultural heritage assets, other valued characteristics, or other established uses of the area;
- B. Cumulative impacts of low carbon and renewable energy development within the National Park and visible beyond its boundary must be taken into account;
- C. Where proposals do not compromise the valued characteristics of the National Park the Authority will also take into account the economic, social and wider environmental benefits of renewable and low carbon development.

CC3: Waste management

The management of domestic, industrial and commercial waste must satisfy the following principles:

- A. The National Park Authority will work with the Waste Collection and Disposal Authorities and local communities to promote sustainable management of waste through the waste hierarchy.
- B. New, expanded or replacement large scale facilities will not be permitted.
- C. Small scale waste facilities may be permitted to serve local communities where they are in accordance with or do not undermine the strategy and approach of the relevant Municipal Waste Management Strategy. Such schemes should meet only the need of the community and must not involve importation of waste from outside that community.
- D. The National Park Authority will require the appropriate restoration and after-use of waste sites so that they can contribute to the recreation and biodiversity value of the National Park.
- E. Construction and demolition waste must be managed and re-used on site. Where there may be significant environmental risk to flora, fauna, local communities or the water environment, an appropriate off-site disposal option will be required.

CC4: On-farm anaerobic digestion of agricultural manure and slurry

Proposals for the management of agricultural manure and slurry generated within the National Park must follow the following principles:

- A. Applications for single on-farm anaerobic digester units, and any associated development for management of waste or renewable energy generation, must only use agricultural manure and slurry arising on the planning unit and crops grown for the purpose on the unit.
- B. Centralised on-farm anaerobic digestion facilities will only be permitted where they:
 - I. serve a number of farms mainly within the National Park in close proximity to each other; and
 - II. deal only with agricultural manure and slurry arising on the farms involved and crops grown for the purpose on those farms; and
 - III. are justified by a comparative analysis of alternative single on-farm proposals in terms of economic and functional viability, taking into consideration effects on the environment.

CC5: Flood risk and water conservation

A. Development proposals which may have a harmful impact upon the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless net benefits can be secured for increased floodwater storage and surface water management from compensatory measures.

B. Where flood management schemes are proposed to reduce the risk of flooding to established material assets, they should wherever possible secure wider benefits for the natural environment, such as habitat creation or landscape enhancement.

C. Development which increases roof and hard surface area must include adequate measures such as Sustainable Drainage Systems to deal with the run-off of surface water. Such measures must not increase the risk of a local water course flooding.

D. New development must allow an appropriate set-back distance for adequate maintenance of watercourses.

Appendix B - Requirements and Guidance Summary for New Housing

Development type	What is required	Guidance
New build affordable housing of one or two units by private individuals	<p>A completed environmental checklist showing use of the energy hierarchy</p> <p>Consideration of the Code for Sustainable Homes Criteria</p> <p>Consideration of Building for Life Criteria</p>	<p>Read the SPG on ' Meeting the Local need for affordable housing in the Peak District National Park, 2003 '</p> <p>Planning Application Validation Guidance document VPA1 – including Affordable Housing, Agricultural Worker's dwelling</p>
New build affordable housing by Registered Social Landlords	<p>A completed sustainability checklist showing use of the energy hierarchy</p> <p>The Code for Sustainable Homes Level required by government (currently level 3 moving to level 4)</p> <p>For developments of 10 or more houses - assessment under Building for Life criteria</p>	<p>SPG on ' Meeting the Local need for affordable housing in the Peak District National Park, 2003 '</p> <p>Planning Application Validation Guidance document VPA1 – including Affordable Housing</p> <p>Guidance Notes on Section agreements</p>
Open market housing justified for Enhancement reasons	<p>A completed sustainability checklist showing use of the energy hierarchy</p> <p>The same Code for Sustainable Homes Level as required by government of Registered Social Landlords (currently level 3 moving to level 4)</p> <p>Consideration of the Building for Life Criteria</p>	<p>Check Planning Application Validation Guidance document VPA1</p>
Residential conversions and changes of use	<p>A completed sustainability checklist showing use of the energy hierarchy</p> <p>Consideration of the Code for Sustainable Homes Criteria</p> <p>Consideration of the Building for Life Criteria</p>	<p>Check Planning Application Validation Guidance document VPA1</p>

Appendix C – The Environmental Management Checklist

This checklist should be used to help you complete a Design and Access Statement where applicable or to show that you have taken Core Strategy Climate Change and Sustainable Building Policies into consideration in other applications.

A. Making the most efficient use of land, buildings and natural resources Site Layout and Building Design:

Checklist	Done?
Is the proposed site layout designed to make the maximum use of energy from the sun (passive solar gain)? (e.g. main glazed elevations within 30° of south)	
Have you designed in measures to prevent excess solar gain in summer?	
Has the design made maximum use of natural ventilation?	
Has the design made maximum opportunity for the use of natural daylight rather than artificial lighting?	
Have you designed the layout to use landform and landscape to benefit from shelter?	
Have you considered how existing and proposed trees and shrubs could be used to provide shade for outdoor areas?	
Have you considered the potential for passive cooling in summer in order to build in resilience to climate change to ensure thermal comfort?	
Have you considered the proximity of local services?	
Have you considered access to public transport?	
Have you considered access to green travel routes?	
Have you included a green travel plan ?	

B. Taking Account of the Energy Hierarchy by:

- reducing the need for energy
- using energy more efficiently
- supplying energy efficiently
- using low carbon and renewable energy

Using the energy hierarchy will reduce CO2 emissions by lowering energy demands for heating and cooling. The focus should always be on achieving savings from higher up the hierarchy starting first with energy efficient design then the most low carbon forms of heating.

Demonstrating that you have taken account of the energy hierarchy:

Checklist	Done?
How will the design reduce the use of energy?	
Has the design incorporated energy efficient and energy saving systems?	
Have you explored connection to an existing low carbon network?	
Have you explored ways that are compatible with National Park purposes to generate renewable energy on site as part of the development? (e.g. solar thermal, photovoltaic, ground source heat pumps or wood fuel burners)	

You may wish to research other sustainable design measures as set out in the Code for Sustainable Homes (www.planningportal.gov.uk/uploads/code_for_sustainable_homes_techguide.pdf). If so please specify in your Design and Access statement

C. Directing development away from flood risk areas & seeking to reduce overall risk from flooding

Checklist	Done
Is the proposed development in a flood risk area ? Have you taken into consideration the implications of floodrisk or future floodrisk ?	
Has the proposal maximised the use of permeable paving for drives and parkingareas?	
Can water be provided by capturing surface water drainage from roofs and other hard surfaces instead of piped mains drainage? (e.g. soakaways, filter strips, swales, balancing ponds etc)	
Have you considered using SUDS techniques that will include features that will make a contribution to amenity or wildlife? (e.g. reed beds, etc)	

D. Achieving the highest possible standards of carbon reductions in all development

You will need to demonstrate through the Design and Access Statement that you have given consideration to the energy hierarchy (see above) as a means of reducing carbon emissions in your development. Consideration of carbon emissions has the added benefit of reducing fuel costs.

Checklist	Done?
<p>For existing buildings, describe the type and level of insulation in the existing building. Do you intend to increase the level of insulation in the existing building at the time of new development?</p> <p>If not you need to explain why this is not possible, if you are going to retrofit insulation in the existing building, then please explain where any insulation will be undertaken and to what specification.</p>	
<p>Have you sought to avoid the use of insulation materials known to contribute to ozone depletion or that have the potential to contribute towards global warming?</p>	
<p>Will you be using low-water use fittings and appliances?</p> <p>If no please explain why this is not possible, or if yes please explain where and set out the relevant specifications.</p>	
<p>Will you be seeking to ensure that the design of surface water drainage systems takes into account expected future changes in rainfall?</p>	

E. Achieving the highest possible standards of water efficiency in all development.

You should aim to reduce dependence on mains water in new development, improve efficiency in the use of water and conserve water resources.

Checklist	Done?
<p>Have you considered specifying water-conserving fittings for taps and sanitaryware? (e.g. low flush w.c.s, spray taps, water-saving showers)</p>	
<p>Can rainwater be collected from roofs for outdoor use? (e.g. water butts installed for garden irrigation)</p>	
<p>Have you considered designing in rainwater harvesting measures to collect rainwater and store it for use internally? (e.g. w.c. flushing)</p>	
<p>Have you considered providing a system to re-use grey-water (waste water from baths, showers and basins) for irrigation or w.c. flushing?</p>	

F. Achieving, in all new and replacement housing, other than affordable housing of less than 3 units, a minimum sustainability standard, equivalent to that required by the government of affordable housing by Registered Social Landlords (currently Code for Sustainable Homes Level 3)

Checklist	Done?
<p>Have you demonstrated how the proposed new residential development will attain the highest possible sustainability standards ?</p> <p>The requirement set out in Policy CC1 is the minimum requirement and all new residential development should attain the highest possible sustainability standards, taking into account viability and feasibility considerations.</p>	
<p>For enhancement housing, for example in an application for a replacement dwelling, have you demonstrated how sustainability measures will match or exceed those required by government of affordable housing by RSLs ?</p>	
<p>Have you achieved the highest possible standards of carbon reductions?</p>	
<p>Have you achieved the highest possible standard of water efficiency?</p>	

In pre-application discussions on policies for enhancement housing, for example in an application for a replacement dwelling, your architect will need to consider how sustainability measures will match or exceed those required by government of affordable housing by RSLs. We are finding that applicants are increasingly keen to reduce carbon emissions and fuel bills through integrated passive design. The Code for Sustainable Homes which is the current measure used by government provides useful guidance.

G. Achieving in non-residential major development above 1000m² floorspace a Buildings Emissions Rate at least 10% less than the Target Emissions Rate.

Checklist	Done?
<p>Have you demonstrated how the new non-residential development will attain the highest possible sustainability standard ?</p>	
<p>Have you achieved the highest possible standard of carbon reductions ?</p>	
<p>Have you achieved the highest possible standard of water efficiency?</p>	
<p>The requirement set out in Part G of Policy CC1 is the minimum requirement and all new non-residential development should attain the highest possible sustainability standard taking into account viability and feasibility considerations. Have this been demonstrated in the application?</p>	

**Summary of issues raised on draft SPD
and officer view as to how to address the points**

What stakeholders said about the draft	Officer views on how we can address the points
The purpose of the document should be clear that it is a planning document to aid successful applications;	Agreed – technical detail removed where possible and greater focus on planning guidance.
It shouldn't try to cover all aspects of climate change, but focus on climate change mitigation (including the move to greater energy efficiency and sustainable energy production), rather than aspects of adaptation;	Agreed – aspects of text removed relating to adaptation to climate change.
Need to clarify the purpose of emphasizing the energy hierarchy and why it is particularly important to the policy approach in the National Park;	Agreed - greater rationale for the central policy principles inserted with clearer presentation of the energy hierarchy
Concern that there is too much emphasis on landscape and that some of detail could be moved to an Appendix;	As an SPD it is crucial that we supplement the core aspects of policy. The ability to judge harm to the landscape and valued characteristics of the National Park are central principles of the Core Strategy and to our function as a National Park planning authority. As such we cannot avoid direct and close attention to landscape matters. Nevertheless the structure and approach to presenting the guidance have been reconsidered with some technical detail moved to the Appendix.
Need to clarify the opportunities available through permitted development;	Despite some desire for greater and precise details of the permitted development regime officers are concerned that owing to the individual nature of sites and buildings it is always best to approach the authority for detailed advice rather than to try and pre-empt that advice. Detailed generic thresholds and guidance is already set out on the Government's Planning Portal, so direct links are made. It has also been important to clarify

	that even where PD is available the Authority may still intervene on matters of siting and design, hence the SPD is still valid in these cases.
Clarify the Environmental Impact Assessment regime and the role of statutory agencies such as the County Council;	Agreed – and opportunity taken (along with some other matters) to bring various planning considerations to the front of the document rather than repeating for each technology
Feeling that there is an over emphasis on energy efficiency and reducing energy demand;	Disagree – this is a central aspect of policy and provides opportunities to improve the sustainability of buildings from the inside out, thus protecting the external character of buildings wherever possible.
Overall support for guidance on sustainability in historic buildings;	Support welcomed
Overall support for the push for greater sustainability in new buildings but with a desire for more clarity in our approach;	Support welcomed and more work done to clarify the approach
Overall support for sections on biomass and combined heat and power but a call to reorder the document structure to pull these into an overall renewables section;	Support welcomed and drawn into renewables section as desired
Feeling that the attempt to offer area specific guidance on renewables (i.e. by farm and village environment) only served to create confusion and duplication;	Agreed with this view despite the good intentions behind it. Document has been reordered and streamlined accordingly
Need a positive, enabling tone that focuses guidance on where the opportunities lie and on what we are trying to achieve rather than a defensive style which relies on how we will determine planning applications;	Officers have sought to strike the right balance between encouragement and guidance to the right locations and opportunities, with sufficient criteria to support cases which may harm the valued character of the National Park The introductory sections have been reworked to offer encouragement and clarity on the approach sought and the best means of finding solutions that can be found acceptable through the planning process
Need to incorporate specific comments from statutory bodies such as Environment Agency and English Heritage seeking proper	Part of the balance with the desire for positive encouragement has been the need to properly reflect the

regard to statutory environmental regimes that applicants need to be aware of through the planning process.	requirements of statutory bodies and their own regulatory regimes. Changes have been made to reflect this.
Length and complexity of document.	Document covers a wide range of issues split into separate chapters with How to use chapter. It provides a single reference point for the Core Strategy climate change issues.
Vision statement not clear and unnecessary.	Removed.
Query about how sustainability standards for new buildings relate to NPPF and to national standards.	Sustainability standards have been adopted through Core Strategy. They are consistent with NPPF (Paragraph 95) and have been through an independent examination in public.
Climate change adaptation not covered in sufficient detail.	Removed and links added to other info.
Natural Zone needs clearer explanation.	Explanation provided.

This page is intentionally left blank

Appendix 3

Example case studies for website

New Community Building – Over Haddon Village Hall



A new purpose built community facility to replace the existing village hall provided an opportunity for the parish to consider function, design and sustainability. Central to the design brief was:-

- Provision of a dual purpose hall
- To reduce the carbon footprint of the building.
- For the building to be as sustainable as possible.
- Provision of disabled toilet facilities and baby change.
- Better toilet and kitchen facilities.
- A design which reflected the design of the old hall on the footprint of the new building.
- A design in keeping with the area.
- Provision of green space to the front of the building.

The replacement village hall demonstrates the advantages of sustainable building design in terms of reduction in carbon emissions, running costs and water usage. It achieved an A rated Energy Performance Certificate and is a building of traditional design.

Features

High levels of insulation
Thermostats and Monitor
Energy efficient lighting
Energy efficient underfloor heating
Energy efficient underfloor heating
Air source heat pumps
Solar photovoltaic panels
Rainwater harvesting

Refurbishment of the old village hall had been considered but the fabric of the building was poor and heating was provided by 6 double bar heaters on the wall which provided less than adequate heating and for which the fuel bills were very high.

A new building with a high thermal mass was proposed to reduce carbon emissions and to improve the ambient temperature, in order to significantly reduce running costs. Energy efficient heating and lighting systems, renewable energy installation and rainwater harvesting were also proposed.



Figure 1 LED lighting

Benefits

Use of the village hall by the local community and others has increased since it was rebuilt because it now provides a light and comfortable environment.

Use of the heating system, using the air source heat pump and under floor pipe work, has been minimal because the ambient temperature of the building is high as a result of its design and insulation.

Rainwater harvested is used to flush the toilets, which saves on water bills. If there is insufficient rainwater a valve shuts off the harvesting system and water is fed from the mains.

The photovoltaic panels supply electricity to the building: any extra electricity produced is providing a useful source of income via the "Feed In" Tariff.



Figure 2 Solar photovoltaic panels



Figure 3 Monitor demonstrates benefits of system

Lessons learned

The replacement village hall has been grant funded both in terms of the building fabric and the low carbon and renewable energy installations. Had been a limited budget for low carbon and renewable energy installations, the Energy Performance certificate for Over Haddon Village Hall shows how much can be achieved simply through careful design and insulation.

Originally a vertical bore ground source heat pump was specified instead of the air source heat pumps but a perched water table in the vicinity of the village hall meant that this was not feasible.



Figure 4 Air Source Heat Pump

The Energy Performance Certificate suggested that the energy performance of the building could be further improved. Recommendations in the short term, (less than 3 years) to improve the energy performance of the building included:

- Solar control measures such as the application of reflective coating or shading devices to windows.
- An optimum start / stop to the heating system.
- Replacement of T8 lamps with retrofit TS conversion kit.

Over Haddon Village Hall is a very good example of a low carbon building, which demonstrates that low carbon emissions can be achieved in a traditional style building.

The Target Emission Rate (TER) for the hall was 28.5 kg CO₂ / m² per annum, and the calculated Building Emission Rate (BER) was 11.6 kg CO₂ / m² per annum, 59% less than the Target Emission Rate. The Energy Performance Certificate for the building gave an Energy Performance Asset Rating of A7.

Comments from users of the hall:

“Great example of Solar power in a ‘traditional style’ building.”
“Excellent new village hall and great that it is sustainable.”

Technical Details:

Insulation

Ground floor slab – underfloor heating pipes in 75mm screed on 75mm Eco – Therm Eco Versal in 125 mm dense concrete slab “U” value = 0.18.

Walls – 100 mm cavity filled with 100mm Dritherm cavity slab32 Ultimate “U” value = 1.27.

Roofs– 170 mm Eco Therm Eco Versal between trusses with 37.5mm Eco Therm Eco – liner under trusses. “U” value = 0.14.

Low Carbon and Renewable Energy Installations.

Mitsubishi 5 kw and 14 kw Ecodan heat pumps – Annual energy performance estimated to be 13333 kwh being the running time of the heat pump based on 2400 heating hours.

Sundog Energy Powerglaz (BP Solar Modules)

Solar photovoltaic integrated panels.

Estimated annual generation – 6502.00 kw

Monitoring and Controls

Heatmiser Touch Pad Controller – Underfloor Heating.

Heatmiser Netmonitor Programmable room thermostats.

Photovoltaic energy output / carbon reduction monitor

Rainwater Harvesting System

WPL system

Polythylene tank with lid.

Filter.

Pump and control module with 2011 (?) litre mains water tank with AB air gap, a pressure sensor, pump with integrated 3 way valve and float switch.

CASE STUDY

Beechenhill Farm, Ilam

Winner of Environmental Business of the Year in the Sentinel Business Awards, this organic farm is an exemplar project in reducing the environmental impact of a farming and tourism business in a protected landscape

Features:

Insulating lime plaster with perlite.

Sheep wool insulation

Internal shutters

Low – energy lighting

Sunpipe

120 kW biomass wood pellet boiler.

Mini District Main (hot water distribution system)

All Underfloor heating.

8 kW Lightweight, flexible photovoltaic panels.

Raeburn burner conversion.

Induction hob

Electric bikes.

Rainwater harvesting. Rainwater flush toilet

Waste Recycling

Future project - a low-tech, mini-anaerobic digester using cow manure

Beechenhill Farm is a working dairy farm with ancillary visitor use that lies between Ilam and Stanshope in the Limestone Plateau Pastures of the White Peak .

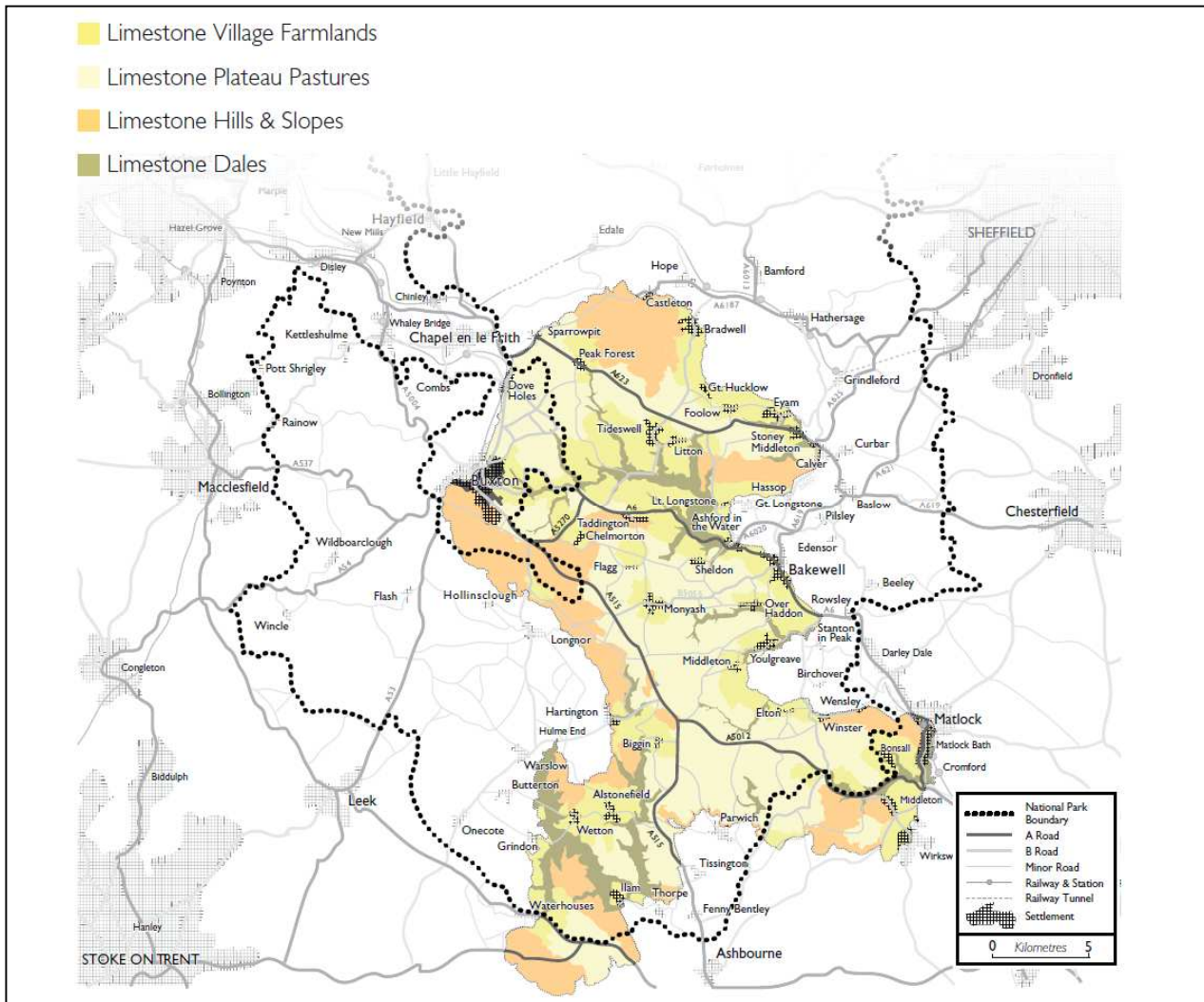
The farmhouse and barns are grade 2 listed buildings. They are well detailed limestone buildings under blue clay tile roofs, with a range of modern agricultural buildings to the North

Finding practical and appropriate ways to address rural resource efficiency, economic pressures and reduce the carbon footprint of the farm and tourism business in ways that protect the National Park is fundamental to the owners of Beechenhill:

'The pristine protected landscapes of England are under ever increasing pressure. As we face the challenges of climate change, a steadily increasing population and economic difficulties, people everywhere try to find economic solutions. Some of these solutions could increase the risk to our protected landscapes. Once we have lost them, they can never come back.

Centralised energy solutions are appropriate where there are centralised populations; however, rural areas have scattered and dispersed populations which would suit decentralised renewable energy solutions'.

Sue Prince, Owner



Key characteristics of the Limestone Plateau Pastures are:

- A rolling upland plateau
- pastoral Farmland enclosed by limestone walls
- a regular pattern of small to medium-size rectangular fields
- localised field dewponds and farm lime kilns
- discrete tree groups and belts of trees
- isolated stone farmsteads and field barns
- medieval granges surrounded by older fields
- relic lead mining and quarrying remains
- prehistoric monuments, often on hilltops
- open views to surrounding high ground

Beechenhill Farm had two old oil boilers, six immersion heaters and one cottage with entirely electric heating. Energy costs were rising year on year, making the business increasingly unsustainable.

Over the last three years. Even though the business has grown it has reduced its carbon footprint from 41 tonnes to 14.4 tonnes, and reduced its energy costs by using energy conservation methods and the installation of a range of low Carbon and renewable technologies.

Insulation and draught proofing have been carried out incrementally over the years since they are the cheapest methods that have the biggest impact. Home-made **internal shutters** made from painted MDF were installed to all windows .



Figure 5 Insulated lime plaster walls conserve the internal appearance of the historic building whilst conserving energy. Home made internal shutters also conserve energy.

Sheep wool insulation from a neighbour's flock was used in the loft spaces.



Figure 6 Sheeps wool insulation

Where it was important to retain original beam features, as in the Haybarn conversion, thin profile insulation was used incorporating aluminium foil. The walls were insulated with lime plaster with perlite to maintain the character of the building rather than dry lining the walls. The owners checked that the insulation values of the products used would meet building regulations requirements through discussions with the relevant district Council.



Figure 7 Insulation material that has been installed between beams in the converted barn to conserve the internal appearance of the building whilst reducing energy loss

Low energy lighting is gradually being replaced by **LED lighting** in order to reduce the consumption of electricity. The kitchen lighting, for example, has been reduced from 540 W to 90 W due to the use of LEDs. An **induction hob** has also reduced the use of electricity. When appliances need to be replaced they are being replaced with energy efficient appliances, at least



Figure 8 Induction hob

A rated. The replacement of the Raeburn burner with a **new burner** has reduced by half the oil used to feed it.

To avoid the need for electric lighting during the daytime, a **sun pipe** has been installed to allow daylight into a room without windows. The external appearance of the sun pipe is that of a skylight which fits in well with the building design.



Figure 9 Sun Pipe – minimal impact on Grade II listed building

Having carried out fabric first measures to reduce carbon emissions and the cost of running the business, **low carbon and renewable energy installations** appropriate to the protected landscape were considered.

Research was carried out into the possibility of installing a wind turbine for the farm business. A feasibility study was carried out on wind speeds, which found that the optimum sites were in open fields and on the crest of the hill. It was considered that a wind turbine in either of these locations would be damaging to the landscape. Had there been a site within the cluster of buildings with sufficient wind speed, it would have been considered more seriously. The owners are interested to find out how efficient ridge blade technology will be when it is more readily available as it could be sympathetically integrated into farm buildings.

Having ruled out the feasibility of a wind turbine due to the landscape sensitivity of the optimum locations, research was carried out into other more appropriate renewable energy technologies. Following initial research it was decided to further investigate

- a wood burning boiler
- a mini district main (a hot water distribution system),
- a low tech mini bio digester dome

A 120 kW **biomass boiler and mini district main** has been installed in one of the farm buildings to heat the accommodation at Beechenhill. It replaces two oil boilers and four immersion heaters. The new system provides a ready supply of hot water to pipework in the holiday cottages that is used when needed to heat the accommodation. Wood pellets are fed automatically by auger into the firebox of the boiler and as a backup the boiler can also be manually fed with logs. The lower embodied energy and the need for more on-site storage with woodchip led the owners to choose wood pellets instead. The woodfuel boiler comprises a wood gasification heating system with integrated suction draft plan and ceramic plates with an efficient secondary combustion chamber and heat resistant catalyst. The chimney for the boiler comprises a stainless steel core with 25 mm of mineral wool insulation and the flue is clad and powder coated to match the roofing material. The storage cylinder for the water is insulated steel and has a capacity of 2000 L.



Figure 10 Wood gasification heating system and water storage cylinder

The development of the biomass boiler did not require a separate building as it has been incorporated into one of the existing portal frame farm buildings. Thick concrete block walls form the enclosure and wood store with vertical hit and miss timber cladding above the block work to match the existing construction of the building.. The enclosure was provided with a one-hour fire resistant roof and waterproof coating since cattle are housed in the building in winter.

The possibility of the installation of either solar thermal or solar photovoltaics had been ruled out due to the fact that the roofs of the portal frame farm buildings were inadequate to carry the load of the installations, however, with the introduction of **flexible photovoltaic sheeting** to the market, it has been possible to retrofit sheeting onto the farm buildings and to generate electricity from solar sources.

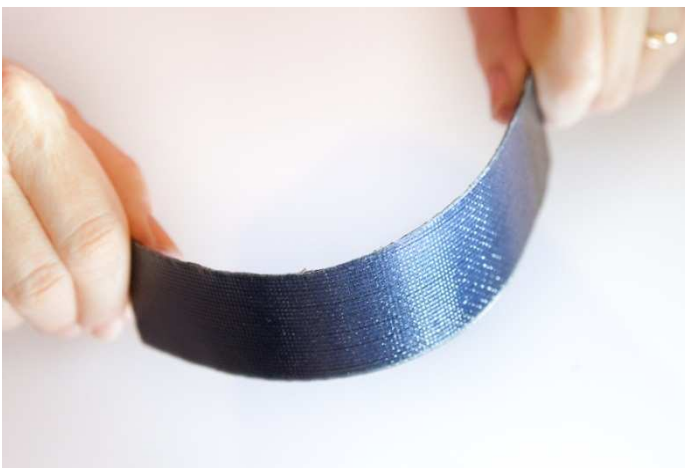


Figure 11 Flexible photovoltaic sheeting

The system involves bonding solar film to lightweight metal panels which means that it can be installed on fragile awkward shaped roofs. The benefit of using the sheeting is that it is lightweight and therefore there is no need to upgrade the roof, furthermore the original drill holes that are used to construct the roof can be used for its installation. Planning consent was granted in 2011 for 2 x 22 m lengths of the solar PV material, 2.8 m deep on the south facing slope of the agricultural building. The material of the sheeting is non- reflective and the film covers an entire

section of the building without metal framing. Electrical output of the thin-film photovoltaics is monitored and energy savings in general are calculated by the owners.



Figure 12 Photovoltaic sheeting installed on portal framed building. Location of installation minimises impact on landscape surroundings



Figure 13 Rainwater harvesting for toilet flushing

Rainwater harvesting systems have been introduced for toilet flushing. A **recycling area** is provided for guests and guests are encouraged to buy local products whilst locally sourced products are you are used for the bed and breakfast business.



Figure 14 Recycling area

The **mini anaerobic digester** gained planning consent in January 2009 as an experimental and educational project. The facility will have a low visual impact since it will be sited underground. It comprises a GGC 2047 model biogas plant with a capacity of 10 m³. It will be enclosed with a dry stone wall with timber gates once the installation is complete. It is a low-tech design, with a relatively low cost, originally developed in India, which will produce methane from the manure of 10 cows. It is hoped that that it will be possible to retrofit the Rayburn in the farmhouse kitchen with the mechanisms necessary to burn the methane produced. Given the remote location of the anaerobic digester which is sited away from the farmhouse, connection to the Rayburn will depend partly on whether the length of pipework necessary will allow a satisfactory burn. The project will provide some guidance as to the potential for installation on other livestock farms.

This page is intentionally left blank

8. REVIEW OF STANDING ORDERS IN RESPECT OF REFERRAL OF PLANNING APPLICATIONS TO AUTHORITY (JRS)

Purpose of the report

1. To review the Standing Order which requires the referral of planning applications which are considered to be departures, or potential departures, from Development Plan policy to a meeting of the Authority.

At the meeting of Authority held on 1 February 2013, in accordance with Standing Order 1.14, Cllr Chris Furness moved the following motion:

“That the Authority review Standing Order 1.48 (as set out in part one, section D) which permits the referral, by officers, of Planning Committee decisions to Authority Meetings”

Following discussion the Authority agreed to the review, suggesting that it should include a consideration of the procedures used by constituent Councils and other National Park Authorities, and asked that a report be brought back to the March Authority meeting. (Minute 5/13 refers.)”

Key Issues

- Whether the current Standing Order provides an appropriate safeguard in respect of implementing adopted Development Plan policies;
- Whether there is an alternative approach which would achieve this whilst giving responsibility for decision-making to the Planning Committee.

Recommendation:

1. To delete the current Standing Order 1.48 and replace it with the following:

DECISIONS CONTRARY TO THE AUTHORITY’S POLICIES

1. Where following consideration of any matter a Committee or a Sub-Committee is proposing to make a decision which would be a departure from Policy and/or the Officer recommendation (other than minor acceptable exceptions), final determination of the matter shall be deferred until the next meeting of the Committee or Sub-Committee. During the deferment, the relevant officers will prepare a further report for the Committee or Sub-Committee on their provisional views for consideration at the next meeting. The officers’ report will cover:
 - i. the policy implications e.g. whether the decision is a major departure from the development plan or other key policy
 - ii. the budget implications
 - iii. a risk assessment
 - iv. an assessment of the robustness of the provisional reasons, including recommendations on any conditions
2. The Senior Manager advising a Committee or Sub-Committee shall, through the Chair of the meeting, inform the meeting either before or immediately after a vote is taken that this Standing Order applies to that decision and that only a recommendation to a future meeting of the Committee or Sub-Committee can be made at that time.

2. To delete paragraph A3(z) in Part 4 of standing Orders – Delegation to Committees
3. To authorise the Director of Planning to amend the Protocol on Planning Development Control and Planning Policy to reflect the process set out in paragraphs 22 to 27 of the report.

How does this contribute to our policies and legal obligations?

National Planning Policy Framework (NPPF)

2. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan currently comprises the East Midlands Regional Plan 2009, the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. At the Authority meeting on 1 February 2013 it was agreed that the Core Strategy is considered to be consistent with the NPPF.

National Park Management Plan 2012-17

3. The implementation of the Authority's planning policies in a sound and consistent manner makes a significant contribution to the objectives laid out in the National Park Management Plan and its four headline themes for:
 - A diverse working and cherished landscape;
 - A welcoming and inspiring place;
 - Thriving and vibrant communities; and
 - An enterprising and sustainable economy

Corporate Objectives 2012 – 15

4. The review undertaken in this report furthers Corporate Objective 3: to provide a high quality planning service to the community of the National Park that achieves national park purposes and that is responsive to and contributes to the debate on planning reform nationally and locally. The review of the Standing Order and the exercise of this is required to ensure that all planning decisions are taken in a way which is consistent, reasonable, fair and transparent

Local Development Plan

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

Current Position: Standing Order 1.48

6. Standing Order 1.48 (1) states:

“Where following consideration of any matter a Committee or a Sub-Committee is proposing to make a decision, which would conflict with the accepted policies or plans of the Authority, or would be a departure from statutory approved plans, other than minor acceptable exceptions, the Committee or Sub-Committee shall not decide on the matter but shall make a recommendation, giving detailed reasons, to a meeting of the Authority for final determination”

Standing Order 1.48 (2) states:

“The Senior Manager advising a Committee or Sub-Committee shall, through the Chair of the meeting, inform the meeting either before or immediately after a vote is taken that this Standing Order applies to that decision and that only a recommendation can be made.”

7. The Standing Order and its implementation has also been the subject of discussions with the Chairman of the Planning Committee earlier in 2012 and the Director of Planning was carrying out a review, at officer level, of how it had worked in practice and was seeking to set out criteria for referral of decisions to the Authority.
8. Appendix 1 sets out the cases which have been referred to Authority in recent years. This shows that the great majority of decisions have been confirmed by the Authority, with the most notable exception being the decision to approve two houses at Coldwell End, Youlgrave, where the Authority meeting overturned the Planning Committee resolution to approve the application contrary to the officer recommendation.
9. It is important to note that the use of the Standing Order has only resulted in decisions to approve significant applications contrary to officer advice being referred to the Authority, rather than all significant decisions, including refusals against officer recommendations. There is an acceptance by officers and members that the use of the Standing Order should be restricted to applications which are either “major” by virtue of their scale or nature or which raise significant policy issues. The approval or refusal of more minor applications contrary to the officer recommendation is less likely to raise significant issues of policy, so the practice has been to allow the Planning Committee decision to be final.
10. **Practice in other LPAs and NPAs**

As part of the review of the use of Standing Order 148, the Director of Planning has asked other National Park Authorities and other Local Planning Authorities in Derbyshire what their practice is on such matters. The following responses were received (any received after the publication of this report will be up-dated at the meeting):

National Park Authorities:

- *Lake District NPA: No reference to Authority*
- *North York Moors NPA: No reference to Authority*
- *Yorkshire Dales NPA: Departures from Planning Officer recommendation (other than on minor matters) referred to the next Planning Committee (see below for details)*
- *Dartmoor NPA: Departures from Planning Officer recommendation (other than on minor matters) referred to the next Planning Committee*
- *No other responses received*

Derbyshire LPAs:

- *Derbyshire Dales DC: No reference to full Council*
- *High Peak Borough Council: decision of Development Control Committee is final unless it is a “major” departure from policy, but in practice this has not been used*
- *Staffordshire Moorlands DC: No reference to full Council*
- *Chesterfield BC: No reference to full Council, but officers say they do not experience approvals contrary to policy*
- *North-East Derbyshire DC: Planning Committee has delegated authority to determine any application and there is no referral to full council.*
- *South Derbyshire DC: Standing Orders require referral of departures to full council, but a practice has been adopted where the Planning Board can*

determine applications contrary to officer advice in accordance with the following procedures. Firstly, the application will be deferred to the next meeting of the Planning Board. During the deferment, the officers will prepare a report on the Board's provisional views for consideration at the next meeting. The officers' report will cover:

- i. the policy implications e.g. whether the decision is a major departure from the development plan*
- ii. the budget implications*
- iii. a risk assessment e.g. the prospects of a successful appeal or other challenge*
- iv. an assessment of the robustness of the Planning Board, provisional reasons, including recommendations on any conditions*

At the deferred meeting, the Planning Board will:

- i. consider the officers' report; and*
- ii. then confirm, modify (e.g. the reasons or conditions) or change its provisional views*

11. In summary, there do not appear to be any other Authorities which have in place exactly the same procedure as this Authority. High Peak Borough Council's Development Control Committee papers include a preamble which states that it is required to refer any "major" departures up to full Council, but the Director of Planning at the Council advises that in practice the Committee decision has been the final decision. The definition of "major" is not set down, so in practice it is based on the advice of officers.

12. The system which exists at a number of Authorities, notably the Yorkshire Dales, Dartmoor and South Derbyshire, is that any decisions which are contrary to officer recommendation (whether for approval or refusal), other than minor applications, are deferred to the next Planning Committee. This allows the officers an opportunity to reconsider their recommendation and to provide a report to the subsequent committee meeting, setting out the policy implications of the resolution of the Planning Committee (particularly where this is to approve the application contrary to officer advice), the soundness of the decision (particularly any reasons for refusal), and any proposed conditions or reasons for refusal.

13. In those Authorities where there is an opportunity to review the impact of decisions, and those where the decision of the Planning Committee is final, there is a clear expectation that any decision which is contrary to the officer's recommendation should be fully set down and justified. Where a motion is made contrary to the officer recommendation, the mover is normally required to provide reason for approving the application, where this is proposed, and reasons for refusal where this is proposed. At South Derbyshire DC the reasons for making a decision contrary to the Development Plan must be set down on a form before any decision is made.

14. **Assessment of Options**

Reflecting on the practice as it has developed at this Authority, some Members have expressed concern that the power of the Planning Committee to make decisions has been removed, whilst others consider that the referral system is a prudent "safety net" which avoids decisions being taken which could seriously compromise the Authority's Development Plan policies. The increased number of referrals to Authority, particularly during 2012, shows that there are an increasing number of cases where the Planning Committee do not agree with officer recommendations of refusal. The reasons for this are unclear, but it may be that the relatively newly adopted policies of the Core Strategy (adopted October 2011) are still in a period of "bedding in" whilst both Members and officers become familiar with how these policies should be applied and implemented.

15. However, it is important that Members recognise that the Development Plan policies (Core Strategy, saved Local Plan policies and SPD/SPG) are the legally adopted policies of the Authority and that they have been through a statutory process. Consequently, they cannot be revised or otherwise modified on a piecemeal basis or adapted to suit particular applications; to do so would result in unsound decisions and would lead to inconsistencies which would discredit the decision-making process. The approval of applications which are departures from adopted policies could undermine these adopted policies and compromise the achievement of the Authority's statutory purposes. If it becomes apparent that one or more policies are not being adhered to on a regular basis or there is a difficulty in application, then the appropriate course of action would be a formal review of that policy. This may be picked up through the Annual Monitoring Report which will now be brought to Planning Committee each year.
16. In some cases the questions of whether a proposal complies with policy is clearly a subjective matter or one of degree; in these cases an approval contrary to officer recommendation is unlikely to be a departure which warrants a referral to Authority, unless the scale of the proposal is such that it would fundamentally undermine policy. There may also be situations where a proposal does not fit squarely within one policy but clearly meets another, so a "balancing act" is required. In other cases, however, a proposal may be directly contrary to a strategic policy of the Authority so its approval can only be regarded as a departure. If an application is for a major development and the decision is contrary to adopted policies, then this would clearly be a departure. Major applications have not been defined for the purposes of the Standing Order, but for the purposes of recording major and other applications, the Government definition is set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010 and includes applications for minerals and waste, residential schemes for more than 10 dwellings or 0.5 ha, and other developments based on floor or site area (1,000 square metres or 1 ha). However, this is not intended to be a schedule of thresholds for defining departures.
17. In the National Park context the size of a development is not the only indicator of its significance and its potential to be a departure from policy. For example, the approval of a new-build, open market house in the open countryside, with no agricultural or other occupational justification would be contrary to policies which the Authority has operated for many years and to national policies which seek to restrict development in the countryside. Although it may only be a single house, this would be a departure. In some cases there may be a discussion as to whether a site is within a village or not, but where this is not in doubt, the approval would be a departure.
18. **The key test in all cases should be whether the approval of an application would have the potential to undermine adopted policy by breaching it in a fundamental way, or by setting a precedent for the mis-application of policy, or because the decision is not based on material planning considerations. Such decisions are likely to be departures. Departures should be seen as properly justified exceptions which prove the rule (or the policy in this case) rather than being a reinterpretation of policy. All such departures must be on the basis of clearly defined material planning considerations, as required by Section 38(6) of the Act, as set out above. Failure to do this would leave decisions open to legal challenge.**
19. Reviewing recent experience (Appendix 1), five of the last six cases where applications have been referred to Authority have been approved (Hungerhill, Hilltop Farm, Fernhill, Stoke Farm, and Rockmill Business Park), with the application for two houses at Coldwell End Youlgrave being refused following a recommendation of approval from the Planning Committee. Given the number of applications received each year (over 1,000), this is not a significant number and could be seen as an appropriate safeguard for a National Park Authority.

However, if this is part of an increasing trend, then officers would be concerned that departures from policy without adequate justification would undermine the recently adopted Core Strategy policies.

20. **Decisions contrary to the Officer recommendation of Approval:** In considering the operation of the Standing Order officers have also been aware that the practice of referring important decisions to Authority has been restricted to situations where the Planning Committee is minded to approve an application contrary to an officer recommendation. There have, however, been a number of decisions on major applications where the Planning Committee has refused an application contrary to the officer recommendation. As with approvals, there will be some cases where the officer recommendation is a balanced one and it is possible to take the alternative view without this decision being seen as fundamentally in conflict with a reasonable interpretation of policy or otherwise unsound. There will, however, be cases where a Planning Committee resolution to refuse an application could raise significant issues of interpretation of policy or where the proposed reasons for refusal may not be sound or easy to defend. In these cases the officer view would be that it would be difficult to defend and appeal and the Authority would therefore be vulnerable to an application for costs. These costs could include two elements: firstly, the Authority may be obliged to employ a consultant to defend the refusal as the officer may not be able to do this without compromising the Authority's positioned their own professional code of conduct there may be, and secondly, the applicant may have a strong case for an award of costs against the Authority. Appendix 2 sets out some advice on the position of officers in these circumstances.
21. Having considered these issues, officers therefore recommend that the proposed revision to the Standing Order incorporate a provision which covers those circumstances where a decision would be contrary to an officer recommendation to approve.
22. **Proposed Revision to Standing Order:**

Having reviewed practice elsewhere and recent experience at this Authority, it is considered that the current Standing Order should be revised so that it reflects that adopted in the Yorkshire Dales, Dartmoor and South Derbyshire, with the final decision on any applications where the Planning Committee is minded to make a decision contrary to the officer recommendation being deferred to the next Planning Committee, rather than to full Authority. This would include the incorporation of a requirement that decisions contrary to the officer recommendation of approval can also be referred to a subsequent committee.
23. Officers are aware that referring decisions which are contrary to their recommendations on a frequent basis may be seen as undermining the authority which has been delegated to the Planning Committee. The proposed amendment to the Standing Order will address this concern whilst providing some safeguards against decisions which may undermine policy or be unsound or open to challenge in other ways.
24. In order to assist in this, in future officers will therefore seek to identify those applications which either by virtue of their scale of nature would be potential departures from Development Plan policy and to state this in the committee report. This would state that in preparing the report, and with the information available to him at the time, the Director of Planning advises that approval (or refusal) of this contrary to the recommendation would be/ is likely/is unlikely/is not a significant departure from policy or is likely to raise significant resources issues and therefore should/should not be referred to a future Planning Committee for further consideration of the policy and resource issues.

25. In those cases which are identified as potential departures, the mover of the motion will be asked by the Chair of the meeting to provide a specific reason or reasons for their motion. Where the motion is for approval the mover must provide material planning reasons why the decision should not be made in accordance with Development Plan policies. Where the motion is for refusal the mover must provide planning reasons for refusal. In both instances the Chair may seek advice from the officers as to the soundness of the motion. If necessary, either the Chair or the senior planning officer in attendance may request a short adjournment prior to the vote so that officers can consider the motion and seek legal advice where appropriate. If the Officers advice is that the application is of a minor nature or significance, the Planning Committee decision will be final.
26. If the Planning Committee is then minded to approve or refuse the application contrary to the officer recommendation, determination of the application will then be deferred to the next Planning Committee meeting (or a later meeting if additional information is required which cannot be provided for the next meeting). A vote will be taken on the resolution; this will not be treated as the final decision, but as an indication of the view of the Planning Committee.
27. During the period of deferment, the officers will prepare a report on the Committee's provisional views for consideration at the next meeting. The officers' report will cover whether the decision is a major departure from the development plan and the potential implications of this. In cases where the Committee is minded to refuse an application contrary to officer recommendation, the report will provide a risk assessment, including the prospects of a successful appeal or other challenge and an assessment of the cost implications of such a decision. At the subsequent meeting, the Planning Committee will consider the officers' report; and then confirm, modify (e.g. the reasons or conditions) or change its provisional views.
28. The recommendation is therefore to delete the current Standing Order and to adopt the following:

DECISIONS CONTRARY TO THE AUTHORITY'S POLICIES

(1) Where following consideration of any matter a Committee or a Sub-Committee is proposing to make a decision which would be a departure from Policy and/or the Officer recommendation (other than minor acceptable exceptions), final determination of the matter shall be deferred until the next meeting of the Committee or Sub-Committee. During the deferment, the relevant officers will prepare a further report for the Committee or Sub-Committee on their provisional views for consideration at the next meeting. The officers' report will cover:

- i. the policy implications e.g. whether the decision is a major departure from the development plan or other key policy
- ii. the budget implications
- iii. a risk assessment
- iv. an assessment of the robustness of the provisional reasons, including recommendations on any conditions

(2) The Senior Manager advising a Committee or Sub-Committee shall, through the Chair of the meeting, inform the meeting either before or immediately after a vote is taken that this Standing Order applies to that decision and that only a recommendation to a future meeting of the Committee or Sub-Committee can be made at that time.

In addition to this, it would be necessary to delete paragraph A3(z) in Part 4 of standing Orders – Delegation to Committees and to authorise the Director of Planning to amend the Protocol on Planning Development Control and Planning Policy to reflect the process

set out in paragraphs 22 to 27 of the report.

Are there any corporate implications members should be concerned about?

29. **Financial**

There are potential financial implications if the Authority makes planning decisions which are unsound and open to legal challenge. There are also cost implications if the Authority refuses applications contrary to officer recommendation if the reasons for refusal are not sound or based on material planning considerations. There may also be financial implications if the Authority is required to employ external consultants in these cases because officers are unable to defend the refusal.

29. **Risk Management**

The proposed revision to the Standing Order would address some of the concerns which have been raised about the recent operation of the Standing Order and it would also cover those circumstances in which the Committee is minded to overturn an officer recommendation of approval. It would, however, allow the Planning Committee to make decisions to approve applications contrary to officer advice, rather than these matters being referred to full Authority.

30. **Sustainability**

The revision to the Standing Order may have an impact on the outcome of planning decisions which, in turn, could have an impact on the location and nature of development in the National Park. This will be monitored in the Annual Monitoring report to the Planning Committee.

31. **Consultees:**

Management Team
Head of Law

32. **Background papers (not previously published)**

None

Appendices

1. An examination of how this Standing Order has been used in recent years
2. Officer's Role where a recommendation is not followed

Report Author, Job Title and Publication Date

John Scott, Director of Planning, 7 March 2013

Appendix 1:

An examination of how this Standing Order has been used in recent years shows that the following applications have been referred from Planning Committee to a meeting of the Authority:

2013:

	Application description	Policies involved	Comments
NP/DDD/0612/0640 APPROVED	FULL APPLICATION: Erection of local needs dwelling, Hungerhill Farm, Eyam	Core Strategy GSP2, DS1, HC1	Both the Planning Committee and the Authority considered that the development should be granted as the proposal would result in the enhancement of the site through removal of a modern, untraditional building and the conversion of a vernacular building and that it would meet a local need.

2012:

	Application description	Policies involved	Comments
NP/DDD/0811/0774 APPROVED	OUTLINE APPLICATION: Redevelopment of business park to create heritage centre with café/community facility, craft/work units, craft shop with associated retailing, tourist accommodation with underground parking and two tied worker occupation units, Rockmill Business Park, The Dale, Stoney Middleton	Core Strategy GSP2, DS1, E1, RT1, RT2	Concluded that development should be granted as an exception to policy due to the benefits in terms of provision of jobs, community facilities and tourist accommodation. Contrary to specific Core Strategy policies but it does not conflict with national park purposes as there is no overriding landscape harm.
NP/DDD/0112/0069 APPROVED	FULL APPLICATION: Demolition of two barns and replacement with new barn. Change of use of cattle barn to camping barn, and educational space for people occupying accommodation, Stoke Farm, Grindleford	Core Strategy GSP2, E2, RT1, RT2	Concluded that development should be granted as the proposal would provide jobs and tourist accommodation, sustaining an agricultural business and providing some enhancement.
NP/S/0612/0653 APPROVED	FULL APPLICATION: Separation of former coach house from main house to recreate two separate dwellings, Fernhill, Hollow Meadows	Core Strategy HC1	Both the Planning Committee and the Authority considered that the development should be granted as the proposal would result in the conversion of a vernacular building and would not cause any harm to the landscape

<p>NP/DDD/0412/0434</p> <p>APPROVED</p>	<p>FULL APPLICATION: Erection of two wind turbines on land adjacent to Hill Top Farm, Parwich</p>	<p>Core Strategy CC2, LC1</p>	<p>Both the Planning Committee and the Authority resolved to approve the application as they considered that socio-economic benefits of the proposal outweighed any landscape harm. In reaching this conclusion they took account of the fact that the applicant operates a dairy farm.</p>
<p>NP/DDD/0212/0165</p> <p>REFUSED</p>	<p>FULL APPLICATION Development of two earth sheltered dwelling, The Chase, Coldwell End, Youlgrave</p>	<p>Core Strategy GSP2, DS1, HC1 Local Plan policies LH1 and LH2</p>	<p>Planning Committee recommended approval but the application was refused by the Authority. The Authority meeting did not consider the that applicants' offer to tie two existing cottages in the village for affordable local needs and to restrict the proposed houses to locals would compensate for the fact that the proposed dwellings were of a size and type that would not remain affordable or meet the needs of the local community and the fact that the first occupants are not in housing need. The Authority did not consider that there was justification for the proposal on the grounds of landscape enhancement.</p>

Appendix 2

Officer's Role where a recommendation is not followed

The following advice is set out in the Good of Good Practice adopted by Dartmoor NPA and provides useful guidance for those circumstances where a Planning Committee wishes to refuse an application contrary to officer advice. These are not normally applications which are referred to Authority in the Peak District as this referral process has, in practice, been restricted to resolutions to approve applications contrary to officer advice.

“The Nolan Report considered the role of officers in the planning process and concluded that “Planning Officers exist to advise Planning Committees, which are entitled to reach their own decisions, by attaching different weights to the various planning criteria which are relevant to an application”.

Officers shall give full support to the Authority's case where an appeal is made against the Authority's decision. However, planning officers shall adhere to the good practice advocated by the Royal Town Planning Institute and ‘shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions’. The same principles shall apply to other employees who have to act in accordance with their own professional codes.

Where at a meeting of the committee a proposal to grant or refuse any application is made which in the opinion of the Director of Planning or the Monitoring Officer is not based on reasonable planning grounds, they shall seek to bring their concerns to the attention of members before a determination is made.

Where a planning officer has advised a committee that its decision is, in their professional opinion, not based on reasonable planning grounds, then that officer will not be required to give evidence on appeal, save in exceptional circumstances and having regard to any limitations imposed by the Royal Town Planning Institute's Code of Professional Conduct. Where necessary the Director of Planning will advise members that an external consultant should be used to put forward the Authority's case and members may be asked to give evidence on behalf of the Authority at any appeal”.

This page is intentionally left blank

9. APPOINTMENTS PROCESS PANEL (A.111/JRS)

Purpose of the report

1. This report considers proposals to establish a panel of members to facilitate appointments to Committee Membership and various positions considered at the Authority's Annual Meeting. The report has been initiated by members and Strategic Advisory Group (SAG)

Key Issues

- A number of Authority Members have identified a need to change the current arrangements for making appointments at the Annual meeting.
- Although the Authority did not endorse the approach, a Member working group has previously suggested that the appointment of a Panel of Members would be an effective and efficient way of preparing draft proposals for approval by the Authority.
- The final decision on these appointments remains with the Authority and cannot be delegated. A Panel would therefore be helping to draw up a list of candidates for consideration by Members at the Annual Meeting.

Recommendations

2.
 1. **That an Appointments Process Panel be established on the terms and with the functions set out in the report.**
 2. **To appoint individual members to the Appointments Process Panel at the meeting of the Authority to be held on 24 May 2013.**
 3. **To confirm the appointment principles as set out in paragraph 11 of the report.**

How does this contribute to our policies and legal obligations?

3. In the 2012-15 PDNPA Corporate objectives objective 11 is to be a well-run public body with proportionate and effective ways of working, delivering excellent customer service and living our values.

This report contributes to this as it contains proposals which seek to improve the efficiency and effectiveness of the Authority's governance arrangements relating to meetings of the Authority and its Committees.

Background

4. At the Authority Meeting on 4 February 2011 the Authority considered recommendations from the Governance Review Task Team which proposed that the Authority set up a panel of Members to facilitate appointments made at the Annual meeting, including appointments to the positions of Authority Chair and Deputy Chair; Chairs and Vice Chairs of Committees, Membership of Committees and the appointment of Member Representatives.
5. At the time the Authority decided not to pursue this option and appointments at the 2011 and 2012 Annual Meeting were made at the meeting in the usual manner. A number of Members have expressed dissatisfaction about the current arrangements and have

suggested that the lengthy discussions at these meetings is not a good use of Member time and gives a poor impression of the Authority to new Members and observers. The Authority is therefore asked to revisit these proposals.

Proposals

Appointments Process Panel

6. It is proposed that an Appointments Process Panel of four members be established. Its purpose would be to facilitate decision-making at the AGM, so that Members can offer service in the areas of most interest to them, and the Authority can make best use of Members' skills and experience.
7. The Panel would be established on the following terms:
 - membership to be two councillors, one Secretary of State member and one Parish member (Members seeking appointment to leadership roles Chairs, Deputy and Vice Chairs are excluded)
 - membership to be chosen by the respective groups when required and any vacancies filled without the need for a decision of an Authority meeting.
 - the panel to appoint its own Chair
 - officer support will only be provided for the initial setting up of the process but after that the panel will be responsible for administering its own meetings and work
8. The Panel will:
 - invite, receive and consider expressions of interests from members in the annual appointments
 - apply the principles to identify any issues that conflict with the agreed principles
 - contact relevant members to discuss and resolve issues if possible
 - compile a list of candidates for the appointments for consideration at the Annual meeting.
9. The Strategic Advisory Group have considered and endorsed these proposals but wanted to make it clear that the Panel would add value by proactively speaking to Members, seeking expressions of interest and compiling a list of those members who have expressed an interest in a particular position. The Panel would not be making a recommendation or putting forward a preferred option. Compiling a list of candidates would not prevent further nominations being received on the day at the annual meeting.
10. It is expected that the process will start early in the year with any adjustment made to the timetable as a result of any consequences following any local council elections in May. It is proposed that the process be piloted for the appointments to be considered at the Annual meeting in July 2013 after which the Panel can review the process and make any necessary improvements.

Principles

11. In developing proposals for consideration at the Annual Meeting the Panel will be asked to have regard to the following principles previously agreed by the Authority (Principles 1 to 9 were agreed by Authority on 17 December 2010 and 10 and 11 on 4 February 2011):
 1. Democratic process remains essential

2. Any Member should continue to be eligible to stand for election for any post, and all Members should continue to have the opportunity to vote for their preferred candidates
 3. The chosen system should foster confidence, unity and trust within the Authority
 4. All Members should be assumed to be equally committed to the objectives of the National Park, and to have a contribution to make across the full range of the Authority's work.
 5. All Members should be considered equally for all appointments but need to maintain the overall balance between different categories of members.
 6. Anyone holding office should be seen to act on behalf of all Members in the interests of the Authority, and not be allied with one particular group or interest.
 7. All appointments should be time limited with a stipulated maximum continuous period of holding any one office to 4 continuous terms.
 8. Responsibility of nominated members to demonstrate to colleagues their interest and potential.
 9. Responsibility of nominated members to show that they understand what will be required of them.
 10. That we should strive to achieve a similar balance across Member Representatives and outside body appointments if possible although it is recognised this may not always be achievable and the main aim is to appoint members who have demonstrated interest and potential.
 11. That newly appointed members will not be considered for a Chair or Deputy/Vice Chair position in their first year of office'.
12. Below is an extract from Part 1 of the Authority's Standing Orders which refers to the process for appointing the Chair and Deputy Chair. The Panel should also have regard to this when considering appointments.

ELECTION OF CHAIR & DEPUTY CHAIR OF THE AUTHORITY

- 1.4
- (1) The Authority shall at its Annual meeting elect a Chair and a Deputy Chair who shall continue in office until immediately after the election of the Chair and Deputy Chair at the next Annual Meeting unless they resign their respective office, or resign their membership of the Authority.
 - (2) The election to the offices of Chair and Deputy Chair shall normally be such that one of the offices shall be held by a Council Member and the other office held by a Secretary of State Member.
 - (3) On a casual vacancy occurring in the office of Chair or Deputy Chair of the Authority the vacancy shall be filled by the appointment by the Authority of one of its Members at their next meeting and the person so appointed shall hold office until the date upon which the person in

whose place he is appointed would regularly have retired.

13. Although these principles and Standing Order 1.4 have been previously agreed and are on the whole followed by the Authority in making appointments at the annual meeting, they do not prevent the Authority from subsequently consciously deciding to make an appointment contrary to them. This has occurred in the past where because of the skills and experience of potential candidates the Authority chose to select Members appointed by the Secretary of State as Chair and Vice-Chair of Planning Committee.

Appointment to Committees

14. During the past year Members have expressed some concern that at the 2012 Annual Meeting the Authority appointed fewer Members on Audit Resources and Performance Committee than on Planning Committee. At the time the difference was needed to make sure that the Local Authority and Secretary of State balance was maintained, following the appointment of Chairs and Deputy/Vice Chairs and the allocation of seats to constituent councils.
15. To resolve this it is proposed that at the 2013 Annual Meeting, if the Member appointed by a local authority is appointed to the role of Chair of the Authority, Deputy Chair, Chair of Audit Resources and Performance Committee or Chair or Vice Chair of Planning Committee, it will be assumed that they have taken up the place on Planning Committee allocated to their appointing authority.
16. This approach will make sure that we maintain the principle that half the membership sits on one committee and half the membership on the other while maintain the provisions of the Environment Act which requires that the allocation of places on Committees to Local Authority and Secretary of State Members are in the same proportions as the membership of the full Authority. The preparatory work carried out by the Panel proposed in this report will support this process.

Are there any corporate implications members should be concerned about?

17. **Financial:**
The process will be led and administered by members at no additional staffing cost to the Authority. A member of the Democratic Services Team will be available to attend any meetings and provide advice and guidance to the Panel.
18. **Risk Management:**
There are no apparent risks. All members will have the opportunity to seek appointments to all available positions.
19. **Sustainability:**
There are no issues to highlight.
20. **Consultation**
The management team's previous response to this proposal is that appointments are a matter for members and any process cannot be an extra burden on staff when resources and staffing levels in this area have been reduced. The principle of a newly appointed member not assuming a leadership role in their first year may bar experienced skilled members.
21. **Background papers** (not previously published) – None

Appendices - None

Report Author, Job Title and Publication Date

Jason Spencer, Democratic Services Manager, 7 March 2013

This page is intentionally left blank

9. APPOINTMENTS PROCESS PANEL (A.111/JRS)

Purpose of the report

1. This report considers proposals to establish a panel of members to facilitate appointments to Committee Membership and various positions considered at the Authority's Annual Meeting. The report has been initiated by members and Strategic Advisory Group (SAG)

Key Issues

- A number of Authority Members have identified a need to change the current arrangements for making appointments at the Annual meeting.
- Although the Authority did not endorse the approach, a Member working group has previously suggested that the appointment of a Panel of Members would be an effective and efficient way of preparing draft proposals for approval by the Authority.
- The final decision on these appointments remains with the Authority and cannot be delegated. A Panel would therefore be helping to draw up a list of candidates for consideration by Members at the Annual Meeting.

Recommendations

2.
 1. **That an Appointments Process Panel be established on the terms and with the functions set out in the report.**
 2. **To appoint individual members to the Appointments Process Panel at the meeting of the Authority to be held on 24 May 2013.**
 3. **To confirm the appointment principles as set out in paragraph 11 of the report.**

How does this contribute to our policies and legal obligations?

3. In the 2012-15 PDNPA Corporate objectives objective 11 is to be a well-run public body with proportionate and effective ways of working, delivering excellent customer service and living our values.

This report contributes to this as it contains proposals which seek to improve the efficiency and effectiveness of the Authority's governance arrangements relating to meetings of the Authority and its Committees.

Background

4. At the Authority Meeting on 4 February 2011 the Authority considered recommendations from the Governance Review Task Team which proposed that the Authority set up a panel of Members to facilitate appointments made at the Annual meeting, including appointments to the positions of Authority Chair and Deputy Chair; Chairs and Vice Chairs of Committees, Membership of Committees and the appointment of Member Representatives.
5. At the time the Authority decided not to pursue this option and appointments at the 2011 and 2012 Annual Meeting were made at the meeting in the usual manner. A number of Members have expressed dissatisfaction about the current arrangements and have

suggested that the lengthy discussions at these meetings is not a good use of Member time and gives a poor impression of the Authority to new Members and observers. The Authority is therefore asked to revisit these proposals.

Proposals

Appointments Process Panel

6. It is proposed that an Appointments Process Panel of four members be established. Its purpose would be to facilitate decision-making at the AGM, so that Members can offer service in the areas of most interest to them, and the Authority can make best use of Members' skills and experience.
7. The Panel would be established on the following terms:
 - membership to be two councillors, one Secretary of State member and one Parish member (Members seeking appointment to leadership roles Chairs, Deputy and Vice Chairs are excluded)
 - membership to be chosen by the respective groups when required and any vacancies filled without the need for a decision of an Authority meeting.
 - the panel to appoint its own Chair
 - officer support will only be provided for the initial setting up of the process but after that the panel will be responsible for administering its own meetings and work
8. The Panel will:
 - invite, receive and consider expressions of interests from members in the annual appointments
 - apply the principles to identify any issues that conflict with the agreed principles
 - contact relevant members to discuss and resolve issues if possible
 - compile a list of candidates for the appointments for consideration at the Annual meeting.
9. The Strategic Advisory Group have considered and endorsed these proposals but wanted to make it clear that the Panel would add value by proactively speaking to Members, seeking expressions of interest and compiling a list of those members who have expressed an interest in a particular position. The Panel would not be making a recommendation or putting forward a preferred option. Compiling a list of candidates would not prevent further nominations being received on the day at the annual meeting.
10. It is expected that the process will start early in the year with any adjustment made to the timetable as a result of any consequences following any local council elections in May. It is proposed that the process be piloted for the appointments to be considered at the Annual meeting in July 2013 after which the Panel can review the process and make any necessary improvements.

Principles

11. In developing proposals for consideration at the Annual Meeting the Panel will be asked to have regard to the following principles previously agreed by the Authority (Principles 1 to 9 were agreed by Authority on 17 December 2010 and 10 and 11 on 4 February 2011):
 1. Democratic process remains essential

2. Any Member should continue to be eligible to stand for election for any post, and all Members should continue to have the opportunity to vote for their preferred candidates
 3. The chosen system should foster confidence, unity and trust within the Authority
 4. All Members should be assumed to be equally committed to the objectives of the National Park, and to have a contribution to make across the full range of the Authority's work.
 5. All Members should be considered equally for all appointments but need to maintain the overall balance between different categories of members.
 6. Anyone holding office should be seen to act on behalf of all Members in the interests of the Authority, and not be allied with one particular group or interest.
 7. All appointments should be time limited with a stipulated maximum continuous period of holding any one office to 4 continuous terms.
 8. Responsibility of nominated members to demonstrate to colleagues their interest and potential.
 9. Responsibility of nominated members to show that they understand what will be required of them.
 10. That we should strive to achieve a similar balance across Member Representatives and outside body appointments if possible although it is recognised this may not always be achievable and the main aim is to appoint members who have demonstrated interest and potential.
 11. That newly appointed members will not be considered for a Chair or Deputy/Vice Chair position in their first year of office'.
12. Below is an extract from Part 1 of the Authority's Standing Orders which refers to the process for appointing the Chair and Deputy Chair. The Panel should also have regard to this when considering appointments.

ELECTION OF CHAIR & DEPUTY CHAIR OF THE AUTHORITY

- 1.4
- (1) The Authority shall at its Annual meeting elect a Chair and a Deputy Chair who shall continue in office until immediately after the election of the Chair and Deputy Chair at the next Annual Meeting unless they resign their respective office, or resign their membership of the Authority.
 - (2) The election to the offices of Chair and Deputy Chair shall normally be such that one of the offices shall be held by a Council Member and the other office held by a Secretary of State Member.
 - (3) On a casual vacancy occurring in the office of Chair or Deputy Chair of the Authority the vacancy shall be filled by the appointment by the Authority of one of its Members at their next meeting and the person so appointed shall hold office until the date upon which the person in

whose place he is appointed would regularly have retired.

13. Although these principles and Standing Order 1.4 have been previously agreed and are on the whole followed by the Authority in making appointments at the annual meeting, they do not prevent the Authority from subsequently consciously deciding to make an appointment contrary to them. This has occurred in the past where because of the skills and experience of potential candidates the Authority chose to select Members appointed by the Secretary of State as Chair and Vice-Chair of Planning Committee.

Appointment to Committees

14. During the past year Members have expressed some concern that at the 2012 Annual Meeting the Authority appointed fewer Members on Audit Resources and Performance Committee than on Planning Committee. At the time the difference was needed to make sure that the Local Authority and Secretary of State balance was maintained, following the appointment of Chairs and Deputy/Vice Chairs and the allocation of seats to constituent councils.
15. To resolve this it is proposed that at the 2013 Annual Meeting, if the Member appointed by a local authority is appointed to the role of Chair of the Authority, Deputy Chair, Chair of Audit Resources and Performance Committee or Chair or Vice Chair of Planning Committee, it will be assumed that they have taken up the place on Planning Committee allocated to their appointing authority.
16. This approach will make sure that we maintain the principle that half the membership sits on one committee and half the membership on the other while maintain the provisions of the Environment Act which requires that the allocation of places on Committees to Local Authority and Secretary of State Members are in the same proportions as the membership of the full Authority. The preparatory work carried out by the Panel proposed in this report will support this process.

Are there any corporate implications members should be concerned about?

17. **Financial:**
The process will be led and administered by members at no additional staffing cost to the Authority. A member of the Democratic Services Team will be available to attend any meetings and provide advice and guidance to the Panel.
18. **Risk Management:**
There are no apparent risks. All members will have the opportunity to seek appointments to all available positions.
19. **Sustainability:**
There are no issues to highlight.
20. **Consultation**
The management team's previous response to this proposal is that appointments are a matter for members and any process cannot be an extra burden on staff when resources and staffing levels in this area have been reduced. The principle of a newly appointed member not assuming a leadership role in their first year may bar experienced skilled members.
21. **Background papers** (not previously published) – None

Appendices - None

Report Author, Job Title and Publication Date

Jason Spencer, Democratic Services Manager, 7 March 2013

This page is intentionally left blank

11. PRUDENTIAL CODE FOR CAPITAL FINANCE AND TREASURY MANAGEMENT POLICY (A1327/PN)

Purpose of the report

1. The purpose of this report is to approve the borrowing limits, prudential indicators and Minimum Revenue Provision set out below, together with the Treasury Management Policy Statement contained in the Appendix to this report.

Key Issues

2. The Authority is able to determine how much it should borrow to finance its capital expenditure requirements, if capital expenditure cannot be covered by capital sales receipts or contributions from revenue budgets. The Prudential Code covers the limits and indicators considered necessary to ensure that debt incurred is affordable, prudent and sustainable: Members need to approve the proposed borrowing limit for 2013/14.

The Treasury Management Policy is designed to ensure that the Authority's investment, cash flow, banking and capital market transactions are carried out within the parameters approved by Members in this report.

The Minimum Revenue Provision policy sets out the policy which this Authority will follow to ensure that any debt incurred is repaid over appropriate intervals.

There are no substantial changes to the report from the previous year except that the Authorised Limit is proposed to be set at a higher ceiling to take account of higher levels of capital investment financed from borrowing. These increases are likely to be projects where capital expenditure is required in order to achieve either revenue savings or take advantage of opportunities to generate income in line with one of the three headline actions in the Moving Forward in Time of Change document previously approved by Members.

Members agreed in the Capital Strategy report in October 2011 that decisions on borrowing under £100,000 could be delegated to officers. Since then the delegated limit for approving capital projects in Standing Orders has been increased to £150,000. Members are therefore asked in Recommendation 3 if they would accept a corresponding increase in the delegation so that the two limits remain consistent with each other.

Recommendations

3.
 1. **That the Authority adopts the Prudential Indicators and borrowing limits as described in the report, together with the policy on Minimum Revenue Provision in paragraphs 26-27.**
 2. **That the Authority approves the Treasury Management Policy Statement in Appendix 1.**
 3. **That borrowing powers are able to be used in support of capital expenditure for delegated projects under £150,000, in line with the principles and assumptions approved in the Capital Strategy, subject to the Authorised Limit and an annual analysis (within the prudential code report) from the Chief Finance Officer of any such decisions. All projects over £150,000 will still be reported to committee for approval as normal.**

How does this contribute to our policies and legal obligations?

4. This report is produced in order to comply with the requirements of:-
 - The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management in the Public Services
 - The CIPFA Prudential Code for Capital Finance in Local Authorities
 - The Department of Communities and Local Government (DCLG) Guidance on Local Government Investments and Minimum Revenue Provision

Background

5. To facilitate the decision making process and support capital investment decisions the Prudential Code requires the Authority to agree and monitor a number of prudential indicators. These indicators are mandatory, but can be supplemented with local indicators if this aids interpretation; no local indicators are currently used. The indicators cover affordability, prudence, capital expenditure, debt levels and treasury management. The main benefit to the Authority is that there remains no restriction on capital investment, subject to Government reserve powers to restrict borrowing for national economic reasons.

Proposals

PRUDENTIAL CODE FOR CAPITAL FINANCE

6. This report is updated annually and contains revised estimates for the following three years together with actual figures when available.
7. Overview

Members approved the Authority's Capital Strategy in October 2011 and received an appraisal of the current status of planning for Capital in paragraphs 11 to 14 of the February budget report. There are no changes in approach since these two reports were approved. In addition the Budget Monitoring Group received a mid-year monitoring report in January.

The Authority has used its borrowing powers primarily to guarantee value for money savings by investing in cost to save measures. To date, borrowing from the Public Works Loan Board has been restricted to the Aldern House refurbishment project and the replacement of vehicles. Approved borrowing for the Losehill Hall business plan has now lapsed because of the sale of the Hall and the small amount invested before the decision to close was fully financed from the capital sales receipt. The approved borrowing for the Information and Communications Technology Strategy is capable of being financed predominantly from revenue funds, in line with the Capital Strategy approved by the Authority in October.

Amongst National Parks in England there has been surprisingly limited use of borrowing powers; other National Parks have tended to make use of capital receipts. In the short to medium term, the Peak District National Park Authority has approved the use of £463,000 of capital receipts to pursue environmental projects and some minor works (as approved in the Capital Strategy in October 2011) and has also approved a number of temporary property interventions in support of its primary purposes: this means that capital receipts will not be available for other purposes until these properties are re-sold. The predominant need for capital investment during this period is likely to arise from income generating proposals where assets need a degree of enhancement or refurbishment and, providing the revenue return from these projects is sufficient to meet any debt repayments, the authorised limit will need to be raised to allow for these to be approved when the business cases are brought forward for approval to either Members or, if under £150,000, (assuming Members agree Recommendation 3) Resource Management Team. This approach is consistent with the first working assumption outlined in the Capital Strategy report, "that the capital investment

needs of services with trading or other financial objectives should be met from trading or business plan income or existing revenue budgets”.

Members in October 2011 approved delegation to officers of the decision to borrow for capital projects under £100,000, subject to the Authorised Limit and an annual analysis of these decisions in this report. Delegated approvals are as follows:-

Committee / RMT Minute	Date	Approval	Reason	Amount financed from internal funds	Amount Borrowed from PWLB	Annual charge to budget	Ending
N/A Head of Service	16/05/2012	£9,192	Replacement vehicle Learning Team	£9,192	£0	£1,311	2019/20
RMT 70/12	31/07/2012	£20,000	Litter Service vehicle replacement (from lease to owned)	£TBC	£0	£3,013	2019/20
RMT 63/12	31/07/2012	£98,506	Borrowing for landlord elements of Farm refurbishment	£TBC	£0	£7,248	2037/38

8. **Actual and Estimate of Total Capital Expenditure to be incurred** – these figures represent best estimates. As the title suggests, the figures include total expenditure on capital items, including assets financed from revenue, capital grants or use of capital receipts, as well as borrowing. The estimates for future capital expenditure for the future tend to be aggregations of a number of capital projects already delegated to officers (e.g. refurbishment of tenanted properties, ICT expenditure etc) projects already approved by Members (e.g. the minor works projects of £213,000 and environmental improvements of £250,000), plus a limited projection of some potential expenditure which may be approved in future, though these latter items will be subject to future decision.

	Actual 2011/12 £	Estimate 2012/13 £	Estimate 2013/14 £	Estimate 2014/15 £	Estimate 2015/16 £
Total Capital Expenditure	108,858	1,193,000	1,155,000	968,000	543,000
Financed from Grants	(8,230)	(0)	(0)	(0)	(0)
Financed from revenue	(100,628)	(363,000)	(113,000)	(143,000)	(143,000)
Financed from capital receipts	(0)	(713,000)	(224,000)	(425,000)	(0)
Net Total (financed from borrowing)	0	117,000	818,000	400,000	400,000

Under current economic circumstances it is likely that a high proportion of the total to be financed from borrowing will be temporarily financed from cashflow as this is likely to be more cost effective in the short to medium term, as loan interest rates remain higher than interest received on cashflow surpluses.

10. **Actual and Estimate of Capital Financing Requirement (C.F.R)** – The underlying need to borrow for capital purposes, after all other sources of capital financing available in each year are taken into account (i.e. after direct support of capital expenditure from revenue, capital grants or use of capital receipts). The CFR will rise from 2013/14 onwards reflecting the potential for capital investment supporting income generating projects.

11.	Actual 2011/12	Estimate 2012/13	Estimate 2013/14	Estimate 2014/15	Estimate 2015/16
	£	£	£	£	£
C.F.R	901,100	810,380	1,528,660	1,828,940	2,144,935

Affordability

12. **The ratio of financing costs to overall net revenue stream** – These indicators identify the proportion of financing costs measured against overall net revenue. Financing costs are the annual principal and interest payments on the estimated debt outstanding. Overall net revenue is the core National Park Grant.

13.	Actual 2011/12	Estimate 2012/13	Estimate 2013/14	Estimate 2014/15	Estimate 2015/16
	£	£	£	£	£
Borrowing Costs	125,317	137,938	150,490	170,861	166,843
Net Revenue	7,852,720	7,406,630	6,960,536	6,514,442	6,057,000
Percentage	1.65%	1.86%	2.16%	2.62%	2.75%

14. The ratio increases over the period reflecting the possible increase in capital investments mentioned above, with the ratio not helped by the reductions in National Park Grant. The amounts are still considered to be affordable as the borrowing costs will be met largely from additional income sources and not National Park Grant.

Prudence

15. **Net Borrowing and the Capital Financing Requirement** – This indicates the net long term debt outstanding for the Authority, after accounting for the availability of any temporary invested sums, in the previous, current and next three financial years.

16.	Actual 2011/12	Estimate 2012/13	Estimate 2013/14	Estimate 2014/15	Estimate 2015/16
	£	£	£	£	£
Capital Financing Requirement	901,100	810,380	1,528,660	1,828,940	2,144,935
Temporary investments	(5,329,815)	(4,000,000)	(3,000,000)	(2,500,000)	(2,500,000)
Net External Borrowing	(4,428,715)	(3,189,620)	(1,471,340)	(671,060)	(355,065)

17. The excess of investments over capital borrowing mainly reflect the quarterly claims of National Park Grant drawn down in advance of expenditure, to meet working capital needs. The level of borrowing is considered to be prudent.

18. **The Authorised Limit** – This represents the limit beyond which borrowing is prohibited, and needs to be set and revised if necessary by members. It is recommended that the limit is set at the following levels to reflect the Capital Financing Requirement, plus a margin to allow

some flexibility within the estimated levels of capital expenditure. The limit is a £600,000 increase from the current 2012/13 limit.

19.		2013/14	2014/15	2015/16
		£m	£m	£m
	Borrowing	1.8	2.0	2.2
	Other Long Term Liabilities	NIL	NIL	NIL
	Total	1.8	2.0	2.2

20. **The Operational Boundary** – This indicator is based on the probable external debt during the course of the year; it is not a limit and actual borrowing could vary around this boundary for short times during the year.

21.		2013/14	2014/15	2015/16
		£m	£m	£m
	Borrowing	1.6	1.8	2.0
	Other Long Term Liabilities	NIL	NIL	NIL
	Total	1.6	1.8	2.0

22. **Actual External Debt** – This is actual borrowing plus actual other long-term liabilities at a certain point in time.

	Actual	Actual	Estimate
	2010/11	2011/12	2012/13
	£	£	£
External Debt	934,919	844,860	801,000

23. The Chief Finance Officer will monitor the application of these prudential indicators, as required by the Code, and will bring forward to the Authority any significant deviation. The CFO is required to bring a report specifically to the Authority if the Authorised Limit is likely to be breached, for the Authority to determine whether the limit should be raised, or whether alternative procedures to keep within the existing limit are appropriate.

TREASURY MANAGEMENT

24. **Adoption of the Treasury Management Code** – The first Prudential Code indicator for Treasury Management is the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code on Treasury Management which this report recommends. The Prudential Code also specifies a number of prudential indicators in respect of Treasury Management operations. The Authority's Treasury Management Strategy is attached at Appendix 1, and is largely unchanged. It was first approved in 1998 and has been updated to reflect changes required by the introduction of the Prudential Code and the Local Government Act 2003.

25. **Fixed and Variable Rate Exposures, Maturity Structures, Longer Term Investments**

- (i) **Interest Rate Exposures - Fixed Rate** – The Authority should set an upper limit on its fixed interest rate exposures for 2013/14, 2014/15 and 2015/16 of 100% of its net outstanding principal sums.
- (ii) **Interest Rate Exposures – Variable Rates** – The Authority should set an upper limit on its variable rate interest rate exposures for 2013/14, 2014/15 and 2015/16 of 100% of its net outstanding principal sums.

- (iii) **Maturity Structure of Borrowing – Upper and Lower Limits for Maturity Structure** – The Authority is likely to have most new debt at a maximum of 25 years, although in circumstances when the life of an asset is less the period may be shorter.
- (iv) **Total Principal Sum Invested for Period Longer than 364 Days**
There are no plans for the Authority to invest sums for periods longer than 364 days.

MINIMUM REVENUE PROVISION

- 26. The Minimum Revenue Provision is the amount Local Authorities are required to set aside each year from their revenue account, in order to ensure that provision is made annually for the repayment of outstanding loan principal as well as interest charges. The previous Regulation required a minimum of 4% of the Capital Financing Requirement at the start of the year to be set aside – which ensured repayment of the principal over a minimum of 25 years. In practice, this understated the amount required to be set aside where assets had shorter lives. Local Authorities are now allowed to set a provision which the Authority considers to be prudent, in line with new statutory guidance, and the full Authority is required to approve a Minimum Revenue Provision Policy Statement. The broad aim of this is to ensure that debt is repaid over a period reasonably commensurate with the period over which the capital expenditure provides benefits.
- 27. The Peak District National Park Authority has adopted the Asset Life Method, which ensures that the Revenue Provision is calculated based on the estimated useful life of the underlying asset. This method should help to ensure that budgetary provision for debt repayments is linked to the life of assets purchased, ensuring that funds are available for replacement of assets when the end of their useful life is reached.

CONCLUSION

- 28. As well as borrowing, the Authority retains the ability to finance its capital expenditure from a combination of use of capital receipts, capital grants from external bodies, and direct revenue contributions.
- 29. For any extension of borrowing the Prudential Code requires that explicit regard must be taken of option appraisal, asset management planning, and strategic planning. The impact of capital expenditure and associated borrowing is spread over a number of years and therefore it is important to consider the effect of any proposals in both the medium and long term.
- 30. There are no major changes proposed in the approach to Treasury Management and it is the Chief Finance Officer's view that the current approach, in terms of its borrowing and investing practices, minimises risk to the Authority. The potential increases in borrowing (subject to future approval of business cases) are likely to be restricted, consistent with the working assumptions contained within the approved capital strategy, to proposals which enhance or refurbish existing assets in order to realise new or larger revenue income from them. As such, the burden of the debt repayment falls on the new revenue streams and the proposals will only be accepted if there is more than sufficient cover from the revenue income to cover interest and principal repayments. A further test will be the ability to recover the capital investment cost from the asset re-sale value should the project not meet its revenue targets. The combination of these tests, at approval stage, should safeguard the Authority from any risks in the small increases in borrowing set out in this report.

Are there any corporate implications members should be concerned about?

- 31. **Financial:** Financial issues are covered by way of the nature of the report

32. **Risk Management:** The Prudential Code indicators help to manage risks inherent in capital expenditure. The proposed Treasury Management Policy manages and minimises the risks inherent in the Authority's borrowing and investing activities.
33. **Sustainability:** The indicators include consideration of the sustainability of capital borrowing.

Background papers

Treasury Management in the Public Services – CIPFA 2011.
The Prudential Code for Capital Finance in Local Authorities – CIPFA 2011

Appendices

1. Treasury Management Policy and Practice Statement

Report Author, Job Title and Publication Date

Philip Naylor, Chief Finance Officer, 7 March 2013

This page is intentionally left blank

APPENDIX 1

Treasury Management Policy and Practice Statement

1. Overall Objective

The Treasury Management function should seek to ensure that at all times monies are available to the Authority to meet its operational requirements, and that in achieving this objective transactions involving the borrowing and lending of monies should seek to maximise the benefit, or minimise the cost, to the Authority in terms of interest earned or paid; but where investments are concerned the primary objective will always be the security and liquidity of any investment and the minimisation of its associated risks.

2. Responsibilities

The Chief Finance Officer is responsible for the day to day aspects of Treasury Management. In exercising his delegated powers the Chief Finance Officer must operate in accordance with the policies and practices outlined in the remainder of this Statement.

He will also be responsible for ensuring that this Statement is reviewed periodically and that any changes necessary are brought to the attention of the Authority.

3. Treasury Management Strategy

(a) Borrowing

The Authority may borrow for two reasons:

- (i) To fund its capital programme within the Prudential Code limits,

and

- (ii) temporarily pending the receipt of revenue monies.

The main source of any new long term borrowing will be from the Public Works Loans Board (PWLB). No other form of borrowing will be used except for "operating leases" approved mainly for the provision of vehicles and plant, if considered to be cost effective.

Where the Authority is financing capital expenditure over a long term period (up to 25 years) the policy will be to seek fixed interest rate borrowing over the same time period in order to reduce overall interest rate risk in future budgets.

(b) Lending Policies

This relates to the temporary loan of revenue funds/capital receipts pending their use. The timing of the main sources of the Authority's income are agreed with the Government with the aim of broadly matching expenditure.

However, it is anticipated that the Authority will have surplus cash to lend.

Interest receipts are very sensitive to changes in interest rates and cash flows. Although cashflows are not expected to be affected significantly in 2013/14, base

interest rates are currently 0.5% and the 2013/14 budget assumes investment rates will remain at this level.

It is recommended that surplus funds are invested only with Derbyshire County Council who will pay interest at an appropriate money market rate on this cash. This policy meets the Authority's objectives of ensuring a return on its surplus funds while minimising risk, and is consistent with DCLG guidelines on investment strategy. As all lending is to Derbyshire County Council it qualifies as a specified investment. (A specified investment is deemed to be a safer investment meeting certain conditions – denominated in sterling; less than 12 months duration; not constituting share or loan capital; invested in the government, Local Authority, or in a body or investment scheme with a high credit quality)

There will be no non-specified investments. (A non-specified investment would be any investment not meeting the above criteria.)

The Authority's funds available for investment represent an average of about £3m during the year, whereas the investments managed within Derbyshire County Council's portfolio total in the region of £300m, supported by their in-house professional team and professional investment advice. The Authority's investments with Derbyshire County Council are managed by way of a Service Level Agreement. The current Service Level Agreement has been amended to guarantee the Authority's principal sums invested with the Council, effectively removing investment risk, and the intention is for it to be renewed for a further two year period up to 31st March 2015.

(c) Interest Rate Strategy

Short term interest rates will impact on the interest earned by the Authority on its deposits with the County Council. The Authority has reduced the risk considerably in its revised approved 2013/14 Budget, with a low assumption of 0.5% for the year ahead.

Longer term interest rates are more relevant for the funding of the capital programme.

Any new longer term borrowing will be determined according to its availability and interest rate levels, within the authorised limits approved.

(d) Exchange Rate Strategy

The Authority will manage its exposure to fluctuations in foreign exchange rates so as to minimise any detrimental impact on its budgeted income / expenditure levels. This may involve a hedging transaction with the specific intention only of reducing the organisation's exposure to an adverse exchange rate risk.

4. Policy on External Managers

The day to day cash position of the Authority is monitored under the terms of the Service Level Agreement with Derbyshire County Council.

12.1 AMENDMENTS TO STANDING ORDERS: MANAGEMENT REVIEW – OPERATIONS AND PART 2 (CONTRACTS) UPDATE– (A.11/JS)

1. Purpose of the report

At the meeting held on 1 February 2013 the Authority agreed a revised Management Structure following a review of the Operations directorate.

In anticipation of the deletion of the post of Head of Property and the appointment of 3 Assistant Directors, effective from 31 March 2013, this report proposes changes to the following documents to reflect the new structure:

- Standing Orders – Part 2: Contracts (appendix 1)
- Standing Orders – Part 3: Financial Regulations (appendix 2)
- Standing Orders – Part 7: Delegation to the Chief Executive (appendix 3)

The opportunity has also been taken to revise the financial levels in Part 2 on contracts to bring in line with the changes made last October to the financial levels in Part 7 and Part 3

Key issues

- The Authority has previously agreed the revised structure including the appointment of 3 Assistant Directors and deleting the post of Head of Property.
- The proposed amendments to the documents listed are required to reflect these changes in the Authority's Standing Orders.
- The Chief Executive will be agreeing further delegation to the new roles in accordance with his delegated authority.
- The financial levels in the Contracts section of Standing Orders need to be brought in line with changes made last year to parts 7 and 3

Recommendation

- 2. To approve changes to parts 2, 3 and 7 of Standing Orders as set out in appendices 1, 2 and 3.**

How does this contribute to our policies and legal obligations?

- 3. The Authority has a duty to keep its constitutional documents up to date. The Authority has not delegated its ability to update and amend Standing Orders.**

Background

- 4. At the meeting held on 1 February 2013 the Authority agreed a revised Management Structure following a review of the Operations directorate.**
- 5. Following this decision the Authority are asked to agree minor changes to Standing Orders to reflect the appointment of 3 Assistant Directors and the deletion of the post of Head of Property. The Chief Executive will be agreeing further delegation to the new roles in accordance with his delegated authority.**
- 6. These amendments need to be agreed before 31 March 2013 when the revised management arrangements come into effect.**
- 7. In October last year the Authority agreed a number of changes to Parts 3 and 7 of Standing Orders in order to:**

- Remove restrictions and give clarity on the extent of financial delegation for staff to pursue our wider market activity principles and programme
- Increase financial limits to take account of inflation and to give some future proofing for inflation
- Increase delegation from Resource Management Team to Heads of Service and Directors

Although in the medium term it is proposed to review all of the Part 2 Standing Orders on contracts the opportunity has been taken to propose similar financial and delegation changes now rather than wait for the bigger review. One up date change has also been made at paragraph 2.13.

Proposals

8. The proposed amendments are set out in appendices 1 to 3 of this report. Deletions have been crossed through (~~deletions~~) and additions are in bold (**additions**).

Are there any corporate implications members should be concerned about?

9. **Financial:** There are no financial implications arising from these proposals
10. **Risk Management:** There are no significant risks relating to these proposals. By agreeing the proposed changes the Authority will be mitigating against any confusion or errors that may arise from references to deleted posts or failure to mention recently established posts. Experience has shown that although the financial limits in Part 2 represent separate controls over procurement there is an advantage, where appropriate, in helping to reduce confusion by bringing them into line with changes already made to Parts 3 and 7.
11. **Sustainability:** None
12. **Background papers** None

Appendices

Appendix 1 - Standing Orders - Part 2: Contracts
Appendix 2 - Standing Orders - Part 3: Financial Regulations
Appendix 3 - Standing Orders - Part 7: Delegation to the Chief Executive

Report Author, Job Title and Publication Date

Jason Spencer, Democratic Services Manager, 7 March 2013

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 2

CONTRACTS

CONTENTS

<u>Standing Order</u>		<u>Page No.</u>
2.1	Application and Exemption of Orders	2/3
2.2	Contracts not exceeding £20,00 £30,000	2/3
2.3	Contracts over £20,000 £30,000 tendering procedure	2/3
2.4	Contracts over £100,000 £150,000 – approval of list of tenderers 2/3	
2.5	Requirements of Invitation to Tender	2/4
2.6	Receipt of Tenders	2/4
2.7	Late Tenders	2/4
2.8	Opening of Tenders	2/4
2.9	Alteration of Tenders	2/4
2.10	Acceptance of Tenders	2/4
2.11	Application to Sub-Contract	2/5
2.12	Form and Content of Contracts	2/5
	(i) Contract in writing	2/5
	(ii) Contracts exceeding £20,000 £30,000	2/5
	(iii) Specification of goods and materials	2/5
	(iv) Indemnity and insurance	2/6
	(v) Cancellation	2/6
2.13	Environmental Purchasing Policy	2/6

2.1 Application and Exemption of Orders

- (i) Every contract whether made by the Authority or by a Committee to which the power of making Contracts shall have been delegated, shall comply with these Standing Orders and no exceptions to any of the following provisions shall be made otherwise than by direction of the Authority or by such a Committee.
- (ii) Every contract shall comply with the EC Treaty and with any relevant legislation of the EC for the time being in force in the United Kingdom.
- (iii) The provisions of these standing orders are subject to directives issued by the European Economic Community from time to time relating to public works, public supply and service contracts. These directives contain procedures for advertising and awarding of public sector supplies, construction and service contracts and must be followed.
- (iv) Any contract which exceeds ~~£20,000~~ £30,000 shall require all tenderers to have been vetted by the Head of Finance for financial viability and by the *relevant Director or Assistant Director* or Head of Service for technical competence.

2.2 Contracts not exceeding ~~£20,000~~ £30,000

Where a proposed contract does not exceed ~~£20,000~~ £30,000 in value or amount, the Chief Executive *or* relevant Director, *or Assistant Director* or Head of Service may, subject to Standing Order 2.12(i), enter into such contract with such persons as that person considers competent for the purpose, provided that, where practicable, at least three alternative quotations shall be invited by the Chief Executive *or* relevant Director *or Assistant Director* or Head of Service before entering into such contract. Such quotations shall all be opened at the same time. All contracts over ~~£10,000~~ £20,000 should follow the tender process in 2.5 – 2.8.

2.3 Contracts over ~~£20,000~~ £30,000 – Tendering Procedure

- (i) All contracts which exceed ~~£20,000~~ £30,000 in value or amount for the supply of goods or materials or the execution of any works require either:
 - (a) at least ten days' public notice inviting tenders in one or more local newspapers circulating in the area and also in such trade journals (if any) as the appropriate officer may consider desirable; or
 - (b) tenders from not less than three persons capable of supplying the goods or materials or executing the work, at least one of which persons shall, wherever practicable, be a local contractor.
- (ii) Tenders may not be required in the following circumstances:
 - (a) where there is a contract for a serial programme of works and the contractor has been awarded a contract competitively as above, and the proposed contract forms part of this serial programme. The terms should be negotiated with the contractor on the basis of the rates and prices contained in the initial contract.
 - (b) where there is an annual or periodic contract for the supply of materials or services (awarded competitively as above) the terms should be negotiated with the contractor on the basis of rates and prices contained in the initial contract.

2.4 Contracts over ~~£100,000~~ £150,000 – approval of list of tenderers

Where a proposed contract for the execution of works exceeds ~~£100,000~~ £150,000 in value or amount, the list of persons invited to tender shall be approved by the Chief Executive or relevant Director *or Assistant Director*.

2.5 Requirements of Invitations to Tender

Where, in pursuance of Standing Order Nos 2.3 and 2.4, either public invitation to tender is given or a person is invited to tender, every notice of such invitation or the conditions of tender shall state;

- (a) the address from which tender forms can be obtained and the closing date and time for the receipt of tenders;
- (b) that no tender will be accepted unless it is enclosed in the special envelope bearing the distinctive label which will be supplied with the tender forms by the issuing officer;
- (c) that no name, mark or wording which might indicate the sender should appear on the cover of the special envelope bearing the tender.
- (d) that tender envelopes should bear the correct postage, be properly sealed and addressed to the Head of Finance;
- (e) that proof of posting will not be accepted as proof of delivery if the tender fails to arrive at the address shown on the tender envelope label before the closing date and time fixed for the receipt of that tender;
- (f) that the Authority does not bind itself to accept the lowest or any tender;
- (g) that failure to comply with any of the foregoing requirements may render a tender liable to disqualification.

2.6 Receipt of Tenders

Tender envelopes shall remain unopened in the custody of the Head of Finance until the time appointed for their opening.

2.7 Late Tenders

No tenders received after the fixed date and time shall be considered.

2.8 Opening of Tenders

- (i) Tenders shall be opened at one time, which shall be as soon as possible after the closing time fixed for the receipt of such tenders, and only in the presence of a Panel of Officers comprising the Head of Finance or his/her deputy and the relevant *Director or Assistant Director or* Head of Service.
- (ii) All tenders received shall be recorded in the tender book.

2.9 Alteration of Tenders

Persons tendering shall not be allowed to alter their tenders after the date fixed for the receipt thereof, but arithmetical errors may be corrected and, if a tender has been accepted before such an arithmetical correction, the acceptance shall be confirmed if the alteration has not increased the amount but otherwise the Chief Executive or relevant Director *or Assistant Director*, in consultation with the Director of Corporate Resources

shall have a discretion whether or not to confirm acceptance at the altered price, but such discretion shall only be exercised where the tender concerned would still be the most favourable to the Authority in relation to other tenders received.

2.10. Acceptance of Tenders

- (i) Where tenders have been received a tender may, without prejudice to any other method of acceptance decided upon by the Authority or Committee, be accepted as follows:
- (a) where a tender exceeds ~~£20,000~~ **£30,000** in value or amount and does not exceed ~~£100,000~~ **£150,000**, by the Chief Executive or relevant Director **or Assistant Director** with the decision recorded in the tender book;
 - (b) where a tender exceeds ~~£100,000~~ **£150,000** in value or amount, by the Chief Executive or relevant Director **or Assistant Director** in consultation with the Chair of the appropriate Committee. The tender action taken, the list of tenders received and the reasons for selection of the winning tender shall be reported to the appropriate Chair.
- (ii) A tender other than the lowest, if payment is to be made by the Authority, or other than the highest if payment is to be received by the Authority, shall only be accepted after approval from the Chief Executive or a relevant Director **or Assistant Director**.

2.11 Application to Sub-Contract

Where the contract provides for the nomination by the Chief Executive or relevant Director **or Assistant Director** of a sub-contractor or supplier for the execution of work or for the supply of goods or materials estimated to exceed ~~£40,000~~ **£20,000** in value or amount, the following provisions shall apply:

- (i) As far as is practicable, tenders shall be invited by the Chief Executive or relevant Director **or Assistant Director** from not less than three persons considered competent for the purpose and a record kept of the reasons for exclusion of other potential sub-contractors.
- (ii) The procedure to be followed in respect of the invitation, receipt and opening of tenders shall be the same as specified in Standing Order Nos 2.5, 2.6, 2.7, 2.8 and 2.9.
- (iii) The lowest tenderer shall be nominated as the sub-contractor or supplier, by the Chief Executive **or** relevant Director **or Assistant Director**.
- (iv) The foregoing provisions of this Standing Order shall not apply:
 - (a) to the supply of goods, materials or services specified in the main contract which are only obtainable from one specialist supplier; or
 - (b) where the Chief Executive or relevant Director **or Assistant Director** considers that, as a matter of urgency, it would be in the interests of the Authority, and in accordance with the practice prevailing in the profession, not to invite tenders before nominating a sub-contractor or supplier.

2.12 Form and Content of Contracts

- (i) **Contract in writing**

Every contract shall be in writing and shall specify the work, materials or things to be furnished, had or done, the price to be paid, with a statement of discounts or other deductions, and the time or times within which the contract is to be performed.

Where, after consultation with the Head of Finance, the Chief Executive or relevant Director **or Assistant Director** considers it to be appropriate there shall be provision for liquidated damages or other sufficient security for due performance.

(ii) **Contracts exceeding ~~£20,000~~ £30,000**

Where a contract exceeds ~~£20,000~~ £30,000 in value or amount it shall be the subject of a formal contract prepared or approved by the Director of Corporate Resources and where such contract is for the execution of work it shall provide for liquidated damages to be paid by the contractor in case any of the terms of the contract are not duly performed. The Director of Corporate Resources may, after consultation with the Chief Executive or relevant Director **or Assistant Director**, direct that adequate security shall be taken in appropriate cases.

(iii) **Specification of goods and materials**

Where an appropriate British Standard Specification, British Standard Code of Practice issued by the British Standards Institution or Government Departmental Specification is current at the date of tender, every contract shall require that, as the case may be, all goods and materials used or supplied and all workmanship shall be at least in accordance with that standard or specification.

(iv) **Indemnity and insurance**

In any contract for the execution of any work or for the supply of goods or materials, the Contractor shall be required to indemnify the Authority against:

- (a) any claim which may be made in respect of Employers' Liability against the Authority or the contractor by any workmen employed by the contractor or any sub-contractor in the execution of the works;
- (b) any claim for bodily injury to or damage to property of third parties;

and the contractor shall, when required by the Director of Corporate Resources produce satisfactory evidence of insurance against such claims.

(v) **Cancellation**

A clause shall be inserted to secure that the Authority shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or foreborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Authority, or if the like acts shall have been done by any person employed by him/her or acting on his/her behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Authority the contractor or any person employed by him/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have

given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

2.13 Environmental Purchasing Policy

Products and services shall be competitively priced, readily available and fit for their intended purposes, bearing in mind health and safety or other legislative requirements.

When purchasing products or services, **preference encouragement** will be given to those:

- from suppliers with accredited environmental practices;
- that are produced and distributed using resources responsibly, with a minimum of hazardous substances and without testing on animals;
- that minimise waste, energy consumption or other adverse environmental impacts in their use and disposal; and
- that are produced or made available locally.

Where this policy would result in costs more than 10% (or ~~£5,000~~ **£10,000** in a particular transaction) above those for otherwise satisfactory products, authority to exercise the environmental preference must be given by the Chair of the relevant Committee. In all cases, expenditure must be contained within overall budget estimates.

Decisions will normally be based on the information made available by suppliers or by the trade and consumer press.

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 3

FINANCIAL REGULATIONS

CONTENTS

Financial Regulations

A.	General	3/3
B.	Income	3/3
C.	Expenditure and Orders for Work, Goods and Services	3/4
D.	Salaries, Wages and Pensions	3/4
E.	Contracts and Agreements	3/4
F.	Revenue Estimates	3/5
G.	Capital Expenditure	3/5
H.	Presentation of Accounts	3/6
I.	Financial Management and Internal Control	3/6
J.	Banking and Imprest Accounts	3/6
K.	Investments and Borrowing	3/6
L.	Stores and Inventories	3/7
M.	Insurances	3/7
N.	Property	3/7
O.	Sales of Assets	3/7

FINANCIAL REGULATIONS

A. GENERAL

- A1. The Chief Finance Officer shall be the responsible officer for the proper administration of the financial affairs of the Authority in accordance with Section 151 of the Local Government Act 1972 and all accounting procedures, systems and records of the Authority and its officers shall be determined by the Chief Finance Officer.
- A2. The Chief Finance Officer is the responsible officer under Section 114 of the Local Government Finance Act 1988 for reporting to the Authority if the Authority:
- (a) has made or is about to make a decision which involves or would involve the Authority in incurring expenditure which is unlawful;
 - (b) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Authority; or
 - (c) is about to enter an item of account the entry of which is unlawful.

In addition, the Chief Finance Officer is under a duty to report to the Authority if it appears to him/her that the expenditure of the Authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

In preparing such a report the Chief Finance Officer shall, so far as practicable, consult the Chief Executive and the Director of Corporate Resources.

- A3. No item having financial consequences shall be placed on a committee agenda without obtaining the Chief Finance Officer's financial assessment.
- A4. The Chief Finance Officer will support these financial regulations by the issue of more detailed instructions to the Chief Executive from time to time.
- A5. The Chief Executive shall be responsible for ensuring that all standing orders, financial regulations, and any other financial instructions the Chief Finance Officer may issue from time to time, are complied with by all employees of the Authority.
- A6. The Chief Finance Officer shall report any serious breach of Financial Regulations to the Audit Resources and Performance Committee.

B. INCOME

- B1. Deleted (Authority 5/10/2012)
- B2. The Chief Finance Officer shall have discretion to write off bad debts up to a limit of £10,000 in each case. Larger sums will be referred to the Audit Resources and Performance Committee.
- B3. No sale of goods or services on credit beyond the normal invoice period shall be made without prior consultation with the Head of Finance.
- B4. No new proposal which generates income to the Authority should be implemented without clearance from the Head of Finance as to any VAT implications.

C. EXPENDITURE AND ORDERS FOR WORK, GOODS AND SERVICES

- C1. The ordering of goods and services and the procedure for payment of accounts, shall be in accordance with financial procedures as laid down in the Authority's Financial Procedures and advice given by the Chief Finance Officer from time to time.
- C2. Official orders shall be issued for all work, goods and services except for such items as recurring charges, periodic payments, petty cash purchases and any other exception approved by the Chief Finance Officer.
- C3. **An Assistant Director, Head of Service or Planning Team Manager** may authorise the placing of orders for routine consumable expenditure up to the amounts provided in the detailed annual budget, provided that such orders conform to standing orders, financial procedures and these regulations. Expenditure, either in the form of an individual item or combination of items which form a scheme or project, within the agreed policies and programmes:
- (a) Over the value of £30,000 must be the subject of a business case **consulted agreed** with the **relevant** Director or **Assistant Director the Chief Executive for Chief Executive's Unit** and the Chief Finance Officer.
 - (b) Over the value of £50,000 must be the subject of a business case consulted with the Resource Management Team
 - (c) All other expenditure over £150,000 requires the authority of the relevant committee.
- C4. Official orders shall be in a form approved by the Chief Finance Officer and be signed personally by the Chief Executive or by officers authorised by him/her in accordance with the Schedule of Delegated Authorities. Responsibility for orders lies with the Chief Executive.
- C5. The Chief Finance Officer has a duty under law to make payments, whether or not provision has been made in the budget, in the following cases:
- (a) Payments specifically required by statute.
 - (b) Payments under a Court Order.
 - (c) Payments under a contract properly made by the Chief Executive or by the officer authorised by him.
- C6. No invoice shall be passed for payment until the Chief Executive, or his/her authorised delegatee, is satisfied that it is in accordance with the Authority's Regulations.
- C7. Official orders shall not be raised for any personal or private purchases, nor shall personal or private use be made of Authority contracts, unless agreed by the Chief Executive in conjunction with the Chief Finance Officer and Head of Human Resources & Performance as part of an employee scheme.

D. SALARIES, WAGES AND PENSIONS

- D1. The payment of salaries, wages or other emoluments and pensions shall be made only by the Chief Finance Officer, or under arrangements approved by him/her.
- D2. The Chief Executive shall arrange to notify the Chief Finance Officer, in any form the Chief Finance Officer may require, of all appointments, resignations, absences or any other changes which may affect the pay or pension of an employee or ex-employee.

E. CONTRACTS AND AGREEMENTS

- E1. All contracts shall be made in accordance with Standing Orders – Part 2 - relating to Contracts.
- E2. No officer shall authorise work to be undertaken or goods to be supplied which are required to be the subject of a formal contract or other legal agreement until a document in a form approved in accordance with Schedule 7 F-14 is completed and signed by the contractor. For Property matters Schedule 7 D-6 and 7 D-7 apply.
- E3. The Head of Finance shall be consulted on the arrangement of leasing agreements under which the Authority is the lessee. Disposal of leased assets which are not land and property are subject to the prior approval of the Chief Finance Officer; where leases relate to land and property approval should be obtained in accordance with Schedule 7 D-7. This regulation applies also to any other form of agreement intended to defer payment or provide for payment by instalments.

F. REVENUE BUDGETS

- F1. Annual revenue budgets shall be prepared jointly by the Chief Executive and the Chief Finance Officer in accordance with the directions of the Authority, after taking account of any guidance from Members in the process of agreeing priorities for resources.
- F2. The Chief Finance Officer and Chief Executive shall make a joint budget report to the Authority.
- F3. Transfers of funds – virements - from one budget head to another may be made by the Head of Finance at the request of the Chief Executive. Any transfer over £15,000 must have the approval of the Chief Finance Officer having agreed it with the Chair and Vice-Chair of the Audit Resources and Performance Committee.
- F4. It is the responsibility of the Chief Executive to ensure that budget heads are not over-spent. A significant variance from budget of either income or expenditure shall be reported by the Chief Executive, after consultation with the Chief Finance Officer, to the Audit Resources and Performance Committee as soon as possible during the year; or as part of the Outturn Report if such an overspend is not certain until the closedown process at year end. A significant variance for reporting purposes under this paragraph is defined as a £60,000 variance from the original expenditure or income budget, before any further financing or income is taken into account.
- F5. Any request for supplementary budgets shall be made to the Audit Resources and Performance Committee only after consultation with the Chief Finance Officer.
- F6. Deleted (Authority 5/10/2012)
- F7. Additional income may be used to finance additional expenditure where that income has been received as a grant/contribution towards that expenditure subject to complying with F4.
- F8. Deleted (Authority 5/10/2012)
- F9. Any other additional income above £15,000 may not be used to finance additional expenditure unless virement of the funds is agreed as per F3 above.

- F10. When a committee wishes to incur expenditure not included in the estimates, or to overspend any item, the committee may approve such expenditure up to a maximum of £10,000.

G. CAPITAL EXPENDITURE

(i.e. the acquisition or enhancement of fixed assets which will have a long term value to the Authority, e.g. land, purchasing existing buildings or erecting new ones, furniture and equipment, vehicles.)

- G1. Approval of the Audit Resources and Performance Committee is required before any commitment is made in respect of any capital project, the total cost of which exceeds £150,000.
- G2. Any capital expenditure is subject to Financial Regulation C3.
- G3. Any increase of more than 10% in the gross cost of a capital project authorised by committee as in paragraph G1 above shall be reported to the Audit Resources and Performance Committee, unless the increase is less than £60,000.

H. PRESENTATION OF ACCOUNTS

- H1. In accordance with the Accounts & Audit Regulations 2011, the Authority shall prepare a statement of accounts. The Chief Finance Officer shall be responsible for submitting the accounts of the Authority to the Authority Meeting or appropriate Committee.

I. INTERNAL AUDIT

- I1. In accordance with the Accounts & Audit Regulations 2011, the Authority is required to ensure its financial management is adequate and effective and that it has a sound system of internal control.
- I2. The Chief Finance Officer shall determine the Authority's accounting system and the form of the accounts and supporting accounting records, subject to any instructions given by the Authority providing these instructions comply with the Accounts and Audit regulations.
- I3. Internal Audit are authorised to appraise the adequacy of procedures employed by the Chief Executive to secure economy, efficiency and effectiveness in the use of resources.
- I4. The Head of Internal Audit or his/her authorised representative, shall have a right of access at all times to such records and documents, including computer data, of the Authority as appear to him/her to be necessary for the purposes of the audit and shall be entitled to require from any officer of the Authority such information and explanation as he/she thinks necessary for that purpose. The Head of Internal Audit shall provide relevant reports and advice to the officers concerned.
- I5. Cases of suspected fraud, misappropriation of money, materials or equipment, or any mismanagement of money or other assets, or any other irregularities, will be reported immediately to the Chief Finance Officer and the Monitoring Officer, who will take appropriate action in line with both the Authority's Anti-Fraud and Corruption Policy, and the Confidential Reporting Policy.
- I6. The Chief Finance Officer shall approve any new systems for the maintenance of financial records, or records of assets of the authority or any changes to such systems.

J. BANKING AND IMPREST ACCOUNTS

- J1. The Chief Finance Officer shall operate banking accounts in accordance with the banking agreement made by the Authority. Payment will be made out of the Authority's bank account by means of cheques bearing the Chief Executive's printed facsimile signature, by cheques or other authorisations bearing signatures authorised by the Chief Finance Officer, or by electronic transfer using systems and system procedures approved by the Chief Finance Officer.
- J2. The Chief Finance Officer is authorised to open banking accounts for accounting officers' Imprest accounts as and when required. No other employee may open a bank account on behalf of the Authority.
- J3. Imprest accounts shall be operated in accordance with the Chief Finance Officer's instructions. Imprest holders shall not allow Imprest accounts to become overdrawn, unless agreed by the Head of Finance.
- J4. All disbursements from the Imprest account shall be supported by adequate vouchers and records which shall be available for inspection at any time.

K. INVESTMENTS AND BORROWING

- K1 The Authority maintains a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities; and adopts suitable Treasury Management Practices, setting out the manner in which the organisation will manage and achieve those policies and objectives.
- K2 The Authority receives reports on its treasury management policies, practices and activities, including as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close.
- K3 The Authority delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Budget Monitoring Group, and for the execution and administration of treasury management decisions to its Chief Finance Officer, who will act in accordance with the organisation's policy statement and Treasury Management Practices, and CIPFA's Standard of Professional Practice on Treasury Management.
- K4 The Authority nominates its Audit Resources and Performance Committee to be responsible for ensuring effective scrutiny of the Treasury Management strategy and policies.
- K5 The Authority's borrowing limits will be approved annually at an Authority meeting based on the advice of the Chief Finance Officer.

L. STORES AND INVENTORIES

- L1. The Chief Executive shall be responsible for the safe custody of stores and inventory items, and the maintenance of records in accordance with advice issued from time to time by the Chief Finance Officer.
- L2. Significant stores discrepancies will be subject to internal audit scrutiny. The Head of Finance shall annually write-off and dispose of obsolete stores and equipment in consultation with the Chief Finance Officer using the discretion available under B2.

M. INSURANCES

- M1. The Chief Executive shall be responsible for effecting all necessary insurances.

- M2. The Chief Executive shall consult the Chief Finance Officer and the Director of Corporate Resources before giving any indemnity on behalf of the Authority.
- M3. Claims against the Authority by its employees where there is no legal liability may be settled by the Director of Corporate Resources to a limit of £1,000 in any case, in respect of damage to or loss of personal property occurring in the course of their duties subject to an assessment of the extent of any contributory negligence, the settlement to be on the following basis:
- (a) For repairs to clothing or other property - full cost.
 - (b) For replacement of clothing or other property (where repair was impracticable) - three quarters of reasonable replacement cost.

N. PROPERTY

- N1. It shall be the responsibility of the Chief Executive to maintain a property database, in a form approved by the Chief Finance Officer, for all properties currently owned or used by the Authority.
- N2. Where there is no contractual obligation, expenditure on property rented to the Authority above £10,000 shall be subject to the approval of the ~~Head of Property Assistant~~ **Director Land Management**.
- N3. Lessees and/or other prospective occupiers of Authority land shall not be allowed to take possession or enter the land until a lease or agreement, in a form approved in accordance with Schedule 7 F – 14 has been signed.
- N4. The Chief Executive is responsible for ensuring the proper security of all buildings and other assets under his/her control.
- N5. The Director of Corporate Resources shall have custody of all title deeds.
- N6. No Authority asset shall be subject to personal use by an employee unless approved by the Director of Corporate Resources.

O. SALES OF ASSETS

- O1. Sale of the Authority's assets should be at open market value, or at a valuation agreed by the District Valuer. Market value will usually be determined by auction or public notice and submission of quotations using the tender process in Part 2, although this may be waived for values under £10,000 subject to the approval of the relevant Director **or Assistant Director**.
- O2. Sales under £10,000 in value may be approved by the Head of Service in consultation with the relevant Director **or Assistant Director in consultation with the Chief Executive**
- O3. Sales over £10,000 and up to £30,000 in value may be approved by the Chief Executive in consultation with the Chief Finance Officer.
- O4. Sales over £30,000 require approval from the Audit Resources and Performance Committee.
- O5. Disposal of land and property is subject to the conditions of delegation in Section 7.D-7

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 7

DELEGATION OF POWERS TO THE CHIEF EXECUTIVE

<u>PART A</u>	<u>GENERAL CONDITIONS OF DELEGATION</u>
7.A-1.	Exercise of Powers
	<p>The following delegated powers shall be exercised by the Chief Executive in accordance with</p> <p>(a) the Standing Orders of the Authority;</p> <p>(b) the Financial Regulations of the Authority;</p> <p>(c) the appropriate, policies and internal procedures.</p>
7.A-2.	Consultation
	<p>Where any matter involves professional or technical considerations not within the sphere of competence of the relevant officer that officer shall consult with the appropriate professional or technical officer of the Authority before authorising action.</p>
<u>PART B</u>	<u>GENERAL ESTABLISHMENT AND PERSONNEL POWERS</u>
7.B-1.	Administration of Powers
	<p>All general establishment and personnel powers shall be administered in accordance with the Authority's Human Resources policies and procedures and appropriate National and Local Conditions of Service.</p>
7.B-2.	Establishment & appointments
	<p>(a) To approve changes to the staff establishment, below Assistant Director posts, including making temporary posts permanent, to achieve agreed policies and programmes within the approved annual staff budget.</p> <p>(b) To approve additional temporary posts funded from income, external funding and temporary allocation of non-staff budgets.</p> <p><u>For all posts below Assistant Director level :</u></p> <p>(a) To appoint or authorise the appointment of all employees including secondment, making internal promotions and the temporary appointment of contractors or agency staff:</p> <p style="padding-left: 40px;">(i) to permanent established posts or temporary posts</p> <p style="padding-left: 40px;">(ii) to existing or new posts funded from income and external funding and temporary allocation of non-staff budget</p> <p>(b) To make temporary appointments, including the appointment of contractors or agency staff to cover:</p> <p style="padding-left: 40px;">(i) a vacancy arising out of an employee being absent through maternity leave or long-term sickness.</p> <p style="padding-left: 40px;">(ii) for an appropriate period to cover a recruitment handover</p> <p style="padding-left: 40px;">(iii) vacancies arising out of secondments</p>

	<p>(c) To authorise the payment of market supplements and recruitment incentives where there is proven recruitment difficulty in accordance with the agreed principles.</p> <p>(d) To authorise the payment of overtime to employees.</p> <p>(e) To authorise the payment of honoraria to employees.</p> <p>(f) To change the job titles of established posts below the level of Assistant Director.</p> <p>(g) To determine salary grades of posts through the job evaluation process.</p> <p>(h) To implement as a consequence of Authority decisions changes to the establishment structure in accordance with the Authority's managing change policy including the approval of redundancy and redundancy payments where appropriate.</p>
7.B-3.	Pay Awards and Conditions of Service
	To implement any pay awards and conditions of service agreed by national negotiating bodies on behalf of the Authority where no discretionary action is involved.
7.B-4.	Superannuation
	To authorise the payment of any pensions, gratuities, grants, etc provided for in the Superannuation Acts and Regulations subject to the pensions etc being in accordance with the Acts, Regulations or agreed policy of the Authority
7.B-5.	Car Loans
	To make loans to officers for the purchase of cars for the purposes of their employment in accordance with the policy approved by the Authority, from time to time.
7.B-6.	Removal and Lodging Expenses
	To authorise the payment of removal and lodging expenses to newly appointed, promoted or transferred employees in accordance with the Authority's scheme.
7.B-7.	Leave of Absence for Employees
	<p>(a) To authorise special leave of absence without pay in line with the Flexible Working Policy and guidance notes.</p> <p>(b) To authorise leave of absence with or without pay for a period not exceed 18 days or 36 half days in any period of 12 months:</p> <ul style="list-style-type: none"> (i) to perform jury service. (ii) to undertake magisterial duties. (iii) to serve on a judicial panel or tribunal. (iv). to attend meetings or conferences, as a member of a public body including essential commitments as a School Governor (v) to attend meetings of or arranged by National or Provincial Joint Councils. <p>(c) To authorise leave of absence with pay for up to five half days in any year for a</p>

	union representative to participate in union activities, as guided by ACAS Code of Practice.
	(d) To authorise unpaid release for staff to carry out public, civic and community duties and other duties of a voluntary or charitable nature, where such release is operationally possible and does not affect the Authority's provision of services.
	e) To approve applications for flexible retirement below <i>Assistant</i> Director posts
7.B-8.	Training and Development for Employees
	(a) To agree an annual corporate and vocational training and development programme to meet identified needs within the approved budget.
	(b) To authorise the attendance at courses and conferences and other events including the payment of fees and other expenses.
	(c) to authorise the undertaking of: <ul style="list-style-type: none"> (i) courses of study for appropriate qualifications. (ii) courses or other training events, or work experience in relation to personal development. (iii) courses or other training events for specific personal specialist needs. including the payment of fees and other expenses (If a replacement employee is required specific Committee authority will be necessary).
	(d) to approve applications for an interest free study loan up to a total cumulative value of £100,000 and for a maximum loan period of 5 years. (Audit Resources & Performance Committee 03/06/11)
7.B-9.	Grievance and Discipline
	To take appropriate action in accordance with the employees Grievance and Disciplinary Procedures adopted by the Authority.
7.B-10.	Additional Employment for Employees above Scale H
	To authorise employees above Scale H to engage in any other business or take up any additional appointment of a casual nature so long as such work does not prejudice their service with the Authority. Authorisation for the Chief Executive to be given by the Chair and Deputy Chair of the Authority.
<u>PART C</u>	<u>GENERAL</u>
7.C-1.	Response to Proposals Affecting the National Park or the Authority
	To determine an Authority response in line with the Authority's policies on any central, regional or local government proposal affecting the National Park including those concerning the Authority's powers, duties, functions and responsibilities where at least the appropriate Chair and Deputy or Vice Chair should be consulted.
7.C-2.	External Funding Applications & offers
	a) In consultation with the Chair of the relevant committee to make applications to

Standing Orders – Part 7: Chief Executive Delegation

	<p>external bodies or organisations for finance or grant aid up to any value.</p> <p>b) To accept offers of finance or grant aid up to £200,000 for funding including completing any agreements</p>
7.C-3.	Authority Grant and Award Schemes Applications
	<p>a) To determine applications for grants under the Authority's grant schemes where the cost to the Authority is £30,000 or less.</p> <p>b) To authorise Environmental Quality Mark Awards</p>
7.C-4.	Recovery of Grant Aid
	To authorise the raising of accounts for the recovery of the appropriate amounts and seek recovery as a debt if necessary, in cases where the conditions attached to the grant aid made by the Authority have not been complied with. Such action to be taken following consultation with the Chief Finance Officer.
7.C-5.	Variation from Decisions of Authority or Committee Meetings
	To authorise action on a decision of an Authority or committee meeting where any variation from that decision is insignificant and has no implications for the Authority.
7.C-6	Local Government Ombudsman – Local Settlement
	To agree Local Settlement compensation payments up to the sum of £5,000 in settlement of a Local Ombudsman case.
<u>PART D</u>	<u>PROPERTY</u>
	All property powers shall be administered in accordance with the Authority's Asset Management Plan and in consultation with the staff identified in this plan.
7.D-1.	Acquisition of land & property
	<p>To acquire or renew any interest in or over land, including buildings and to accept surrender of interests and serve notices to terminate interests on terms to be approved by the Head of Law:</p> <p>a) where the purchase price does not exceed £150,000 or;</p> <p>b) the total rental, over the term does not exceed £150,000 or;</p> <p>c) in the case of a periodic tenancy the overall rental charge does not exceed £150,000 and the tenancy is reviewed by officers at three yearly intervals.</p> <p>This delegation includes transfers, leases, licences, easements and way-leaves.</p>
7.D-2.	Compulsory acquisition of land & property

	To acquire land & property using powers under s226 of the Town and Country Planning Act 1990, s89 of the National Parks and Access to the Countryside Act 1949, or s47 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where the value of the land or property does not exceed £30,000
7.D-3.	Disposal of land & property
	To dispose of or terminate an interest in or over land including buildings on terms to be approved by the Head of Law: a) where the sale value does not exceed £150,000 or b) where the total lease value over the term does not exceed £150,000 and the term is less than 7 years, or c) In the case of a periodic tenancy the overall rental charge does not exceed £150,000 and the tenancy is reviewed by officers at three yearly intervals This delegation includes transfers, leases, licences, easements and way-leaves.
7.D-4.	Applications for Planning Consent
	To make applications under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 for planning and listed building consent for development of the Authority's properties. where the capital value of the proposed works does not exceed £150,000. .
<u>PART E</u>	<u>DEVELOPMENT PLANNING</u>
7.E-1.	Agriculture and other Countryside Grant Schemes
	To respond to notifications and consultations and to raise formal objections under the provisions of Agriculture and other Countryside Grant schemes .
7.E-2.	Forestry Acts
	(a) To submit observations to the Forestry Commission and raise formal objections on their Forestry Grants Schemes and on felling licence applications or notifications where no Tree Preservation Order exists. (b) To submit observations to the Forestry Commission where a Tree Preservation Order is in force.
7.E-3.	Environment Enhancement Scheme Agreements
	To complete Environment Enhancement Scheme Agreements where the total cost to the Authority is less than £150,000 and the annual amount no greater than £30,000.
7.E-4.	Tree Preservation and Hedgerow Protection Orders
	(a) To make Tree Preservation Orders and confirm unopposed Orders under the Town and Country Planning Act 1990, Sections 198 to 201.

	<p>(b) To make Hedgerow Protection Orders under the Environment Act 1995.</p> <p>(c) To determine applications for consents under Tree Preservation Orders.</p>
7.E-5.	Development not in accordance with the Development Plan
	To deal with all matters relating to classification of departures from the development plan and reference of departures to the Secretary of State.
7.E-6.	Directed Decisions of Secretary of State
	To refuse applications on which a direction of refusal has been made by the Secretary of State under Articles 25 and 26 of The Town and Country Planning (Development Management Procedure) (England) Order 2010
7.E-7.	General Development Order - Notification of Agricultural, Mineral and Forestry Proposals
	To respond to notifications and to decide whether planning applications should be required as a result of notifications received under the Town and Country Planning (General Permitted Development) Order 1995.
7.E-8.	Planning, Advertisement and Listed Building Applications
	<p>(1) Within the Authority's policies to determine all applications for planning consent, listed building consent, conservation area consent, overhead electricity lines and consent under the Advertisement Regulations other than those in the following categories:</p> <p>(i) Residential development proposing a net increase over existing commitments of more than two new build dwellings or the conversion of traditional buildings to more than four units of accommodation.</p> <p>(ii) Commercial or industrial development proposing a net increase over existing commitments of more than 1,000 sq m floor area.</p> <p>(iii) New sites for the extraction of minerals or the disposal of waste.</p> <p>(iv) The extension of existing sites for mineral extraction and waste disposal with an increase in site area greater than 0.1ha.</p> <p>(v) New telecommunications masts over 15 metres in height</p> <p>(vi) Individual free standing wind turbines over 15 metres in hub height</p> <p>Provided that any delegated action above shall be subject to the following provisions:</p> <p>(a) That all new applications are reported in the week of receipt, or as soon as possible thereafter, in a list to be circulated to all Members.</p>

	<p>(b) That any Member can by written notice, stating clear material planning reasons, ask that an otherwise delegated application be determined by the Committee. If such a request is made the Head of Planning may, in consultation with the Chair of the Committee, ask for further information before judging whether or not the application should be withdrawn from delegation. The Head of Planning will inform the Member the reasons for a decision not to withdraw an application from delegation.</p> <p>(c) Applications shall not be determined in a manner substantially contrary to the planning views of the relevant local authority, Town Council, Parish Council or Parish Meeting, provided that those views are based on material planning considerations relevant to the application and are consistent with planning policies. In interpreting the word ‘substantially’ this clause shall not prevent either the approval or refusal of applications where the consultee response is either ‘no comment’ or ‘no objections’, or the approval of applications where objections can be overcome by the imposition of conditions or amendments to the proposal. If the consultee response is either ‘support’ or ‘oppose’ the application, or other similar simple expression in favour or against, and is contrary to the proposed officer determination the consultee will be expected to also provide material planning reasons for its view. In addition this clause shall not prevent the determination of applications where differences of view are solely on design issues, for example single, small-scale isolated issues. Cases will be considered with reference to the Authority’s adopted Design Guide.</p> <p>(d) Applications shall not be determined when more than three substantial planning objections or representations are received which are contrary to the intended decision. In interpreting the word ‘substantial’ this clause shall not prevent the determination of applications where objections do not relate to material planning considerations, or can be overcome by the imposition of conditions, or where the objections or representations are solely on basic design issues.</p> <p>(e) That all decisions are reported to Members for information on a monthly basis on the Authority’s website..</p>
	(2) To determine applications and requests for non-material amendments.
	(3) To sign all decision notices pursuant to a resolution or under this delegation.
	(4) To refuse applications on the basis of inadequate information supplied by the applicant.
	(5) To discharge conditions on planning and advertisement permissions and listed building consents, including determination of formal applications for discharge.
	(6) To grant applications which are for the renewal of unimplemented planning permissions.
7.E-9.	Control of Demolition
	To exercise the Authority’s powers and responsibilities in respect of the control of demolition.
7.E-10.	Enforcement Action
	To decide not to pursue enforcement action in cases of breaches of planning control where:

	<p>(a) The unauthorised development does not conflict with the Authority’s approved policies; and</p> <p>(b) The effect of the breach is considered not to be significantly harmful to public amenity or safety or the existing use of land or buildings meriting protection in the public interest. and</p> <p>(c) There is no substantial neighbourhood objection. “Substantial” shall be interpreted as more than 3 objections to the unauthorised development provided those objections relate to material planning considerations. In interpreting the word “substantial” this clause shall not prevent a decision being made not to pursue enforcement action where the objections are solely on design issues.</p>
7.E-11.	Neighbouring Authority and Agency Consultations
	Except where officers consider that these are of major significance, to respond in line with the National Park Authority’s policies to consultations, received from neighbouring authorities and agencies, on planning applications and on policy documents and to lodge objections where appropriate.
7.E-12.	Hazardous Substances
	To administer the Authority’s powers and duties relating to hazardous substances under the Planning (Hazardous Substances) Act 1990 including the determination of applications for hazardous substance consent, claims for deemed consent and the issue of hazardous substance contravention notices.
7.E-13.	Environmental Impact Assessment and Review of Mineral Planning Permissions
	<p>(a) To determine the requirement for an Environmental Impact Assessment including decisions as to all matters relating to screening and scoping of EIA</p> <p>b) To advise the statutory bodies of the requirement for an EIA.</p> <p>(c) Following agreement in principle by the Committee, to agree detailed schemes for mineral planning permissions under the Environment Act 1995, schedules 13 and 14.</p>
7.E-14.	Fly Posting
	To exercise the powers of the Authority under s225, s225A to s225K of the Town and Country Planning Act 1990.
7.E-15.	Goods Vehicle Operators Licensing Regulations
	To make representations and to lodge holding objections on applications.
7.E-16.	Caravan Rallies
	To consider the annual draft programme of caravan rallies for the National Park submitted by the Clearing Houses and to make recommendations to the Clearing Houses on changes and improvements to the draft programme

7.E-17.	Agricultural Operations
	To determine the requirement for action under Section 42 of the Peak District National Park Authority Restriction of Agricultural Operations (Order 2002).
7.E-18.	Agreements under s52 of the Town and Country Planning Act 1971 and S106 of the Town and Country Planning Act 1990
	(a) To authorise entry into and agree the terms of agreements under S106 of the Town and Country Planning Act 1990 for development where applications are determined under delegated powers.
	(b) To authorise the variation and/or modification of the terms of agreements under s52 of the Town and Country Planning Act 1971 and s106 of the Town and Country Planning Act 1990.
	(c) To authorise the rescission/discharge of agreements under s52 of the Town and Country Planning Act 1971 and s106 of the Town and Country Planning Act 1990.
7.E-19.	Planning Contravention Notices and Requisitions for Information.
	To issue Planning Contravention Notices and requisitions for information under s330 of the Town and Country Planning Act 1990 and s16 of the Local Government (Miscellaneous Provisions) Act 1976
7.E-20.	Applications made under the Localism Act 2011.
	To process applications made for Neighbourhood Forums, Neighbourhood Areas, Neighbourhood Development Orders, Neighbourhood Development Plans and Community Right to Build Orders. To approve (but not refuse) applications for designation of Neighbourhood Forums.
<u>PART F</u>	<u>CORPORATE RESOURCES</u>
7.F-1.	Enforcement Action
	(a) To authorise the issue of enforcement notices, stop notices, temporary stop notices, listed building enforcement notices and breach of condition notices in relation to development in breach of planning control. Before a stop notice is issued consultations shall be held with the Chief Finance Officer to consider the implications of the payment of compensation. (b) To authorise applications to the Courts for injunctions under Section 187B of the Town and Country Planning Act 1990 (c) To issue notices under s215 of the Town and Country Planning Act 1990. (Untidy land and buildings). (d) To authorise the withdrawal of enforcement notices, stop notices, temporary stop notices, listed building enforcement notices, breach of condition notices and s215 notices. (e) To exercise the power to waive or relax the requirements of an enforcement

Standing Orders – Part 7: Chief Executive Delegation

	<p>notice under s173A of the Town and Country Planning Act 1990.</p> <p>(f) To apply to the magistrates court for a planning enforcement order under s171BA of the Town and Country Planning Act 1990</p> <p>(g) To authorise the execution of works in default under s178 Town and Country Planning Act 1990 where the cost can be accommodated within current budgets or where the cost is expected to be recovered from the landowner.</p>
7.F-2.	Article 4 Directions
	<p>Following consultation with the Chair and Vice Chair of the Planning Committee to exercise the powers of the Authority:</p> <ul style="list-style-type: none"> • to make modify and cancel Article 4 Directions • to confirm unopposed Article 4 Directions <p>Confirmation of opposed Article 4 Directions to be considered by the Planning Committee</p> <p style="text-align: right;">(Authority Meeting 01/07/11)</p>
7.F-3.	Control of Advertisement Regulations
	To take action where required under the Town & Country Planning (Control of Advertisements) Regulations 2007 and to issue Discontinuance Orders.
7.F-4.	Mineral Development - Article 7 Directions
	To make Directions, under Article 7 of the Town and Country Planning (General Permitted Development) Order 1995, in respect of mineral exploration and removal of materials from mineral working deposits.
7.F-5.	Works to preserve Listed Buildings
	To issue notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (subject to a report on action taken to the next appropriate meeting of the Committee).
7.F-6.	Building Preservation Notices
	To authorise the issue of notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7.F-7.	Recovery of Costs
	To institute legal proceedings for the recovery of costs incurred for works undertaken in accordance with powers under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
7.F-8.	Entry on land
	To authorise the entry of persons to land and buildings in connection with the Authority's functions under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Wildlife and Countryside Act 1981 and any other statutory provisions that permit entry to land for investigation purposes.

7.F-9	Certificates of Lawfulness of Development
	To determine applications for certificates of lawfulness under Section 191 and 192 of the Town and Country Planning Act 1990 (as amended).
7.F-10.	Planning Contravention Notices, Requisitions for Information
	To issue Planning Contravention Notices and requisitions for information under s330 of the Town and Country Planning Act 1990 and s16 of the Local Government (Miscellaneous Provisions) Act 1976. (Concurrent power with the Head of Planning).
7.F-11.	Proceedings to enforce Planning Control
	<p>(a) To institute prosecuting proceedings for:</p> <ul style="list-style-type: none"> the breach of an enforcement notice. the breach of a stop notice. the breach of a listed building enforcement notices. the breach of planning contravention notice requirements. the breach of the requirements of a notice requesting information under s330 of the Town and Country Planning Act 1990. unauthorised works to listed buildings. the breach of advertisement control. failure to comply with a breach of condition notice. failure to comply with a notice requiring maintenance of land under s215 of the Town and Country Planning Act 1990. the breach of the requirements of notices under s16 of the Local Government (Miscellaneous Provisions) Act 1976. contravention of a Tree Preservation Order. damage to trees in a Conservation Area. <p>(b) To institute proceedings to require compliance with an agreement made under s 106 of the Town and Country Planning Act 1990</p> <p>(c) To institute other proceedings pursuant to decisions of the Authority or Committee or delegated decisions of officers to enforce the Authority's powers of planning control.</p>
7.F-12.	Trespass
	To take legal proceedings in respect of trespass or threat of trespass to the Authority's land.
7.F-13.	Proceedings affecting the Authority's Interests
	(a) To defend any court action appearing adversely to affect the Authority's interests.
	(b) To make applications to a court in relation to the renewal of leases and tenancies of the Authority's properties.
7.F-14.	Notices, Orders, Contracts and Agreements
	To sign orders, contracts, agreements and notices (except for planning and listed building determinations) pursuant to a resolution or policy of the Authority or its committees or authorised by an appropriate officer under the Officer Delegation

	Scheme.
7.F-15.	Proceeding relating to Access Land.
	To commence proceedings under Section 14 of the Countryside and Rights of Way Act 2000 in respect of false or misleading notices relating to access land and to take legal action under Section 39 of the Act to secure court orders for the removal of obstructions to access land and court orders not to obstruct access to access land at any time.
7.F-16.	Members' Attendance at Courses and Conferences etc
	To agree Member attendances at external, courses, conferences and other events as an approved duty.
7.F-17	Outside Bodies
	(a) Where a vacancy or a new appointment arises on an outside body in between Authority meetings, in consultation with the appropriate Chair, Deputy or Vice-Chair, to nominate a Member to attend meetings until the appointment is considered at the next Authority meeting.
	(b) To authorise the attendance of a substitute, in consultation with the appointed Member.
7.F-18	Reference to Chief Finance Officer In Standing Orders
	Head of Finance by specific prior agreement of the Chief Finance Officer except where statute prohibits delegation.
7.F-19	Local Government Ombudsman – Local Settlement
	To agree Local Settlement compensation payments up to the sum of £5,000 in settlement of a Local Ombudsman case.
7.F-20	Recording of Meeting and Proceedings of the Authority
	To consider and determine requests to record the meetings and proceedings of the Authority where it is in the interests of helping the wider public observe and understand Authority decision making.
<u>PART G</u>	<u>OPERATIONS</u>
7.G-1.	Charges.
	To fix and vary all non planning related charges within statutory powers with the following financial limits: (a) revised or new income generating proposals with projected annual charges of up to £30,000 delegated to Heads of Services (HOS) and Director (or Chief executive Assistant Director for Chief Exec's unit) in consultation with the Chief Finance Officer. (b) revised or new income generating proposals with projected annual charges of between £30,000 and £50,000 delegated to HOS with business case for

	<p>consideration and approval by Director (or Chief executive Assistant Director for Chief Exec's unit) and CFO and to include consultation with the Chair and Vice Chair of ARP.</p> <p>(c) revised or new income generating proposals with projected annual charges of over £50,000 up to the limit £150,000 delegation from members subject to a business case for consideration and approval by Resources Management Team and to include consultation with Chair and Vice Chair of ARP.</p> <p>(d) delegation to implement the national fee structure for Planning fees.</p>
<p>7.G-2.</p>	<p>Public Rights of Way</p>
	<p>(a) To respond to consultation enquiries from other statutory authorities concerned with creation, alteration or closure of public rights of way. Any formal objection made shall be reported to the next meeting of the relevant Committee.</p> <p>(b) To complete Public Path Creation Agreements under Section 25 of the Highways Act 1980.</p> <p>(c) To complete Public Path Diversion Orders under S.119 of the Highways act and Orders under S.257 of the Town and Country Planning Act 1990.</p> <p>(d) To create concession footpaths on the Authority's land.</p> <p>(e) To dedicate, concession footpaths on the Authority's land as public rights of way.</p> <p>(f) to authorise the making of experimental, temporary or permanent Traffic Regulation Orders under the Road Traffic Regulation Act 1984</p> <p>In the case of unresolved objections to a proposed Order, a report to be made to the relevant Committee.</p>
<p>7.G-3.</p>	<p>Access Land: Exclusion or Restriction of Access, carrying out of works and Dedication of Access Land.</p>
	<p>(a) To authorise directions under Section 69 of the National Parks and Access to the Countryside Act 1949 suspending access to land comprised in Access Agreements or Orders in the event of the risk of fire by reason of any exceptional weather conditions.</p> <p>(b) To authorise directions under Section 24 of the Countryside and Rights of Way Act 2000 to exclude or restrict access to land for the purpose of land management.</p> <p>(c) To authorise directions under Section 25 of the Countryside and Rights of Way Act 2000 to exclude or restrict access to land to avoid the risk of fire or danger to the public.</p> <p>(d) To authorise directions under Section 26 of the Countryside and Rights of Way Act 2000 to exclude or restrict access to land in order to conserve flora, fauna or geological or physiographical features or preserve scheduled monuments or other features of historic interest.</p> <p>Before giving a direction under section 24, 25 or 26 of the Countryside and Rights</p>

Standing Orders – Part 7: Chief Executive Delegation

	<p>of Way Act 2000 so as to exclude or restrict access indefinitely, or for over 6 months, the Director shall consult the Chair and Vice Chair of the relevant Committee. Cases where the Local Access Forum disagrees with officer recommendations or contentious cases are to be reported to the relevant Committee for determination.</p> <p>(e) To authorise the completion of agreements for works with landowners or occupiers under Section 35 of the Countryside and Rights of Way Act 2000.</p> <p>(f) To authorise the issue of notices under Sections 36 and 37 of the Countryside and Rights of Way Act 2000 and to authorise the carrying out of works on access land and the recovery of costs</p> <p>(g) To authorise a person to enter land under Section 40 of the Countryside and Rights of Way Act 2000.</p> <p>(h) To authorise the dedication of the Authority's land as access land under S.16 of the Countryside and Rights of Way Act 2000.</p>
7.G-4.	Land Disposal and Works – Consultation
	<p>To respond to any consultations received by the Authority from any local authority, statutory undertaker, public body or agency relating to land disposals and site works.</p>

Approved: National Park Authority Meeting 17 December 2010 Minute 76/10 and amended 5 October 2012, 15 March 2013

12.2 EQUALITY POLICY (DU)

Purpose of the report

To adopt the Equality Policy.

Key issues

The introduction of the Equality Act 2010 requires the existing Comprehensive Equality Policy to be updated. The Act came into force in 2011 and guidance on the public sector duties followed. From April 2012 listed authorities were required to publish equality objectives.

Recommendations

1.
 1. To adopt the new Equality Policy
 2. That any future changes to the Policy will be approved at Authority
 3. That future changes or updates to the guidance notes can be approved by Resource Management Team

How does this contribute to our policies and legal obligations?

2. To have an Equality Policy is required to meet Corporate Objective 11- to be a well run public body and the Equality Act 2010.

Background

3. The existing Comprehensive Equality Policy was approved by Authority in 2008. The policy provided the context to mainstream equality in service delivery and employment and for our work towards the Equality Standard for Local Government.
4. As a public body an equality policy helps to ensure that our services are delivered in a fair, accessible and equitable way. It also ensures equality to those seeking, and in, employment. There is not just a legal obligation to comply but it also makes sounds business sense.
5. To take account of requirements in the Equality Act 2010, training was given to the Chief Executive, Directors, Heads of Service and some Team Managers in September 2012. The training focused on understanding the 9 Protected Characteristics in the Act i.e.
 - Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
 - Marriage or civil partnership status.

6. The training also advised managers that as a public body the Authority must comply with the General Equality Duty in the Equality Act 2010 to
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

And that as a public body the Authority has Specific Duties in the Act to help it improve its performance on the general equality duty, by improving focus and transparency. Public sector organisations are required to:

- Publish sufficient information to demonstrate the Authority's compliance with general equality duty across its functions. This must be published annually from the first date of publication; and
 - Publish and prepare equality objectives which indicate how the Authority reasonably thinks it should meet one or more of the aims of the general equality duty include details of how the Authority achieved its objectives. These equality objectives must be published at least every four years.
7. Information to demonstrate compliance with the general duty performance on our equality objectives will be reported annually in the Business & Performance Plan. For 2012- 15 the following specific equality objectives have been identified in the success factors of 4 of our corporate objectives as follows
- **Corporate objective 7: Enable individuals, the community and voluntary sector to increase their contribution to the national park;** with a success factor of *'our work is supported by at least 7,000 volunteer days annually and the proportion from our target groups increases'*;
 - **Corporate objective 8: Provide and enable recreation services that promote health benefits, widen participation, reduce impact on the environment and manage conflicts between users;** with a success factor of *'have widened participation to the services we offer to our target audience's'*;
 - **Corporate objective 10: Inspire a wider range of people to access and better understand the national park, through some direct provision of services and enabling others to do so;** with a success factor of *'continue to provide a similar number of learning opportunities and more target audiences take part in the activities'*
 - **Corporate objective 11: Be a well run public body with proportionate and effective ways of working, delivering excellent customer service and living our values;** with a success factor of *'we have improved staff engagement in all of our work and maintained our Investors in People accreditation' will evidence our equality actions as an employer.*

8. Through the manager's training in September 2012, it was agreed that we would replace the Equality Impact and Needs Assessment process (EINAs) by changing the templates for decision making reports to Resource Management Team and Committee. Reports now include a section on Equality to ensure that Equality issues are considered in decision making.
9. Where public functions are contracted out the contractor will themselves be subject to the general equality duty. The requirement to comply with the general equality duty also applies to all procurement regardless of value.
10. The guidance notes to all employment policies have also been updated to take account of the Equality Act 2010.

Proposals

11. To adopt the new Equality Policy.
12. That the format for the document is agreed as
 - a) A short Policy Statement approved by the Authority. Any changes to the Policy Statement in the future to be approved by Authority and
 - b) More detailed guidance notes to managers on how to implement the policy. The guidance notes will be updated and approved by management team.
13. Equality in the Authority continues to be led by a member of the senior management team.

Are there any corporate implications members should be concerned about?

14. **Financial:** Given Equality work is mainstreamed in service delivery, requirements are funded in service budgets instead of a separate, stand alone budget.
15. **Risk Management:** The Equality and Human Rights Commission as the independent regulator is required to assess whether public bodies are complying with the equality duty and can issue compliance notices in respect of a failure. This risk is mitigated by having the Equality Policy and specific equality targets in our corporate objectives.
16. **Sustainability:** Equality work in the Authority has a management team lead. Progress on the specific equality targets in our corporate objectives are reported annually in the Business & Performance Plan.
17. **Equality:** This Policy will enable us to meet the requirements of the Equality Act 2010 in service delivery and employment.
18. **Background papers** - None

Appendices

The Equality Policy

Report Author, Job Title and Publication Date

Deborah Unwin, Head of Human Resources & Performance, 7 March 2013

This page is intentionally left blank



EQUALITY POLICY & GUIDANCE NOTES

POLICY CONTENTS:

1. Policy statement
2. Scope
3. Responsibilities for implementing and monitoring the policy
4. Measurement and monitoring
5. Handling complaints

GUIDANCE NOTES:

Introduction

Section A: The legal context

- A1 Equality Act 2010
- A2 Relationship with the Equality Framework for Local Government
- A3 Types of discrimination
- A4 Positive Action
- B5 The 9 Protected Characteristics
- A6 Compliance

Section B: The local and National context- statistics by the 9 Protected Characteristics

- B1 Context
- B2 Demographic and Employment data

Section C: PDNPA context

- C1 Statutory Purposes and organisational structure
- C2 National Park Management Plan
- C3 Service delivery and the Performance & Business Plan
- C4 Buying in services
- C5 Monitoring and reporting equality achievements
- C6 The Authority as an employer
- C7 Manager Guidance by the 9 Protected Characteristics



EQUALITY POLICY

1. Policy statement

1.1 As a public authority, the Peak District National Park Authority we wish to comply with the general duty and specific duties of the Equality Act 2010. We aim to encourage good relations, promote equality and eliminate discrimination in the workplace and in delivering services. In accordance with the general duty we aim to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In advancing equality of opportunity we aim to remove or minimise disadvantages suffered by people due to their protected characteristics. We aim to take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people, and to encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

1.2 We are also committed to achieving equality with:

- The people we serve
- The people who seek to be, and are, employed by us
- The partners we work with
- The services we deliver
- The services we contract in/buy (people with whom we do business).

1.3 We have a responsibility to provide community leadership for the National Park and will use this to promote equality and share ideas and good practice with our partners and other service providers. We want:

- To give people access to high quality services designed to respond to their individual needs
- People providing and using our services to feel safe from harassment
- Our workforce to reflect the diversity of the Peak District community and a reasonable journey to work radius, so that we can better understand the needs of that community and ensure those needs are met by the way we deliver our services
- To seek the views of the people who live in, work in and visit the National Park, our service users, partners and other interested groups on equality issues. We will use this information to ensure our services better reflect their needs and aspirations.

2. Scope

- 2.1 This Equality Policy and the associated guidance notes set out how we will comply with the general equality duty and the specific duties of the Equality Act 2010. It confirms our responsibilities to make equality of opportunity a reality for people accessing our services, working for us or seeking employment opportunities. This includes communities, our members, managers, employees, unions and our partners in the public, voluntary and private sectors and those from whom we procure services.
- 2.2 We will promote equality by recognising the 9 protected characteristics of the Equality Act 2010
- Age
 - Disability
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
 - Marriage or civil partnership status.

3. Responsibilities for implementing and monitoring the policy

- 3.1 The Authority's members have determined this Equality Policy. The Chief Executive is responsible for ensuring that the Equality Policy, including our Public Sector Equality Duty, is put into practice. Managers, employees, trade unions and our colleagues in partner agencies all have a role to play in helping us meet our public sector duty to promote equality.
- 3.2 We require all our employees at all levels, to act in ways that promote equality of opportunity. This applies equally to their dealings with members of the public and other employees. Equality is at the centre of all the Authority's employment practices including specific responsibilities. Employees must bring any alleged unlawful or unfair discriminatory acts or practices to the attention of their manager. The Confidential Reporting policy enables this to be done without fear of reprisal.
- 3.3 Disciplinary action will be taken against any employee found to have caused or encouraged discrimination, harassment or victimisation during their work. Any act or failure that breaches the relevant legislation may result in legal action being taken against the Authority and possibly against the employee responsible for that act or failure to act.

4. Measurement and monitoring

- 4.1 Equality is integral to delivering all our Corporate Objectives. However we also have corporate objectives and success measures (which include key actions) which are more focused and have been prioritised for achieving equality for our target audiences and groups.
- 4.2 We will monitor progress against our Corporate Objectives through our quarterly performance monitoring. Achievements will be published the annual Business & Performance Plan in June each year, together with employee equality statistics.

5. Handling complaints

- 5.1 Members of the public can make a complaint through the corporate complaints process if they feel the Authority has:
- Treated them unfairly or discriminated in any way
 - Failed to comply with its legal responsibilities
 - Failed to comply with this Equality Policy.
- 5.2 Complaints about our staff will be investigated and dealt with, if necessary under our disciplinary procedures. Complaints about Authority Members will be investigated using the Members' Code of Conduct and our Standards procedures.
- 5.3 We take all external and internal complaints seriously and will not tolerate any form of discriminatory behaviour. Monitoring complaints is also another way of gathering information to see whether we are meeting our general equality duties and specific duties. We will report annually on complaints made and action taken as part of monitoring the Equality Policy.



EQUALITY POLICY GUIDANCE NOTES

Introduction

The purpose of these guidance notes is to give practical guidance to managers to help them to interpret the Equality Policy and take it into consideration in delivering services and making employment decisions. These notes do not form part of the Equality Policy itself. They will be regularly updated as the need arises.

The guidance note comprise 3 sections

- A. The Legal context
- B. The local and National context- statistics to collect and use in our equality work.
- C. The PDNPA context

Section A: The legal context:

A1. The Equality Act 2010

- 1.1 The Equality Act 2010 includes a public sector equality duty which replaces the previous equality duties relating to race, disability and gender equality. The Public Equality Duty consists of the “general equality duty” which is the overarching requirement or substance of the duty and the “specific duties” which are intended to help performance of the general equality duty.
- 1.2 **General Equality Duty**

The general equality duty requires all public sector organisations to demonstrate they are achieving equality in their workforce across all the protected characteristics. The three aims of the General Equality Duty are to:

 - I. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
 - II. Advance equality of opportunity between people who share a protected characteristic and those who don't;
 - III. Foster good relations between people who share a protected characteristic and persons who do not.
- 1.3. In respect of the second aim of the General Equality Duty, the Authority is required to advance “equality of opportunity” by having regard to the need to:
 - Remove or minimise disadvantages suffered by people due to their protected characteristics;
 - Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people;

- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.
- 1.4. The General Equality Duty covers the following protected characteristics: age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marriage or civil partnership status, pregnancy and maternity.
- 1.5. The General Equality Duty requires organisations to consider how they can positively contribute to the advancement of equality and good relations. It requires equality to be considered in decision making, in the design of policies, including internal policies and in the delivery of services and for these issues to be kept under review. Compliance with the general equality duty is a legal obligation. Compliance can lead to services that are more appropriate to users and more cost effective.
- 1.6. **Specific Duties**
The specific duties help public sector organisations improve their performance on the general equality duty, by improving their focus and transparency. Public sector organisations are required to:
- Publish sufficient information to demonstrate the Authority's compliance with general equality duty across all its functions. This must be published annually from the first date of publication; and
 - Publish and prepare equality objectives which indicate how the Authority reasonably thinks it should meet one or more of the aims of the general equality duty include details of how the Authority achieved its objectives. These equality objectives must be published at least every four years.

A2. Relationship to the Equality Framework for Local Government

In order to achieve our overall commitment to equality and diversity, the Authority adopted the Equality Standard for Local Government. The Standard gave guidelines for local authorities to meet their legal obligations under anti-discrimination legislation. It was also designed to help ensure equality issues form part of the day-to-day activities of all local authorities. The Standard had 5 levels. We were externally assessed and achieved Level 2 in 2007.

In the Standard was revised and became the Equality Framework For Local Government and the 5 levels in the Standard were simplified into 3 levels.

Level 1: Developing
Level 2: Achieving
Level 3: Excellent

Our work to date is at level 1 of the revised Framework.

A3. Types of discrimination

Definitions:

- Direct Discrimination: occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

- Discrimination by association: Applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- Perception discrimination: Applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.
- Indirect Discrimination: Applies to age, race, religion or belief, sex, sexual orientation, marriage or civil partnership, disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in the Authority that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if the Authority can show that it has acted reasonably in managing its business, i.e.: that it is a “proportionate means of achieving a legitimate aim”. A legitimate aim might be a lawful decision that the Authority makes in running the Peak District National Park, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate means being fair and reasonable, including showing that the Authority has looked at “less discriminatory” alternatives to any decisions it has made.
- Harassment: is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristics themselves. Employees are also protected from harassment because of perception and association.
- Third Party Harassment: Applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes the Authority liable for harassment of its employees by people (third parties) who are not employees of the Authority, such as customers or clients. The Authority will only be liable when harassment has occurred on at least two previous occasions that the Authority is aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.
- Victimisation: Occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

A4. Positive action

- 4.1 The Equality Act 2010 allows the Authority to take positive action where we think that service users or employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.
- 4.2 In order to justify positive action, the Authority will need to show that people with a protected characteristic face particular difficulties or disproportionately represented in receiving a service or are disproportionately under-represented in the workforce or the particular job for which there is a vacancy. In these circumstances, it is acceptable to target services to under represented groups

or to use as a “tie breaker” when determining whom to appoint where a candidate has a protected characteristic.

A5. The 9 Protected Characteristics and advice on considering service actions

- Age
- Disability
- Race
- Religion or belief
- Sex
- Sexual orientation
- Gender reassignment
- Marriage or civil partnership status
- Pregnancy and maternity

A6. Compliance

The Equality and Human Rights Commission is the Government’s independent statutory body which has the mandate to challenge discrimination and promote human rights. The Equality and Human Rights Commission has a statutory remit to protect, enforce and promote the nine “protected characteristics” in the Equality Act 2010. The Commission can:

- Request a judicial review if they believe a public authority has failed to discharge its public sector equality duty
- Monitor and enforce the public sector equality duty which can include undertaking assessments to ensure compliance.
- Serve a compliance notice requiring a public authority to respond within 28 days to how they will comply if the Commission believes a public authority has not complied with the public sector equality duty.

Section B: The local and National context- statistics to collect and use in our equality work

B1: Context

1. There is no explicit legal requirement to collect and use equality information across the protected characteristics. However to have due regard to the aims of the general equality duty, we should understand the impact of our service delivery, policies and practices on people with protected characteristics. Collecting, benchmarking and analysing equality information, regularly or periodically as appropriate, is a good way for managers to develop this understanding. Cycle Hire, Learning & Discovery, Visitor Centres, Guided Walks and the Conservation Volunteers periodically survey customer user profiles and satisfaction. Key information for PDNPA is reported annually in the Performance and Business Plan.
2. As a National Park Authority, we serve local and national audiences. There are around 38,000 people living in the National Park. Almost 16 million people live within about 60 miles of the

National Park and there are around 20 million visits to the Park each year. It is useful to consider available data or collecting data on the basis of:

- The local population within the boundary of the National Park
 - The population of England (considering our visitors)
 - Users of our services.
3. In addition to data we may collect ourselves, population census data is useful. Data from the 2011 National Census is being released in batches and whilst some data below is already available e.g. England, Derbyshire. The National Park area data will not be available until October 2013 so these guidance notes will be updated when the data is available.
 4. The following is data by the 9 protected characteristics for England, Derbyshire and PDNPA employees where available. We monitor this information annually in order to consider what we can do to enable our workforce to be more representative of the wider community.

B2: Demographic and Employment data

1. Age

Age range	England	Derbyshire	Our employees January 13
19 years or younger	17.8%	22.6%	0
20 - 29	13.6%	10.6%	6.2%
30 - 39	13.4%	11.7%	20%
40 - 49	14.6%	15.8%	29.6%
50 - 59	12.1%	13.4%	30.8%
60 - 69	10.7%	12.8%	12.3%
70 years or over	11.6%	12.8%	1.2%

2. Disability: Demographic and Employment data

	National Park	England	Our employees January 13
Limiting long-term illness or disability	17.3	17.9	3.5%
Economically inactive: Permanently sick/disabled	3.2	5.3	NA

There are an estimated 11 million disabled adults in the United Kingdom (one in five of the total adult population) and 770,000 disabled children. Many of these disabled people have less obvious or non-visible impairments.

In 2008 the total (all ages) Derbyshire population was 769,400 of which 473,200 were aged 18-64. A quarter of these were identified as having a 'severe' physical disability and half a moderate physical disability. Of this group 13449 males and 8000 females (18-64) were identified as being permanently unable to work. (Derbyshire County Council: Services for Derbyshire Disabled People and People with a Sensory Impairment Aged 18-64: Joint Commissioning Strategy 2010-14).

3. Race: Demographic and Employment data

	England	National Park	Our employees
White British	87.0	97.9	99.5
White Irish	1.3	0.5	0.5
White Other	2.7	1.0	0
Mixed White & Black Caribbean	0.5	0.1	0
Mixed White & Black African	0.2	0.1	0
Mixed White & Asian	0.4	0.1	0
Asian or Asian British Indian	0.3	0.1	0
Asian or Asian British Pakistani	2.1	0.1	0
Asian or Asian British Bangladeshi	1.4	0	0
Asian or Asian British Other Asian	0.6	0	0
Black or Black British Black Caribbean	0.5	0	0
Black or Black British Black African	1.1	0	0
Black or Black British Other Black	0	0.2	0
Chinese	0	0.4	0
Other	0.1	0.4	0

The above table shows that the National Park population is largely white British compared with England figures.

4. Religion or belief: Demographic and Employment data

We will note Census data when it is available but we do not currently ask applicants or employees to disclose their religion or belief.

5. Sex: Demographic and Employment data

	England	Derbyshire (2011 Census)	Our employees January 13
Male	49.2%	49.2%	46%
Female	50.8%	50.8%	54%

We offer a variety of contract types. At January 2013:

136 staff are full time, of which 41.2% are women and 58.8% men

12 staff are in job shares of which 75% are women and 25% men

123 staff are part time of which 67.5% are women and 32.5% men

57 staff are on temporary contract of which 41.1% are women and 58.9% men and

There are 158 casual workers 41.1% are women and 58.9% men.

In management posts:

Directors (including the Chief Executive) 40% are women, 60% men

Heads of Service: 43% women and 57% men and

Team Managers: 50% women and 50% men

6. Sexual orientation Demographic and Employment data

It is estimated that one in 100 people in the UK say they are gay or lesbian, with a further one in every 200 people stating that they are bisexual (Office for National Statistics). However the Government estimates that between 5 and 7 % of the population are Gay men, Lesbian or bisexual.

At present we do not monitor employment data for sexual orientation, but we are members of the Derbyshire recruitment portal and seek voluntary monitoring data from applicants.

7. Gender reassignment Demographic and Employment data

Gender reassignment is a process of transitioning from one gender to another, or someone who intends to undergo, is undergoing or has undergone gender reassignment. A person is not required to undergo medical treatment in order to be protected by the Equality Act. In the UK it has been suggested that there are between 5,000 – 6,000 transsexual people in the adult population. Support groups estimate that transsexual men make up 1,500 - 1,800 of this total.

We will await any census data but at present we have no employment monitoring data for gender reassignment.

8. Marriage and civil partnership status Demographic and Employment data

We will await any census data but at present we do not collect employment monitoring data for marriage and civil partnership.

9. Pregnancy and maternity Demographic and Employment data

We will await any census data. At any one time it is likely to have 2 or 3 employees either pregnant or on maternity leave. To date we have had one father who exchanged the mother's (who worked for another employer) maternity leave into paternity leave. Many fathers take shorter periods of paternity leave.

Section C: The PDNPA context

C1. Statutory Purposes & organisational structure

1.1 The National Park Authority is a local government body with **2 statutory purposes** to

- Conserve and enhance the Peak District National Park's special qualities and
- Provide opportunities for their enjoyment and understanding.

In doing this we also have a **statutory duty** to seek to foster the economic and social well being of the local communities within the National Park. We take this duty as seriously as we do our purposes.

1.2 The Peak District National Park was the first national park to be designated in Britain, in 1952, in recognition of its uniqueness. There are now 15 National Parks across Britain. Millions of people visit the Peak District National Park each year to take part in a very wide range of activities. 38,000 people live in the Park, many of whom work locally. For both visitors and residents it is a special place and the Peak District Moorlands and Dales are of international significance for wildlife and the quality of the landscape and environment.

1.3 The Authority's strategic direction is determined by the Authority Members (8 are appointed by the Secretary of State for the Environment, 16 are appointed by constituent authorities and 6 are parish representatives). Work is carried out in accordance with the Corporate Objectives by the Authority's Officers (its employees) led by the Chief Executive. The Authority employs 259 employees (155 full time and 104 part time), their work is supported by 219 casual workers and as many volunteers.

1.4 The Authority is organized into 3 Directorates:

- The Chief Executive's Unit (Policy and Partnerships, Land Management and Enterprise & Field Services),
- Planning
- Corporate Resources (HR & Performance, Finance, Information Management, Legal & Democratic Services, Communications & Marketing).

C2. The National Park Management Plan

2.1 Each National Park publishes a strategic **National Park Management Plan** which sets out the desired outcomes for the Park over the next 5 or more years. The Plan guides the activities within the Park in consultation with anyone who has influence over or an interest in the strategy for the National Park area. Some of its actions are delivered by the National Park Authority, others by partners and other stakeholders. The current National Park Management Plan 2012-2017 is available on the Authority's website at www.peakdistrict.gov.uk/looking-after/plansandpolicies

- 2.2 Partnership working is vital to achieving the outcomes and vision for the Peak District National Park. Partners include a wide range of administrative bodies as the area of the National Park (including 11 Metropolitan, District and County Councils, 125 Parishes, 7 Highway Authorities) and thousands of community groups. The Authority relies increasingly on effective partnerships to help it deliver the defined outcomes described in the National Park Management Plan.

C3. Equality in Service delivery

- 3.1 National Park Management Plan actions which are specifically delivered by the National Park Authority services, are published annually, in June, in the **Performance and Business Plan**, www.peakdistrict.gov.uk/publications/businessplan
- 3.2 The Performance & Business Plan reports the Authority's performance against its **Corporate Objectives**. It also outlines planned actions for the following year. Equality is integral to delivering all our Corporate Objectives. However we also have corporate objectives and success measures (which include key actions) which are more focused and have been prioritised for achieving equality for our target audiences and groups.
- 3.3 The Corporate objectives identify **success factors** so that we can measure the progress of our work.

For 2012- 15 the following specific equality actions have been identified in the success factors of 4 of our corporate objectives as follows

- **Corporate objective 7: Enable individuals, the community and voluntary sector to increase their contribution to the national park;** with a success factor of *'our work is supported by at least 7,000 volunteer days annually and the proportion from our target groups increases'*;
- **Corporate objective 8: Provide and enable recreation services that promote health benefits, widen participation, reduce impact on the environment and manage conflicts between users;** with a success factor of *'have widened participation to the services we offer to our target audience's'*;
- **Corporate objective 10: Inspire a wider range of people to access and better understand the national park, through some direct provision of services and enabling others to do so;** with a success factor of *'continue to provide a similar number of learning opportunities and more target audiences take part in the activities'*
- **Corporate objective 11: Be a well run public body with proportionate and effective ways of working, delivering excellent customer service and living our values;** with a success factor of *'we have improved staff engagement in all of our work and maintained our Investors in People accreditation' will evidence our equality actions as an employer.*

C4. Buying in services

- 4.1 Where aspects of service delivery is contracted out, the external contractor will themselves be subject to the general equality duty in carrying out the public function. Where the duty does not

directly apply to the contractor, the procuring public authority should include equality obligations in the contract for services, in order to comply with its obligations under the duty. The requirement to comply with the general equality duty applies to all procurement regardless of the value. The value of the contract may, however, impact upon the relevance and the proportionality of equality considerations. Contracts should include the following conditions

- prohibiting the contractor from unlawfully discrimination under the Equality Act 2010, and
- require them to take all reasonable steps to ensure that staff, suppliers and subcontractors meet their obligations under the Equality Act 2010.

4.2 Employees involved in procurement will have a good understanding of the equality duty.

C5. Monitoring and reporting equality achievements

5.1 To meet our public sector equality duty we will gather sufficient information to ensure that we:

- have enough relevant information to hand about equality issues,
- understand the impact of proposals and decisions on people with protected characteristics,
- identify ways to eliminate discrimination, advance equality, and foster good relations.

5.2 We will consider periodic monitoring key parts of our work, both in terms of service provision and employment such as

- Customer enquiries and customer satisfaction surveys
- Complaints
- Procurement
- Engagement (with people with different protected characteristics)
- Employment policies and practices.

5.3 Instead of the Equality Impact and Needs Assessment process used previously, we will report the impact of proposals and ways to eliminate discrimination through a standing item on report templates to Committees and Resource Management Team.

C6. The Authority as an employer

6.1 Our Values

The Peak District National Park Authority is a sustainable organisation that achieves National Park purposes by being....

We are a Sustainable organisation that values diversity of people, nature and opportunity in

The People: Where we value and treat each other with

- Openness
- Integrity
- Consistency
- Trust
- Fairness and mutual respect
- A positive outlook and a passion for the peak district

The Place: Where we operate to serve the National Park and its communities, valuing

- Needs and contributions of visitors, residents, customers and the environment

- Involvement and participation
- Special qualities of the Peak District
- Working in empowered partnerships

The Way We Work: Operating within our capacity & resources, and valuing

- Minimal bureaucracy
- Flexibility
- Efficiency and effectiveness
- Learning
- The professionalism, knowledge, passion and contribution of staff
- Innovation
- Initiative and a pro-active approach
- In our leadership of the National Park

6.2 Our Equality in Employment Policy

1. With regard to employment we strive to
 - Create equality of opportunity in employment for all present and potential employees regardless of their age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marital status or civil partnership or pregnancy or maternity.
 - Work towards creating a workforce which reflects the population of the wider Peak District and surrounding areas
 - Ensuring that no-one is unfairly discriminated against when applying for a job or during their employment.
 - Endeavour to ensure that all employment actions and decisions affecting present and potential employees are made on fair objective grounds without personal prejudices or discrimination. We hope that this will retain our ability to become an employer of choice and retain the Investors in People accreditation
2. Monitoring of the workforce and job applicants against the nine protected characteristics groups is undertaken and reported annually to the Strategic Management Team. The purpose of monitoring is to comply with our Public Sector Equality Duty and to evaluate the effectiveness of equality our employment practices. We will consider action where evidence shows unfair treatment or where a particular protected characteristic is not adequately reflected within the workforce.
3. An employee who has a concern regarding unfair discrimination, victimisation or harassment at work may use one of our formal procedures e.g. grievance, bullying and harassment, or confidential reporting. This does not affect an employee's right to take their case to an employment tribunal within the statutory time limits.
4. Recruitment:
 - Only consider applicants for jobs on the basis of relevant experience, qualifications, skills and abilities required for the post. No posts in the Authority currently identify a Genuine Occupational Requirement (which would require positive discrimination for a particular group) for reasons of authenticity. Posts with responsibility for working with children require Disclosure by the Disclosure and Barring Service and decisions regarding suitability for employment (and continued suitability through periodic checks) will be handled confidentially, sensitively and fairly
 - We will ensure that our recruitment and selection procedures are non discriminatory and that disabled applicants are consulted about reasonable adjustments to suit their

needs and that job applicants are not asked any health related questions prior to offering them work

- Positive action may be considered where the Authority thinks that employees or job applicants who share a protected characteristic suffer a disadvantage connected to that characteristic.
- We will continue to encourage applications from all racial groups and following a specific outreach project we will continue to send copies of all adverts to community leaders in Sheffield and periodically review the list and ask if the information received continues to be of interest.
- Recruitment statistics will be monitored to ensure that the application, short-listing and interview processes give equal opportunity. Those short listing are unaware of the applicant's protected characteristics.
- Recruitment is by balanced panel (e.g. age, gender). All non-casual posts of 30 hours or more are open to job share unless there is a specific operational reason justified before recruitment commences. Appointment is made based on the best person for the post irrespective of their protected characteristics.
- We ask and assist applicants invited to interview with their access requirements.
- Apprenticeships, work placement and volunteering opportunities are open to all people irrespective of their protected characteristics.

5. Implementation of terms and conditions:

- All employees will receive fair and equal treatment in relation to their terms and conditions of employment, regardless of whether they are part time, full time, seasonal or temporary
- Equal pay will be assured by the fair evaluation of posts through the Local Government Job Evaluation scheme developed through the Single Status Agreement in 2000. Further we will ensure that any related reward or recognition schemes are developed and applied without discrimination.
- All employees have equal access to the employee benefits such as the pension scheme and work life balance opportunities (including flexible working agreements).
- We will respond to reasonable adjustments on racial grounds (e.g. catering requirements). We will make reasonable adjustments (including advice from Occupational Health and specialist agencies where appropriate) to ensure that the working environment does not prevent disabled people from taking up or staying in employment with us. We have some offices which are fully accessible.

6. Implementation of employment policies:

- Each employment policy has equality guidance notes.
- All employees will be encouraged and helped to reach their full potential, within the resources available to us. We will ensure that appraisal, promotion, learning and development, and opportunities for secondment are based on aptitude and ability. We will ensure that all employees are able to have and implement a Learning and Development Plan.
- Our Learning & Development Policy states that there are at least 24 different ways to access learning not just attendance on a course (this may be helpful for those with different working patterns, different learning styles etc.) All employees are encouraged to have a Learning and Development Plan and reasonable time/resources to fulfil their

agreed plan. We will train employees in equality making them more aware of the needs of service users and colleagues with Protected Characteristics.

- Where succession planning and career development is undertaken, we will ensure that it is done in a way that enables the organisation to develop and retain high achieving employees so that they are able to present themselves well for a competitive recruitment to future vacant posts (i.e. appointment will not occur without competition).
- Our Joint Performance & Achievement Review (JPAR, appraisal process) process states that every member of staff with contract hours has an appraisal irrespective of contract type, hours worked or role in the organisation. Managers will act fairly when setting work programmes, when reviewing work performance and when establishing and delivering Learning and Development Plans.
- Employees will be treated fairly under our 'Managing Change Policy' in relation to changes to posts and the establishment through transfers, redeployment and redundancy.
- Handling of grievance and disciplinary procedures and application of the Absence Management Policy will be non discriminatory.
- With regard to reasonable adjustments and redeployment Occupational Health advice will be sought and disabled employees consulted in order to retain them in suitable employment wherever reasonable.
- Ensure that the workplace is free from discrimination, victimisation and harassment and act promptly in response to any complaints of discrimination or harassment in an appropriate and sensitive manner. Complaints will be handled under the Authority's Grievance Procedure
- Take action to prevent any third party harassment (such as by customers or clients) of our employees. We will respond immediately to prevent future harassment where harassment has occurred
- Consult with our recognized trade union and Staff Committee when we come to review and evaluate the effectiveness of this Equality in Employment Policy.
- We will consider reasonable adjustments to enable an employee who becomes disabled to stay in employment with advice from Occupational Health and specialist agencies in order to maintain, where reasonable a role appropriate to their experience and abilities.
- We will not discriminate against a person undergoing gender reassignment, but would offer any appropriate support. We will not treat less favourably any absence from work due to any ongoing or proposed gender reassignment.
- We will evaluate our equality training programmes and take action to and improvement future programmes. All new employees will receive equality training in their induction programme. Training will be supported with visible and strong leadership.

C7 Manager Guidance by the 9 Protected Characteristics

The following guidance notes are designed to enable managers to consider what actions they might take to ensure that services are accessible and free from inequality. Managers can then design services and actions in their annual service plans in line with this guidance.

7.1 Age

7.1.1 With respect to age equality managers should consider Managers should consider:

- How they can eliminate age discrimination in service delivery
- Consulting with younger and older people in drawing up plans and making decisions
- Supporting younger and older people's interest groups, making special efforts to include hard to reach groups
- Providing services on the basis of need, regardless of age
- Ensuring that all consultants, contractors, suppliers and partners promote age equality
- Employ people from age 18 until they choose to leave or retire
- Monitoring workforce information to identify if there is a risk of age discrimination and to help plan workforce developments.

7.1.2 Managers are aware that:

- The Equality Act 2010 provides protection against age discrimination in employment and training for people of all ages. The statutory upper age limit for employment has been removed and whilst the law does not apply to goods and services we will endeavor to work within equality best practice
- Both older and younger workers may face stereotyping with regard to their capabilities and prospects. Stereotypes can diminish choice for individuals and lead to ineffective use of employees
- Age does not equate to physical or mental ability and is a poor predictor of performance and should not be used as a deciding factor in employment decision-making including
 - The recruitment and selection for employment process
 - The terms of employment afforded to employees
 - The age at which the employee decides to leave the Authority (i.e. no fixed retirement age)
 - The opportunities for promotion, transfer, training or receiving any other benefit (with the exception of pension payments governed by the rules of the Local Government Pension Scheme)
 - Dismissing or subjecting employees to any other detriment
- **Discrimination** can be
 - **Direct** i.e. deciding not to appoint someone because of their age
 - **Indirect** i.e. It is inappropriate to state in a job specification that applicants “must be recently graduated” as fewer people in an older age group are likely to meet this criterion. Equally instead of stating an applicant must have a specific number of years experience (which a younger candidate might be very unlikely to have) it is more appropriate to state what skills and expertise the post requires.
 - **Associative:** i.e. discriminating against an employee because they associate with another person of a different age group to themselves.
 - **Discrimination by way of victimisation** i.e. where a manager dismissed an employee who had given evidence on behalf of another employee who had claimed age discrimination or if someone was ignored or “cold shouldered” by colleagues because they claimed that they were not selected for promotion because of their age.

- **Discrimination by means of harassment** (including third party harassment), e.g. unwanted conduct on the grounds of age which has the purpose or effect of violating their dignity or creating an intimidatory, hostile, degrading, humiliating or offensive environment for them; name calling or teasing or tolerance for a general culture where, for example, the telling of ageist jokes is accepted; Bullying of a younger worker by always giving him or her unpleasant or unpopular tasks that should reasonably be shared between colleagues with the same role and responsibilities; Having nicknames for older workers for example “granddad” or dinosaur” if it makes that person feel demeaned or insulted.
 - **Retirement:** The Authority has no mandatory retirement age but operates a flexible approach to retirement, allowing employees to continue working for as long as they wish, providing that they remain competent to do their jobs and with in the rules of the Local Government Pension Scheme. The Authority has a discretionary Early Retirement (Employer’s Release) scheme which confers no rights or entitlements. The Authority operates a Flexible Retirement Scheme under the local Government Pension Scheme.
-
- **The National Minimum Wage:** it is lawful to follow the age bands and minimum wage levels set out in the national minimum wage legislation.
 - **Service Related Benefits:** An exception is included in the Regulations which allows employers to continue to award benefits to employees using the criterion of length of service where it can be justified to fulfill a business need (for example, by encouraging loyalty or motivation or reward the experience, of some or all workers). We have no benefits requiring more than 5 years service.
 - **Unfair Dismissal, Redundancy and Statutory Sick Pay:** There is no age limit for unfair dismissal, statutory redundancy payments and statutory sick pay. It will continue to be lawful for the amount of redundancy payments (Statutory and Authority) to be calculated using employee’s age, length of service and weekly pay.
 - **Occupational Pensions:** The Equality Act 2010 generally allows occupational pension schemes to continue as before. The Local Government Pension Scheme has age related regulations e.g. employees over 55 who are made redundant have an automatic release of their pension; employees may contribute to the scheme up to their 74th birthday; pension paid before age 65 is at a discount unless the employee meets the 85 year rule (age + pensionable service).

7.2 Disability

7.2.1 With respect to disability managers should consider:

- Providing equality of opportunity or making things fairer for disabled people in every aspect of their contact with the Authority
- Making services accessible to disabled people and offering choice and, where ever possible, removing any barriers that disabled people face in using our services goods, facilities, services and buildings
- Increasing the independence and choices that disabled people have in accessing services and facilities in the National Park

- Supporting the right of disabled people to access services independently where possible
- Consider and take into account the specific needs of disabled people and their personal assistants when we plan and deliver our services
- Consulting disabled people, and/or their advocates, in making decisions which affect them
- Tackling barriers in the provision of joint services through effective partnership working
- Enabling disabled people to have equal access to employment opportunities and develop their career and contributions to the work of the Authority
- Taking steps to eliminate associate discrimination and discrimination by perception.
- Ensuring that our policies, procedures and practices comply with the Disability requirements of the Equality Act 2010

7.2.2 Managers are aware that:

- They should sensitively handle allegations of discrimination, harassment (including third party harassment) providing appropriate support to the alleged victim(s) as set out in our policies and procedures
- Job applicants will be asked if they have any access needs to enable them to undertake the selection process
- Only after employment has been offered will the Authority ask health related questions through Occupational Health to help decide whether the Authority needs to make any reasonable adjustments for the person to undertake the role; and whether an applicant can carry out a function that is essential to the job
- We monitor diversity among applicants applying for jobs
- They can consider positive action to assist disabled people
- They should consider reasonable adjustments to help employees who are, or become, disabled to remain in our employment. Such adjustments will depend on the job, the individual, and the reasonableness of the cost for example:
 - Carrying out physical alterations to premises to make them accessible
 - Reallocating any non-essential tasks of a job where reasonable to another employee where the disabled colleague finds the task difficult
 - Acquiring or modifying equipment/work processes
 - Providing a reader or interpreter through 'Access to Work'
 - Adjusting working hours
- They should manage employees fairly and appropriately, ensuring there is no disability discrimination in terms work allocations, consultation, communication, promotion, training and development opportunities, employee appraisals, granting of leave, grievance and disciplinary matters, conditions of employment, the work environment, reward, retirement, redundancy or transfer
- The Equality Act 2010 now states that it would be discriminatory to treat a disabled person unfavourably because of something connected with their disability (e.g.: such as a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the Authority or other person acting for the Authority knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if the Authority can show that it is a proportionate means of achieving a legitimate aim
- Ask disabled people about their needs, finding out whether they are happy with the services they use, and seeking their views on how new facilities are provided or designed

- Ensure that all consultants, contractors, suppliers and partners are made aware of the Equality Policy and the expectation that their own policies will include as a minimum a commitment to equal opportunities
- Indirect discrimination also now covers disabled people, which means that a job applicant or employee could claim that a particular rule or requirement that the Authority has in place disadvantages people with the same disability. Unless the Authority could justify this, it would be unlawful.
- The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. An exception to this is a person with severe disfigurement, which would be treated as having a substantial adverse effect on a person's ability to carry out normal day-to-day activities. Since 2005 there is no longer the requirement that a mental illness should be 'clinically well-recognised'.
- People with HIV, cancer and multiple sclerosis are covered by the Equality Act 2010 effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.
- The test of whether or not impairment affects normal day-to-day activities is if it affects
 - Mobility
 - Manual dexterity
 - Physical co-ordination
 - Continence
 - The ability to lift, carry or move everyday objects
 - Speech, hearing or eyesight
 - Memory or the ability to concentrate, learn or understand
 - Perception of the risk of physical danger
- The Authority has developed a number of disability access symbols (including nationally recognised ones) for use in our key publications so that members of the public know what access arrangements are in place when they want information about our services and buildings. Our communications service advises employees about the best ways of producing information for the public.
- We have developed Accessible Meetings guidance to make sure our meetings and events are accessible to disabled people (employees and service users) as follows
 - Choosing venues that are accessible
 - Making sure there is adequate parking for disabled people
 - Considering particular access requirements when notifying people of the event
 - Arranging any necessary auxiliary aids e.g. flexible seating arrangements, tables, accessible information/agendas/papers etc (sent prior to the meeting), induction loop, speech to text etc
 - Considering any dietary requirements when providing refreshments
 - Providing a map showing the venue, parking, entrance, rooms, toilets etc
 - Considering any necessary communication requirements and facilitators e.g. sign language interpreters, translators, support workers etc.

7.3 Race

7.3.1 With respect to race managers should:

- Consider Ways to eliminate discrimination against people on the grounds of race, nationality, ethnic origin, religious or cultural background and the principles of individuality and diversity in providing services and making employment decisions

- Create an equal opportunities culture in service delivery, employment, community development, policy, planning, procurement and partnership working
- Promote service and employment opportunities to black and minority ethnic community groups where possible Periodically monitor use of specific services by ethnicity to ensure equality of access and use the data obtained to further develop services which are appropriate to the needs of users and the community
- Ensure that recruitment and selection is carried out fairly, based solely on the skills and abilities of the applicants
- Manage employees fairly and appropriately, ensuring there is no discrimination on racial grounds in terms of work allocation, consultation and communication, promotion, development and training opportunities, appraisals, granting of leave, grievance and disciplinary matters, conditions of employment, the work environment, reward, retirement, redundancy or transfer
- Create a culture in which racial harassment and discrimination are unacceptable and action is taken if any is shown, handling allegations of racial discrimination and harassment with sensitivity, giving appropriate support to the alleged victim[s] in accordance with Authority policy
- Train employees at all levels to consider equality issues, including race equality, as an integral part of designing and delivering services

7.3.2 Managers are aware that:

- If an issue arises. make service users aware that they do not have the right to refuse service from particular members or employees on racial grounds
- They should ensure that service users, employees, consultants, contractors, suppliers and partners are able to go about their daily business free from racial harassment and discrimination
- That consultants, contractors, suppliers and partners should be made aware of these guidance notes (for example, in specifications) and the expectation that their own policies will include a commitment to equal opportunities
- Allegations of racial discrimination and harassment (including third party harassment) should be handled with sensitivity, giving appropriate support to the alleged victim[s] in accordance with Authority policy
- Steps should be taken to eliminate associative discrimination and discrimination by perception.

7.4 Religion or belief

7.4.1 With respect to religion or belief managers should:

- Consider ways to eliminate discrimination on grounds of religion or belief in service delivery
- Ensure that service users, employees, consultants, contractors, suppliers and partners [including those in the voluntary and community sectors] are able to go about their daily business free from harassment and discrimination on grounds of religion or belief
- Manage employees fairly and appropriately, ensuring there is no discrimination on religion or belief in terms of work allocations, consultation and communication, promotion, development and training opportunities, employee appraisals, granting of leave, grievance and disciplinary

matters, conditions of employment, the work environment the work environment, reward, retirement, redundancy or transfer

- Not dismiss or subject employees to any other detriment because of their religion or belief.
- Not unreasonably withhold leave from employees who may wish to celebrate cultural and religious festivals.
- Handle allegations of discrimination and harassment with sensitivity, giving appropriate support to the alleged victim[s], within the context of the normal policy and procedure.
- Ensure (e.g. through contract specifications) that all consultants, contractors, suppliers and partners own policies will include as a commitment to equal opportunities.

7.4.2 Managers are aware that:

- Religion or belief is defined in the Equality Act 2010 as any religion but also includes a lack of religion. A religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or protected belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.
- An example of direct discrimination on grounds of religion or belief would be if at interview it became apparent that a job applicant has of a specific religion and although the person has all the skills and competencies required for the job, the employer decided not to offer the applicant the job because of their religion.
- An example of indirect discrimination would be having a policy for some staff to wear baseball caps. This rule disadvantage Sikhs who wear a turban for religious reasons. Another example is having a uniform requirement that female employees must wear skirt that shows the legs below the knee and does not allow matching trousers to be worn underneath. This rule disadvantages women who are Muslims.
- An example of discrimination by way of victimization might be where an employee is refused promotion after giving evidence to an Employment Tribunal on behalf of a colleague who had brought a claim of discrimination on the grounds of religion or belief even though the evidence shows all the necessary skills and experience.
- Discrimination by means of harassment (or third party harassment) might be when someone is subjected to unwanted conduct on the grounds of religion or belief, which has the purpose or effect of: violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. An example is where an employee is subject to continuous remarks about his partner's religious convictions which he finds this offensive and distressing and complains to his manager. He is told not to be so sensitive and the remarks are only harmless workplace banter.
- The Equality Act 2010 does not say that employers must provide time and facilities for religious or belief observance in the workplace. However, the Authority will consider whether our policies, rules and procedures indirectly discriminate against workers or employees of particular religions or beliefs and where there is a risk that this might occur, consider what changes can be made.

7.5 Sex

7.5.1 With respect to sex discrimination managers should consider:

- How to eliminate sex discrimination in order to enable men and women to participate on an equal basis in our services and employment

- When we monitor customer satisfaction consider monitoring responses by women and men
- If monitoring shows a low level of take up of particular services by a particular gender, consider ways to encourage that gender to make more use our services
- Ensure that all employees are able to work in an environment that values them as individuals and is free from sexual harassment
- Value life skills developed in the home and in the community
- Ensure that all employees have the same development and progression opportunities and that the opportunities are the same for part-time workers as they are for full-time workers
- Ensure that all employees receive equal pay for doing equal work through using the Local Government Job evaluation scheme to evaluate posts not post holders, that the same service conditions apply and that any special supplements are approved and paid in accordance with the principles of the Local Government Terms and Conditions
- Support employees in making personal choices about their parenting, caring and working roles through our Flexible Working Policy and Family Friendly Policy
- Confront unlawful discrimination and promote sex equality through learning and development
- Review our harassment procedure to ensure that it reflects best practice and that all employees are aware of the support and advice available if they experience harassment
- Sensitively handle allegations of sexual discrimination, giving appropriate support to the alleged victim(s) in accordance with Authority policy
- Take steps to eliminate associative discrimination and discrimination by perception
- Use our confidential reporting procedure to enable employees to report bad practice without fear of being victimised as a result.

7.5.2 Managers are aware that:

- We support carers through our Flexible Working Policy and our Family Friendly Policy which include opportunity to request a flexible working agreement including:
 - Flexible hours
 - Compressed hours (including 9 day fortnight, annualised hours, term time working)
 - Voluntary reduction in hours
 - Additional leave arrangements (paid and unpaid)
 - Compassionate leave
 - More generous than statutory maternity and paternity leave arrangements
 - Statutory arrangements for adoption and carer leave
 - Childcare voucher scheme

7.6 Sexual Orientation

7.6.1 With respect to sex managers should:

- Ensure that policies, procedures and practices are not based on the assumption that everyone is, or should be, heterosexual

- Acknowledge same sex relationships and ensure that, wherever possible, the partners of same sex or transgender couples have equal access to the services and benefits available to heterosexual couples
- Ensure they do not discriminate against lesbian, gay, bisexual and transgender people in delivering our services
- Encourage a culture where people feel able to be open about sexual orientation and ensure that lesbian, gay, bisexual and transgender employees have a safe and supportive environment in which to work
- If service users refuse service from lesbian, gay, bisexual and transgender employees we will ensure that they are aware that they do not have the right to do so
- Ensure that recruitment and selection is carried out in accordance with corporate standards and best practice
- Provide appropriate development opportunities to assist with the implementation of this policy and ensure that employees and members are aware of their individual responsibilities and the Authority's commitment
- Handle allegations of discrimination, victimisation and harassment sensitively, providing appropriate support to the alleged victim(s), in accordance with Authority policy and procedure
- Manage employees fairly and appropriately, ensuring there is no discrimination in terms of attitude, work allocations, consultation, communication, promotion, development and training opportunities, employee appraisals, granting of leave, including maternity/paternity/adoption leave, grievance and disciplinary matters or other conditions of employment the work environment, reward, retirement, redundancy or transfer.

7.6.2 Managers are aware that

- Sexual orientation is defined as
 - Orientation towards persons of the same sex (lesbians and gay men)
 - Orientation towards persons of the opposite sex (heterosexual)
 - Orientation towards persons of the same sex and the opposite sex (bisexual)
- Direct discrimination would be where an employer decides not to employ someone because of their sexuality, or dismissing someone because of their sexuality
- Indirect discrimination would be where a pension benefits are only payable to an opposite sex partner
- Discrimination by way of victimization would be where a manager dismissed an employee who had given evidence on behalf of another employee who had claimed sexual orientation discrimination
- Associative Discrimination would be discriminating against an employee because they associate with another person who has a different sexual orientation to themselves
- Discrimination by Perception would be discriminating against an employee because other employees think they possess a different sexual orientation to themselves
- Discrimination by means of harassment (including third party harassment) would be when someone is subjected to unwanted conduct on the grounds of sexual orientation which has the purpose or effect of: violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

7.7 Gender reassignment

7.7.1. With respect to gender reassignment managers are aware that

- They must pay due regard to the three aims of the General Equality Duty in our policies and work to provide support to and ensure no discrimination in providing services or employment to anyone due to gender reassignment
- Gender reassignment is defined as “someone who proposes to, starts or has completed a process to change his or her gender”. Transsexual people do not have to be under medical supervision to be protected under the Equality Act 2010.
- It is discriminatory to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent from work because they were ill or injured.

7.8 Marriage or Civil Partnership status

7.8.1 With respect to marriage or civil partnership managers aware that

- We must pay due regard to the three aims of the General Equality Duty in our policies and work to ensure no discrimination in providing service or employment on grounds of marriage or civil partnership. Ensure that policies, procedures and practices are not based on the assumption that everyone is, or should be, heterosexual
- The Civil Partnership Act 2004 came into force on 5 December 2005 allowing two non-related adults of the same sex to register a civil partnership, which has many of the same rights and responsibilities as marriage. The Equality Act 2010 allows employers to restrict employment benefits to married people and people in a civil partnership to the exclusion of those who hold neither status. The Equality Act 2010 also requires spouses and civil partners to be treated equally in the workplace.

7.9 Pregnancy and maternity

7.9.1 With respect to pregnancy and maternity managers are aware that

- They must have regard to the three aims of the General Equality Duty in our policies and work to ensure no discrimination on grounds of pregnancy or maternity.
- Through our Maternity Policy a woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this statutory maternity period, pregnancy and maternity discrimination cannot be treated as sex discrimination.
- A woman on maternity leave has the right to ‘keeping in touch days’ and to be considered for any vacancies which may arise during her leave.
- A woman has the right to maternity leave and pay as described in our maternity policy (and to share maternity leave and pay with her partner) and return to her post or a similar post at the end of the maternity leave.
- If her post is made redundant, a woman on maternity leave must be given first consideration for any redeployment opportunity prior to consideration of any other redeployee or employee.

- It is unlawful to take into account an employee's period of absence due to pregnancy related illness when making a decision about her employment.

This page is intentionally left blank

12.3 POLICY ON RETIREMENT & DISCRETIONARY PENSION MATTERS (A.12/DU)

Purpose of the report:

To adopt a Policy on Retirement & Discretionary Pension Matters

1. Key issues

To adopt a policy to bring together information on retirement and pensions currently held in a number of documents.

Recommendations

2.
 1. **To adopt a Policy on Retirement & Discretionary Pension Matters**
 2. **That any future changes to the Policy will be approved at Authority**
 3. **That future changes or updates to the guidance notes can be approved by Resource Management Team**

How does this contribute to our policies and legal obligations?

3. To have a Policy on Retirement and Discretionary Pension Matters helps the Authority to achieve Corporate Objective 11- to be a well run public body.

Background

4. The approach to retirement and discretionary pensions matters has evolved over time and as such procedures agreed can be found in a number of documents (Committee reports, Resources Management Team reports etc). For clarity and ease of reference it is appropriate to have a single Policy document with guidance notes.
5. In researching for this policy Derbyshire County Council, who administer the Local Government Pension Scheme for us, have an additional scheme for Flexible Retirement (Workforce Reduction). Although not needed to date, this may become a consideration in a future workforce reduction.

Proposals

6. To have a Policy and guidance notes on retirement & discretionary pension matters.
7. That the format for the document is agreed as
 - A short Policy Statement approved by the Authority. Any changes to the Policy Statement in the future to be approved by Authority and
 - More detailed guidance notes to managers on how to implement the policy. The guidance notes will be updated and approved by management team.
8. That the Policy bring together
 - Our Policy on Retirement, Flexible Retirement, Early Retirement and Ill Health Retirement and
 - Discretionary Pension Matters

Are there any corporate implications members should be concerned about?

9. **Financial:** Financial implications of the Policy are provided for in staff budgets and subject to report and approval at Resource Management Team or committee as appropriate.
10. **Risk Management:** Risk is mitigated by having a clear and comprehensive policy statement.
11. **Sustainability:** No implications
12. **Equality: Implementation of the Policy will be in accordance with the Equality Policy.**
13. **Background papers** (not previously published) – [List below or None]

Appendix:

Policy on Retirement and Discretionary Pension Matters

Report Author, Job Title and Publication Date

Deborah Unwin, Head of Human Resources & Performance, 7 March 2013

HUMAN RESOURCES & PERFORMANCE



POLICY ON RETIREMENT & DISCRETIONARY PENSION MATTERS & GUIDANCE NOTES

CONTENTS

1. Policy
2. Scope
3. Documentation
4. Equality and Diversity
5. Resource Management Team responsibilities
6. Manager responsibilities
7. Employee responsibilities
8. HR&P responsibilities

Relevant legislation and key PDNPA policies

Guidance notes

9. Guidance notes introduction
10. Pension scheme membership & auto enrolment
11. Pension scheme administration
12. Employment and retirement
13. Flexible Retirement
14. Flexible Retirement (workforce reduction scheme)
15. Early Retirement (employer's release)
16. Ill Health retirement
17. Employer's discretionary pension regulations



POLICY ON RETIREMENT & DISCRETIONARY PENSIONS MATTERS

1. Policy

- 1.1 The Authority is committed to recruiting and retaining high caliber employees to deliver its services. Retention includes the ability to continue employment until they choose to retire in order to retain valuable skills and knowledge of experienced employees. There is therefore no contractual retirement age and no longer a state retirement age. On retirement the employee has a number of options dependent on the rules of the Local Government Pension Scheme (LGPS) and discretions of the Authority.
- 1.2 Derbyshire County Council is the administering authority for the (LGPS) in Derbyshire and administers the scheme for employees of the Peak District National Park Authority.
- 1.3 Nothing in this policy can override the provisions of the LGPS; but the Authority as employer is asked to determine discretionary rules under the LGPS provisions from time to time.

2. Scope

- 2.1 All staff with contract hours are eligible to join the Local Government Pension Scheme (LGPS)
- 2.2 Casual workers and volunteers are not eligible to join the LGPS
- 2.3 The LGPS (Administration) Regulations state that employees who had previously opted out no longer require the consent of the employing authority to apply to become an active member.

3. Documentation

- 3.1 Pension forms and the pension scheme handbook can be obtained from the Derbyshire County Council website.
- 3.2 All pension forms must be sent to Pensions Team at Derbyshire County Council direct (or countersigned as required on the appropriate form).
- 3.3 Documentation will be kept in accordance with the Data Protection Act. Notes will be copied and circulated to the relevant parties, who must also ensure confidentiality and secure retention.

4. Equality

- 4.1 All retirement and pensions matters will be managed fairly and be free from discrimination, direct or indirect. Decisions on discretionary matters will be determined on a business case to meet the needs of the organisation (including affordability) whilst considering the application from the employee.
- 4.2 Statutory provisions, e.g. equalities legislation, will always take precedence.

5. Resource Management Team (RMT) responsibilities

- 5.1 Where the LGPS requires discretionary decisions RMT will make decisions in line with their delegated authority.
- 5.2 RMT will take decisions with regard to flexible retirement, voluntary early retirement and early retirement (employer's release) for all posts below Director.

6. Manager responsibilities

- 6.1 Managers will take business cases, with costs, to RMT for decision.

7. Employee responsibilities

- 7.1 Employees will seek guidance on the LGPS regulations from the Derbyshire County Council website and the guidance notes of this policy.
- 7.2 Employees will promptly provide necessary documentation to the pensions department at Derbyshire County Council.

8. HR&P responsibilities

- 8.1 HR & P will answer employee questions where possible and guide employees to the Derbyshire County Council website for routine queries or from a pensions officer at Derbyshire County Council for complex queries.
- 8.1 HR & P will forward all relevant pensions forms (starters, opt outs, retirements, requests for pensions quotations) to Derbyshire County Council promptly and provide the leaver's options forms to members of the LGPS on leaving the Authority/ retiring.

Relevant legislation and key PDNPA policies

Regulation 66 of the LGPS (Administration) Regulations 2008
Regulation 7 of the Local Government (Early Termination of Employment)
(Discretionary Compensation) (England and Wales) Regulations 2006
Equality Act 2010
Pensions Act 2008
Employment Act 2002
Age Discrimination Act 2006
Work and Families Act 2006
Employment Rights Order 2006
Employment Relations Act 2004
Disability Discrimination Act 2005
Trade Union and Labour Relations (Consolidation) Act 1992
Fixed-Term Employees (Prevention of Less Favorable Treatment)
Regulations 2002
Data Protection Act 1998
PDNPA Equality Policy (particularly Equality in Employment)
PDNPA Joint Performance and Achievement Review process
PDNPA employment policies
PDNPA Values

Guidance notes

9. Guidance notes introduction

- 9.1 The purpose of these notes is to give practical guidance on the implementation of the policy. These notes do not form part of the Policy on Retirement and Discretionary Pensions Matters itself. Significant changes will be agreed at Resource Management Team in consultation with representatives of Unison and Staff committee. Minor updates will be made by Head of Human Resources and Performance as required.

10. Pension scheme membership & automatic enrolment into a workplace pension

- 10.1 All staff with contract hours are eligible to join the pension scheme (i.e. not casual workers or volunteers) up to their 75th birthday under the rules of the LGPS. Employees may continue working beyond the age of 75 but are required to draw their pension and are no longer eligible to make pension contributions.
- 10.2 Employees are automatically enrolled on joining the Authority unless they decline membership. Under the Pensions Act 2008 all employers must automatically enroll staff aged between 22 and state pension age, earning more than £8,105 per annum, on a contract of more than 3 months, into a pension scheme. Dependent on the size of the employer this comes into force from October 2012 to 2018 and for this Authority auto enrolment will commence in January 2014 (our 'staging date'). Employees will be automatically enrolled into the Pension Scheme and should they resign their membership they will be automatically reenrolled every 3 years and they may resign their membership each time. Casual workers will not be automatically enrolled but have the option to join from January 2014.

11. Pension scheme administration

- 11.1 Pension contributions are made by salary deduction at a percentage relevant to the salary range as notified by Derbyshire County Council and may be subject to change.
- 11.2 Employer's contribution rates are determined by periodic actuarial valuations of the Authority's fund within the LGPS.

12. Employment and retirement

- 12.1 The policy states that the Authority is committed to recruiting and retaining high caliber employees to deliver its services. Retention includes the ability to continue employment until they choose to retire in order to retain valuable skills and knowledge of experienced employees. There is therefore no contractual retirement age and no longer a state retirement age.
- 12.2 On retirement the employee has a number of options dependent on the rules of the Local Government Pension Scheme (LGPS) and discretions of the Authority.
- 12.3 It is important that every employee irrespective of age or length of service contributes to the standards of performance and attendance required. Underperformance of any employee will be managed through coaching, the Specific Improvement Plan and disciplinary procedure (including dismissal where appropriate) as required. All employees will be asked about their future plans in their appraisal (JPAR – Joint Performance & Achievement Review) to enable personal development and succession planning.
- 12.4 Poor attendance for all employees irrespective of age or length of service, including on grounds of ill health, will be managed by the Absence Management Policy. Fitness to work will be considered at recruitment for applicants under offer through normal occupational health processes so that Occupational Health can advise on any reasonable adjustments for an employee with a disability. Medical checks during employment will be made only if there is a genuine concern about ability to carry out the duties of the post or a genuine occupational requirement (i.e. no medical checks will be made at a given age).
- 12.5 Employees may choose to draw their state pension when they are eligible and continue working subject to tax and national insurance rules. The Direct Gov website will confirm when employees are eligible to draw state pension given the changes being implemented by government. By 2020 the age women can draw state pension will be brought in line with men at 65. Then from 2024 the state pension age will increase to 68.
- 12.6 In line with the Local Government Pension Scheme (LGPS) regulations, employees over 60 who are members of the LGPS can choose when to retire without the employers consent and draw their pension.

Employees must give written notice of their retirement date. Notice must be at least that required under the contract of employment. Greater notice is welcomed in order to plan succession arrangements and handover. Human Resources will provide a pensions leavers form for the employee to confirm their pension options. Employees should consider seeking independent financial advice (at their own cost) to help them to determine their pension options. Derbyshire County Council as LGPS Administrator will then liaise directly with the employee to implement their options in line with the rules of the LGPS.

The normal retirement age for taking unreduced benefits in the Local Government Pension Scheme is 65. If an employee chooses to retire before then, their pension benefits may be reduced. Any reductions depend on when they joined the scheme, their age and amount of membership (employees should refer to the pension handbook/ seek advice from the pensions administrator).

Present reduction factors where benefits are paid up to five years early.

Years paid early	Pension reduction percentage males	Percentage reduction percentage females	Lump sum reduction percentage all members
1	6	5	3
2	11	11	6
3	16	15	8
4	20	20	11
5	25	24	14

For employees joining the LGPS on or after 1 October 2006 their benefits will be reduced if they retire before age 65.

- 12.7 In line with the Local Government Pension Scheme (LGPS) regulations, employees aged 55- 60 may apply for Voluntary Early Retirement (employer's release) but require the employer's consent to do so (see scheme rules below).
- 12.8 In line with the Local Government Pension Scheme (LGPS) regulations and legislation employees may not access their Pension if they leave employment before 55 years of age. Their pension may be preserved with the LGPS and drawn at a later date or transferred into another pension scheme under that scheme's rules. Employees choosing to draw their pension early are subject to a significant discount given the pension is being drawn much earlier than normal and is to be paid out for longer. Employees should consider seeking independent financial advice (at their own cost) to help them to determine if it is right for them to draw their pension early.
- 12.9 Employees who were members of the LGPS before rules changed on 1 October 2006 and draw their pension before age 65 may be eligible to unreduced benefits if they meet the rule of 85 (i.e. age at retirement plus LGPS membership adds together to equal at least 85).
- 12.10 The LGPS enables the Authority to offer a discretionary flexible retirement scheme. Both the Voluntary Early Retirement Scheme and the Flexible Retirement Scheme are at the sole discretion of the Authority and are not a right or entitlement. Resource Management Team has delegation to determine applications on the basis of the business case (cost and service delivery) for either Flexible Retirement or Voluntary Early Retirement (employer's release).

- 12.11 In line with the Local Government Pension Scheme (LGPS) regulations, redundancy for an employee aged over 55 generates an automatic release of pension. Different rules apply to compulsory and voluntary redundancy.
- 12.12 Employees may seek voluntary reduction in working hours under the Flexible Working Policy. Employees approaching retirement should seek advice from pensions with regard to impact on their pension.
- 12.13 Ill health retirement is determined by Occupational Health and an Independent Medical Advisor for employees over age 55 and under the strict requirements of the scheme.
- 12.14 From 2007, the LGPS scheme no longer offers 'certificate of pension protection' where the pension scheme member has a permanent reduction in pay. There is protection to those employees who have had pensionable pay reduced because they have chosen to work at a lower grade. In these situations the employee may choose to have their pay calculated by dividing by 3 the annual pensionable pay for any 3 consecutive years ending 31 March within the period of 10 years ending with the last day they were an active member.

13. Flexible Retirement

- 13.1 In line with the Local Government Pension Scheme (LGPS) regulations the Authority has operated a discretionary Flexible Retirement Scheme since 2008. The scheme is not a right or entitlement. Employees over the age of 55 can apply in writing and their application will be determined by Resource Management Team on the business case (cost and service delivery).
- 13.2 Employees considering a Flexible Retirement application should seek pensions quotes and consider seeking independent financial advice (at their own cost) to decide when to request Flexible Retirement.
- 13.2 Subject to Resource Management Team approval, an employee aged 55 or over may manage their transition into retirement by reducing their hours and drawing their full pension benefits (i.e. pension and options for the lump sum) built up to the date of flexible retirement.
- 13.3 The reduction in hours has to be at least half reduction in contractual hours (e.g. a full time employee reducing to 18.5 hours per week) so that the hours given up are a viable amount to recruit. In exceptional circumstances and provided that this would bring an on ongoing financial benefit to the Authority or where service delivery requires more hours to be worked, Resource Management Team may consider a reduction of less than half contractual hours. In considering every application, the needs of service delivery are paramount.
- 13.4 There are 3 categories of Flexible Retirement
 - a) Category 1 - Employee is age 60 or over: there is no cost to the Authority as the employee is at or past their earliest retirement date. If

they do not meet the Rule of 85 their benefits will be reduced to reflect early payment

b) Category 2 - Employee is aged 55 or over but less than 60 and does not meet the Rule of 85 until on or after their 60th birthday. In these cases the LGPS Regulations allow for the cost of the early payment of pension benefits to be borne by the employee so as to avoid a Pension Fund Shortfall. The benefits are actuarially reduced to reflect the fact that they are paid early.

c) Category 3 - Employee is age 55 or over but less than 60 and does meet the Rule of 85 either at the date of Flexible Retirement or at a later date that is before their 60th birthday, In this case the Authority would have to agree to meet the Pension Fund Shortfall arising from the early payment of pension benefits from the date the Rule of 85 is met. Given the cost to the Authority can be significant the general rule is not to agree to the early release of pension benefits. However, where it is considered to be in our interests, taking into account all the relevant factors including the cost, Audit, Resources & Performance Committee will consider applications for flexible retirement.

- 13.5 In those cases where benefits are reduced the reduction in pension will remain at the reduced level for life (although rising in line with inflation each year). It will not increase to an unreduced level on final retirement.
- 13.6 Employees may continue to contribute to the Pension Scheme after taking Flexible Retirement and drawing their pension. They thereby accrue a new period of membership from the date of Flexible Retirement to the date of full retirement. This will result in additional/separate pension benefits becoming payable on retirement.
- 13.7 Earnings from continuing employment do not affect the benefits payable under the flexible retirement provisions.
- 13.8 Where an employee has been allowed to reduce their hours and take Flexible Retirement, the reduction will be permanent and no temporary increase in contractual hours will be permitted. Where approved by a Director the employee may work temporary additional hours to cover a specific need provided the extra hours are temporary (i.e. no longer than 6 months) and less than the reduction made under the Flexible Retirement.
- 13.9 Appeals to Flexible Retirement decisions by Resource Management Team may be made to the Appeals Panel of Members under the Appeals procedure.

14. Flexible Retirement (workforce reduction scheme)

- 14.1 An employee aged over 55 but not yet 60 who is a member of the LGPS and whose post has a reduction in hours under a workforce reduction/change management process such that it is no longer suitable alternative employment

- may apply to accept an offer of continued employment on fewer hours by taking Flexible Retirement under the Workforce Reduction scheme. The reduction in hours is usually to half the employee's contractual hours unless a smaller reduction would still bring significant financial benefits to the Authority or where service delivery requires more hours to be worked.
- 14.2 If approved they will receive their pension benefits built up to the date of Flexible Retirement but without a reduction in benefits. This applies only where there is a need to reduce the workforce.
- 14.3 The cost of making good the reduction is met by the Authority and given the cost can be considerable it is decided at the sole discretion of the Audit Resources & Performance Committee (i.e. not Resource Management Team) on a business case. In every case the needs of the service must be paramount and any application of the scheme must be affordable.

15. Early Retirement (employer's release)

- 15.1 The Early Retirement (Employer's Release) is a discretionary scheme applied only to those areas of employment where resources are being reduced/a problem needs to be resolved. Application of the Scheme shall be solely at the Authority's discretion and confers no rights or entitlements. Standing Orders delegate decision making to Resource Management Team.
- 15.2 All applications will be subject to the approval of Resource Management Team and there are no rights or entitlements to Early Retirement (Employer's Release).
- 15.3 Applicants will normally have at least two years' service for pension purposes and currently contribute to the Local Government Pension Scheme. Given pension scheme rules on discounting pensions paid early and for longer, the cost of early retirement may be substantial.
- 15.4 Resource Management Team will consider the business case for early retirement together with the source of funding, whether it is affordable and in the best interests of the Authority. Changes to the establishment and to staffing should normally be fully funded from the existing staff budget. Resource Management Team will consider if the cost is a 'good use of public money' and if there are any special circumstances in the case.
- 15.5 Resource Management Team may invite certain employees to volunteer for early retirement. Employees will be required to enter into a formal consensual agreement with the Authority, which will include mutual agreement as to the date on which the employee will retire.
- 15.6 Employees given Early Retirement (Employer's Release) will receive the immediate payment of pension and lump sum, calculated in accordance with the provisions of the pension scheme. Pensions Department can give employees advice on possible scheme payments. Generally this will be as follows:

- a) For employees who joined the pension scheme after 1 April 2008: Pension based on years of pensionable service (adjusted for part time working if applicable) x $1/60^{\text{th}}$ of final salary and no automatic lump sum (although there is an option to exchange some of the pension for a tax free lump sum).
- b) For employees who joined the pension scheme before 1 April 2008: For service to 31 March 2008: Pension based on years of pensionable service (adjusted for part time working if applicable) x $1/80^{\text{th}}$, of final pay plus an automatic tax free lump sum of 3 times your pension and For service from 1 April 2008: Pension based on $1/60^{\text{th}}$ of final pay (adjusted for part-time working if applicable) with an option to exchange some of the pension for an extra tax free lump sum.
- 15.7 Early Retirement (Employer's Release) is made on the basis that pension is paid on benefits accrued to the date of release but without a reduction. The cost of the early payment without reduction is met by the Authority.
- 15.8 Annual leave entitlement is that accrued to the date of retirement and must be taken before release date.
- 15.9 The Early Retirement Scheme (Employer's Release) may be withdrawn or amended at any time giving one month's notice.

16. Ill health retirement

- 16.1 Ill health retirement is subject to strict application of the scheme rules. Employees who are not members of the LGPS do not qualify.
- 16.2 In order to qualify the employee must be "permanently incapable of discharging efficiently the duties of their employment or any other comparable employment with the employing Authority because of ill health or infirmity of mind or body". The Authority has no discretion in applying the criteria. Permanently incapable means until the employee's 65th birthday.
- 16.3 The decision on whether or not the employee meets the criteria rests with an Independent Medical Practitioner, qualified in Occupational Health medicine, who is approved by the administering Authority (Derbyshire County Council), who has not previously been involved in the case and is not or never has been the representative of any party in the case.
- 16.4 The opinion of the independent medical practitioner's is sought when dismissal, as a consequence of either ill health retirement or ill health capability, is imminent. It needs to be established that there is no likelihood of a return to work in the foreseeable future, the possibility of redeployment has been fully explored and none found and occupational health reports considered through reviews under the Absence Management Policy.
- 16.5 There are 3 'tiers' in ill health retirement:
- Tier 1: Where an employee is incapable of any other gainful employment before

age 65, pension benefits are payable based on accrued rights plus 100% of their prospective membership to age 65.

Tier 2: Where a member is unlikely to be able to obtain gainful employment within 3 years but it likely to be able to do so before age 65, pension benefits are payable based on accrued rights plus 25% of their prospective membership to age 65

Tier 3: Where a member is likely to be capable of obtaining gainful employment within 3 years of leaving, pension benefits are paid without enhancement. The benefits are reviewed after 18 months, cease on a member obtaining gainful employment or after 3 years in any case.

- 16.6 If ill health retirement is refused an employee may appeal the decision after their employment has ended via the internal Disputes Resolution Procedure of the LGPS. The appeal considers if the appropriate LGPS provisions have been applied correctly and whether appropriate procedures have been followed to reach the decision.
- 16.7 In addition should the employee's medical condition deteriorate following the end of employment they may apply to the Occupational Health Physician for a reassessment of the permanence of the incapacity and dependent on that decision early release of pension benefits may be made.

17. Discretionary pension matters

- 17.1 From 2005 there is no augmentation and no added years of pensionable service are given under any of the Authority's schemes.
- 17.2 From May 2011 new PDNPA employees may transfer pension into the LGPS from another pension scheme within the first year of service only. This is made clear in offer letters and there are no exceptions to this rule. Given that administration takes time, employees must request a transfer in as soon as possible. DCC as our pension scheme administrator will seek a transfer in value from the employee's previous pension provider. The employee must confirm in writing if they accept the transfer value and instruct DCC to action the transfer before the anniversary of their first year of employment otherwise the ability to make the transfer will be lost.
- 17.3 From May 2011 transfer in of pension is only from those schemes with reciprocal arrangements i.e. 'transfer club schemes' including other Local Authorities, the NHS, civil service, teachers. Transfer in of pension is no longer allowed from 'non club' schemes e.g. private pension plans, non public sector employers e.g. retail, manufacturing etc.
- 17.4 If an employee or ex-employee (over 55 but under 60) leaves employment before they are entitled to the payment of pension, they may request payment subject to consent of the authority. The policy is not to agree to the early release of pension benefits under this regulation. If it can be demonstrated to be in the interests of

the Authority, or in the interests of the scheme member on compassionate grounds, taking into account all the relevant factors (particularly cost), applications will be considered at Audit, Resources & Performance Committee.

- 17.5 A pension is reduced if the pensioner is re-employed in a job covered by the Local Government Pension Scheme where the total pay and pension during a 12 month period exceeds the current value of their final pay on leaving their former job.

This page is intentionally left blank