

Public Document Pack

Peak District National Park Authority

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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



Our Ref: A.1142/85

Date: 24 September 2015



NOTICE OF MEETING

QrUrl

Meeting: **National Park Authority**

Date: **Friday 2 October 2015**

Time: **10.00 am**

Venue: **The Board Room, Aldern House, Baslow Road, Bakewell**

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

1. **Apologies for Absence**
2. **Chair's Announcements**
3. **Minutes of previous meeting held on 3 July 2015** (*Pages 1 - 16*)
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. **Notice of Motion - Appointment Principles (JS)** (*Pages 17 - 30*) 20 mins
Appendix 1
Appendix 2
Appendix 3
Appendix 4
8. **Agreeing the Draft Development Management Policies Development Plan Document (BJT)** (*Pages 31 - 172*) 45 mins
Appendix 1
9. **Review of Charging for Pre-Application Planning Advice (JRS)** (*Pages 173 - 178*) 40 mins

10. Hope Valley Capacity Improvement Scheme Proposed Formal Response Process (EF) (Pages 179 - 182) 30 mins

11. Item for No Discussion

The Chair has identified the following item as an item for no discussion unless there is an advance request from an individual Member for a discussion to take place:

1. Member Development Annual Report (RC) (Pages 183 - 194)

Appendix 1

12. Exempt Information S100 (A) Local Government Act 1972

The Authority is asked to consider, in respect of the exempt item, whether the public should be excluded from the meeting to avoid the disclosure of Exempt Information.

Draft Motion:

That the public be excluded from the meeting during consideration of Agenda Item No 13 to avoid the disclosure of Exempt Information under S100 (A)(4) Local Government Act 1972, Schedule 12A, Paragraph 4: "Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority".

13. Exempt Minutes of Authority Meeting held on 3 July 2015 (Pages 195 - 196)

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 on the agenda, 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

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites such or publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

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

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MINUTES

Meeting: **National Park Authority**

Date: Friday 3 July 2015 at 10.00 am

Venue: The Board Room, Aldern House, Baslow Road, Bakewell

Chair: Cllr Mrs L C Roberts

Present: Mr P Ancell, Mrs F Beatty, Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr A R Favell, Cllr C Furness, Mr Z Hamid, Cllr Mrs N Hawkins, Cllr Mrs G Heath, Mr R Helliwell, Cllr Mrs C Howe, Cllr H Laws, Cllr S Marshall-Clarke, Cllr A McCloy, Ms S McGuire, Cllr C McLaren, Cllr Mrs K Potter, Cllr Mrs N Turner, Cllr Mrs J A Twigg, Cllr F J Walton, Cllr G Weatherall and Cllr D Williams

Apologies for absence: Mrs P Anderson, Cllr D Greenhalgh, Ms S Leckie, Cllr J Macrae and Mrs E Sayer

91/15 ELECTION OF AUTHORITY CHAIR AND DEPUTY CHAIR (A.111/JS)

Cllr D Chapman, the Deputy Chair of the Authority, presided for the appointment of the Chair of the Authority for 2015/16.

Two Members, Cllr C Furness and Cllr Mrs L Roberts, had expressed an interest in the role of Chair of the Authority and provided a written statement, circulated to all Members in advance of the meeting. The two nominations were moved seconded and, in accordance with Standing Order 1.12(4), the voting was carried out in the form of ballot.

Following the ballot Cllr Mrs L Roberts was appointed as Chair of the Authority for 2015/16, she thanked Members for electing her and then presided for the remainder of the meeting.

Two Members Cllr D Chapman and Cllr Mrs J Twigg had expressed an interest in the role of Deputy Chair of the Authority and provided a written statement, circulated to all Members in advance of the meeting. The two nominations were moved seconded and, in accordance with Standing Order 1.12(4), the voting was carried out in the form of ballot.

Following the ballot Cllr D Chapman was appointed as Deputy Chair of the Authority for 2015/16.

RESOLVED:

- 1. To appoint Cllr Mrs L Roberts as Chair of the Authority for a term expiring at the Annual Meeting in July 2016.**

2. **To appoint Cllr D Chapman as Deputy Chair of the Authority for a term expiring at the Annual Meeting in July 2016.**

92/15 MINUTES OF PREVIOUS MEETING 6 JUNE 2015

The minutes of the Authority held on 5 June 2015 were approved as a correct record subject to recording apologies for absence from Cllr C McLaren.

93/15 MEMBERS DECLARATIONS OF INTEREST

There were no declarations of interest.

94/15 EX-OFFICIO APPOINTMENTS TO COMMITTEES

At the meeting of the Authority held on 5 June 2015 Cllr P Brady moved a motion, seconded by Cllr Mrs J Twigg, proposing amendments to the Standing Orders relating to the key appointments and Ex-Officio Committee Membership. At that meeting, in accordance with Standing Orders, consideration of the motion was adjourned to this meeting because, if approved, it would require an amendment to Part 1 of the Authority's Standing Orders. As submitted the motion was split into Part A which addressed issues relating to Ex-Officio appointments and Part B which included proposals to replace the existing appointment principles with "democratic principles"

As the proposals relating to Ex-Officio Membership of Committee would have an impact on the Committee appointments to be made later in the meeting the Chair had agreed to consider Part A of the motion in advance of the appointments. Before discussing the motion the Members were reminded that, although a formal decision had not yet made, the Authority had indicated previously that there was support for this part of the motion.

The Democratic Services Manager introduced this item by providing officer feedback on the proposals and confirming that part A of the motion on the table at the start of the debate was as follows:-

1. That a new Standing Order 1.3A be introduced to read as follows:
 - a) The Authority shall approve and thereafter keep under review a statement, to be known as "the Democratic Principles", the purpose of which shall include advice to guide Members on factors to be taken into consideration when electing or appointing Members to an office or position.
 - b) Before the Authority elects or appoints a Member to a position of responsibility, the Chief Executive shall draw to the attention of members the Democratic Principles or the relevant section thereof.
2. That Standing Orders 1.4(2) and 1.39(2) be omitted.
3. That Standing Order 1.40 (Appointment of Standing Committees) be amended by the deletion of:
 - a) Para 3(i) (The Chair and Deputy Chair of the Authority to be ex-officio)
 - b) Para 3(iii) (The Chair of the other Standing Committees to be ex-officio)
 - c) Para 4 (The Vice-Chair to attend ex-officio if the Chair is absent)

4. That there be substituted for Standing Order 1.45 (Ex-officio Membership of National Park Authority Meeting – Part A Committees and Sub-committees) the following:
 - 1) On the basis set out in Paras (2) and (4) below, Chair and Deputy Chair of the Authority or the Chairs and Vice-Chairs of Standing Committees may attend meetings of Standing Committees other than those to which they have been appointed subject to the normal rules governing debate and participation in meetings, and may take part in the discussion (but may not vote nor propose a motion or amendment) unless:
 - (i) it would be unlawful or contrary to any of the Authority's procedures, codes or other protocols to do so; or
 - (ii) the Authority or, in the case of the appointment of a Sub-committee, the Committee in a particular case determines otherwise.
 - (2) The Chair and Deputy Chair of the Authority and a Chair of a Committee may attend a meeting of a Standing Committee;
 - (3) The Chair of a Committee may attend a meeting of a Sub-Committee appointed by the Committee on the same basis as in Para (1) above;
 - (4) Under Paras (2) and (3), the Chair of a Committee may appoint the Vice-Chair to attend in his/her place.

Following the introduction Cllr P Brady spoke to his motion and the suggested amendments included in the Officer response. A proposal to amend the motion to reflect the changes proposed in paragraph 5 of the Officer's report and a second proposal to allocate the local authority member places on Planning Committee was moved, seconded put to the vote and carried.

The substantive motion was then put to the vote and carried.

RESOLVED:

1. That Standing Orders 1.4(2) and 1.39(2) be omitted.
2. That Standing Order 1.40 (Appointment of Standing Committees) be amended by the deletion of:
 - a) Para 3(i) (The Chair and Deputy Chair of the Authority to be ex-officio)
 - b) Para 3(iii) (The Chair of the other Standing Committees to be ex-officio)
 - c) Para 4 (The Vice-Chair to attend ex-officio if the Chair is absent)
3. That there be substituted for Standing Order 1.45 (Ex-officio Membership of National Park Authority Meeting – Part A Committees and Sub-committees) the following:
 - 1) On the basis set out in Paras (2) and (4) below, Chair and Deputy Chair of the Authority or the Chairs and Vice-Chairs of Standing Committees may

attend meetings of Standing Committees other than those to which they have been appointed subject to the normal rules governing debate and participation in meetings, and may take part in the discussion (but may not vote nor propose a motion or amendment) unless:

- (i) it would be unlawful or contrary to any of the Authority's procedures, codes or other protocols to do so; or
- (ii) the Authority or, in the case of the appointment of a Sub-Committee, the Committee in a particular case determines otherwise.

- (2) The Chair and Deputy Chair of the Authority and a Chair of a Committee may attend a meeting of a Standing Committee;
- (3) The Chair of a Committee may attend a meeting of a Sub-Committee appointed by the Committee on the same basis as in Para (1) above;
- (4) Under Paras (2) and (3), the Chair of a Committee may appoint the Vice-Chair to attend in his/her place.

4. To delete the heading before Standing Order 1.45 "EX-OFFICIO ATTENDANCE AT COMMITTEES AND SUB-COMMITTEES" and place the revised Standing Order 1.45 under the heading "MEMBERS RIGHTS TO ATTEND AND SPEAK AT COMMITTEES AND SUB-COMMITTEES"

5. To review the impact of the changes at the 2016 Annual Meeting.

6. To allocate Local Authority Member places on Planning Committee as follows:

Derbyshire County Council	1
Derbyshire Dales District Council	1
High Peak Borough Council	1
Cheshire East Borough Council	1
Staffordshire CC/Staffordshire Moorlands DC	1
Metropolitan District Councils/ N E Derbyshire DC	3
Total	8

95/15 REPORT OF THE MEMBER APPOINTMENTS PROCESS PANEL - APPOINTMENT OF COMMITTEE CHAIRS AND VICE-CHAIRS, ANNUAL APPOINTMENTS TO COMMITTEES, SUB-COMMITTEES, PANELS, ADVISORY GROUPS, MEMBER REPRESENTATIVE ROLES AND OUTSIDE BODIES (A.111/JS)

The meeting considered the report of the Member Appointments Process Panel and considered each of the appointments in the order set out recommendations 1 to 11 in the report. In most cases the appointments were moved, seconded and approved in accordance with the expressions of interest in the report. Any changes to the report are identified below:

Planning Committee

Members were advised that, under the previously agreed principles for allocating places on Planning Committee to Members appointed by a Local Authority, Members appointed by Derbyshire County Council had been allocated one place. As Cllr Mrs J A Twigg and

Cllr D Williams had both expressed an interest, the Authority voted on the appointment and Cllr Mrs J A Twigg was appointed to the Planning Committee.

It was agreed that as 6 Secretary of State Members has expressed an interest in being appointed to Planning Committee there would be 1 Secretary of State vacancy on the Committee.

Audit Resources and Performance Committee

In light of the earlier appointment of Cllr Mrs J A Twigg to Planning Committee, Cllr D Williams was appointed to Audit, Resources and Performance Committee. To accommodate the expressions of interest from Secretary of State Members it was agreed that there would be 16 places on the Committee with 8 allocated to Local Authority Members and 8 allocated to Secretary of State Members.

Local Joint Committee

It was agreed that Cllr Mrs C Howe be appointed to fill the Local Authority Member vacancy on the Committee.

Appeals Panel

It was agreed that Cllr J Walton be appointed to fill the Local Authority Member vacancy on the Panel.

Strategic Advisory Group

Cllr Mrs J A Twigg was appointed to fill the Local Authority Member vacancy on the Advisory Group. It was noted that all Members were welcome to attend meetings of the Group and, subject to agreement from the Chair, to speak on items under discussion.

Appointment to Member Representative Roles

The Authority agreed to continue the arrangement with Cllr P Brady and Mr Z Hamid sharing the People and Communities role but agreed that this principle should not apply to the Biodiversity Role. Mr R Helliwell therefore withdrew his expression of interest and as there were no further nominations Mrs P Anderson was appointed.

Mrs F Beatty withdrew her expression of interest in the Economy role and as there were no further nominations Cllr C Furness was appointed.

The nominations for Cllr A Favell and Cllr C Furness to the Asset Management role were moved and seconded, voted on, and Cllr A Favell was appointed.

It was agreed that the Member Learning and Development role would remain vacant pending a review on the Member Representative roles to reflect the new Corporate Strategy.

RESOLVED:

- 1. To appoint the following Members to the offices of Chair and Vice Chair of the Standing Committees until the Annual Meeting in July 2016:**

Planning Committee

**Chair: Mr P Ancell
Vice Chair: Cllr D Birkinshaw**

Audit Resources & Performance Committee **Chair:** **Cllr A McCloy**
Vice- Chair **Cllr C Furness**

2. To appoint Members to the Planning Committee, and the Audit Resources and Performance Committee as set out below until the Annual Meeting in July 2016:

Planning

Chair: Mr P Ancell
Vice Chair: Cllr D Birkinshaw

Cllr R P H Brady
Cllr C Carr
Cllr D Chapman
Cllr Mrs N Hawkins
Mr R Helliwell
Cllr Mrs C Howe
Cllr H Laws
Cllr J Macrae
Ms S McGuire
Cllr Mrs K Potter
Cllr Mrs J Twigg
Cllr G Weatherall
Vacancy (SoS Member)

Audit Resources & Performance

Chair: Cllr A McCloy
Vice Chair: Cllr C Furness

Mrs P Anderson
Mrs F Beatty
Cllr A Favell
Cllr D Greenhalgh
Mr Z Hamid
Cllr Mrs C G Heath
Ms S Leckie
Cllr S Marshall-Clarke
Cllr C McClaren
Cllr Mrs L Roberts
Mrs E Sayer
Cllr Mrs N Turner
Cllr J Walton
Cllr D Williams

3. To appoint the following Members to the Urgent Business Items Sub-Committee until the Annual Meeting in July 2016:

Chair and Deputy Chair of the Authority

Cllr Mrs L Roberts
Cllr D Chapman

Chair and Vice Chair of Planning Committee

Mr P Ancell
Cllr D Birkinshaw

Chair and Vice Chair of Audit Resources and Performance Committee

Cllr A McCloy
Cllr C Furness

4. To appoint the following Members to the Local Joint Committee until the Annual Meeting in July 2016:

Cllr D Birkinshaw
Cllr D Chapman
Cllr C Furness
Cllr Mrs C Howe
Cllr Mrs J Twigg

Cllr C Carr
Cllr A Favell
Mr Z Hamid
Cllr Mrs K Potter

5. To appoint the following Members to the Appeals Panel until the Annual Meeting in July 2016:

Cllr D Chapman
Cllr Mrs N Turner
Cllr Mrs J Twigg

Mr P Ancell
Cllr R P H Brady
Cllr A Favell

-
- | | |
|----------------------|----------------------|
| Cllr J Walton | Cllr A McCloy |
|----------------------|----------------------|
6. To appoint the following Members to the Strategic Advisory Group until the Annual Meeting in July 2016:
- | | |
|--|---|
| Chair and Deputy Chair of the Authority | Cllr Mrs L Roberts
Cllr D Chapman |
| Chair and Vice Chair of Planning Committee | Mr P Ancell
Cllr D Birkinshaw |
| Chair and Vice Chair of Audit Resources and Performance Committee | Cllr A McCloy
Cllr C Furness |
| Councillor Secretary of State Parish | Cllr Mrs J A Twigg
Mrs F Beatty
Cllr R P H Brady |
7. To appoint the following Members to the Budget Monitoring Group until the Annual Meeting in July 2016:
- | | |
|--|---|
| Chair and Vice Chair of Audit Resources and Performance Committee | Cllr A McCloy
Cllr C Furness |
| Chair of the Authority | Cllr Mrs L Roberts |
| One other member | Mrs F Beatty |
8. To appoint the following Members to Member Representative roles until the Annual Meeting in July 2016:
- | | |
|--|--|
| Asset Management | Cllr A Favell |
| Biodiversity | Mrs P Anderson |
| Climate Change | Cllr A McCloy |
| Cultural Heritage | Ms S McGuire |
| Economy | Cllr C Furness |
| Landscape | Mr R Helliwell |
| Member Learning & Development | Vacant |
| People & Communities | Cllr R P H Brady & Mr Z Hamid |
| Planning Enforcement | Cllr D Chapman |
| Promoting Understanding | Ms S Leckie |
| Recreation | Mrs E Sayer |
| Tourism | Cllr Mrs J Twigg |
9. To appoint Members and Deputy Members to the Outside Bodies as set out in Appendix 1 attached to the Minutes. The appointments to expire at the Annual Meeting in July 2016.
10. To confirm that all the above appointments are approved duties for the payment of travel and subsistence allowances.
11. To ask Members appointed to member representative roles and outside bodies to produce a short annual report on activities, as appropriate, to be circulated in June 2016 as part of preparations for the 2016 Annual Meeting.

96/15 MEMBERS' ATTENDANCE ANNUAL RETURN (A.111/JS)

The meeting considered the annual return of Member's attendance at Authority and Committee meetings and Training and Development events for 2014/15.

RESOLVED:

To note the annual return of members' attendance for 2014/15.

97/15 CALENDAR OF MEETINGS 2016 (A.111/RC)

The meeting considered a report setting out proposals for a schedule of meetings from 1 January 2016 to 31 December 2016.

RESOLVED:

To approve the calendar of meetings for 2016 as set out in appendix 2 of these minutes.

The meeting was adjourned from 11.30am to 11.40am following consideration of this item.

98/15 NOTICE OF MOTION - CLLR P BRADY

At the meeting of the Authority held on 5 June 2015 Cllr P Brady moved a motion, seconded by Cllr Mrs J Twigg, proposing amendments to the Standing Orders relating to the key Member appointments and Ex-Officio Committee Membership. At that meeting, in accordance with Standing Orders, consideration of the motion was adjourned to this meeting because if approved it would require an amendment to Part 1 of the Authority's Standing Orders. As submitted the motion was split into Part A which addressed issues relating to Ex-Officio appointments and Part B which included proposals to replace the existing appointment principles with "democratic principles". Consideration of most of Part A of the motion took place earlier in the meeting as the proposals relating to Ex-Officio Membership of Committee would have an impact on the Committee appointments to be made later in the meeting (Minute 94/15 refers).

The Democratic Services Manager introduced this item by providing officer feedback on the proposals and confirming that the motion on the table at the start of the debate was as follows:-

Part A (Deferred from earlier discussions)

1. That a new Standing Order 1.3A be introduced to read as follows:
 - a) The Authority shall approve and thereafter keep under review a statement, to be known as "the Democratic Principles", the purpose of which shall include advice to guide Members on factors to be taken into consideration when electing or appointing Members to an office or position.
 - b) Before the Authority elects or appoints a Member to a position of responsibility, the Chief Executive shall draw to the attention of members the Democratic Principles or the relevant section thereof.

Part B

That there be substituted for the Appointment Principles, the Democratic Principles as set out in the appendix. (A copy is attached as appendix 3 of these minutes.)

In speaking to his motion Cllr P Brady provided the background to the preparation of the motion and the reasons for proposing the “Democratic Principles”. Following his introduction Cllr Brady proposed that consideration of this part of the motion be deferred until the October meeting to provide an opportunity for Members and Officers to meet and develop proposals to address the issues highlighted during the discussions and the comments in the officer response.

RESOLVED

1. **To defer consideration of the remaining elements of the motion set out above until the October meeting of the Authority.**
2. **To appoint the following Members to a working group to meet with officers to consider a response to the issues raised:**

Cllr P Brady	Cllr C Furness
Mr Z Hamid	Cllr Mrs N Hawkins
3. **To confirm that attendance at meetings of the working group are an approved duty for the payment of travel and subsistence allowances.**

99/15 UPDATE ON NATIONAL PARKS UK AND NATIONAL PARKS ENGLAND MEETINGS 8-9 JUNE 2015 IN NEW FOREST NATIONAL PARK (CLLR LESLEY ROBERTS)

The Chair introduced a report providing an update on National Parks UK and National Parks England meetings held on 8-9 June 2015 highlighting the following issues:

- Public engagement
- Brand development
- National Parks Partnerships Ltd
- National Parks England
- The National Parks England Board

Members congratulated the Chair on her recent appointment as Deputy Chair of the National Parks England Board.

While introducing the report the Chair provided details of a recent publication “So much more than the view” setting out the wide range of benefits that England’s Areas of Outstanding Natural Beauty and National Parks provided to society.

The Chair also provided an update on equality and diversity discussions with Defra in preparation, for filling future Secretary of State vacancies and news that the Government was not progressing plans for directly elected Members.

RESOLVED: To note the report.

100/15 EXEMPT INFORMATION S100 (A) LOCAL GOVERNMENT ACT 1972

RESOLVED:

To exclude the public be from the meeting during consideration of Agenda Item No 14 to avoid the disclosure of Exempt Information under S100 (A)(4) Local Government Act 1972, Schedule 12A, Paragraph 4: "Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority".

The Committee determined the following items and full details are contained in the exempt minutes:

101/14 Fit for Purpose Organisational Design (SLF)

The meeting ended at 12:40pm

APPENDIX 1

APPOINTMENT TO OUTSIDE BODIES 2015/16

Campaign for National Parks

Member: Councillor Lesley Roberts
Deputy: Mr Paul Ancell
Deputy: Mr Zahid Hamid

Culture Derbyshire

Member: Councillor Chris Carr

Derby and Derbyshire Economic Partnership Rural Forum

Member: Councillor Judith Twigg
Deputy: Councillor Chris Carr

Derbyshire Archeological Advisory Committee

Member: Councillor Chris Furness

Derbyshire Environment Trust

Member: Mr Robert Helliwell
Deputy: Vacant

Derbyshire Health and Wellbeing Stakeholder Engagement Forum

Member: Councillor Judith Twigg

Derbyshire Partnership Forum

Member: Councillor David Chapman
Deputy: Councillor Judith Twigg

Derbyshire Sport

Member: Councillor Dave Williams
Deputy: Mrs Emma Sayer

Derwent Valley Community Rail Partnership

Member: Councillor Chris Furness

East Midland Councils

Member: Councillor Judith Twigg
Deputy: Councillor David Chapman

Europarc

Member: Councillor Lesley Roberts

Hope Valley and High Peak Community Rail Partnership

Member: Mr Robert Helliwell

Land Managers Forum

Chair: Councillor Lesley Roberts
Deputy Chair: Councillor David Chapman
Member: Mrs Frances Beatty
Member: Mr Robert Helliwell

Moors for the Future Partnership Group

Chair: Councillor David Chapman

Deputy Chair: Mrs Penny Anderson
Reserve: Mr Robert Helliwell

National Parks England

Deputy Chair: Councillor Lesley Roberts

National Parks UK

Member: Councillor Lesley Roberts

National Parks Management Plan Advisory Group

Member: Councillor David Chapman

Oldham and National Park Partnership

Member: Councillor Colin McLaren

Peak District and Derbyshire Destination Management Partnership Board

Member: Councillor Judith Twigg

Deputy: Councillor Steve Marshall-Clarke

Peak District Interpretation Partnership

Member: Ms Suzanne Leckie

Peak District Local Access Forum

Member: Councillor John Walton

Peak District Local Nature Partnership

Member: Mrs Penny Anderson

Deputy: Mr Robert Helliwell

Peak District National Park Youth Forum Group

Member: Mr Zahid Hamid

Peak District Parishes' Forum Annual Liaison Meeting

Member: Councillor Lesley Roberts

Deputy: Vacant

Peak District Partnership

Member: Councillor Judith Twigg

Deputy: Councillor Patrick Brady

Pedal Peak District Member Reference Group

Member: Councillor Chris Furness

Rural Action Derbyshire

Member: Councillor Andrew McCloy

Sheffield City Region Forum

Member: Councillor Lesley Roberts

Deputy: Mr Zahid Hamid

Staffordshire Destination Management Partnership

Member: Mrs Frances Beatty

Stanage Forum Steering Group

Member: Ms Stella McGuire

APPENDIX 2



Programme of Meetings 2016

Appendix 2

Bank Holidays

2016 - 1 Jan, 25 & 28 March, 2 & 30 May, 29 Aug
26 & 27 Dec

All Meetings/Events start at 10am except where shown

		2016											
		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Authority			5	18		27		1 AGM			7		2
Audit Resources & Performance		22		4		20		22		16		4	
Local Joint							10						2 13.0pm
Planning		15	12	11	15	13	17	15	12	9	14	11	9
Site Visits		14	11	10	14	12	16	14	11	8	13	10	8
Strategic Advisory Group			5			20		22				4	
Member Workshop										23	21	18	
Other events		22 Budget Management				20 Budget Management	24 Annual Review	22 Budget Management				18 Budget Management	
Essential Training							10 New Member Induction			30 Planning (1)	28 Planning (2)		

APPENDIX 3

PART B OF NOTICE OF MOTION FROM CLLR P BRADY

DEMOCRATIC PRINCIPLES

Part B

That there be substituted for the Democratic Principles, the following:

Purpose

1. The history of the National Park Authority suggests that it is best served when all Members of the Authority have a stake in its governance. With this in mind, these Principles include issues that Members are asked to consider when electing or appointing people to, or standing for, Office or position.

2. Their purpose is to foster confidence, unity and trust within the Authority and the general public

Voting

3. It is essential to these Principles that nothing they contain is intended to in any way detract from the duty or ability of a Member to cast his or her vote in accordance with his/her best judgement.

Definition

4. "Group" means the Group of Members falling into one of these three categories:
- Members appointed by Local Authorities other than Parish Councils;
- Parish Members;
- Members appointed by the Secretary of State other than Parish Members

Election and Appointment - Chair and Deputy Chair

5. In electing a Chair and appointing a Deputy Chair, Members should consider the desirability of ensuring:
- that each office holder comes from a different Group;
- that at least one of the office holders is a person living in or representing an area that lies within the National Park.

Other appointments

6. In appointing the Chairs and Vice Chairs of Committees, Members should consider the desirability of ensuring that, taking into account the Groups from which the election of the Chairman and Deputy Chairman were made there should be a spread of office holders from:
- across the Groups; and
- from amongst those living in or representing an area that lies within the National Park.

7. Taking into account the expertise, interest and potential of candidates, Members should also consider the desirability of achieving a spread of between the Groups when appointing Member Representatives and to outside bodies.

Standing for Office

8. All Members are 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.

9. All Members have the right to stand for all elections and appointments but need to recognise that these Principles will be drawn to the attention of Members before a decision is made.

10. Newly appointed Members will not normally be considered for the position of Chair or Deputy/Vice Chair.

11. Members who have held a position or appointment for a continuous period of four years will not normally be considered for re-election or re-appointment.

12. It is the responsibility of a Member standing for election or appointment to demonstrate to those making the decision that:

- his/her expertise, interest and potential;
- he/she understands what will be required of them.

In office

13 Anyone holding office should be seen to act in the interests of the Authority as a whole and of the National Park, and not of any particular Group or interest.

Group Meetings etc

14 Whilst members sharing a common concern or interest may occasionally meet to exchange views, the holding of regular meetings of Groups or of members sharing a common interest may be seen as acting against these Principles.

Patrick Brady
23 May 2015

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7. NOTICE OF MOTION - APPOINTMENT PRINCIPLES (JS)

1. Purpose of the report

At the meeting of the Authority held on 5 June 2015 Cllr P Brady moved a motion seconded by Cllr Mrs J Twigg. For information a copy of the original motion is set out in appendix 2. As the motion included proposals to amend part 1 of the Authority's Standing Orders, consideration of the motion was adjourned to the AGM held on 3 July 2015. At that meeting the Authority made a decision on most of Part A of the motion but deferred further consideration of the elements relating to the "Democratic Principles" and established a small Member working group to look at the proposed principles and report back with proposals. The group met on 18 August 2015 to discuss the issues raised by officers and produce a modified set of principles to be brought back to a meeting of the Authority.

The purpose of this report is to ask the Authority to determine the remaining elements of the Notice of Motion by considering the revised "Appointment Principles set out in Appendix 1 and the outstanding proposal to amend Part 1 of the Authority's Standing Orders which make reference to the principles.

Key Issues

- A notice of motion has been moved and seconded that proposes that the Authority adopts a set of "Democratic Principles" and make amendments to Standing Orders to recognise these principles when making appointments to positions of responsibility.
- At the AGM held on 3 July 2015 the Authority considered the motion with a supporting report setting out Officer comments on the proposed principles. The Authority deferred consideration of this part of the motion and asked a group of Members to meet to look at the issues raised.
- The Group met on 18 August where a revised set of principles were developed. As part of the discussion it was suggested that the principles should be referred to as the "Appointment Principles".
- There was one element of the principles where the opinion of the group was divided. This related to paragraph 6 and 7 in Appendix 1 which suggests that it is desirable that at least one of the office holders is a person living in or representing an area that lies within the National Park. The view of the Group that this issue should be brought back to the Authority for consideration.
- The Authority has previously agreed a set of Appointment Principles, these are attached as appendix 4. If the motion is agreed these will be replaced by the new principles.

2. Recommendation

To consider feedback from the group of Members appointed by the Authority, look at the remainder of the Notice of Motion and determine the motion in accordance with the procedure set out in section 5 of this report.

3. How does this contribute to our policies and legal obligations?

Part 1 of Standing Orders relates to Meetings and Proceedings of the Authority. These include the arrangements for appointing the Chair and Deputy Chair of the Authority, Committee Chairs and Vice-Chairs and appointments to Committees. Although the Authority has previously adopted appointment principles (Appendix 4) that are taken

into account when making appointments at the Annual meeting they are not currently referred to in standing orders. While the proposals will introduce a new standing order to recognise the existence of principles they will remain guiding principles which are not enforceable and cannot override the rights of any individual Member to be considered for a key role.

4. Background

4.1 At the meeting of the Authority held on 5 June 2014 Cllr P Brady moved a motion that he had submitted in accordance with Standing Order 1.14 (Notices of Motion). As the motion would result in amendments to Part 1 of Standing Orders (Meetings and Procedures) once it had been moved by Cllr P Brady and seconded by Cllr Mrs J Twigg, discussion and voting on the motion was adjourned in accordance with Standing Order 1.25 (Variation and revocation of Standing Orders). The motion was split into two parts referred to as Part A and Part B.

4.2 The purpose of an adjournment under Standing Order 1.25 was to allow the Authority to reflect on the full implications before approving changes to Standing Orders. Therefore on 3 July 2015 the Authority considered the motion in the context of a report which assessed the impact of the changes and highlighted issues that Members should consider before making these changes. The report did not amend the original motion as moved and seconded at the previous meeting, however Members were able to move, debate and vote on amendments in the usual way.

4.3 The Authority therefore agreed most of Part A of the motion but deferred consideration on the elements in Part A and Part B which referred to the “Democratic Principles”. In deferring these elements the Authority appointed Cllr P Brady, Cllr C Furness, Mr Z Hamid and Cllr Mrs N Hawkins to consider the proposals in the context of the officer’s report. The Group met on 18 August to discuss the issues and the document attached as appendix 1 sets out an amended set of principles which reflect these issues.

4.4 The main proposed changes were to:

- refer to the principles as “Appointment Principles”
- amend the proposed new standing order 1.3A to refer to “the relevant officer” rather than the Chief Executive
- delete the first part of part of paragraph 1 to address officer concerns about interpretation.
- add in the “and in the best interests of the Authority” to paragraph 3
- Replace all references to “Group” with “Appointment Category”

4.5 At the meeting of the group there was a discussion around paragraphs 6 and 7 about whether the Authority as a whole would think that it was desirable that appointments should be made having regard to the two criteria set out under this paragraph. While it was generally accepted that the principle that each office holder comes from a different appointment category was desirable there were mixed views about the suggestion that at least one of the office holders is a person living in or representing an area that lies within the National Park.

5. Proposals

5.1 Strictly speaking as the Authority deferred consideration of the outstanding parts of the motion submitted by Cllr P Brady the following motion remains on the table for determination:

Part A

That a new Standing Order 1.3A be introduced to read as follows:

- a) *The Authority shall approve and thereafter keep under review a statement, to be known as “the Democratic Principles”, the purpose of which shall include advice to guide Members on factors to be taken into consideration when electing or appointing Members to an office or position.*
- b) *Before the Authority elects or appoints a Member to a position of responsibility, the Chief Executive shall draw to the attention of members the Democratic Principles or the relevant section thereof.*

Part B

That there be substituted for the Democratic Principles, the principles set out in Appendix 2. (of this report)

5.2 Therefore to progress the suggestions made by the group the mover of the motion or any other Member must move an amendment to the current motion as follows:

1. In part A replace the words “Democratic Principles” with “Appointment Principles” and substitute “appropriate officer” for “Chief Executive”
2. In part B replace “appendix 2” with “appendix 1”.

5.3 The Authority should then vote on the above amendments to establish whether they become part of the substantive motion.

5.4 If these amendments are approved it is then suggested that the Authority has a discussion about the content of paragraphs 6 & 7 of Appendix 1. During the discussion further amendments can be proposed by deleting or adding words.

5.5 Following the discussions the substantive motion would then be determined by a show of hands. If the majority of Members present vote in favour of the motion it will be carried and implemented, if the majority of votes are against the motion will be lost. In either event the Notice of Motion would have been dealt with and the Authority can move on to the next item of business.

Are there any corporate implications members should be concerned about?

6. Financial:

No direct costs arise.

7. Risk Management:

None

8. Sustainability:

None

9. Equality:

Any principles agreed by the Authority on appointments to key positions must make sure that all Members are able to be considered for appointment if they wish to do so and that the final appointments are made in an open and transparent way.

10. Background papers (not previously published)

Discussion Paper - Peak District Members' Group – Circulated by Cllr P Brady

Appendices

Appendix 1 - The Appointment Principles (Amended to reflected the Group Discussions)

Appendix 2 - The Democratic Principles (As submitted with the Notice of Motion)

Appendix 3 - The Democratic Principles (Annotated to show the amendments suggested by the Group)

Appendix 4 – The existing Appointment Principles (If the motion is approved these will be replaced by Appendix 1)

Report Author, Job Title and Publication Date

Jason Spencer, Democratic Services Manager, 24 September 2015

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PEAK DISTRICT NATIONAL PARK AUTHORITY

The Appointment Principles.

Purpose

1. These Principles set out issues that Authority Members are asked to consider when electing or appointing people to, or standing for, office or position.
2. Their purpose is to foster confidence, unity and trust within the Authority and the general public

Voting

3. It is essential to these Principles that nothing they contain is intended to in any way detract from the duty or ability of a Member to cast his or her vote in accordance with his/her best judgement and in the best interests of the Authority.

Definition

4. In these principles "Appointment Category" is used to refer to the following three approaches to appointing Authority Members as set out in Schedule 7 in the Environment Act 1995 :
 - Local Authority Members appointed by the 11 Constituent Councils;
 - Parish Members appointed by the Secretary of State following a ballot of all Parish and Town Councils and Parish meetings where part or all of the Parish is located within the National Park ;
 - Members appointed by the Secretary of State other than Parish Members
5. Once appointed to the Authority or an office or position Members should be seen to act in the interests of the Authority as a whole and of the National Park, and not of any particular appointment category or interest.

Election and Appointment - Chair and Deputy Chair

6. In electing a Chair and appointing a Deputy Chair, Members should consider the desirability of ensuring:
 - that each office holder comes from a different Appointment Category;
 - that at least one of the office holders is a person living in or representing an area that lies within the National Park

Other appointments

7. In appointing the Chairs and Vice Chairs of Committees, Members should consider the desirability of ensuring that, taking into account the Appointment Category from which the election of the Chair and Deputy Chair were made there should be a spread of office holders from:
 - across the Appointment Categories;
 - from amongst those living in or representing an area that lies within the National Park

8. Taking into account the expertise, interest and potential of candidates, Members should also consider the desirability of achieving a spread of between the Appointment Categories when appointing Member Representatives and to outside bodies.

Standing for Office

9. All Members are 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.
10. All Members have the right to stand for all elections and appointments but need to recognise that these Principles will be drawn to the attention of Members before a decision is made.
11. Newly appointed Members will not normally be considered for the position of Chair/Deputy Chair of the Authority or Chair/Vice Chair of a Committee during the first year following their appointment.
12. Members who have held a position or appointment for a continuous period of four years will not normally be considered for re-election or re-appointment.
13. It is the responsibility of a Member standing for election or appointment to demonstrate to those making the decision:
 - his/her expertise, interest and potential;
 - that he/she understands what will be required of them.

Appointment Category Meetings of Members etc

14. Whilst members sharing a common concern or interest may occasionally meet to exchange views, the holding of regular meetings of Members from a single appointment category or of members sharing a common interest may be seen as acting against these Principles.

PEAK DISTRICT NATIONAL PARK AUTHORITY

DEMOCRATIC PRINCIPLES

Purpose

1. The history of the National Park Authority suggests that it is best served when all Members of the Authority have a stake in its governance. With this in mind, these Principles include issues that Members are asked to consider when electing or appointing people to, or standing for, Office or position.
2. Their purpose is to foster confidence, unity and trust within the Authority and the general public

Voting

3. It is essential to these Principles that nothing they contain is intended to in any way detract from the duty or ability of a Member to cast his or her vote in accordance with his/her best judgement.

Definition

4. "Group" means the Group of Members falling into one of these three categories:
 - Members appointed by Local Authorities other than Parish Councils;
 - Parish Members;
 - Members appointed by the Secretary of State other than Parish Members

Election and Appointment - Chair and Deputy Chair

5. In electing a Chair and appointing a Deputy Chair, Members should consider the desirability of ensuring:
 - that each office holder comes from a different Group;
 - that at least one of the office holders is a person living in or representing an area that lies within the National Park.

Other appointments

6. In appointing the Chairs and Vice Chairs of Committees, Members should consider the desirability of ensuring that, taking into account the Groups from which the election of the Chairman and Deputy Chairman were made there should be a spread of office holders from:
 - across the Groups; and
 - from amongst those living in or representing an area that lies within the National Park.
7. Taking into account the expertise, interest and potential of candidates, Members should also consider the desirability of achieving a spread of between the Groups when appointing Member Representatives and to outside bodies.

Standing for Office

8. All Members are 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.
9. All Members have the right to stand for all elections and appointments but need to recognise that these Principles will be drawn to the attention of Members before a decision is made.
10. Newly appointed Members will not normally be considered for the position of Chair or Deputy/Vice Chair.
11. Members who have held a position or appointment for a continuous period of four years will not normally be considered for re-election or re-appointment.
12. It is the responsibility of a Member standing for election or appointment to demonstrate to those making the decision that:
 - his/her expertise, interest and potential;
 - he/she understands what will be required of them.

In office

- 13 Anyone holding office should be seen to act in the interests of the Authority as a whole and of the National Park, and not of any particular Group or interest.

Group Meetings etc

- 14 Whilst members sharing a common concern or interest may occasionally meet to exchange views, the holding of regular meetings of Groups or of members sharing a common interest may be seen as acting against these Principles.

PEAK DISTRICT NATIONAL PARK AUTHORITY

The **Democratic Appointment Principles.**

Purpose

1. ~~The history of the National Park Authority suggests that it is best served when all Members of the Authority have a stake in its governance. With this in mind,~~ These Principles **include set out** issues that **Authority** Members are asked to consider when electing or appointing people to, or standing for, office or position.
2. Their purpose is to foster confidence, unity and trust within the Authority and the general public

Voting

3. It is essential to these Principles that nothing they contain is intended to in any way detract from the duty or ability of a Member to cast his or her vote in accordance with his/her best judgement **and in the best interests of the Authority.**

Definition

4. ~~“Group”~~ **In these principles “Appointment Category” is used to refer to the following three approaches to appointing Authority Members as set out in Schedule 7 in the Environment Act 1995 : means the Group of Members falling into one of these three categories:**
 - **Local Authority** Members appointed by ~~Local Authorities~~ **the 11 Constituent Councils; other than Parish Councils;**
 - Parish Members appointed by the Secretary of State **following a ballot of all Parish and Town Councils and Parish meetings where part or all of the Parish is located within the National Park ;**
 - Members appointed by the Secretary of State other than Parish Members
5. **Once appointed to the Authority or an office or position Members should be seen to act in the interests of the Authority as a whole and of the National Park, and not of any particular Appointment Category or interest.**

Election and Appointment - Chair and Deputy Chair

6. In electing a Chair and appointing a Deputy Chair, Members should consider the desirability of ensuring:
 - that each office holder comes from a different **Group Appointment Category;**
 - that at least one of the office holders is a person living in or representing an area that lies within the National Park

Other appointments

7. In appointing the Chairs and Vice Chairs of Committees, Members should consider the desirability of ensuring that, taking into account the **Groups Appointment Category** from which the election of the Chairman and Deputy Chairman were made there should be a spread of office holders from:

- across the **Groups Appointment Categories**;
- ~~from~~ amongst those living in or representing an area that lies within the National Park

8. Taking into account the expertise, interest and potential of candidates, Members should also consider the desirability of achieving a spread of between the **Appointment Categories** when appointing Member Representatives and to outside bodies.

Standing for Office

9. All Members are 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.

10. All Members have the right to stand for all elections and appointments but need to recognise that these Principles will be drawn to the attention of Members before a decision is made.

11. Newly appointed Members will not normally be considered for the position of Chair/Deputy **Chair of the Authority or Chair/Vice Chair** of a Committee **during the first year following their appointment.**

12. Members who have held a position or appointment for a continuous period of four years will not normally be considered for re-election or re-appointment.

13. It is the responsibility of a Member standing for election or appointment to demonstrate to those making the decision ~~that~~:

- his/her expertise, interest and potential;
- **that** he/she understands what will be required of them.

In-office

~~13. Anyone holding office should be seen to act in the interests of the Authority as a whole and of the National Park, and not of any particular Group or interest.~~

Group Appointment Category Meetings of Members etc

14. Whilst members sharing a common concern or interest may occasionally meet to exchange views, the holding of regular meetings of **Groups**

Members from a single appointment category or of members sharing a common interest may be seen as acting against these Principles.

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PEAK DISTRICT NATIONAL PARK AUTHORITY

EXISTING APPOINTMENT PRINCIPLES

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 four 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 Chair or Deputy/Vice Chair position in their first year of office.

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8. **AGREEING THE DRAFT DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT (BJT)**

Purpose of the report

1. To recommend to members the approval of the draft Development Management Policies Development Plan Document (DPD) as the second part of the Local Development Plan for the National Park and to recommend delegated authority for final editing of the document, completion of Appendices and the Policies Map and preparation of documents to support the formal public consultation and submission stages.

Key issues

2.
 - Achieving the correct application of National Park purposes through planning policies;
 - Taking a positive approach to foster the social and economic well-being of local communities and businesses in pursuing National Park purposes;
 - Seeking consistency with the adopted Core Strategy;
 - Seeking consistency with the National Planning Policy Framework within this context;
 - To ensure ongoing dialogue with communities and partners up to and through the statutory consultation and submission stages
 - To consider the weight to be attached to the document at this stage

Recommendations

3.
 1. That members agree the draft Development Management Policies DPD;
 2. That the document form the basis of the formal Sustainability Appraisal and Appropriate Assessment under the Habitats regulations;
 3. That delegated authority is granted to the Director of Planning in Consultation with the Chair and Vice Chair of Planning Committee to complete the editing process, Appendices and Policies map;
 4. That these documents form the basis of on-going consultation with communities and partners up to and including the statutory consultation and submission stages
 5. That from this stage some limited weight may be attached to the emerging DPD as a material planning consideration as an agreed statement of the Authority's intended position on development management policy.

How does this contribute to our policies and legal obligations?

4. Development Plan policies form a crucial part in delivering National Park purposes as they form the starting point for all planning decisions. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

5. The Development Management Policies Development Plan Document (DPD) will form part 2 of the Local Development Plan alongside the Core Strategy adopted in 2011. Ultimately, the adoption of Development Management Policies will enable the replacement of the existing saved Local Plan adopted in 2001. The only exception to this will be in respect of policies for Bakewell which will continue to be saved as, other than a policy position on the new Bakewell Development Boundary the Development Management Document does not provide detailed policy coverage for Bakewell owing to the emergence of the Bakewell Neighbourhood Plan. As such (other than policy and map coverage of the boundary) policies for Bakewell will be saved until such time as they are replaced by the emerging Neighbourhood Plan.
6. The commitment to produce the Development Management Policies (DMP) is set in Corporate Objectives as it provides a key mechanism for supporting the Authority's legal purposes and duty. In the same way the DMP supports many headline objectives and actions in the National Park Management Plan.

Background

7. The work on the DMP began immediately after the adoption of the Core Strategy at the end of 2011, and the first round of public consultation, which took place in 2012, used the existing Local Plan as the basis of the consultation document. In addition the consultation assessed the consistency of Local Plan policies with the Core Strategy, and the National Planning Policy Framework (NPPF) as well as a range of issues emerging from Annual Monitoring Reports up to that point.
8. Following this stage, progress on the DMP slowed down owing to the need to respond to major government consultations on permitted development rights and other changes to the planning system. During this time the Policy Planning Team brought forward much needed guidance on climate change, sustainable buildings and renewable energy.
9. Nevertheless successive Parish Council Days and other parish liaison events, Land Management Forums, and contact with social housing bodies have ensured that key debates relating to housing delivery, farming and business interests have been maintained.
10. Furthermore a series of Member workshops during 2013 and 2014 gave a valuable steer on the preferred direction of travel across all areas of policy. From this members identified a subset of issues which proved to be the most contentious and which required deeper debate. This led to a chaired debate session on the following topics:
 - Housing need and eligibility
 - Replacement dwellings
 - Barn conversions
 - Safeguarding employment sites
 - Redevelopment of brownfield sites and economic viability
 - Other issues such as farm succession planning and downsizing for the elderly also emerged through the process.
11. On the back of this work officers brought forward the first full compendium of policies to the Authority meeting in March 2015. Members resolved to note these policies as a basis for detailed testing meetings with an agreed member working group which comprised:
 - Chair and Vice Chair of Planning Committee
 - Chair of Authority
 - Member representative for People and Communities

- Member representative for Cultural Heritage
 - Member representative for Biodiversity
12. The group has met 4 times over the summer months. This has allowed several hours of detailed discussion and testing to be undertaken which has proved invaluable for officers. A detailed record of issues was taken and officers have used this to reconsider policy in order to address specific issues. It has also enabled officers to identify issues which officers conclude cannot be dealt with at this stage without significantly undermining the adopted Core Strategy. As such, some matters are recommended to be recorded and brought back for consideration during the more substantive review of strategic policy. This will commence on completion of the DMP work.
13. The work has now enabled the full draft plan to be produced up by officers and which can be viewed at Appendix 1.
14. Members should also note that alongside the consultation process with members officers have also engaged the Planning Advisory Service (PAS) to advise on certain aspects of soundness in plan making. A report has now been produced and focusses its advice on:
- The nature of a Development Management Document in the National Park context and the proportionality that can be applied in approaching evidence collection and the Duty to Cooperate (as compared to the comprehensive requirements set out for new Local Plans at a District level);
 - The consistency tests applied to the NPPF; and
 - Wider thoughts on whole plan viability; and
 - How to take issues such as LEPs and Combined Authorities into account

Proposal

15. Members are now requested to approve the draft DMP document at Appendix 1. This will form the basis of statutory consultation. In order to complete the consultation documents and run the Sustainability Appraisal and give space for a clear 6 weeks period it is now anticipated that public consultation needs to commence immediately after the Christmas break. The intervening period provides time for additional engagement with parishes which has been requested by the Peak Park Parishes Forum. Following consultation the Authority may then proceed to submit documents to the Secretary of State (estimated for May 2016) as the commencement of the examination process.
16. In order to reach these statutory stages officers request that delegated authority be granted to the Director of Planning for a further period of editing in consultation with the Chair and Vice Chair of Planning Committee. This will ensure a higher level of rigour in terms of clarity of presentation, coherence within and across to the Core Strategy, as well allowing a final stage of testing on the legibility and function of the policies themselves. Changes should be technical and minor in nature as opposed to substantive points which shift the direction of policy, reflecting the steer and consensus reached at this point in the process.
17. At this stage only the main body of the document is brought before members as there are also technical refinements required to the Appendices. These are anticipated to include:
- A glossary;
 - Guidance on Heritage Statements and assessing non designated heritage assets;

- Lists of various designated sites such as:
 - conservation areas;
 - scheduled ancient monuments;
 - nature conservation sites;
 - registered parks and gardens;
- historic landscape characterisation;
- parking standards
- example housing needs survey

18. In addition the Policies Map has also been redrawn in order to create a spatial representation of the policies. The Policies Map is drawn at 2 broad scales, firstly to highlight the broader landscape designations and characteristics, and secondly to set out finer detail for villages and hamlets in a series of inset maps. Together with the written policies the map forms part of Development Management Policies DPD and supports the Local Development Plan as a whole. Maps illustrating the approach taken will be made available to view during the Authority meeting and can also be accessed via the Modern.gov intranet site (view in library/planning policy documents).

19. The document offers a clear statement of the direction and intent of policy, it benefits from earlier stages of public consultation and Sustainability Appraisal. As such by agreeing the draft plan officers advise that the plan may begin to accrue some material weight in planning decisions, albeit limited at this stage. Once the plan passes the formal representations stage and has been submitted for examination, further weight then may be given.

Are there any corporate implications members should be concerned about?

20. **Financial:** None, the work represents a corporate priority and is budgeted accordingly.

21. **Risk Management:** Low risk of not progressing at this stage as adopted Core Strategy and saved Local Plan still provide a policy basis. Issues will begin to arise as the plans age which could result in higher proportion of appeals supported, There is also advantage in completing the development management policies by triggering a more comprehensive plan review which enables an open debate with stakeholders on the spatial strategy and strategic policy principles.

45. **Sustainability:** None, plan processes are underpinned by comprehensive sustainability appraisal and policies reflect the full range of environmental, social and economic considerations. Aim of development management policy is to provide a positive policy framework that addresses and responds to business and community needs as far as possible within statutory National Park purposes.

46. **Background papers** (not previously published): -

- Report by Planning Advisory Service;
- Notes from member steering group meetings

47. **Appendices:** -

1. Draft Development Management Policies DPD

Report Author, Job Title and Publication Date

Brian Taylor, Policy Planning Manager, 24 September 2015



Development Management Policies

Part 2 of the Local Development Plan for the Peak District National Park

Draft Version

September 2015

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Proposed List of Appendices

List of Policies

Development management Practice

DM1 Presumption in favour of sustainable development

Conserving and enhancing the National Park

DMC1	Landscape conservation and enhancement
DMC2	Protecting and managing The Natural Zone
DMC3	Siting, design layout and landscaping
DMC4	Pollution, disturbance, contaminated land and unstable land
DMC5	Settlement limits
DMC6	Safeguarding, recording and enhancing nature conservation interests
DMC7	Sites, features or species of wildlife, geological or geomorphological importance
DMC8	Protecting trees, woodlands or other landscape features put at risk by development
DMC9	Assessing the impact of development on heritage assets and their settings
DMC10	Scheduled monuments
DMC11	Listed buildings
DMC12	Conservation areas
DMC13	Registered parks and gardens
DMC14	Conversion of heritage assets

Farming and Economy

DME1	Agricultural and forestry operations
DME2	Farm diversification
DME3	Safeguarding employment sites
DME4	Change of use of non-safeguarded, unoccupied or under-occupied employment sites in DS1 settlements
DME5	Exceptional B1 uses
DME6	Home working
DME7	Expansion of existing industrial and business development where it is not ancillary to agricultural business
DME8	Retail uses in industrial and business areas
DME9	Design, layout and neighbourliness of employment sites

Recreation and Tourism

DMR1	Tourism camping and caravan sites
DMR2	Holiday occupancy of camping and caravan sites
DMR3	Holiday occupancy of self-catering accommodation
DMR4	Facilities for keeping and riding horses

Housing

DMH1:	New affordable housing
DMH2:	First occupation of new affordable housing
DMH3:	Second and subsequent occupation of affordable housing (The occupancy cascade)
DMH4:	Essential workers' dwellings
DMH5:	Conversion of outbuildings within the curtilages of dwellings to ancillary residential Uses
DMH6:	Conversion of buildings to residential use

DMH7:	Re-development of previously developed sites to residential use
DMH8:	Extensions and alterations
DMH9:	Replacement dwellings
DMH10:	Sub-division of dwelling units
DMH11:	New outbuildings in the curtilage of dwelling houses
DMH12:	Section 106 agreements

Shops, Services and Community Facilities

DMS1	Retailing and service provision in Core Strategy named settlements
DMS2	Change of use of shops, community services and facilities
DMS3	Retail development outside Core Strategy named settlements
DMS4	Shop Fronts
DMS5	Outdoor Advertising
DMS6	Safeguarding sites for community facilities
DMS7	Retention of community recreation sites or sports facilities

Bakewell

DMB1	Bakewell Development Boundary
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Travel and Transport

DMT1	Cross-park infrastructure
DMT2	Access and Design Criteria
DMT3	Railway construction
DMT4	Development affecting a public right of way
DMT5	Operational parking
DMT6	Non-operational parking
DMT7	Residential off street parking
DMT8	Air transport

Utilities

DMU1	Development that requires new or upgraded service infrastructure
DMU2	New and upgraded utilities services
DMU3	Development close to utility installations
DMU4	Telecommunications infrastructure
DMU5	Restoration of utility and telecommunications infrastructure sites

Minerals and waste

DMMW1	Managing minerals and waste development
DMMW2	Waste management facilities

Chapter 1 – Introduction

1.1 This is the Development Management Document for the Peak District National Park. It contains a written statement of policies for the positive management and control of development and the use of land¹.

1.2 This introduction explains:

- The purpose of the Development Management Policies Document
- Its policy background, especially the Core Strategy and National Planning Policy Framework (NPPF)
- Its relationship to the National Park Management Plan
- How to use the following chapters
- The presumption in favour of sustainable development in the context of National Park purposes

1.3 It also briefly sets out the National Park context, the structure of the National Park Authority and a description of the National Park.

What is the Development Management policies document?

1.4 Development management policies provide the detailed criteria to inform planning decisions. They build on the principles laid down by the Core Strategy and define the circumstances in which planning decisions may lead to an approval or a refusal.

1.5 The NPPF seeks that policies and plans should be positively prepared in order to encourage sustainable forms of development and this principle remains true for the National Parks. As such a positive framework is constructed in which high quality development that fits the core strategic aims and policy principles of the Core Strategy should be approved unless adverse harm is identified to matters of agreed concern. In the National Park the reason for designation is in order to protect the natural beauty, wildlife and cultural heritage of the area and therefore these matters are always given great weight in development management policy criteria.

1.6 Other matters also need careful consideration such as residential amenity, traffic impacts and more general environmental quality, so again it is the role of development management policy to ensure that all the necessary considerations are laid out for each form of development proposal.

Understanding the Statutory Purposes and Duty affecting National Parks

1.7 A key function of a National Park Authority in achieving its statutory purposes through the planning process, both plan making and decision making. The National Park Authority has full responsibility for planning including those responsibilities that normally fall with a County or Unitary Authority, such as Minerals and Waste planning. However matters that lie outside the planning system remain with the relevant local authority e.g. for highways, housing, education, health and waste collection.

¹ “Development is defined as both building work and significant changes in use of land and buildings (other than changes in type of agriculture and forestry).

- 1.8 Forward planning in National Parks is very different to other local authorities who must 'ensure choice and competition in the market for land' (NPPF paragraph 47). Development management in National Parks, which 'have the highest status of protection in relation to landscape and scenic beauty', (NPPF paragraph 115) is conservation led, rather than market led. Paragraph 115 of the NPPF refers to further guidance and information about the statutory purposes of National Parks provided through the English National Parks and the Broads: UK Government Vision and Circular 2010, thereby bringing consideration of the statutory purposes of the National Park into the National Planning Policy Framework.
- 1.9 Paragraph 14 of the NPPF with respect to plan making recognises that policies in National Parks will need to restrict development in order to fulfil statutory purposes. This is consistent with the duty under the primary legislation to 'have regard to the purposes'.... 'in exercising or performing any functions in relation to, or so as to affect, land in a National Park'... 'and if it appears that there is a conflict between these purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty wildlife and cultural heritage of the area comprised in the National Park'. This is known as the Sandford Principle.
- 1.10 Applicants need to be aware that primary legislation, the NPPF and the Core Strategy for the National Park, put natural beauty, wildlife, cultural heritage and other valued characteristics first if there is a conflict with the other statutory purpose of promoting opportunities for the understanding and enjoyment of the valued characteristics of the National Park by the public (**Core Strategy policy GSP1C**).
- 1.11 In pursuing the two purposes under the primary legislation the Authority has a duty to seek to foster the economic and social wellbeing of local communities, co-operating with other local authorities in order to do so. It is important to seek common ground between conservation, enjoyment and socio-economic wellbeing wherever possible. In many cases they can be interdependent but where there are conflicting considerations the purposes take precedence.
- 1.12 The valued characteristics of the National Park include opportunities for quiet enjoyment; wildness and remoteness; landscape and wildlife; geology and geomorphology; clean earth, air and water; the cultural heritage of history, archaeology, buildings, customs and literary associations; and any other features which make up its special quality. They are often referred to in the policies in this Development Management Document, sometimes singly, sometimes under the generic name 'valued characteristics'. They are referred to as 'special qualities' in the primary legislation. The Core Strategy contains additional description under each chapter heading. Protection of the ability to enjoy these valued characteristics underlies the purposes of National Parks and the policies of this Development Management Document.

Relationship with the National Park Management Plan

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

How to use the following chapters

- 1.14 Each chapter sets out policies and proposals related to a particular issue, such as housing or minerals. Each policy applies throughout the entire National Park unless it states otherwise. The areas to which policies for parts of the Park apply are shown on the Policies Map. **It is fundamental to the use of the whole Local Development Plan that policies are not read in isolation. Several policies may apply to any given situation. In particular the Core Strategy must always be used as the starting point as this provides the basis**

for the Development Management Policies and any other Neighbourhood Plan policies or detailed guidance set out in Supplementary Planning Documents. The Development Management policies supplement, but do not seek to repeat, policy already agreed in the Core Strategy. Planning proposals will be tested against the National Park Authority's policies in both the Core Strategy and Development Management Policy documents, as well as any Neighbourhood Plans covering an area. To avoid confusion, individual policies are phrased so as to avoid unnecessary duplication wherever possible. The text which precedes a Development Management policy often refers in bold to one or more key Core Strategy policies, but such references are not exclusive. For example:

- 1.15 A proposal to develop a new house on the edge of a settlement would certainly need to be considered against Core Strategy policies GSP1 and DS1. There would also be a need to consider any enhancement opportunities (GSP 2) and general Development Management principles laid down in GSP3. There would also be landscape and conservation issues (L1, L2, and L3 of the Core Strategy). Core Strategy housing policy would then need to be applied (CS - HC1) alongwith the relevant Development Management housing policies (LHC1 & 2). They may also be local traffic and parking implications (CS - T8 and DM - LT7 Residential off street parking).
- 1.16 Any specific valued characteristics affected such as Conservation Area, Heritage Asset, or a wildlife site would require detailed consideration of additional Development Management policies.

Development Management in the Peak District National Park – Operating the presumption in favour of sustainable development in the context of National Park purposes

- 1.17 Policy DM1 sets out how the presumption in favour of sustainable development in the NPPF should be applied. This policy has been required by Government as a way of meeting the presumption in favour of sustainable development. It has been adapted to ensure that the presumption does not conflict with the National Park's statutory purposes or the National Park Authority duty. The government has given a commitment to 'maintain key protections for the countryside' and ensured that 'The National Planning Policy Framework met this commitment in full'. The special role of National Parks is recognised in the framing of the presumption in favour of sustainable development which sets out that authorities should meet objectively assessed needs unless specific policies in the Framework indicate development should be restricted. Crucially National Parks are identified as one such policy.²

DM1: Development Management In the Peak District National Park

When considering development proposals the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions that are consistent with National Park purposes:

- *to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park;*
and
- *to promote opportunities for the understanding and enjoyment of the valued characteristics of the*

² NPPF paras 14 (including reference 9) and 115 (including reference 25). Letter from DCLG to Sir Michael Pitt (3 March 2014).

National Park.

Planning applications that accord with the policies in the development plan will be approved without unnecessary delay, unless material considerations indicate otherwise.

Chapter 2 – Development Management Practice

Assessing planning applications

2.1 Proposals for development will be assessed against all relevant policies in the Local Development Framework Core Strategy Development Plan document adopted October 2011 and this development plan document. Other material considerations which will be taken into account where appropriate in determining applications include:

- The National Planning Policy Framework and planning practice guidance and in particular paragraph 14 and paragraph 115. Paragraph 14 explains how sustainable development should be achieved in the context of policies for national parks. Paragraph 115 recognises the protected status of national parks and requires that great weight be given to conserving landscape, scenic beauty, wildlife and cultural heritage.
- Supplementary Planning Documents published by the National Park Authority;
- the views expressed by those consulted: local councils, statutory consultees and such other authorities and agencies as seem appropriate to the particular case;
- the views expressed by neighbours and other third parties including individuals, organisations and interest groups;
- the likely effects on nearby residents and users of the area;
- the desirability of meeting special needs such as those of people with disability;
- current best information on any matters of specific importance such as the conservation of wildlife sites and species, historic gardens and buildings, archaeological or geological sites.

2.2 Where development is not compatible with the Development Plan, either through its individual impact or through potential cumulative impact, planning permission will be refused unless material considerations indicate otherwise. Any appeal arising from refusal will be firmly contested.

Chapter 3 – Conserving and Enhancing the National Park’s valued characteristics

Issues Covered

Conservation and Enhancement of the National Park’s nationally significant landscapes

- DMC1 Landscape Conservation and Enhancement
- DMC2 Protecting and managing the Natural Zone
- DMC3 Siting, Design, Layout and Landscaping
- DMC4 Pollution, Disturbance. Contaminated Land and Unstable Land
- DMC5 Settlement Limits

Conserving and enhancing Biodiversity and Geodiversity

- DMC6 Safeguarding, recording and enhancing nature conservation interests
- DMC7 Sites, features or species of wildlife, geological or geomorphological importance
- DMC8 Protecting trees, woodland or other landscape features put at risk by development

Conserving and enhancing cultural heritage

- DMC9 Assessing the impact of development on heritage assets and their settings
- DMC10 Scheduled Monuments
- DMC11 Listed Buildings
- DMC12 Conservation Areas
- DMC13 Registered Parks and Gardens
- DMC14 Conversion of heritage assets

Strategic Context

3.1 One of the statutory purposes of a National Park is to conserve and enhance natural beauty, wildlife and cultural heritage.³

3.2 **Chapter 7 of the Core Strategy** sets down strategic principles for all policies through a set of General Spatial Policies which ensure that the National Park’s statutory purposes and duty are central to all planning decisions (**Core Strategy Policies GSP1 to GSP4**)

3.3 **Chapter 8 of the Core Strategy** sets out the broad differences in approach to development across 3 spatial areas (The Dark Peak and Moorland Fringes, The White Peak and Derwent Valley and the South West Peak).

3.4 **Chapter 9 of the Core Strategy** deals with the strategic principles for the conservation and enhancement of the National Park’s nationally significant landscapes and valued characteristics, by focussing on core policies which reflect the statutory purpose of conserving and enhancing natural beauty, wildlife and cultural heritage.

3.5 **Core Strategy policy L1** incorporates a landscape character led approach for all development, provides strict protection for Natural Zone, and ensures the conservation and enhancement of all valued characteristics, as set out in **Core Strategy paragraph 9.15**. The principles of the European Landscape Convention are embodied in the National Park’s Landscape Strategy and European Convention Action Plan which is a material consideration under Core Strategy Policy L1 in all planning decisions affecting landscape in the National Park (English National Parks and the Broads UK Government Vision and Circular 2010 para 49).

³ National Parks and Access to the Countryside Act 1949 (as amended).

- 3.6 **Core Strategy policy L2** requires that all development conserves and enhances sites, features or species of biodiversity and geodiversity importance and their setting.
- 3.7 **Core Strategy policy L3** provides core policy principles for cultural heritage assets and requires that all development conserves and where appropriate enhances or reveals the significance of archaeological, architectural, artistic or historic assets and their settings. Development will not be permitted where there is harm to the acknowledged significance of a heritage asset.
- 3.8 An understanding of the impact of proposals on landscape character, biodiversity and geodiversity and cultural heritage assets and their settings is key to a successful planning application. The development management policies below give details of other assessments and information required to support planning applications including development management policies on design. Further detail is set out in the National Park's validation criteria for the particular type of application. The National Park Authority encourages pre-application consultation in order to be able to give further guidance.

Conservation and enhancement of the National Park's nationally significant landscapes

- 3.9 Government policy and legislation expect the integrity and quality of the landscapes within national parks and also those landscapes that provide a setting to national parks to be maintained. The varied landscapes of the National Park are exceptional for their natural, aesthetic, cultural, wildlife, historic and biodiversity value.
- 3.10 **Core Strategy Policy L1** sets out the policy principle that 'development must' conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan and other valued characteristics'. As well as ensuring that the statutory purpose to conserve and enhance natural beauty, wildlife and cultural heritage is fulfilled, this approach of promoting the use of the Landscape Strategy and Action Plan also ensures that the National Park Authority is following the European Convention's⁴ recognition of landscape in law with policies dedicated to the protection, management and planning of landscapes.
- 3.11 Further guidance is needed to explain the way the NPA will protect the unique and diverse character of the National Park landscapes by reference to key sources of information, in particular the Landscape Strategy and Action Plan. This is to conserve the richness and diversity of the landscapes both for their own sake but also for the positive contribution to the overall quality of life and sense of place for residents and visitors and future generations.
- 3.12 The many functions of traditional agriculture, stock farming and forestry as well as sustainable countryside management, cultural heritage preservation, protection of natural resources including soil, water, air, flora and fauna, ensure the conservation, enhancement and appropriate management of these exceptional landscapes. In some circumstances where development has an impact on a village street scene not visible from wider viewpoints the assessment will need to focus on localised viewpoints including views in and out of the area, sense of place and open spaces. In this regard Conservation Area Appraisals can be useful sources of information.
- 3.13 It is through co-operative working within land managers, land owners, communities and stakeholders that the environment and biodiversity of the National Park will be conserved and

⁴ European Landscape Convention Treaty Series No. 36 (2012) [The United Kingdom Instrument of Ratification was deposited on 21 November 2006 and the Convention entered into force for the United Kingdom on 1 March 2007]

enhanced in a way that recognises the benefits of eco-system services⁵. The National Park Management Plan encourages land management practices to respond to the challenges of climate change, in ways appropriate to protected landscapes, and sets out the priorities for partnership action which include:

- Protecting and enhancing the storage of carbon through blanket bog stabilisation and restoration
- Water storage and water flow risk management through partnership working
- Protecting existing native woodland and increasing its extent

3.14 The Landscape Strategy and Action Plan gives details of landscape features that are particularly important to protect and land management guidance for each landscape character type.

3.15 **Paragraph 9.15 of the Core Strategy** 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.’

3.16 The ‘Landscape First’ approach, bases assessments of the impact of a planning proposal on the Landscape Strategy and European Landscape Convention Action Plan (**Core Strategy policy L1**) and refers where relevant to the Peak District Historic Landscape Characterisation which form the basis of the Landscape Strategy and Action Plan (**para 9.15 Core Strategy**). Applicants must assess whether the character and quality of the landscape will be conserved and enhanced, considering alternative approaches if necessary. The Historic Landscape Characterisation is essential to an understanding of many important cultural heritage features such as field walls, traditional field barns, lanes and historic settlement patterns.

3.17 The landscapes of the PDNP have been mapped with eight landscape character areas representing broad areas of landscape which share a common identity.

Applying the ‘Landscape First’ approach:

3.18 For clarity and avoidance of doubt, some areas of the National Park have been identified as Natural Zone where development is not permitted other than in exceptional circumstances. Applicants are advised to follow the steps below in order to fully address landscape considerations:

1. First ascertain whether the development proposal is in the Natural Zone and check the exceptional criteria for development in the Natural Zone (see policy LL2)
2. 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/>
3. Identify the key characteristics of this ‘Landscape Character Type’ from the ‘Landscape Strategy and Action Plan’.
4. Note general comments from the ‘Issues of Change’ section for the development. For

⁵ See National Character Area Profiles Appendix X

low carbon and renewable energy projects note comments from the 'Energy and Infrastructure' section.

5. From the 'Landscape Guidelines' including the 'Plan' section in the overall strategy for each landscape type, identify the key landscape features in this landscape character type.

6. Consider historic landscapes and cultural heritage features using the Historic Environment Record of the relevant constituent local authority.

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

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

3.20 The Landscape Sensitivity Assessment for wind turbine development is set out in the Peak District National Park Authority's Climate Change and Sustainable Building Supplementary Planning Document (Adopted March 2013).

3.21 Particular Priorities for each landscape type are set out in the Landscape Strategy and Action Plan and these provide a useful first step to understanding the landscape.

3.22 **Table X** sets out landscape features resulting from thousands of years of human influence.

3.23 The following policy adds operational detail to Core Strategy Policy L1 which conserves and enhances natural beauty, biodiversity, cultural heritage features and other valued characteristics.

DMC1 Conservation and Enhancement of nationally significant landscapes

A. Outside settlements listed in policy DS1 of the Core Strategy in order to assess the impact and suitability of a proposal, planning applications must provide a landscape assessment with reference to the Landscape Strategy and Action Plan, clearly demonstrating how valued landscape character, natural beauty, biodiversity, cultural heritage features and other valued characteristics of the landscape character types will be conserved and, where possible, enhanced taking into account:

i. The respective overall strategy for the following character areas;

White Peak;

Dark Peak;

Dark Peak Western Fringe;

Dark Peak Yorkshire Fringe;

Derbyshire Peak Fringe;

Derwent Valley;

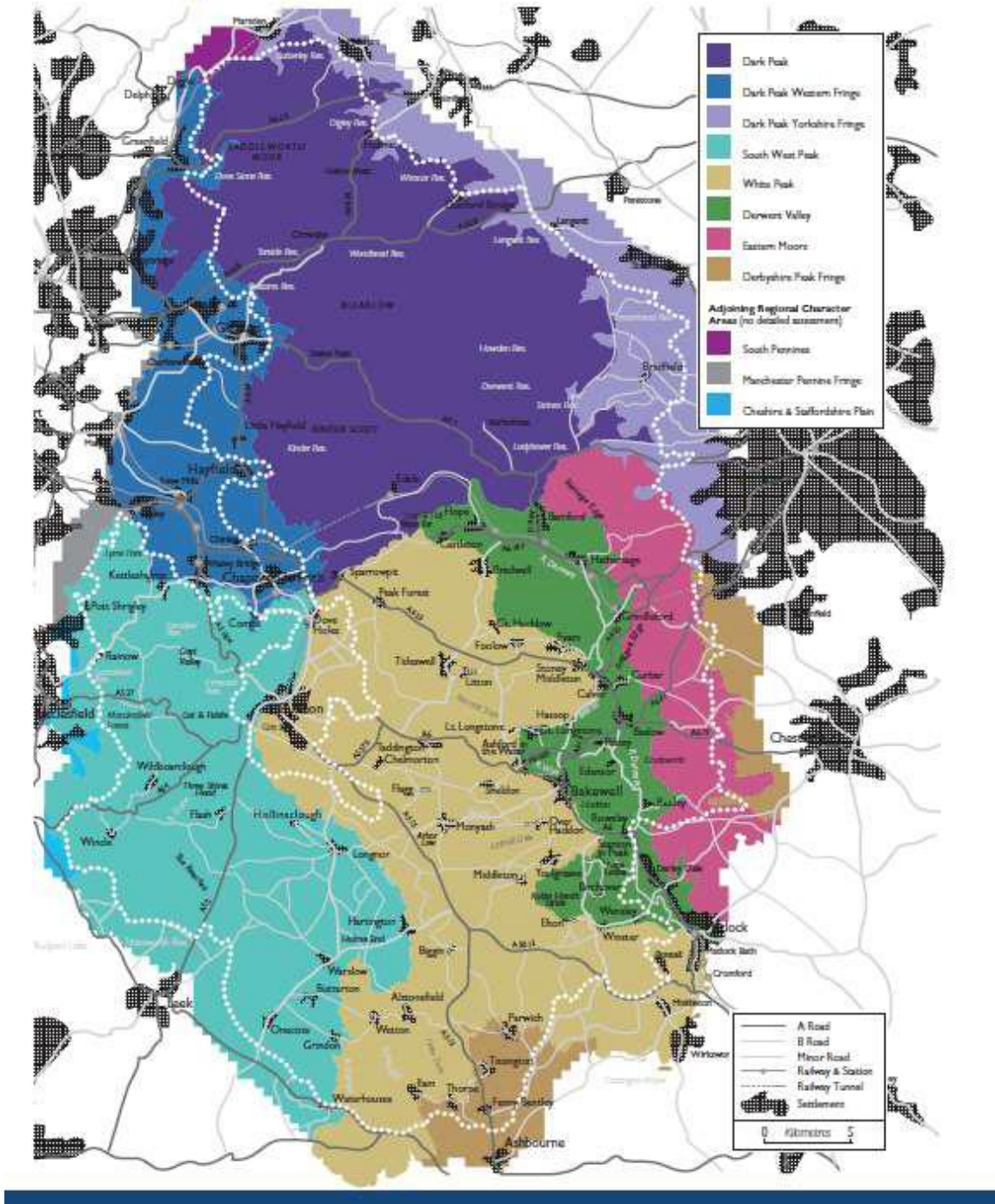
Eastern Moors;

South West Peak

- B. Assessments must be proportionate to the proposed development.
- C. Development which would not respect, would adversely affect, or would lead to undesirable changes in landscape character or any other valued characteristics⁶ of the site and the area will not be permitted;
- D. Any cumulative impact of existing or proposed development including outside the National Park boundary;
- E. Where appropriate, when granting consent, the removal of a building or structure will be required when it is no longer needed for the purposes for which it was approved.

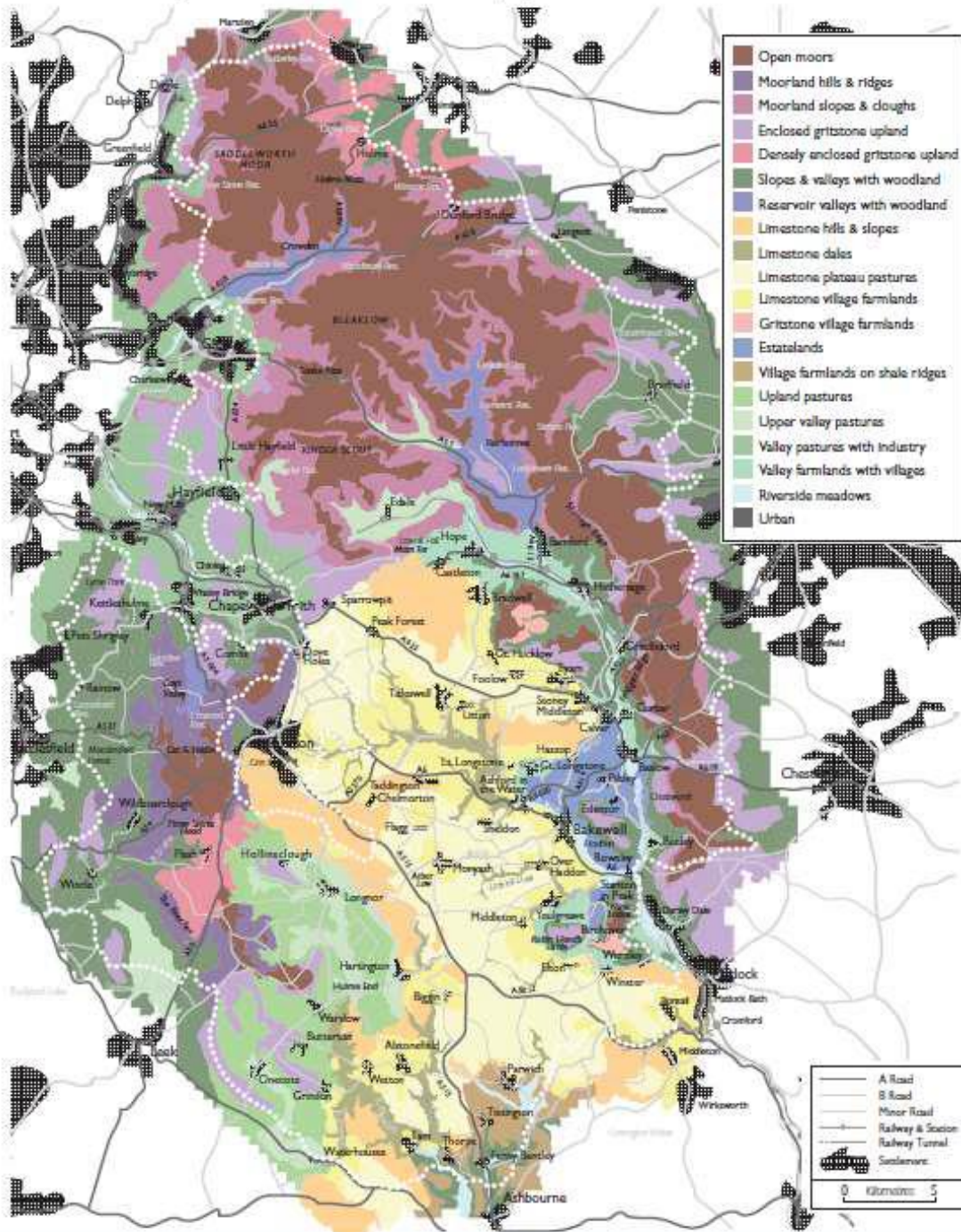
⁶ Core Strategy paragraph 9.15.

Landscape Character Areas



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

Landscape Character Types



Protecting and Managing The Natural Zone

3.25 The Natural Zone is shown on the policies map and represents the wildest and least developed parts of the Peak District National Park which combine high wildlife value and minimal obvious human influence. They are also the same types of land that the 1949 Act referred to as 'open country' which has particular importance for certain types of recreation associated with adventure and contact with nature. The basis for defining the area is given in paragraph 9.17 of the Core Strategy.

- 3.26 **Core Strategy policy L1** makes it clear that development in the Natural Zone will only be acceptable in exceptional circumstances. Unless it is essential to locate inside, development should be located outside the Natural Zone and should not harm the natural beauty, the biodiversity or geodiversity of the section 3 area. Development should be located outside the Natural Zone unless it is essential to locate inside. The strategy envisages only very limited circumstances in which exceptions ought to be allowed. Such rare cases might include:
- Works essential for the management of the area (for example a new weir), or
 - a development that is essential for the conservation or enhancement of the National Park's valued characteristics
- 3.27 It should be remembered that proper management practices will often have been carried out for many years without the development of features that would require planning permission.
- 3.28 In some cases it may be necessary to try and prevent activities or other developments that adversely affect the valued characteristics of the area but that do not normally require planning permission. In Sites of Special Scientific Interest (SSSIs), which cover most of the Natural Zone, noisy activities such as motor sports and clay pigeon shooting no longer benefit from permitted development rights. In addition, the impact of any development that is permitted will need to be very carefully controlled and may well involve the National Park Authority seeking planning obligations and/or excluding permitted development rights by means of planning conditions. Retention of natural and remote character is essential to the Natural Zone. Ease of land management is not itself a justification for development.

DMC2 Protecting and managing the Natural Zone

- A. The exceptional circumstances in which development is permissible in the gritstone - moors, limestone heaths, limestone hills, limestone dales, semi-natural woodlands or other land in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and it is essential:
- (i) for the management of the Natural Zone; or
 - (ii) for the conservation or enhancement of the National Park's valued characteristics
- B. Development that would serve only to make land management or access easier will not be regarded as essential.
- C. Where exceptional circumstances prevail, the need for new or significantly enlarged buildings or structures will, nevertheless, be rigorously examined.
- D. Where development is permitted:
- (i) detrimental effects must be minimised by the use of, for example: appropriate siting; landscaping; layout and design; materials and construction;
- and where necessary and appropriate:
- (ii) permitted development rights will be excluded by means of planning conditions;
 - and (iii) permission will initially be restricted to a period of (usually) 2 years, and further permission will not be granted if arrangements for minimising the development's impact prove to be unacceptable in practice;

and (iv) permission will initially be restricted to a personal consent solely for the benefit of the appropriate person.

Siting, Design, Layout and Landscaping

3.29 **Core Strategy Policies GSP1, GSP2, and GSP3** establish the importance of conserving and enhancing the valued characteristics of sites and buildings subject to development proposals. They draw attention to the character of buildings and their settings, appropriate scale, siting, landscaping, building materials, the form and intensity of proposed use or activity, impact on living conditions and on access and traffic levels, use of sustainable modes of transport and building techniques, ground conditions and the mitigation of climate change. Design must also be in accordance with the National Park Authority Design Guide, including detailed guidance notes on matters such as alterations and extensions, and shop fronts. Further guidance on the conversion of traditional buildings of historic or vernacular merit will also be published as a Supplementary Planning Document (SPD). In addition the Authority provides guidance and information on wildlife and protected species. The Authority's Landscape Strategy and Action Plan and Conservation Area Appraisals provide a valuable input to siting, design reflecting and informed by local character.

3.30 **Core Strategy Policies L1, L2 and L3** link development considerations to landscape character and valued characteristics, biodiversity, geodiversity and cultural heritage assets of archeological, architectural, artistic or historic significance which affect design, layout and landscaping. The Authority's Design Guide SPD explains how new development may fit successfully into the area and considers design, materials, wildlife and protected species, amenity, access and different types of development.

3.31 The National Park Authority requires completion of a Protected Species Form and where it is reasonably likely that a protected species will be present and affected by development, survey is required in advance of an application. (Wherever possible opportunities should be taken for biodiversity enhancement for example the provision of roosting/nesting spaces for bats or birds.)

3.32 **Core Strategy Policies CC1, CC2 and CC5** deal in some detail with climate change mitigation and adaption including energy saving, low carbon and renewable energy development, sustainable drainage, flood risk and water conservation. The National Park Authority is keen to see these matters pursued in ways that complement its purposes. The policies are not duplicated here but should be read in conjunction with this document in order to inform decisions about siting, design, layout and landscaping. The SPD on Climate Change and Sustainable Building provides further information. Layout and design can also help reduce energy consumption. Techniques for sustainable energy generation (such as solar panels or heat exchangers) need to respect the attractiveness and character of buildings and the wider landscape setting. Sustainable drainage and other considerations are necessary to help reduce flood risk. The SPD on "Climate Change and Sustainable Building" explains the principles of sustainable design and provides detailed advice to help both new and existing buildings to mitigate the effects of climate change including the increased risk of flooding. **Core Strategy Policy CC1** seeks to reduce overall risk from flooding and **Core Strategy Policy CC5** requires adequate measures such as sustainable drainage systems to deal with surface water run-off from development.

3.33 The quality of our surroundings depends partly on the public will to recognise the contribution that investment in buildings can make and the richness of the built environment of the National Park in all types of buildings whether they are designated or non-designated

heritage assets, vernacular or polite architecture, traditional⁷ buildings or features. Heritage assets are described in detail in policy **DMC9-14** and the Glossary including details of the adaptive reuse of buildings by conversion. Much can be achieved through discussion rather than control. Detail is often very important. Developers might, for example, consider how designs can carry forward locally distinctive features; and contribute to sense of place; or how opportunities for planting or other landscaping including hard landscaping can respect and build on the local context. Security should also be considered: a well-designed layout and lighting scheme can help in crime prevention. Care is also needed with the location of bins for waste and recycling and the provision of services to development such as power lines which will most often need to be laid underground. Accessibility requirements and the provision of a means of access for emergency vehicles should be considered at an early stage of the design process.

- 3.34 New development should respect the amenity of neighbouring properties. For example, arrangements that would result in serious overshadowing or loss of privacy should be avoided, and the impact of security or functional lighting on neighbours and the wider landscape setting should be minimised and avoided in areas of dark skies.
- 3.35 The policies in this plan generally direct development to areas where service provision will not usually be a problem. Sometimes however existing service infrastructure may have insufficient capacity to cope with increased demand (sewerage or water supply for example). If development is permitted in such a case the services should be improved beforehand to avoid excessive demands being placed upon them. Development which would require improved access or services that would damage the valued characteristics of the National Park will be resisted.
- 3.36 Cumulative effects on landscape character arise when two or more developments introduce new features into the landscape. Cumulative effects on visual amenity can be caused by combined visibility where the observer is able to see two or more developments from one viewpoint and/or sequential effects of travel between viewpoints.
- 3.37 An assessment of cumulative impacts associated with a particular proposal should encompass the effects of the proposal in combination with existing development, approved but unbuilt development and proposals awaiting determination within the planning system. This should include proposals or development in constituent authorities. For some development proposals, cumulative impact from sequential effects will be a material consideration such as views of development in sequence along a footpath or cycle trail. This may mean that even though other developments are not visible from a proposed development site there may still be adverse cumulative impact.
- 3.38 New buildings and the substantial modification of existing ones (and particularly those to which regular public access is intended such as shops, offices, workplaces and public halls) should provide access for elderly people or people with a mobility difficulty (see **Policywas LT22**). The provision of a safe means of access and the impact of development on accessibility are also material considerations (See **Transport Policy XXXX Access to sites and buildings for people with a mobility difficulty**).
- 3.39 Policies DMC3 and DMC4 clarify the range of detailed considerations necessary to implement **Core Strategy policies GSP1 GSP2 and GSP3** for the effective conservation and enhancement of the National Park. Other policy concerns must also be satisfied, including requirements for designated and heritage assets of local importance or special interest, Listed Buildings; Conservation Areas; shop-fronts; advertisements; landscape, biodiversity, cultural and other assets; transport implications (including access and parking) set out in this chapter and in Chapter(Transport). All relevant detailed guidance and advice for design,

⁷ Traditional buildings are generally considered to be those built before 1919 using load-bearing masonry walls with pitched roofs covered in slate or another natural roofing material. (Historic Scotland. Fabric Improvements for Energy Efficiency in traditional buildings).

sustainable building, landscaping or other matters published by the National Park Authority should be taken into account.

DMC3 Siting, Design, Layout and Landscaping

- A. Where development is acceptable in principle, it will only be permitted provided that its detailed treatment is of a high standard that respects, protects⁸ and where possible enhances the natural beauty, quality and visual amenity of the landscape, the natural and built environment and other valued characteristics of the area. Scale, siting, building materials, design and use that are appropriate in their landscape context will be essential if permission is to be granted.
- B. Development proposals are required to demonstrate through the use of detailed, clear and accurate drawings and a written statement (Design and Access Statements where appropriate) how they have successfully addressed the elements of the site and its surroundings including taking into account relative levels of land and the height of existing buildings.
- C. Particular attention will be paid to:
- (i) scale, form, mass, levels and orientation in relation to existing buildings, settlement form and character, including open spaces,, landscape features and the wider landscape setting;
 - and (ii) the degree to which buildings and their design details, materials and finishes reflect or complement the style and traditions of locality as well as other valued characteristics of the area such as the character of the historic landscape and varied biodiversity assets;
 - and (iii) the use and maintenance of landscaping to enhance new development, and the degree to which this makes use of local features, colours, textures and boundary treatments and an appropriate mix of species suited to both the landscape and biodiversity interests of the locality;
 - and (iv) access, utility services, vehicle parking, siting of services, refuse bins and cycle storage:
 - and (v) flood risk, water conservation and sustainable drainage:
 - and (vi) the detailed design of the existing buildings, where ancillary buildings, extensions or alterations are proposed;
 - and (vii) the conservation of heritage assets and other traditional buildings, ensuring

⁸ NPPF para 109

that buildings are used for purposes that conserve the valued characteristics of the buildings themselves and their settings including wider landscape setting;

and (viii) amenity, privacy and security of the development and other properties that the development affects;

and (ix) the accessibility or the impact on accessibility of the development

and (x) the historic environment including Conservation Area Appraisals, distinctive local built form, locally distinctive patterns of development, historic landscapes, attractiveness, distinctiveness, diversity and quality of place⁹;

and (xi) visual context including Landscape Strategy and Action Plan, strategic, local and other specific views including skylines;

and (xii) an understanding of the significance of heritage assets that may be affected;

and (xiii) the principles of design related Supplementary Planning Documents and related technical guides;

Pollution, Disturbance, Contaminated Land and Unstable Land.

3.40 Core Strategy paragraph 9.15 establishes that the National Park's valued characteristics include clean earth, air and water and these have obvious significance for its landscape and biodiversity as well as the well-being of residents and visitors.

3.41 The planning system should conserve and enhance natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils¹⁰. There is wide recognition of the importance of ecosystem services in the area such as the link between healthy moorlands, carbon storage, water quality and supply and flood risk alleviation. The conservation and enhancement of the landscape also contributes positively to biodiversity improving, enlarging and linking habitat networks.

3.42 The National Park is a valuable drinking water catchment area; many settlements within the National Park and its surrounding conurbations rely on the catchment area for an adequate supply of fresh, clean drinking water. Many fast flowing streams drain in the moorland plateau and large expanses of blanket bog store and slowly release large quantities of water. The National Park has an important role in safeguarding and managing this resource, in addition to restoring large areas of open expansive moorland and conserving and enhancing internationally important habitats and species that they support, also regulating soil erosion and water quality.

3.43 Pollution is often controlled by other regimes but planning has regard to the suitability of a use in a given area bearing in mind its potential impact.

⁹ English National Parks and the Broads: UK Government Vision and Circular 2010 para 49

¹⁰ NPPF para 109

- 3.44 In the context of national park purposes, pollution can encompass a wide spectrum including, for example, noise and light with their impact on tranquility, enjoyment of landscape and recreation and sense of remoteness. Light pollution (sky glow, light intrusion and light spillage) occurs where light overspills onto areas not intended to be lit. It is important to give consideration to appropriate levels of lighting for the context of the development and in order to conserve dark skies.
- 3.45 Noise can impact not only on amenity, health and quality of life but also on biodiversity. It is important to minimise the impact of noise and vibrations both in settlements and groups of buildings but also in the open countryside, in sensitive locations and areas valued for their tranquility. In some circumstances noise and vibration problems may be resolved by careful attention to site layout, sound insulation measures and barriers.
- 3.46 Air quality and public health and biodiversity are impacted by major air pollutants such as particulate matter and nitrogen dioxide which is a material consideration both for individual applications and also for its cumulative impact particularly for business uses. Air quality monitoring takes place within or adjacent to the National Park by constituent local authorities. If national objectives are not met the constituent local authority must declare an air quality management area and prepare an air quality action plan. Odour and dust can also be a planning concern because of their effect on amenity and biodiversity.
- 3.47 Ground conditions (including stability and contamination) that might prevent development or endanger those that use it arise largely from instability or contamination. Sites and development must be suited to each other and, whilst the responsibility for securing a safe development rests with the developer and/or landowner, planning decisions can have regard to any long term cumulative risks to health and safety. An accredited expert assessment will often be required where such risks are present.

DMC4 Pollution, Disturbance, Contaminated Land and Unstable land

A. Development that presents a risk of pollution or disturbance including soil, air, water or noise pollution, odour or land instability that could adversely affect:

- (i) the amenity of neighbours and neighbouring uses;
- or
- (ii) the amenity, tranquillity, biodiversity or other valued characteristics of the area;
- or
- (iii) existing recreation activities;
- or
- (iv) extensive land uses such as forestry and agriculture;
- or
- (v) ecosystem services including water supply, groundwater resources and the water environment;
- or
- (vi) established businesses;
- or
- (vii) potential future uses of the land
- or
- (viii) any nuisance, or harm to the rural character and dark skies of the area, caused by lighting schemes

will not be permitted unless adequate measures to control the pollution within acceptable limits are put in place.

Development within a source affecting a Protection Zone, Safeguard Zone or Water Protection Zone must assess any risk to water quality and demonstrate that it will be protected throughout the construction and operational phases of development

- B. Development on land believed to be contaminated will be permitted provided that an accredited assessment shows that:
- (i) There is no risk to public health arising from any existing contamination
 - (ii) Remedial measures (in situ or by safe disposal off site) can remove any public health risk and make the site fit for its intended use without harm to the valued characteristics of the area.
- C. Development will not be permitted in the vicinity of sewage treatment works, high pressure or gas pipelines, or other notifiable installations, where they would present an unacceptable loss of amenity or risk to those using the development.
- D. Development on land believed to be unstable or likely to become unstable as a result of development will only be permitted where an accredited stability assessment shows that the land:
- (i) is stable and will remain so; or
 - (ii) can be made permanently stable by remedial measures undertaken as part of the development process without harm to the valued characteristics of the area; and
 - (iii) that development will not affect the stability or safety of neighbouring areas.
- E. Where contamination or instability is known to exist, suspected to exist or suspected to arise as a result of development, an accredited assessment will be required before a planning decision is made to include:
- (i) Identification of possible contaminative uses;
 - (ii) Site Characterisation: The nature and extent of any contamination and the hazards and risks posed;
 - (iii) Detailed remediation scheme: including methodology and quality assurance;
 - (iv) Methodology to report unexpected contamination;
 - (v) methodology to ensure verification of remedial works
 - (vi) Details of long term monitoring and maintenance proposals (where necessary).

The need for, type and complexity of reports will depend on the specific site.

- F. Necessary remedial measures must be agreed before development commences.

Settlement Limits

- 3.48 To promote a sustainable distribution and level of growth, and support the effective conservation and enhancement of the National Park, **Core Strategy policy DS1** directs the majority of development into Bakewell and the named settlements. This chapter provides more detailed development management criteria for the location of new development.
- 3.49 In or on the edge of settlements named in **Core Strategy policy DS1**, provided other policy criteria are met, 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. If there are no suitable internal sites, criteria are needed to help judge whether proposals are 'on the edge' of named settlements.
- 3.50 Where there is uncertainty about a named settlement's capacity for further development (under **Core Strategy Policy DS1E**) an assessment of site alternatives is required to demonstrate the extent of development which may be permitted. The process should involve the Parish Council or Parish Meeting and demonstrate how the proposed development conserves
- 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
- 3.51 Close regard should be paid to
- street layout
 - existing eaves and ridge heights of surrounding buildings
 - historic settlement pattern
 - Conservation Area appraisals
 - Landscape Strategy and Action Plan.
- 3.52 The Authority's Design Guide SPD provides detailed guidance. See in particular Chapter 2, 'The Peak Tradition', Chapter 3, 'New development – designing in sympathy' and Chapter 5, 'Access and Space between buildings'.
- 3.53 A programme of work has begun to better understand the capacity for future development across the named settlements in the Core Strategy. Where this work is completed the agreed capacity maps are a material consideration in determining the settlement limit. Use of named brownfield sites and existing buildings in settlements is prioritised, assisting in ensuring a sustainable pattern of development.
- 3.54 Conservation Area Appraisals for the 109 Conservation Areas within the National Park also provide useful character analysis at a village scale.
- 3.55 Where neighbourhood plans are produced they will be a material consideration and will provide a vehicle for more detailed consideration of the physical extent and capacity of settlements, which should be based on development plan policy criteria. As a part of the statutory development plan for the area any guidance on location and capacity for development will be the starting point for decision making.

DMC5 Settlement limits

- A. Planning applications should provide sufficient information to enable the relationship of the proposed development to nearby buildings and structures to the settlement's overall pattern of development and to landscape to be properly considered
- B. The relationship to nearby buildings and structures to the settlement's overall pattern of development and to landscape should be conserved and not harmed

C. Development will not be permitted where it is separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap. where those gaps form an important part of the more scattered pattern of development as the village built environment gradually gives way to countryside.

Conserving and enhancing Biodiversity and Geodiversity

3.56 **Core Strategy policy L2** establishes the strategic principles for sites of biodiversity or geodiversity importance within this nationally significant landscape area, that development must conserve and enhance any sites or features of geodiversity importance and any sites, features or species of biodiversity importance and where appropriate their setting. For international and national sites the relevant legislation and protection will apply in addition to the requirements of policy L2.

3.57 The National Park supports a rich and diverse range of biodiversity and geodiversity assets which reflect both the underlying geology, the resulting water environment and soils and traditional management practices that have been carried out over many years.

3.58 The conservation and enhancement of biodiversity is a requirement of the statutory purposes of the National Park Authority's designation.^{11 12}The Authority is required 'to ensure that biodiversity is protected and encouraged through proactive sympathetic management both within recognised protected areas and the wider landscape.'^{13 14} Priorities for National Parks are set out in Appendix X.¹⁵ The English National Parks and the Broads - UK Government Vision and Circular 2010 (2010 National Parks Circular) recognises that 'habitats are less fragmented in the Parks than elsewhere and the Authorities have an important role in helping to deliver habitat restoration and expansion at a landscape scale, especially against the backdrop of a changing climate.'

3.59 Policy L1 of the Core Strategy covers sites that provide or could provide linkages, stepping stones or corridors between national or local priority habitats and populations of priority species or other important features. These ecological networks comprise designated and non-designated features within the wider landscape such as ancient woodlands, woodlands, hedgerows and watercourses. The loss and fragmentation of these features can lead to species becoming vulnerable to extinction through reduced genetic diversity or inability to migrate into new areas or adapt to climate change. The NPPF in paragraph 109 therefore seeks the establishment of more coherent ecological networks that are more resistant to current and future pressures; the National Park Authority has begun the work to map these areas which will be published as an SPD in the future

3.60 Section 41 (s.41) of the Natural Environment and Rural Communities Act 2006 (NERC) requires the government to publish a list of habitats and species which are of principal importance to the conservation of biodiversity in England (also known as Biodiversity 2020¹⁶ priority habitats and/or priority species). The S41 list is used to guide public authorities in implementing their duty under section 40 of the Act to, have regard to the

¹¹ National Parks and Access to the Countryside Act 1949 (as amended).

¹² English National Parks and the Broads: UK Government Vision and Circular 2010 (reference 25 paragraph 115 National Planning Policy Framework 2012)

¹³ Natural Environment and Rural Communities Act 2006

¹⁴ Para 52 English National Parks and the Broads: UK Government Vision and Circular 2010

¹⁵ Para 52 English National Parks and the Broads: UK Government Vision and Circular 2010

¹⁶ Biodiversity 2020: A strategy for England's wildlife and ecosystem services.

conservation of biodiversity in England when carrying out their normal functions. The Authority produced a Biodiversity Action plan for the National Park which identifies important species and habitats and sets priorities for their management, protection and enhancement. The Biodiversity Action Plan is a material consideration under the NPPF and the Biodiversity 2020. New development should contribute to the aims of the Biodiversity Action Plan. The Authority co-ordinates the work of the Local Nature Partnership in the Dark Peak, White Peak and South West Peak National Character areas¹⁷ focusing on work at a landscape scale for the benefit of ecosystems.¹⁸

3.61 The NPPF recognises international, national and locally designated sites. These sites are protected under separate legislation with ODPM Circular 6/2005: giving guidance on Biodiversity and Geological Conservation -Statutory Obligations and Their Impact Within The Planning System. **Core Strategy Policy L2** reinforces their protection through the planning process. The NPPF is clear that it supports National Park statutory purposes to conserve and enhance biodiversity and geodiversity in the National Park Area¹⁹ Paragraph 109 explains that ‘the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

3.62 As set out in **Core Strategy policy L2** paragraph 9.28 on sites of biodiversity or geodiversity the granting of planning permission is restricted for development likely to significantly affect a European (International) site, by requiring that an appropriate assessment is first carried out of the implications of the development for the site’s conservation objectives. Primary legislation restricts the cases in which exceptional circumstances may justify development, in particular, development having a significant effect on the ecological objectives or integrity of a Special Protection Area (classified under the Birds Directive²⁰) or Special Area of Conservation (designated pursuant to the Habitats Directive)²¹. In addition to the protections afforded to National Parks under NPPF paragraphs 14 and 115 which set out the importance of the primary legislation through the NPVC, paragraph 119 of the NPPF explains that ‘the presumption in favour of sustainable development (para 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered, planned or determined’. It further explains in Paragraph 118 that the following wildlife sites should be given the same protection as European Sites:

- -Potential Special Protection Areas and possible Special Areas of Conservation;
- -Listed or proposed Ramsar sites; and
- -sites identified, or required as compensatory measures for adverse effects on European sites, potential special protection areas, possible special areas of conservation, and listed or proposed Ramsar sites.

3.63 The PDNA have a statutory duty under section 28G of the Wildlife and Countryside Act (1981) to ensure that development proposals that may impact on National Sites (SSSIs and NNRs) do not damage these sites and that they further their conservation and enhancement. For wildlife and geological sites and species that are not designated, Local Wildlife Sites (identified by Wildlife Trusts and County Councils) and Local Geological Sites, Biodiversity Action Plans, the list of Habitats and species of Principal Importance in England (S41 of the NERC ACT) and national or local biodiversity lists will provide useful information as to their particular significance and priority when setting out the special interests of a site.

¹⁷ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles>

¹⁸ Natural Environment White Paper, The Natural Choice: securing the value of nature.

¹⁹ NPPF para 14 including ref 9 and para 115 including ref 25

²⁰ Directive 2009/147/EC on the conservation of wild birds (codified version of Directive 79/409/EEC)

²¹ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.*

- 3.64 Development proposals that are consistent with the policies of the plan read as a whole and where the primary objective is to conserve or enhance biodiversity will be supported.
- 3.65 Adequate information to support an application regarding the likely impact on the special interest of the site must be included to enable proper consideration of the planning application. For all sites this should include an assessment of the nature conservation importance of the site.

DMC6 Safeguarding, recording and enhancing nature conservation interests

- A. Details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance must be provided, in line with the Biodiversity Action Plan, including provision for the beneficial future management of the interests.
- B. Measures should ensure conservation of the features of importance in their original location
- C. Where the likely success of the measures detailed in 1) or 2) is uncertain development will not be permitted.

DMC7 Sites, Features or species of wildlife, geological or geomorphological importance

- A. For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met^{22 23 24}.
- B. For sites, features or species of national importance²⁵, exceptional circumstances are those where development is essential:
- i) For the management of those sites, features or species; or
 - ii) For the conservation and enhancement of the National Park's valued characteristics
- And where criterion D and E have been adequately met.
- C. For all other sites, features and species, development will only be permitted²⁶ where :
- i) The need for, and the benefits of, the development in that location clearly outweighs the loss, and
 - ii) Significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained, and
 - iii) Policies D and E have been adequately met
- D. For all sites, features and species in considering whether a proposal conserves and enhances

²² Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora Conservation of Habitats and Species Regulations 2010

²³ Directive 2009/147/EC on the conservation of wild birds (codified version of Directive 79/409/EEC)

²⁴ Directive 2009/147/EC on the conservation of wild birds (codified version of Directive 79/409/EEC)

²⁵ SSSIs, NNRs, irreplaceable habitats including Ancient Woodlands and Grasslands, Habitats and Species listed under s41 of the NERC Act 2006 as being of principle importance for the purpose of conserving biodiversity

²⁶ Refer to Paragraph 9.29 of the Core Strategy

biodiversity or geodiversity, development must take all reasonable measures to avoid net loss by demonstrating that the following approach has been taken:

- **Enhancement** proportionate to the development has been considered²⁷
- **There is no alternative site** that causes less harm
- **Avoidance** of adverse effects
- Appropriate **mitigation**
- In rare cases, as a last resort, **compensation** measures to offset loss.

Development likely to have an adverse effect will be treated as if that effect is established.

There should be no net loss of biodiversity or geodiversity as a result of development.

E. For all sites, features and species development proposals must also consider:

- i) Cumulative impacts of other developments or proposals
- ii) The setting of the development in relation to other features of importance, taking into account historical, cultural and landscape context
- iii) The impact on protected or notable species, adjacent habitats and ecological networks, including water resources, wildlife corridors and stepping stones

Where the requirements of D and E are not adequately met, development will not be permitted.

F. Development proposals will be expected to incorporate features to encourage biodiversity and retain and where possible enhance, existing features of biodiversity and geodiversity within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should be considered in association with new development to ensure habitat connectivity

G. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the impact of a development proposal on a site, feature or species including:

- i) An assessment of the nature conservation importance of the site, including a habitat/vegetation map and description (with identification of plant communities and species), and a description of fauna and geological/geomorphological features; and
- ii) Adequate information about the special interests of the site in terms of scientific importance including: size and species population, diversity and richness, rarity, fragility, irreplaceability, naturalness, position in the ecological geographical unit, potential value, the degree to which it is typical and representative, historical continuity and geological or geomorphological importance; and
- iii) An assessment of the direct and indirect effects of the development including associated visitor pressure, pollution and changes in hydrology; and
- iv) details of any mitigating and/or compensatory measures and details setting out the degree to which net gain in biodiversity has been sought; and
- v) Details of alternatives considered including the 'do nothing scenario' and justification for the choice of the preferred option and for discounting other options; and
- vi) Provision must be made for the beneficial future management of the nature conservation interests of the site. Where the likely success of these measures is uncertain, development will not be permitted
- vii) The provision of alternative habitat and/or relocation of affected flora and fauna will

²⁷ Enhancement measures for biodiversity or geodiversity are likely to be those which enhance:

- habitats, species or geological features already present on or near the site
- designated sites or protected species
- Peak District Biodiversity Action Plan priority habitats or species, or Geodiversity Action Plan features
- habitats or species which are of principle importance for the conservation of biodiversity in England (as identified under S41 of the Natural Environment and Rural Communities Act 2006), and which are of relevance to the Peak District.
- habitats or features characteristic of the relevant Landscape Character Type as identified in the Peak District Landscape Strategy

only be accepted as a last resort and in cases where the development of a particular site is unavoidable.

Protecting trees, woodland or other landscape features put at risk by development

- 3.66 Core Strategy policies L1 and L2 provide protection for landscape assets such as trees, woodlands and other features put at risk by development. The loss and fragmentation of these features can lead to species becoming vulnerable to extinction through reduced genetic diversity or inability to mitigate into new areas or adapt to climate change. Care for such assets is important both during and after development work and needs to deal with appropriate replacement where existing assets are put at risk. Adequate, detailed assessments of a proposal's likely impact are necessary to enable proper consideration. Replacement of lost or damaged trees and shrubs should be with the same species or with species appropriate to the local context and preferably grown locally. These will often be indigenous to an area, or in some cases specimen trees suited to its character of local provenance. In some cases natural regeneration may be the most appropriate solution. Replacement is seldom effective without proper care and maintenance. Appropriate implementation and maintenance that respects wildlife interest will be required and applications should set out how this is to be achieved (see policy DMC7).
- 3.67 The use of trees and shrubs in landscaping for development is dealt with in Policy Siting, Design, Layout and Landscaping. The special circumstances for removal of trees in Conservation Areas are dealt with in Policy DMC8.
- 3.68 Tree preservation orders (TPOs) may be used by the National Park Authority to protect important individual trees or small groups, particularly where there is new development. They are generally not appropriate in the open countryside. Here, the main protection for trees and woodlands is provided by felling licences operated by the Forestry Commission. However, preventing the felling of trees is only a partial answer. Mechanisms therefore exist to help safeguard and enhance trees and woodlands by integrating forestry management with conservation objectives.
- 3.69 Other landscape features such as dry stone walls for example, are characteristic of the National Park landscapes and must be conserved and enhanced. Restoration and management of such features should be using materials of local provenance.

DMC8 Protecting trees, woodlands or other landscape features put at risk by development

- A. Planning applications should provide sufficient information to enable their impact on trees, woodlands and other landscape features to be properly considered in accordance with 'BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations' or equivalent.
- B. Trees and hedgerows, including ancient woodland, which positively contribute, either as individual specimens or as part of a wider group, to the visual amenity or biodiversity of the location will be protected. Other than in exceptional circumstances development involving loss of these features will not be permitted.
- C. Development should incorporate existing trees, hedgerows or other landscape features within the development. Where this cannot be achieved the onus is on the applicant to justify the loss of trees and/or other features as part of the development proposal.

D. Trees, woodlands and other landscape features should be protected during the course of the development

Conserving and enhancing cultural heritage assets

3.70 Historic landscapes and heritage assets represent an irreplaceable resource that the National Park Authority is charged to conserve and enhance for the nation. The exceptional landscapes of the National Park have been shaped by our ancestors for thousands of years. The landscapes need to be carefully managed to maintain important links to the past which are not confined to individual archaeological sites or individual Listed Buildings (see policy **DMC?**).

3.71 The NPPF defines a heritage asset as a ‘building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest’²⁸. An understanding of the richness and diversity of the historic landscape of the National Park assists greatly in planning for conservation and enhancement. Evidence about the historic environment is used by the Authority to assess the significance of heritage assets and the contribution they make to the environment.²⁹

3.72 The National Character Area (NCAs) profiles of the Dark Peak, White Peak and the South West Peak explain the importance of cultural ecosystem services including a sense of place/inspiration, a sense of history, tranquillity and recreation. The archaeological importance of the area dates from prehistoric times with evidence of caves occupied by Palaeolithic ancestors, barrows and stone circles of the Neolithic and Bronze age and later prehistoric hillforts such as Mam Tor. Roman forts, medieval settlements and field systems and post-medieval leadmine landscapes are reminders of the past. The historic buildings and structures of the Peak District are significant features of the landscape. They range from grand houses and religious buildings to labourers’ cottages and field barns. Farmhouses and agricultural buildings are particularly rich resources. Past industrial activity such as lead mining, quarrying and textiles has left a rich legacy of mills, workhouses, mine engine houses and weavers’ cottages. Settlement type is equally diverse from loose linear villages made up of farmsteads and intervening paddocks to 19th century planned villages of terraced houses for mill workers. . There are also a significant number of unlisted 20th century buildings of architectural and historic significance for example the early part of the 20th century was marked by revivals of earlier styles such as Classical, Gothic or vernacular Revival.

3.73 **Core Strategy Policy L3** sets out the strategic policy for these cultural heritage assets of archaeological, architectural, artistic or historic significance. Consistent with national policy and Historic England guidance, policy focusses on the need to conserve and where appropriate enhance or reveal the significance of heritage assets and their settings. Furthermore policy is clear that where the significance of a heritage asset has been established and is likely to be harmed then development will not be permitted. As such an understanding of the particular significance of a heritage asset is key to this area of policy; great weight is also attached to the impact on the setting of a heritage asset.

Assessing the impact of development on heritage assets and their settings

²⁸ National Planning Policy Framework (2012) Annex 2 Glossary

²⁹ National Planning Policy Framework (2012) para 170

- 3.74 Heritage assets include designated heritage assets of international, national and regional importance and non-designated heritage assets of local importance or special interest which may be identified by the Authority, e.g. during the Conservation Area Appraisal process, the neighbourhood plan process, or through the planning application process. There will be other traditional buildings falling outside the designated or non-designated categories owing to the fact that they have less historic significance. Nevertheless these buildings play a significant role in the character of the historic landscape. Sensitive treatment of traditional buildings is important for the conservation and enhancement of the National Park. Development of these buildings is covered under [policy x](#).
- 3.75 Crucial to the conservation and enhancement of heritage assets is the recognition and protection of what makes them significant and how the setting contributes to the significance. Adaptive re-use of heritage assets may be possible where it does not harm their significance or their landscape setting (see [policy x](#)). Heritage assets such as Conservation Areas make a significant contribution to local character and are statutorily protected from development that is inappropriate in scale, design, materials, details and form. All development should respect local context and landscape character as outlined in Conservation Area Appraisals and the Landscape Strategy and Action plan.
- 3.76 Designated Heritage Assets within the National Park comprise:
Conservation Areas³⁰
Listed Buildings
Scheduled Monuments³¹
Register of Parks and Gardens³²
- 3.77 Identification by the National Park Authority of a heritage asset of local importance or special interest (non-designated heritage asset) is a material consideration for planning decisions. Heritage assets of local importance or special interest comprise:
- Buildings, monuments, places recorded in the Historic Environment Record or other similar register
 - Buildings and other features identified within Conservation Area appraisals
 - Unregistered Parks and gardens
 - Landscape features identified in the Landscape Strategy and Action Plan and the Historic Landscape Characterisation project
 - Features identified in an adopted Neighbourhood Plan or by a local community or interest group
 - Assets identified through the planning process
- 3.78 Cultural heritage significance is assessed by the National Park Authority using the criteria set out in [Appendix ?](#).
- 3.79 The significance of a heritage asset of local importance or special interest needs to be carefully assessed by the developer before submitting a planning application in order to ensure that the impact (positive or negative) of any development proposal on the asset and its setting is understood and taken into account, so that development conserves and where possible enhances the heritage asset and its setting.

³⁰ The Planning (Listed Buildings and Conservation Areas) Act 1990

³¹ Ancient Monuments and Archaeological Areas Act 1979

³² Historic Buildings and Ancient Monuments Act 1953

- 3.80 Heritage assets should be identified at the pre-application stage. For this reason the National Planning Policy Framework in Paragraph 128 states ‘ In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of the proposed development on the heritage asset and its setting.
- 3.81 The Heritage Statement should describe and establish the degree of significance of a heritage asset and its setting. Details of the history and development of the asset using the Historic Environment Record, other relevant sources of information (See Appendix X Further sources of evidence for understanding significance) historic maps and annotated photographic records cross-referenced, for example, to plans, floor plans and elevations should be provided. The Heritage Statement should also include an assessment of the impact of the proposed works (positive or negative) proportionate to the significance of the asset and its setting, as well as a clear justification for the works and details of any mitigation measures proposed (See Appendix XX).
- 3.82 For all development involving heritage assets a key part of the Heritage Statement will be demonstration of an understanding of the significance of the heritage asset and its setting. The “setting of a heritage asset” is defined by the National Planning Policy Framework as: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 3.83 In open countryside locations it will be necessary to base any such assessment of significance on the Landscape Strategy and the European Landscape Convention Action Plan (Core Strategy L1 and Policy) taking care to have regard to historic landscape features which form the basis of the Landscape Strategy and Action Plan (para 9.15 Core Strategy). The types are set out in the Appendix.
- 3.84 An understanding of the importance of cultural heritage landscape features such as field walls, field barns, lanes and historic settlement patterns will be an important factor in taking into account the setting of the heritage asset and its significance in relationship to the development proposal. Traditional Field Barns for example are a valued characteristic of the National Park. The integrity of their landscape setting is fundamental to their cultural significance and therefore they are inappropriate for conversion to domestic uses.
- 3.85 In settlements with Conservation Areas it will be necessary to refer to the relevant Conservation Area Appraisal. In such areas, assessment of historic landscape character will usually form part of the Appraisal. Applicants are encouraged to seek pre-application advice from the National Park Authority’s Cultural Heritage Team. This can be particularly helpful in developing an understanding of significance and in identifying the level of information needed to support an application.
- 3.86 The scope of the archaeological investigation required to accompany planning applications is set out in the National Park Authority’s validation requirements. Paragraph 128 of the NPPF is clear that, ‘Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’. This may be as part of or in addition to the Heritage Statement. Applicants are encouraged to consult the National Park Authority’s Cultural

Heritage Team prior to submitting an application. Where appropriate, planning conditions and planning obligations will be used to secure measures (such as preservation in-situ, excavation, watching brief, recording and publication) to ensure that the development is acceptable in planning terms. Article 4 directions may also be used as a measure to control impacts.

3.87 The following policy adds operational detail to **Core Strategy Policy L3** which conserves and enhances the National Park's heritage assets.

DMC9 Assessing the impact of development on heritage assets and their settings.

- A. Planning applications for development affecting a heritage asset, its setting and their significance must clearly demonstrate (in a Heritage Statement):
 - i) how these will be conserved and where possible enhanced and
 - ii) why the proposed development and related works are desirable or necessary
- B. The Heritage Statement must be proportionate to the significance of the asset
- C. Proposals likely to affect heritage assets with archaeological or other heritage interest or potential interest should be supported by a programme of archaeological works to a methodology approved by the Authority.
- D. Non-designated heritage assets of archaeological interest demonstrably of equivalent significance to scheduled monuments will be considered in accordance with policies for designated heritage assets.
- E. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of the development on the character, appearance and significance of the heritage asset and its setting
- F. Development will not be permitted if it would:
 - (i) adversely affect the character and significance of a heritage asset and its setting including scale, mass, proportion, design, plan-form, (including through subdivision), detailing or, or materials used;
 - (ii) result in the loss of irreversible damage or change to original features or other features of importance or significance or the loss of existing features which complement the character, appearance, significance or setting (e.g. boundary walls, railings or gates);
 - (iii) result in the addition of new features, that would adversely affect character, appearance, significance or setting (e.g. boundary walls, new access, services, garden, domestic apparatus)

Scheduled Monuments

3.88 The legal system for protecting nationally important archaeological sites is to designate them as Scheduled Monuments under the Ancient Monuments and Archaeological Areas Act 1979. There are 469 Scheduled Monuments in the National Park (see Appendix X List of Scheduled Monuments in the National Park).

3.89 The significance of ancient monuments derives not only from their physical presence, but also from their setting.

3.90 The following policy adds operational detail to **Core Strategy Policy L3** which conserves and enhances the National Park's historic, archaeological and cultural heritage assets in addition to Policy X Assessing the impact of development on Heritage Assets and their settings.

DMC10 Scheduled Monuments

Scheduled Monuments will be protected and preserved in accordance with Government legislation.

- A. The exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect Scheduled Monuments can be fully met
- B. Where a Scheduled Monument or setting is adversely affected planning permission will be refused.

Listed Buildings

3.91 **Core Strategy Policy L3** makes it clear that Listed Buildings are key significant features in the built environment and that their conservation and, where appropriate, enhancement is essential in order to hand on our heritage to future generations. The setting of a listed building is also protected, both in its own right and from adverse effects of nearby development. The setting may include structures such as freestanding buildings, garden steps or boundary walls within the building's curtilage as well as beyond it. In the National Park there are 49 Grade I, 105 Grade II* and 2,745 Grade II listed buildings. Owners are encouraged to maintain listed buildings in good condition. Advice on the use of appropriate materials and techniques is available. As a last resort where urgent action is necessary to prevent damage or loss of a listed building that is not being properly maintained, the National Park Authority can require emergency or permanent repairs to be carried out.

3.92 Applications for development or work affecting a listed building should show why the works are desirable or necessary. The development might be related to the listed building and curtilage³³ itself or could be separate but still affect its setting. A thorough but proportionate assessment of the architectural or historic significance of the listed building and its features should be provided by the applicant (see Policy XXX). The assessment is required both to inform the design proposals and the decision making that follows submission of an application. Information should include appropriate floor plans, elevations, sections and details (at an appropriate scale); specification, detailing proposed materials, and (where external work is involved) plans and elevations showing the context of the listed building. It should also include research into the evolution of the building – as originally built and subsequently altered, with the presumption that where unfortunate/inappropriate changes have occurred, the opportunity will be taken to rectify them, to strengthen the building's original character.

3.93 Applications should carefully assess the likely impact on the building or its setting and should supply sufficient information to avoid delays and enable a decision to be made. When

³³ See glossary

development or other work is acceptable, the changes made should be recorded (by a method agreed in writing with the National Park Authority) to advance understanding. Copies of that record will be supplied to the Authority and to the appropriate county Historic Environment Record (HER). Any impact on protected species must also be considered (Policies).

3.94 The best use for an historic building is very often that for which it was designed. The more significant a building the greater the effort needed to ensure its conservation. Conversion of non-residential listed buildings to residential use is rarely appropriate. Where there are large internal spaces (e.g. in barns and chapels), residential use often demands their sub-division and destroys the internal character of the building. Virtually any conversion of a listed building from its original use involves some loss of character. Where accepted, the consequences of conversion on types and levels of use of the building itself or its surroundings will be strictly controlled. Domestication of outside areas with gardens, washing poles and new outbuildings is often wholly inappropriate and unable to be controlled by condition. Where domestication of the setting would fail to conserve and enhance the heritage asset an alternative use should be sought. Extensions to the front elevations of listed buildings, over-large extensions to the sides and extensions of more than one storey to the rear of small listed houses or terraced properties are unlikely to be acceptable and where extensions are acceptable subsequent extensions are ruled out on principle through the removal of permitted development rights. The Authority's Design Guide should be consulted for further information.

3.95 Some alterations to listed buildings are not classed as 'development'. However, they may require Listed Building Consent rather than planning permission: for example internal alterations and minor external works. On the other hand changes to the building that require planning permission will always also require Listed Building Consent. In these cases both should be applied for concurrently. The impact of 'development' on features separately considered under Listed Building Consent can be a reason for refusal of planning permission. Development within the setting of a Listed Building will require planning permission but not Listed Building Consent.

3.96 The following policy adds operational detail to **Core Strategy Policy L3** which conserves and enhances the National Park's heritage assets in addition to **Policy X** Assessing the impact of development on Heritage Assets and their settings. Substantial harm or loss can only ever be exceptional; the criteria for the exceptions are in **policy XXX**

DMC11 Listed Buildings

Further to Policy LL9 (Assessing the impact of development on heritage assets and their settings):

- A. For listed buildings the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect listed buildings can be fully met³⁴
- B. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the significance and architectural and historic interest of the listed building and its setting and any curtilage listed features
- C. Other than in exceptional circumstances development will not be permitted if it would result in:

³⁴ Planning (Listed Buildings and Conservation Areas) Act 1990

- (i) removal, alteration or unnecessary replacement of structural elements including walls, roof structures, beams, floors, staircases
- (ii) loss of significance through change of plan form including by sub-division
- (iii) the removal, alteration or unnecessary replacement of features such as windows, doors, fireplaces and plasterwork
- (iv) the replacement of traditional features other than with original materials and using appropriate techniques
- (v) inappropriate impact on the setting of the listed building

D. Where change to a listed building is acceptable, and before or during the development work, an appropriate record of the building will be required to a methodology approved in writing by the Authority prior to any works commencing.

Conservation Areas

3.97 The National Park Authority is required by statute to designate as Conservation Areas those areas which are valued for their special architectural or historic interest – the character and appearance of which it is desirable to preserve and enhance. Such historic areas are an important resource for everyone, now and into the future, and many Conservation Areas have a national as well as a local interest.

3.98 Designation takes into account an area’s special architectural or historic interest. It also includes the topography and layout (e.g. thoroughfares and property boundaries); the prevalent building materials, character and hierarchy of spaces; and the quality and relationship of buildings and of trees and other landscape features.

3.99 There are 109 designated Conservation Areas in the National Park, which are shown on the Policies Map and listed in **Appendix X**. **Core Strategy Policy L3** makes it clear that their conservation and, where appropriate, enhancement is essential.

3.100 Conservation Area Appraisals setting out the special qualities of the area are taken into account when considering the relative merits of development proposals and the significance of heritage assets affected by them. Those with interests in a Conservation Area are advised to consult the relevant appraisal which will help identify the positive role that development might play.

3.101 **Policy XX** “Assessing the impact of development on heritage assets and their settings” (General) is also relevant in Conservation Areas (as elsewhere) and particular care will be taken in assessing proposals, which must be in sufficient detail to allow full consideration as in **policy XX**. To assist applicants, the National Park Authority’s officers encourage discussion before the submission of an application, without prejudice to the Authority’s eventual decision. High standards of maintenance and repair are encouraged in Conservation Areas. In cases where disrepair is severe, the Authority may consider serving a Section 215 or ‘Urgent Works Notice’ requiring work to be carried out. Demolition is only desirable where the building or structure involved does not make a positive contribution to the area.

3.102 Demolition of certain unlisted buildings and/or demolition of the whole or substantial part of any gate, fence, wall or other means of enclosure in a Conservation Area requires planning consent.³⁵ Under Section 196D of the Town and Country Planning Act 1990 it is an offence to fail to obtain planning consent or to fail to comply with any condition or limitation on planning consent for demolition of certain buildings within a Conservation Areas. Penalties are applied as under S196D (5).

3.103 The following policy adds operational detail to Core Strategy Policy L3 which conserves and enhances the National Park's historic, archaeological and cultural heritage assets in addition to **Policy X** Assessing the impact of development on Heritage Assets and their settings.

DMC12 Conservation Areas

Further to Policy DMC9 (Assessing the impact of development on heritage assets and their settings):

- A. For Conservation Areas the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect Conservation Areas can be fully met³⁶
- B. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect of their proposals on the character, appearance and significance of the component parts of the Conservation Area and its setting
- C. Outline applications for development will not be considered
- D. Other than in exceptional circumstances development will not be permitted if it would:
 - (i) adversely affect the character, appearance and significance of the Conservation Area and/or its setting
 - (ii) result in the loss of or irreversible damage or change to spaces, street patterns, historical or traditional street furniture, traditional surfaces, views, vistas (including views into and out of the Conservation Area) , uses, features, trees and landscapes which contribute to the significance of the Conservation Area
 - (iii) result in new features that would adversely affect character, appearance, significance and/or setting

Statutory powers will be used to ensure that buildings and spaces within Conservation Areas that are at risk from neglect or decay are appropriately maintained and repaired

Proposals for or involving demolition of existing buildings, walls or other structures which make a positive contribution to the character or appearance or historic interest of the Conservation Area will not be permitted unless there is clear and convincing evidence that:

- (i) the condition of the building (provided that this is not a result of deliberate neglect) and the cost of repairing and maintaining it in relation to its significance and to the value derived from its continued use, is such that repair is not practical; and

³⁵ The Town and Country Planning (Demolition-Description of Buildings) Direction 2014
Ref Circular 01/01

³⁶ Planning (Listed Buildings and Conservation Areas) Act 1990

- (ii) all possible efforts have been made to continue the present use or find compatible alternative uses for the building, including putting the building on the market and seeking advice from relevant authorities and agencies; or
- (iii) the demolition is to remove an unsightly or otherwise inappropriate modern addition to the building.

Where development or demolition is acceptable, a record of the current site, building or structure and its context will be required, prior to or during development or demolition.

Plans for re-use of an area where demolition is proposed must be agreed and a contract for redevelopment signed before the demolition is carried out.

Where appropriate, felling, lopping or topping of trees will not be permitted without prior agreement which may require replacement of the trees and provision for their future maintenance.

Registered Parks and Gardens

3.104 Under the Historic Buildings and Ancient Monuments Act 1953, Historic England compiles a register of parks and gardens that are of particular importance. There are two Grade I, one Grade II* and one Grade II registered parks and gardens.

3.105 When considering development proposals that could affect parks and gardens, individual garden buildings or landscape features within them, or their settings or their significance, the proposals will be assessed by reference to the National Register compiled by **Historic England** (see Appendix X) and other historic, botanical or ecological information as well as other policy considerations. Where necessary, agreement may be sought with the owner of the property to strengthen the certainty about the future of a park or garden as a whole before land use decisions are made. The sites on the National Register are:

- Chatsworth Park;
- Haddon Hall;
- Lyme Park; and
- Thornbridge Hall.

These are shown on the Policies Map.

3.106 The following policy adds operational detail to Core Strategy Policy L3 which conserves and enhances the National Park's historic, archaeological and cultural heritage assets in addition to **Policy X** Assessing the impact of development on Heritage Assets and their settings.

LL13 Registered Parks and Gardens

When considering the impact of a development proposal on Registered Parks and Gardens or on their settings any loss or substantial harm to these assets will only be approved in wholly exceptional circumstances.

Conversion of heritage assets

- 3.107 Policy aims to promote adaptive re-use of heritage assets, both designated and non-designated, where the new use is appropriate to and will not cause harm to the character, significance and landscape setting of the building
- 3.108 The Design Guide in Chapter 8 sets out some basic principles: The building should still look like a barn or a mill after its conversion to a new use, ‘the building in question should be of sufficient historic or architectural merit to warrant its conversion’ and ‘the guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained’.
- 3.109 The heritage significance of the heritage asset and its setting needs to be established initially (see **Policy xxx**). Any wildlife interest, including protected species, also needs to be identified to ensure its protection (see **Policy xxx**).
- 3.110 For conversion of heritage assets to a new use, the onus is on the developer to demonstrate:
1. the significance of the building; and
 2. provide justification that the building and its setting would be conserved and where appropriate enhanced by the proposed new use (Core Strategy L3A).
- 3.111 Formal assessment (a Heritage Statement) and justification must be provided of the significance of the asset and its suitability for the proposed new use, by an appropriately skilled and qualified person. Historic Environment Records, Conservation Area Appraisals, Landscape Strategy and Action Plan and the Historic Landscape Characterisation are useful sources of information. For further sources of information see **Appendix XX**.
- 3.112 Conversion of any heritage asset of archaeological, architectural, artistic or historic significance, whether comprising vernacular³⁷ or polite³⁸ architecture, needs to be carried out in a way that avoids adverse effects on the heritage asset’s intrinsic character, context and landscape setting.

³⁷ Functional buildings constructed from materials and building conventions that reflect local traditions rather than being architect designed

³⁸ Buildings with stylistic elements of design incorporated for aesthetic purposes which go beyond a buildings’ functional requirements.

3.113 Some heritage assets will lend themselves more easily to conversion than others depending on form and function, location, floor levels, existing openings, context and setting. The heritage asset must be capable of conversion. Where it is in dispute that the heritage asset is capable of conversion, the National Park Authority may require a structural assessment by an appropriately qualified person. Conversion must be achieved within the shell of the building and must not involve substantial modification, the insertion of new door or window openings or the construction of extensions or ancillary buildings.

3.114 In considering the functional use of heritage assets there are several possible outcomes for buildings:

- Repairing and retaining a building in its original use. Reroofing and some extensive repairs would require planning consent.
- Conservation and enhancement of a building, as an exemplar of its original use, using traditional materials and techniques
- Putting the building to a new use that conserves and enhances and is compatible with the fabric, interior and setting of the building, including the wider landscape setting.

3.115 In some settings it will be necessary for the applicant to demonstrate whether conversion is appropriate, taking into account the requirement in L1 to conserve and enhance valued landscape character, as identified in the Landscape Character and other valued characteristics.

3.116 There are a number of possible new uses for a heritage asset by conversion and finding the best match, for the building its landscape setting and the proposed intensity of use, is key to a positive outcome.

Lower impact uses include:

- Storage use
- Stabling
- Camping barns

Higher impact uses include:

- Facilities for recreation, environmental education and interpretation (Core Strategy RT1)
- Serviced or self-catered holiday accommodation (Core Strategy RT2)
- Provision or improvement of community facilities and services (Core Strategy HC4)

- Shops (Core Strategy HC5) Business use (Core Strategy E1/2)³⁹
- Family group of buildings in a single planning unit
- Local needs affordable housing or aged persons assisted accommodation (Core Strategy HC1A)

3.117 Housing for key workers in agriculture, forestry or other rural enterprises (Core Strategy HC1B, HC2) Where conversion to a residential use achieves the conservation of a listed or a non-designated heritage asset identified by the National Park Authority (including valued vernacular buildings), market values may be required for the effective conservation of the asset dependant **on the ????**

3.118 Policy criteria for other traditional buildings are included in **Policy LL3** which sets out development management criteria for siting, design layout and landscaping in general. Applicants should ensure that traditional buildings are used for purposes that conserve the valued characteristics of buildings themselves including the wider landscape setting.

3.119 There are many examples of designated and non-designated heritage buildings that have been sympathetically converted to other uses. Applicants should consider the impacts of works associated with the proposed new use of the building. Although the conversion may be acceptable in principle, the following factors should always be taken into consideration before an application is submitted:

- Whether the use and its intensity conserves and enhances its landscape context
- Whether a protected species is present or the development impacts negatively on biodiversity interest
- Whether new ground works have adverse impact on archaeological remains
- Whether new ground works have adverse impact on landscape character
- Whether new service infrastructure adversely affects valued characteristics of the area
- Whether the conversion of the building will harm the character of the area due to change of use, for example by new access arrangements, lighting, creation of garden or parking areas etc.
- Whether the conversion will be unneighbourly, will create a hazard to health or safety, particularly on public roads (**Transport Reference x**)
- Whether the conversion will result in the erection of replacement buildings or the outdoor storage of machinery or materials that will have an adverse impact

Context, Setting, Landscape Character

3.120 In all cases the proposed use must conserve and enhance the setting of the building and valued landscape character as identified in the Landscape Strategy and Action Plan as well as other valued characteristics⁴⁰.

³⁹ In places not named in Core Strategy Policy DS1,, business use, shops and provision of community facilities and services are subject to different policies, E2, HC5D/E and HC4B, respectively.

⁴⁰ Policy L1 of the Core Strategy

- 3.121 The maintenance of the visual integrity of the building and its setting will achieve conservation and enhancement of the landscape or built environment and will avoid harm to the valued characteristics of the National Park.
- 3.122 The fieldbarns of the Peak District represent a valued feature of the historic landscape and where these are more remote from existing building groups and roadside walls they represent the biggest challenge for conversion schemes as the buildings become more exposed and sensitive to change and loss of character, lying deep in the historic field systems. The Landscape Strategy and Action Plan give guidance for the protection and maintenance of historic landscape character including historic field barns stating that 'changes to the appearance of either the building or its surroundings should be avoided'.
- 3.123 Where domestication is an issue applicants should focus on less intensive uses such as storage use, equestrian use or camping barns. These uses avoid the negative impact on the landscape of outside storage, vehicular access, parking, creation of curtilage and service infrastructure.
- 3.124 When converting buildings to new uses it is equally as important to protect biodiversity as it is to conserve and enhance cultural heritage significance (Core Strategy L2). The conversion and change of use of buildings can easily destroy habitat, by the introduction of a more intensive land use or non-native species and can un-necessarily displace protected species. If the Authority considers that conversion is not possible without destroying habitat (and, if appropriate, mitigation measures cannot be agreed) planning permission will be refused. This is in line with Core Strategy policies GSP2 and L2.

DMC14 Conversion of heritage assets

In furtherance of **Policy X-** (Assessing the impact of development on heritage assets and their settings)

- A. Conversion of a heritage asset to a use other than that for which it was designed will be permitted provided that: the proposed new use is consistent with the conservation and enhancement of the heritage asset and its setting; and
- (i) it can accommodate the new use without changes that adversely affect its character (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window spaces or doorways and major rebuilding; and
 - (ii) the new use does not require changes to the asset's setting and/or curtilage or new access or services that would adversely affect the heritage asset's historic interest, significance or integrity or have an adverse impact on its setting, including on the landscape character of the area; and
 - (iii) the intensity of the new use of the building or any curtilage created would not be

visually intrusive in its landscape or have an adverse impact on tranquillity, dark skies or other valued characteristics; and

- (iv) satisfactory evidence is provided demonstrating the works necessary to conserve and enhance the particular significance of the asset and its setting

B. Proposals under policy HC1c will only be justified where :

- (i) based on the evidence, the National Park Authority has identified the building as a non-designated heritage asset; and
- (ii) it can be demonstrated that conversion to a market dwelling is necessary in order to achieve the conservation and where appropriate the enhancement of the significance of the heritage asset and the contribution of its setting.

C. For conversions of heritage assets to residential use, (including holiday accommodation other than a camping barn) particular attention will be paid to the impact of domestic use on landscape character and the built environment including from:

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

Conversion of buildings, other than heritage assets to residential use

3.125 The policy tests for new housing in the countryside are set out in policy HC1 of the Core Strategy and cover conversion of valued vernacular buildings (designated and non-designated heritage assets). NPPF paragraph 55 and the following policy covers conversion of other buildings.

3.126 For ease of assessing the scope for conversion, there are three broad locations where such development may be possible. The scope for conversion varies for each broad area:

3.127 Inside or on the edge of a DS1 settlement, where the presumption in favour of new housing already exists, and where there is already a 'built environment', it is more likely that conversion to residential use can be achieved in such a way that the built environment is enhanced, subject to compliance with design and other conservation policies.

3.128 In or on the edge of other villages, hamlets or groups of buildings, particular attention will be paid to the existence of other residential uses in very close proximity to the development. Development is more likely to be supported in locations abutting land

already in residential use provided that conservation of the building itself and its wider landscape setting is achieved.

3.129 The Natural Zone is an area of least human influence on development patterns and there is a presumption against all development in this area including residential development.

3.130 In the countryside outside of the Natural Zone, particular attention will be paid to the impact of change on the natural beauty of the landscape in accordance with policy L1 of the Core Strategy and NPPF paragraphs, 14, 55, and 115.

3.131 Paragraph 55 of the NPPF is particularly relevant to this policy and type of development because it sets out the reasons for avoiding new isolated homes in the countryside and also the special circumstances where they may be permitted.

3.132 Field barns are recognised by the Landscape Strategy and Action Plan as an inherent part of the landscape that are often unsuitable for residential use because of landscape impact such use would create. Their protection and maintenance can be achieved by low intensity uses such as storage, stabling or camping barns in some areas through grant funding.

3.133 However, there is scope to successfully convert traditional buildings to residential use in the countryside, particularly where the building forms part of an existing building group such as a farmstead or hamlet. This is because the adverse impact to the simple historic character which arise from necessary changes to both the building and the surrounding landscape will be less. 'Necessary change' means changes needed to bring the building and land into the use applied for: in the case of this policy, residential use.

3.134 For the purposes of the policy, 'physically part of' means any gaps between the traditional building and other buildings are no greater than infill opportunities for other single buildings. For the purposes of applying this policy, buildings located on the same farm, but not physically part of a building group in the way described are considered to be in the open countryside.

DMC 15 Conversion of traditional buildings, other than heritage assets to residential use

The conversion of traditional buildings other than heritage assets will be supported where the proposed changes to the building, and building curtilage, arising from access and service infrastructure and any other form of changes necessary to achieve the residential use will not have adverse impact on the natural beauty of the landscape, or the built environment.

Chapter 4 – Farming and Economy

Issues Covered

- Agricultural and forestry operations
- Farm diversification
- Safeguarding employment sites
- Change of use of non-safeguarded, unoccupied or under-occupied employment sites in DS1 settlements
- Exceptional B1 uses
- Home working
- Expansion of existing industrial and business development where it is not ancillary to agricultural business
- Retail uses in industrial and business areas
- Design, layout and neighbourliness of employment sites

Strategic Context

4.1 **Chapter 13 of Core Strategy** explains the context for economic development in the National Park, and puts forward policies for general economic activity. Other parts of the Core Strategy and other policies in this Local Plan also affect proposals for economic development for example farming and farm diversification, shops, recreation and tourism, minerals and waste disposal, and transport. Core Strategy policy allows business development within towns and villages.

4.2 National policy and guidance requires plans to provide suitable and appropriate land for economic development to meet current and future needs, and to be flexible enough to allow for changes in the economy. It supports development in or on the edge of centres, where employment, housing and services can be provided close together. It advises strict control of economic development in open countryside. Farm diversification is therefore supported only where scale and impact is acceptable with its rural location.

4.3 **Core Strategy policies E1 and E2** enable economic development in a number of ways. E1 allows for new sites and buildings for business development in and on the edge of settlements listed in **Core Strategy policy DS1**, provided they are of a scale that is consistent with the needs of the local population. The preference, wherever possible, is for re-use of existing traditional buildings of historic or vernacular merit or re-use of previously developed sites, to achieve their enhancement. Where this is not possible, new buildings may be permitted, particularly where enhancement can be achieved by removal and replacement of existing buildings.

4.4 In principle, the Core Strategy welcomes improvements, which make existing employment sites more attractive to businesses. It also encourages home working, provided it is at an appropriate scale. It safeguards existing business land or buildings, particularly those which are of high quality and in a suitable location, but where employment sites are considered to be no longer appropriate, it enables the Authority to take opportunities for enhancement, which may include redevelopment to provide affordable housing or community uses, or both.

- 4.5 In the countryside outside of DS1 settlements and outside the Natural Zone, **Core Strategy policy E2** specifies that businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads, and in groups of buildings in sustainable locations. However it does state that where no such suitable building exists, and depending on which option offers greatest scope for enhancement, the reuse of modern buildings, or removal of an existing building and construction of a more appropriate replacement building may be acceptable. In such circumstances the existing building must be removed before construction of the new building commences and agreements will be sought to prevent construction of additional new buildings.
- 4.6 Recognising the predominantly agricultural nature of rural businesses and buildings, the Core Strategy supports small scale business development on farmsteads, or groups of estate buildings, provided that it supports an existing agricultural or other primary business responsible for estate or land management. The Core Strategy requires the primary land management business to retain ownership and control of the site and building, so that money from the business will help fund landscape conservation, and the countryside does not become blighted by incongruous business development that has no link to the primary land management business.
- 4.7 The Core Strategy does not allow for businesses in existing isolated buildings, or new buildings in the open countryside. It does however allow for growth and intensification of business, provided the impact on the appearance and character of landscapes is otherwise acceptable. The Core Strategy also retains a presumption in favour of small scale retail operations that principally sell goods produced at the premises. Other retail businesses are accepted only in DS1 settlements in existing buildings and principally away from business sites.

Agricultural and forestry operations

- 4.8 **Core Strategy policy DS1** establishes the principle that new agricultural development is acceptable in the open countryside to reflect that role of farming in managing landscape character. Where new agricultural or forestry buildings are required, they should be located, designed and coloured to respect the landscape and other valued characteristics of the area. The Landscape Strategy should be used to determine landscape quality and any development expectation for that landscape type. Where such buildings require planning permission, the Authority reserves the right through conditions to require the removal of any building or structure when it is no longer needed for its intended purpose of land management and is having an adverse impact on the valued characteristics of the landscape, or neighbour amenity.
- 4.9 Of particular practical importance for agricultural and forestry operational development is that it relates well to local landscape and character, including that which will result from new afforestation or agriculture. The policy principles will be applied as appropriate to proposals which are subject to 'prior notification' procedures as well as to those that require full planning permission. Planning applications should be accompanied by full explanations of the agricultural or forestry proposals with which they are associated in order to allow for a proper assessment. When dealing with proposals for large new agricultural buildings, particular care is necessary regarding size massing, and colour. Dark coloured buildings are in general less obtrusive.

- 4.10 In all cases, new buildings should only have features and openings necessary for the industrial use. Features that are not ordinarily required for such business use and are more commonly associated with other uses should be avoided. For example new farm buildings are not generally built of stone, because it is beyond the functional need of the building, and features such as external stone staircases are not generally required in modern agricultural buildings because the movement of equipment is not now typically done by hand. Supplementary Planning Guidance provides detailed advice on the siting and design of more modern agricultural buildings to enable their integration with the landscape and the historic farmstead.

DME1: Agricultural or forestry operational development

New agricultural and forestry buildings, structures and associated working spaces or other development will be permitted provided that:

- A. It is proven to the Authority's satisfaction, from information provided by the applicant on all the following criteria, that the building at the scale proposed is functionally required for the purposes of agriculture,
- I. Location and size of farm
 - II. Type of agriculture practiced on the farm;
 - III. Intended use and size of proposed building;
 - IV. Intended location and appearance of proposed building.
 - V. Stocking type and numbers;
 - VI. Area covered by crops;
 - VII. The density of stock per ha;
 - VIII. Existing buildings, uses and why these are unable to cope with existing or perceived demand.
 - IX. dimensions and layout;
 - X. Predicted building requirements by type of stock/crop/other usage;
 - XI. Contribution to NPA objectives, e.g. winter housing to protect landscape
- and
- B. The building(s) and structure(s) are close to the farmstead or main group of farm buildings, and in all cases relate well to, and make best use of, existing buildings, trees, walls and other landscape features;
- and
- C. The building(s) and structure(s) respect the design, scale, mass and colouring of existing buildings and building traditions characteristic of the area, reflecting this as far as possible in their own design;
- and
- D. The building(s) and structure(s) avoid adverse affect on the area's valued characteristics including important local views, making use of the least obtrusive or otherwise damaging possible location;
- and

- E. The building(s) and structure(s) are not in isolated locations requiring obtrusive access tracks, roads or services.

Farm diversification

- 4.11 Agriculture is critical to the ongoing conservation and enhancement of the National Park landscape. For this reason, this plan gives scope for business development in the countryside provided it serves land management business directly, and helps to conserve and enhance the valued characteristics of the landscape. This includes scope for enterprises that can only operate from a rural location. It is vital however that the income from any other business is invested in land and buildings so they are conserved and enhanced as a positive asset to the National Park. The preference is for use of existing buildings of cultural heritage significance, but it may be acceptable to re-use more modern buildings that don't fit that description, or to install new modern buildings depending on the scale and type of building, provided that opportunities are taken to remove any poorer, unsightly buildings that detract from the valued character of the landscape. Business use in isolated buildings in the open countryside is not permitted because of the high likelihood of adverse impact on the landscape.
- 4.12 The Authority recognises that modern agricultural buildings are usually portal framed buildings, constructed off site and assembled on site. These buildings are functional by design. The function is agriculture, and its presence in a national park landscape is justified for the land management benefits that agriculture provides, as such structures would not otherwise be acceptable. Some modern agricultural buildings incorporate natural stone but while this may have merit in landscape terms the additional investment is entirely at the owners risk because change of use is no more acceptable in policy for a stone built building than a portal framed building if there is no ongoing agricultural need. The key thrust needs to be on sustainable farming that achieves benefits for the environment and the economy. Business uses that break this essential link are unlikely to be supported.
- 4.13 The basic strategy for economic activity is to encourage it in settlements where landscape impact is easier to minimise. Agriculture is an exception because it occurs largely outside settlements, maintains farming traditions, conserves and enhances landscape character and biodiversity and helps sustain the viability and vitality of landscape. However, it is not considered appropriate in a National Park to permit growth of general economic activity in the countryside, because it is incompatible with and would be detrimental to the quality of the landscape and is therefore unsustainable.
- 4.14 To retain reasonable likelihood that landscape will be conserved and enhanced, new business activity should only be permitted where there is a reasonable certainty that the business link between the new activity and agriculture will be maintained. For example, sustained rental income to support (not replace) the farm business is more appropriate than short term capital gain through sale of land or buildings, because it makes it more likely that long term responsibility for the site remains with the farm business or the farmer. Where a non-agricultural business is contributing to the costs of land management but further growth of that non-agricultural business is detrimental to the landscape it should be resisted. This is logical in a protected landscape because financial

support to land management operations can only offer net benefit to landscape if the non-agricultural business providing that support is not in itself undermining the quality of the landscape.

4.15 Disruption of the relationship between farming and buildings in the countryside, sometimes caused by the break-up of holdings (a matter outside public control), can create pressure for inappropriate use of existing buildings. New agricultural buildings are often then demanded to replace the one leased or sold to new business activity. Any relevant part of the landscape strategy, and any relevant conservation area analysis, and neighbourhood plan, alongside the prevailing pattern of settlement in the area, will be used to consider the impact of proposed new buildings.

4.16 Planning obligations may be required to tie the proposed use and agricultural units in order to add certainty of future use in line with stated future intentions. The National Park Authority welcomes forward looking farm plans because they can provide clarity and re-assurance as to longer term future intention of the business.

4.17 Farm diversification often includes conversion of buildings to provide accommodation for tourists. **Core Strategy policy RT2** Local Plan policy? deals with holiday occupancy. Developments such as farm shops (policy?), equestrian businesses (policy?), camping and caravan sites (**Core Strategy policy RT3** and Local Plan policies? or nature trails also relate to the tourist and visitor markets.

4.18 Farm buildings often lend themselves better to holiday rather than permanent residential use. However that is not the sole reason for preferring such a use. The provision of holiday accommodation furthers the second purpose of national parks which is to provide opportunities for people to enjoy the national park. Open market housing in itself does not further national park purposes, and is only justified through **Core Strategy policy HC1** where it is required in order to achieve conservation and enhancement of the National Park.

DME2: Farm diversification	
A.	Diversification of economic activity on a farm will be restricted to the specific use or range of uses for which permission is given rather than to a use class.
B.	Development will be permitted if there is clear evidence that the new business use will remain ancillary to the agricultural operation of the farm business.
C.	New buildings may be permitted if the proposed development cannot be appropriately located in existing buildings of cultural heritage significance, or in other buildings which remain appropriate within the farm building group.
D.	Development will be permitted to remove a stand-alone building and replace it with a new building within the building group provided the scale massing and use of the new building is appropriate and the existing building has no cultural heritage significance.
E.	New or expanded buildings for non-farming uses that generate income to support the farm business will be permitted provided there is not net harm to any valued characteristics of the building group or valued landscape character as evidenced by the Landscape Strategy

(this policy does not apply to buildings justified for agricultural purposes, which, either through prior notification procedure or planning application, are legitimate forms of development on farms)

Safeguarding the best employment sites

4.19 **Core Strategy policy E1 D** states that existing business land or buildings, particularly those which are of high quality business land and in a suitable location will be safeguarded, and that the Employment Land review will be used to identify those which are to be safeguarded.

4.20 Exceptionally, proposals to re-develop multi business sites have been permitted. However, applications to change use away from employment uses must be accompanied by evidence that the business space is no longer needed in that location, and is unlikely to be needed in future. The core strategy requires sites in Bakewell and Hope Valley to be protected for employment use.

4.21 Whilst the strategic aim is to safeguard the best employment sites, changes to permitted development rights, aimed at stimulating economic activity nationwide, have already led to some of the highest quality B1 employment space changing to open market residential use.

4.22 The Core Strategy retains the principle that the key employment generating sites in Bakewell, namely, Deepdale Business Park, Lumford Mill and the Riverside Business Park and the former Cintrides site adjoining land (formerly an allocated site in 2001 Local Plan) are safeguarded for employment use. However, attempts at securing their future as high quality employment sites (primarily in B1, B2 and B8 use) has proved difficult, slow and patchy. Therefore, this plan creates the policy context for the business and community sectors in Bakewell, to work collaboratively with each other and this Authority towards successful mutually beneficial development in line with evidenced community and business needs. **Chapter ?** sets out the preferred route for this context to be established through the Neighbourhood Planning regime.

4.23 For the purposes of this policy employment use will mean B1, B2 or B8 uses, unless an alternative mix of employment generating uses can be mutually agreed through a Neighbourhood Plan process.

4.24 Other employment generating sites may be safeguarded through a neighbourhood plan

DME3: Safeguarding employment sites

The following sites will be safeguarded for B1, B2 or B8 industrial use employment use unless an adopted neighbourhood plan justifies mixed use development, in which case the predominant use (s) should remain the B1 B2 or B8 use classes:

Bakewell: Deepdale Business Park, Ashford Road

Bakewell: land adjoining Cintride Factory
Bakewell: Riverside Business Park (incorporating Lumford Mill)
Great Longstone Industrial Estate
Calver Sough Industrial units
Hathersage Station Yard
Station Road, Bamford
Aston Industrial Estate
Vincent Works, Brough
Whitecross Industrial Estate Tideswell

Where parts of these sites, or logical extensions to these sites, do not comprise B1, B2 or B8 industrial use, mixed use may be considered

Re-use of non-safeguarded, and unoccupied or under-occupied business sites in named settlements

4.25 Where land is not safeguarded for business use, proposals for other uses must nonetheless comply with other development plan policies. There is no 'in principle' acceptance that a business site will be considered acceptable for another use, and no in principle acceptance that employment use can be extended when other uses cannot be accommodated. This reflects the historical fact that some businesses are in poor locations where their impact is already detrimental to the surrounding landscape and/or to the built environment.

4.26 When single businesses wish to expand or re-locate, decisions about the future of the site will take into account wider business and community needs in the area; and the propensity of the site and buildings to accommodate different uses in ways that will conserve and enhance the surrounding built environment and landscape setting of the site and buildings.

4.27 Aside from strategic issues such as location, the most important consideration, when considering proposals to re-develop sites for other uses, is the site and its landscape or built environment setting, and the development required to achieve enhancement. The criteria for such development are set out in policy?? Proposals to re-develop sites should pay heed to the current availability of and demand for employment premises, and seek to plug gaps in provision, rather than add to types for which there is no shortage. This is in accordance with the planned outcome of the Core Strategy in relation to the rural economy which seeks to attract more higher quality, businesses which contribute positively to the conservation and enhancement of the National Park whilst providing high quality jobs for local people. The area is characterised by high resident earnings, but low wage Park-based jobs, so there is a need for higher wage jobs in the National Park to improve the employment offer to a highly educated and skilled resident population.

4.28 Whilst lower wage jobs are often filled by people travelling into the area for work, as well as some local residents, the Authority is mindful that communities generally value the many small business that operate from low key premises in their midst. Whilst alternative uses of such sites and premises may be proposed, the Authority will consider

the extent to which the operation of such small businesses is sustaining the buildings and sites, as well as the community.

- 4.29 In particular, where buildings are considered to be of cultural heritage significance, or the sites themselves already make a positive contribution to the prevailing built environment or the landscape setting, the Authority will consider the likely impact of different uses on the building itself, the buildings around it, and the landscape setting.
- 4.30 In terms of the community, one such consideration might be a communities' desire to retain employment space. Retaining employment space at least makes it possible for people to live and work in a community as opposed to travelling elsewhere for work. Whilst the relative close proximity of employment sites and businesses in towns and cities around the National Park means commuting distances are generally short, it is nevertheless important for communities to function as living working communities rather than simply dormitory settlements for larger employment centres around the National Park.
- 4.31 The Authority will also consider the implications of any proposed use on a site, or in buildings currently in business use. An over provision of any type of new development can quickly change the character of a settlement both physically, but also in ways that reflect more the role of a settlement. The Authority acknowledges that settlements change over time, but also recognises and respects the way a settlement functions now. Therefore applicants should not only consider how best to re-develop a site, but also how the scale and range of uses proposed might reflect the form and current function of the settlement.
- 4.32 In this respect, any village plans, capacity assessment and adopted neighbourhood plans should be assessed before applications are made. Applicants should also assess relevant Conservation Area analyses, and any previous decisions made by this Authority on the re-development of sites. Applicants are encouraged to spend time in the area and engage with communities to understand how it functions. Within and across small geographic areas villages can look and feel very different. This is highly relevant to future decisions about further development.
- 4.33 The Authority will require marketing of employment premises where a change of use is sought in order to encourage the continued operation of the site, however large or small they may be.
- 4.34 Whilst high quality business space is encouraged in new build premises, the Authority recognises that start up and fledgling businesses don't always need, and cannot always afford new premises. If such businesses are able and willing to take up lower quality employment space, it not only gives people the chance to work in the community, but also retains a use that ensures the longer term conservation of the building or site.
- 4.35 Applicants should not therefore take for granted that business demand doesn't exist or that another business is not viable, even if the premises are no longer required or suited to their own business needs. If applicants are able to demonstrate, to this

Authority's satisfaction, that a business use is not viable, and the Authority agrees that it is in the best long term interests of the built environment that alternative uses are explored, applications can be made to re-develop the site under the criteria established by **policy??** This may or may not include an element of business use.

4.36 This approach is in line with the Employment Land Review which underpins the policies of the Core Strategy and this plan. That evidence suggested that up to 2026, and to meet the economic aspirations of the constituent councils, there is a need for an additional 3.5 h.a of industrial space and 1.5ha of office space. It suggested that this need could largely be met on three currently identified sites of Bakewell Riverside (Lumford Mill), Newburgh Engineering site, Bradwell, and Ashford Road Bakewell. However it also cautioned that whilst most of this provision could be met on those sites, if those sites for whatever reason were not developed, alternative sites in the National Park would need to be considered. It concluded that that there would also need to be scope to allow, through Development Plan policies, further small-scale employment developments to meet local needs in larger villages such as Hathersage and in rural building conversions.⁴¹ The plan policies require great care to be exercised before releasing employment sites is therefore justified, because in a protected landscape context, it may prevent the need for new sites.

4.37 In valuing small sites, the Authority nevertheless needs to recognise that alternative uses, particularly for sites in less sustainable locations might offer good enhancement opportunities and might be more appropriate uses for a particular location. So whilst large villages might be considered good locations for employment space, the case for retaining such space in smaller less well connected villages might be harder to make.

4.38 Where sites are considered to be in uses that have an adverse impact on the other uses and users of an area, they may be re-used to meet other plan objectives. New uses must enhance the valued characteristics of the National Park and satisfy other material considerations such as residential amenity.

4.39 The consideration of other community needs is particularly relevant. This may include community facilities, such as a doctor's surgery, a convenience food shop, a community room for group use. Applicants looking to change the use of employment space need to understand any community wishes or needs. This can be achieved by referring to community led plans, and by contacting the parish or town council, to check that any plans are accurate and up to date. Proposals for other facilities will have a better chance of receiving support and avoiding objections if they respond positively to community needs.

4.40 Where it can be demonstrated that business sites have been adequately marketed by a specialist agent and have been included in the list of available sites published by the local authority's economic development department for a period of **least X months** and business sites are shown to be under occupied or remain vacant over that period of time, to the extent that the positive contribution of the buildings, or the site to the built environment or wider landscape is undermined or being eroded, the

⁴¹ Peak Sub region - Employment Land Review: Nathaniel Litchfield and Partners 2009

Authority will seek to secure opportunities to conserve and enhance the site through conversion to alternative uses. The following policy applies to sites which are not safeguarded by the Plan.

DME4: Change of use of non-safeguarded, unoccupied or under-occupied employment sites in DS1 settlements

The change of use, or re-use of non safeguarded, unoccupied or under-occupied employment sites in DS1 settlements to non business uses or alternative business uses will be permitted provided that in the case of proposal for change of use:

A. The site or buildings have been marketed to the Authority's satisfaction for a continuous period of 12 months prior to the date of the planning application, in line with the requirements of this plan and the Authority agrees that there is no business need⁴²;

and

B. The proposed use conserves and enhances any valued character associated with the site or premises, including any cultural heritage significance attached to the site or buildings,

or in the case of proposals to change to other business uses:

C. The changed nature of any business use proposed for land or buildings is justified by evidence of need for particular business premises and space in the National Park or, if expressed as a need for the district, borough, or metropolitan council, for that council area,

and

D. In accordance with any evidenced need, the size and type of buildings proposed would address that need,

and

E. The proposal complies with all of the other policy criteria, and in accordance with conservation policies, represents a net overall enhancement to the built environment of the settlement and its landscape setting.

4.41 In terms of meeting part (a), applicants must submit evidence that they have marketed the premises to the Authority's satisfaction. Applicants must provide:

(a) Evidence of a thorough marketing exercise over a least 12 months by a commercial property agent with a good knowledge of the property, and the appropriate local, national, or niche market.

⁴² A business may make representation to the Authority if it considers 12 months to be too long a period for the type of business concerned, but the business will need to provide reasoned justification why a shorter period of marketing is justified.

(Marketing should include advertising in the local and regional press, including a minimum of one advert per month in a local newspaper and a minimum of two adverts over the marketing period in a relevant national publication)

and

(b) A copy of the letter of instruction to the property agent(s).

and

(b) Evidence of marketing of the property through the Economic Development department of the appropriate district council for at least 12 months

and

(c) Evidence that the asking price or market rent is the market value as defined by the RICS "Appraisal and Valuation Standards" ('The Red Book') which must take into account the structural condition of the property and the planning constraints affecting it.

and

(d) The methodology used by the surveyor in arriving at a valuation showing what figure, if any, has been allowed for the goodwill of a business, for any fixtures and fittings, and for the building itself. The floor area must also be identified so that a value per unit area can be established for comparison with the local market.

and

(e) Written details of all enquiries received, and the reasons why potential buyers/leaseholders found the buildings to be unsuitable, and why any offers were not accepted.

4.42 The National Park Authority may seek the opinion of the District Valuer as to whether a realistic sale price or leasehold rent has been set.

4.43 Irrespective of the proposed use, it must enhance the valued characteristics of the National Park as well as satisfying other material considerations such as residential amenity.

4.44 Outside of DS1 settlements, and those sites named in policy, the Authority will not specifically protect business sites, and those sites will not be permitted to expand. In many cases, there may be opportunities to enhance the business sites and therefore the landscape of the Park by change of use, or reconfiguration of buildings under the current use.

Class B1 Employment Uses in the countryside outside DS1 settlements

4.45 Core Strategy encourages local product or service development particularly where the activity or product demonstrates a positive appreciation of the National Park as a special place. Small scale business operations can sometimes be acceptable, but larger, more general development is less likely to be so. The scale of an activity and any intentions for its future will be important considerations when deciding whether B1 employment use of sites and buildings in the countryside is acceptable. Planning

conditions and where necessary legal obligations will be used to discourage inappropriate growth of a business and give the Authority the tools to prevent, or remedy that eventuality. This may include the removal of permitted development rights. Permissions may be granted for a specified period, with renewal of permission dependent on the acceptability of the impact in the initial operating period. In some circumstances it may be appropriate to restrict permissions to specified occupants (personal permissions) in such cases, a specified time period may or may not be appropriate in addition to personal use. The temporary granting of permission enables business persons to allay any fears that the Authority and neighbours may have, but which were insufficient at that stage to justify a wholesale block on the development. If after the temporary period the fears prove well founded, the Authority is unlikely to offer an extended period of operation.

DME5: Class B1 employment uses in the countryside outside DS1 settlements

Planning permission for a B1 employment use in an existing building will be granted provided:

A. Any adverse affect on any building with cultural heritage significance, and on the valued characteristics and amenity of the area can be mitigated by application of the following criteria:

i. Restriction to the specific activity applied for;

and

ii. A specified and agreed scale, intensity and type of activity, including vehicular movements and hours of operation;

and

iii. A specified and agreed arrangement of parking and/or storage of vehicles, equipment and materials.

and

B. For the particular use permitted, and where necessary and appropriate:

I. Permitted development rights (particularly for further buildings or structures) are removed ;

and/or

II. Permission is time limited for a temporary period of (usually) 2 years

and/or

III. In the case of personal permissions, the permission is restricted to personal benefit of the occupant of the building only

and

If any combination of these mechanisms prove to be ineffective in practice, a further permission will not be granted.

Home working

4.46 The Authority supports a flexible approach to working from home (Core Strategy E1). The key issues are the scale and nature of the business and its knock on impact. In many cases, home working does not require planning permission, but where it does, it is reasonable to require clear limits to the type and size of activity. The aim is to protect residential amenity, and conserve and enhance the built and natural environment.

4.47 The National Park Authority recognises that in rural areas it is common that people work in or around their homes, because the space to do so is more commonly available than it is in more built up areas. Also, in more recent times, the inconvenience and escalating costs of travelling to work, coupled with improved communication technology, makes working from home an attractive option. The aim of economic development agencies is to have super broadband access for over 90% of businesses by 2017. Such changes have few planning implications but are extremely important in encouraging high quality, high wage jobs into the area.

DME6: Home working

- A. Permission for home working will be restricted to a specified activity within use class B1 and restricted to a scale that can be accommodated within the dwelling, or ancillary buildings, without creating a need or demand for further ancillary buildings, or extension of a dwelling beyond that which would normally be permitted by policy?
- and
- B. Planning conditions and/or obligations will be used as necessary and appropriate to control any aspects of the business activity likely to adversely affect the valued characteristics, residential character or amenity of the area. The conditions and obligations may include:
- I. the exclusion of permitted development rights for further buildings or structures;
 - II. controlling the scale, intensity and type of activity, including vehicular movements and hours of operation;
 - III. controlling the arrangement for parking and/or storing of vehicles, equipment and materials.

Expansion of existing industrial and business development

4.48 **Core Strategy policies E1 and E2** set out the principles for business growth. Where a business is in a built up area, the impact on residents' amenity is an important consideration. If physical expansion of the business would harm residential amenity, businesses may be refused planning permission for that reason alone, irrespective of the extent to which other environmental impact can be satisfactorily addressed.

- 4.49 The Authority acknowledges that business establishment and expansion in the countryside, and away from purpose built business sites and built up areas may be a cheaper option than establishing or expanding business operations at an employment site designated for such use. For some businesses, such locations also remove any issues of neighbour amenity.
- 4.50 Similarly, the Authority also understands that when businesses are successful, site operators will desire expansion around the existing buildings rather than move to other locations. However, in the National Park, the importance of landscape conservation justifies strict limits to physical growth. The first consideration is always the landscape impact, and whether the expansion of the business in that location will conserve or enhance valued landscape character or other valued characteristics.
- 4.51 It is not sustainable to permit either the establishment or expansion of business operations into the National Park countryside indefinitely, simply because it is cheaper for the business. The Authority considers that a business person can reasonably foresee, for reasons of conserving the environment, that repeated expansion into National Park countryside might not be possible. The Authority does not therefore consider protection of investment; or lower business start-up or expansion costs; or the desire to operate away from other built up areas as justifiable reasons to permit expansion of development into open countryside.
- 4.52 In all cases, existing business should not assume that physical expansion of that business, at the same site, will be permitted. This is because conservation of the landscape and the built environment must always be prioritised and is likely to prevail, unless these two aims can be met satisfactorily.
- 4.53 Some existing businesses are located in areas of countryside where, if planning permission were to be applied for today, it is unlikely to be granted since **Policy E2C of the Core Strategy** is clear that business use in an isolated existing or new building in the open countryside will not be permitted. Existing sites may well benefit from new investment and more efficient use, but business owners should consider if this can be better located in or adjacent to a Core Strategy DS1 settlement, or in a suitable location outside the National Park. In some cases sites outside the Park might be nearer to the existing site than a DS1 settlement, and therefore more accessible for the workforce, some of whom might already live in those DS1 villages or surrounding towns.
- 4.54 Businesses will be expected to provide robust evidence as to why such options are not being taken, and explain how business expansion at the existing location conserves and enhances the landscape and or built environment. Where business use has become regularised for reasons unrelated to conservation of the National Park landscape it is likely that future expansion will be refused. This is because it would not have been permitted in the first place had it been subject to current development plan policies.
- 4.55 The continued protection of business sites in the Hope Valley and Bakewell in line with the Employment Land Review demonstrates that the Authority is keen to protect

business space. Business is encouraged to use such sites. The Authority does not accept that business expansion away from business sites is necessary for planning reasons, because there is no under provision of employment space.⁴³

- 4.56 Where planning permission is approved for business expansion in countryside locations, e.g. where it has been demonstrated that there are no other options and where the proposed development results in no landscape harm, it will be subject to a section 106 agreement. The agreement will tie the business into a local landscape management agreement and require money from the business to be made available for specified work to maintain and enhance valued landscape character. Such work will be required to be carried out for at least as long as the business continues to operate from the site.

DME7: Expansion of existing industrial and business development where it is not ancillary to agricultural business.

In or on the edge of a DS1 settlement

In or on the edge of a DS1 settlement, expansion of an existing industry or business will be permitted provided that:

- A. It is operating in an appropriate location;

and

- B. The scale and type of development can be accommodated without adverse affect on the amenity and valued characteristics of the area or to traffic safety and circulation;

and

- C. Proper consideration has been given to the possibilities of using, modifying or extending buildings to conserve and enhance landscape character before proposing new buildings

Outside DS1 settlements

Outside DS1 settlements, expansion of existing industrial and business development will only be permitted where:

- A. It is of a modest scale in relation to the existing activity and/or buildings, and does not extend the physical limits of the established industrial use to above 1000 m²

and

- B. It does not adversely affect, and wherever possible secures the enhancement of the site aswell as the future management of valued characteristics of the site and adjoining land within the ownership of the business;

and

- C. Proper consideration has been given to the possibilities of conserving and enhancing

⁴³ Peak Sub region - Employment Land Review: Nathaniel Litchfield and Partners 2009

landscape character by using, modifying or extending existing buildings

and

- D Where any retail activity is to be conducted from the premises, it is limited to those products that are produced on the premises.

4.57 Persons proposing to establish businesses in the National Park, especially outside of settlements, should be very clear from the start what potential for business expansion exists under development plan policies before they choose to invest in a site or buildings.

Retail uses in industrial and business areas

4.58 The Core Strategy states that the National Park Authority wishes to keep the best business sites and buildings from other development pressures. For this reason, warehousing is only permissible where it is ancillary to an existing business and fulfils a need that cannot be met elsewhere (Policy E1). Outside of the provisions of that permitted by the General Permitted Development Order, retail activity is not usually acceptable on such sites. However, some businesses such as for example suppliers to nearby trades, or a business such as an exhaust fitting centre that is difficult to accommodate elsewhere, might be acceptable.

DME8 : Retail uses in industrial and business areas

Retail operations will not be permitted in industrial and business areas unless

- (i) the retail use is suited to local need, and cannot be located in retail premises, and
- (ii) there is no strategic need for the business space replaced by retail use

Design, layout and neighbourliness of employment sites including haulage depots

4.59 Employment sites, and the types of building associated with them usually have an impact on the landscape and the amenity of those living in or visiting that area. The extent and nature of the impact often depends on the care taken to achieve adequate screening, and on subsequent standards of operating practice or site maintenance. In some circumstances screening in itself will introduce an undesirable landscape feature and may not therefore always be considered to be an acceptable way to mitigate landscape impact of the development.

4.60 Untidy or inappropriate use of outdoor areas, noise, operating times and use of floodlighting can also pose problems. It will often be necessary to make use of planning conditions and/or agreements (planning obligations) to ensure best practice and high standards can be enforced. The adequacy of local roads to cope with vehicles going to and from employment sites is also an important consideration (see Core Strategy policy GSP3 and T1E and **Local Plan policy?**). **Design Policy? will also be relevant.**

4.61 Core Strategy Policy T4 makes provision for freight transport facilities provided that they are not in Conservation Areas or residential areas and are accessible to the strategic road network without using roads subject to a weight restriction order. Many farms are accessible only by roads that are subject to weight restriction order, and, whilst road haulage business can often supplement the income of farming families, it is not encouraged to operate or, where they already exist, expand such businesses from such farms. The reason for this policy position is that, where such businesses exist, experience suggests that they become unacceptable when vehicles and other materials are stored outside buildings. In addition, lorry movements, either through use of unsuitable minor roads, or frequency of use on any sort of road, harm the amenity of the area.

4.62 The Authority cannot deliver highways upgrades, so it is illogical to permit development that encourages increased vehicle movements overall and ultimately stoke demand for road upgrades. Where operators seek to expand businesses into buildings only permitted for agriculture, the Authority reserves the right to use conditions or legal obligations that enable it, to enforce against unlawful use.

When faced with such applications to expand road haulage businesses, the Authority will consider whether the entire business, at the scale envisaged would be granted planning permission. In many cases, the direct impact on the environment is unlikely to be positive, and the indirect impact on the host land management business is unlikely to be positive to the extent that it adequately offsets the negative impact of the development itself.

4.63 Subsequent unlawful use of such buildings for uses other than that permitted will be subject of enforcement action, where this is felt necessary for the conservation of the landscape, or built environment, or to protect the residential amenity of anyone considered to be unreasonably impacted upon by the business. In this respect, the impact on people who visit and use the Park for recreational purposes is a consideration, alongside the impact on people who live in the vicinity of the development. Where development is part of farm diversification, **Policy? also** applies

4.64 Employment sites, including haulage depots, have a high propensity to harm the sensitive landscapes and valued built environments of the National Park. It is important that where employment sites (including haulage depots) are considered acceptable in principle, they are designed to minimise any adverse effects on the valued characteristics and amenity of the surrounding area. The following policy adds to Core Strategy policies E1 and E2, providing detailed development management criteria to address matters commonly experienced problems.

DME9: Design, layout and neighbourliness of employment sites including haulage depots

Where development for employment purposes is acceptable in principle, it will only be permitted provided that every practicable means is used to minimise any adverse effects on the valued characteristics and amenity of the surrounding area. Particular attention will be given to:

A. visibility from vantage points;

and

B. site access, vehicular circulation and parking;

and

C. site layout and use of open space surrounding buildings;

and

D. storage of vehicles or other equipment;

and

E. landscaping and other screening, and whether, in the landscape proposed, it is an appropriate method to mitigate adverse impact on the landscape;

and

F. noise and proposed times of operation.

Where necessary, planning conditions will restrict future growth and intensity of the activities on site.

Chapter 5 – Recreation and Tourism

Issues Covered

- Tourism camping and caravan sites
- Holiday occupancy of camping and caravan sites
- Holiday occupancy of self-catering accommodation
- Facilities for keeping and riding horses

Strategic Context

5.1 Core Strategy Spatial Objectives for recreation and tourism in the National Park states that by 2026:

“A network of high quality, sustainable sites and facilities will have encouraged and promoted increased enjoyment and understanding of the National Park by everybody including its residents and surrounding urban communities.”

5.2 As stated in the Environment Act 1995, one of the two purposes of the National Parks is:

“promoting opportunities for the understanding and enjoyment of the special qualities (valued characteristics) of those areas by the public”

5.3 Tourism makes a significant contribution to the local economy, worth over £431million each year and it is estimated to support over 7000 jobs. In an area such as the National Park it is essential that recreation and tourism development is sustainable: this is, ensuring that activities or development today do not harm those qualities which future generations would wish to enjoy. It also means raising awareness of the energy we use and the impact we make. The National Park Authority’s approach to tourism and recreation development is to support only that which has a particular need to use the valued characteristics of the National Park. But in doing so it aims to maximise the local economic benefits of recreation and tourism and influence behaviours by facilitating enjoyment in tune with the very assets that underpin the designation of the area as a National Park, namely its valued landscapes, cultural heritage and wildlife.

5.4 Many millions of visitor days are spent in the National Park each year, and the number who arrive by private vehicles continues to be a major source of concern. However at a time where public transport provision has declined, the role of the Authority has moved to one of influencing and leading on sustainable alternatives to private vehicles.

5.5 Moreover the overall sustainability of tourism is a greater consideration, hence the need to provide exemplar buildings and projects, encourage sustainable design, low carbon buildings and sensitive forms of renewable energy and by encouraging healthier lifestyles through active recreation.

5.6 The number, type and location of recreation and tourism developments will continue to affect car use and lead to consequential impacts on the valued characteristics of the area, including important factors such as tranquillity and scenic beauty.

5.7 The Peak District National Park possesses a wealth of natural and historic attractions that with careful management can offer adventure and stimulation to inspire this and future generations.

5.8 Core Strategy policies for recreation and tourism (RT1 to RT3) make it clear that:

- i. Proposals for recreation, environmental education and interpretation will be supported where they encourage understanding and enjoyment of the National Park's valued characteristics;
- ii. Opportunities for sustainable access will be encouraged;
- iii. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity, and be informed by the Landscape Strategy.
- iv. Development should be focussed in or on the edge of settlements. In the open countryside, clear demonstration of need will be necessary;
- v. Wherever possible development must re-use existing traditional buildings of historic or vernacular merit, and should enhance any appropriate existing facilities. Where this is not possible, the construction of new buildings may be acceptable;
- vi. Development must not on its own, or cumulatively with other development and uses, prejudice or disadvantage peoples' enjoyment of other existing and appropriate recreation, environmental education or interpretation activities, including the informal quiet enjoyment of the National Park;
- vii. Accommodation for staying visitors will be permitted by extension or improvement of existing accommodation, or by conversion of traditional buildings of historic or vernacular merit;
- viii. The use of entire farmsteads for holiday accommodation will not be permitted;
- ix. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell;
- x. Touring camping and caravan sites will be permitted , particularly in areas where there are few sites, and where they can be well integrated with the landscape;
- xi. Static caravans, chalets or lodges will not be permitted;
- xii. Improved facilities on camp sites must be of a scale appropriate to the site; and
- xiii. Development that would improve the quality of existing sites, including improvement to the appearance of existing static caravans will be encouraged.

5.9 Many measures to manage visitor pressure in the countryside are dealt with without recourse to, or outside the control of, the land-use planning system. Current policies set out in the National Park Management Plan, Recreation Strategy, and Cycling Strategy have been negotiated and put into practice with our partner organisations, and form a crucial part of this approach. Work continues, to find further methods to sustain the National Park's attractive features despite increased use. The National Park Authority aims to ensure consistency between these methods and its spatial policy.

5.10 The Planning Acts provide for control over the use or development of land or buildings. Recreation in a National Park is usually more related to land use and activity levels rather than built development. However, activities once considered solely a matter for land management are increasingly seen as land uses to be controlled by the planning system or to be considered when judging proposed new uses. Recent examples include the competition between cycling, walking and horse riding, or helicopter trips over quiet moorland.

Touring camping and caravan sites

- 5.11 Camping and caravanning are historically the most popular types of accommodation for visitors staying in the National Park. Considerable provision already exists for touring caravans and tents within the National Park.
- 5.12 **Core Strategy policy RT3** now covers most of the criteria from the previous Local Plan. Further development management policy is needed to clarify two issues. Firstly the need for sites to integrate well and not dominate their surroundings. Secondly to clarify development management criteria for applications to change holiday occupancy conditions.
- 5.13 Much of the landscape is very open. The valleys and dales are often narrow, ecologically sensitive, may have poor accessibility and pressure of day visitor use. Many roads are steep, narrow and poorly aligned. If location, access, landscape setting, and other impacts are satisfactory then new sites may be acceptable. Appropriate size will vary from case to case, but development or activity should in no circumstance dominate its surroundings.
- 5.14 The provision of facilities (including shops, restaurants, sports and leisure facilities) on camping and caravan sites should only be permitted when there will be no significant adverse effect on the vitality and viability of existing facilities in surrounding communities. Nevertheless there may be circumstances where the introduction of small scale facilities may actually provide a useful contribution to community services where they aren't available locally.
- 5.15 Many caravan and camp sites will be located close to farmsteads as part of the diversification of the farming income. In such cases this will allow supervision of the site without the need for the construction of new dwellings. However there may be limited circumstances where there is no nearby accommodation from which to supervise and manage the site. In such cases permanent homes for site wardens may be acceptable but must be justified in terms of the essential need to live on the site and will need to demonstrate that there is no alternative accommodation available elsewhere in the locality. In such cases dwellings will be tied to the ownership of the site using a section 106 agreement in the same way that dwellings are secured for agricultural workers, justified by the functional need.

DMR1 Touring camping and caravan sites

A The development of a new touring camping or touring caravan site, or small extension to an existing site will not be permitted unless its scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, and it does not dominate its surroundings.

B Shopping, catering or sport and leisure facilities at camping and caravan sites will be permitted provided that there is no significant adverse effect on the vitality and viability of existing facilities in surrounding communities and the development is of a nature suited to the needs of the site itself.

Holiday occupancy of camping and caravan sites

5.16 Camping and caravan sites and self-catering holiday accommodation sometimes have conditions placed upon their planning approval limiting them to seasonal occupancy. The Authority supports the view that there is scope to lengthen the holiday season to benefit the local economy and provide more full time employment. However, consideration needs to be given to the benefits to landscape, wildlife and local residents of a period of respite from tourist pressure. Particularly when considering camping and caravan sites, visibility in the winter months and the impact on conservation features, need to be carefully assessed. These considerations can be dealt with by the use of planning conditions and/or agreements limiting occupancy to holiday accommodation and preventing full-time use. The National Park Authority defines holiday use as occupation for no more than 28 days per calendar year by any one person.

5.17 Similarly, applications to relax seasonal occupancy conditions will be considered on their merits.

5.18 Conditions requiring holiday occupancy help to avoid a tendency to creep towards permanent occupancy of sites, with potential for later pressure for more permanent residential units. Caravans and tents (or similar) are, a form of development that is permitted in order to enable a large number of people to visit, experience and enjoy the national park. They are not considered appropriate for permanent homes in a protected landscape. The intention of limiting occupancy is not only to limit the year round impact on the National Park, but it also prevents the creation of substandard dwellings and allows a greater number of visitors to access and enjoy the National Park.

DMR2 Holiday occupancy of camping and caravan sites

Where the development of a touring camping or touring caravan site is acceptable, its use will be restricted to holiday accommodation.

For an existing camping or caravan site, the removal of any existing condition that stipulates months of occupation, and its replacement by a holiday occupancy condition, will be permitted, provided that the site is adequately screened in winter months and that there would be no adverse impact on the valued characteristics of the area or residential amenity

Holiday occupancy of self-catering accommodation

5.19 Similar issues to those about seasonal occupancy for camping and caravanning are experienced for holiday cottages. In cases where a property is unsuitable as a full-time residence (where there is, for example, poor outdoor or indoor living space, an inappropriate relationship to adjoining houses or unacceptable potential for landscape harm).

DMR3 Holiday occupancy of self-catering accommodation

(a) Outside settlements listed in policy DS1 of the Core Strategy:

(i) where self-catering accommodation is acceptable, its use will be restricted to holiday accommodation; and

(ii) for existing accommodation, the removal of any condition that stipulates months of occupation, and its replacement by a holiday occupancy condition, will be permitted, provided that there would be no adverse impact on valued characteristics of the area or residential amenity.

(b) Within a settlements listed in policy DS1 of the Core Strategy:

(i) a holiday occupancy condition will be applied to self-catering accommodation if the property being converted has inadequate indoor or outdoor living space or is so closely related to adjoining properties that the introduction of residential use would cause unacceptable harm to their amenity; and

(ii) for existing accommodation, the removal of any holiday occupancy condition will be permitted where the circumstances in (b) (i) above do not apply.

Facilities for keeping and riding horses

5.20 Horse riding is an appropriate activity as part of the quiet enjoyment of the National Park. Planning permission is not normally required for the use of land for grazing horses, but stables, exercise rings (or maneges) and the recreational use of land usually do require permission.. The popularity of horse riding creates pressure for stabling and exercise rings in places where it is not always easy to find a good design and fit to the valued characteristics of the landscape. The combination of buildings and exercise areas, security lighting and paddock style fencing can create an over-managed feel to relatively simple pastoral landscapes, particularly noticeable where they are relatively open.

5.21 The design and construction of such facilities has caused some concern. Experience has shown that where stables are built to high, even 'domestic' standards, there can be subsequent pressure to turn them into permanent dwellings, opening an obvious potential for abuse of the planning system. As such it is considered that simpler constructions methods offer a more functional solution although individual designs will depend always on the character and appearance of the surrounding area.

5.22 The impact may also be lessened by siting stables or facilities adjacent to existing groups of buildings, and through the use of appropriate materials which reflect the character of

the area. Consideration should also be given to issues such as the ease of access to an adequate local bridleway network, likely traffic generation, and possible nuisance to local residents, landowners or farmers.

DMR4 Facilities for keeping and riding horses

Facilities for keeping and riding horses will be permitted provided that the development:

- A. is specifically designed to accommodate horses; and
- B. is not constructed in a manner or of materials which would be tantamount to a new dwelling or would lend itself to future conversion for such purpose; and
- C. is located adjacent to existing buildings or groups of buildings; and
- D. is not likely to cause road safety problems;
- E. in the case of commercial stables/riding centres, has good access from the strategic and secondary road networks and to an adequate bridleway network that can accommodate the increased activity without harming the valued characteristics of the area or their enjoyment by others.

Chapter 6 – Housing

Issues

- New affordable housing
- First occupation of new affordable housing
- Second and subsequent occupation of affordable housing (The occupancy cascade)
- Essential workers' dwellings
- Conversion of outbuildings within the curtilages of dwellings to ancillary residential uses
- Re-development of previously developed sites to residential use
- Conversion of buildings to residential use
- Extensions and alterations
- Replacement dwellings
- Sub-division of dwelling units
- Provision of new outbuildings in the curtilage of dwelling houses
- Use of section 106 agreements

Strategic Context

- 6.1 Policies DMH1 to DMH7 explain the kind of housing that can be provided, why it is necessary, where it can be provided, and who can live in it.
- 6.2 Policies DMH8 to DMH11 then go on to address the issues relevant to most householders. They set out the changes that can successfully be made to existing properties and the range of development management considerations that should be taken into account before applications are made.
- 6.3 Policy DMH12 covers the issue of legal agreements, and the reasons why they are applied to various types of residential development.
- 6.4 Achieving an appropriate mix of housing is an integral part of helping communities to thrive. The Authority has a duty in fulfilling national park purposes, to seek to foster the social and economic well-being of the people who live and work here. In part, this means trying to address the community's need for housing. The National Park Management Plan states that part of the work needed to achieve vibrant and thriving communities is to address the outstanding need for new homes, and the needs of future generations, in a sustainable way⁴⁴
- 6.5 The need for affordable housing remains acute across the National Park. However the Core Strategy examination process and the adopted core strategy confirmed that because the area is a national park, the majority of objectively assessed need for housing across housing market areas should be met outside of the National Park. That view is strengthened further by the National Park Vision and Circular⁴⁵. It is also confirmed in the Strategic Housing

⁴⁴ <http://www.peakdistrict.gov.uk/microsites/npmp/our-vision/thriving-and-vibrant-communities/tv4-affordable-housing>

⁴⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf paragraphs 78 and 79

Market Assessment (SHMAs), and development plan evidence of Derbyshire Dales and High Peak. These two councils comprise 82.3% of the National Park population⁴⁶. Their evidence and plans include figures for housing delivery in the National Park. They are reasonable expectations for delivery based on past trends, but are neither targets nor limits.

- 6.6 The expected levels of delivery in the National Park are set out in the **spatial objectives of the Core Strategy**. This gives figures for spatial areas based on landscape characteristics and do not respond to housing authority boundaries.
- 6.7 All new housing is provided as an exception to the strategic principle that development of all types should be restricted in the National Park. All development on previously undeveloped land is classed as exception sites development, and no housing sites are allocated in the development plan. Nevertheless, in so far as national park purposes can be upheld, the Authority policies enable affordable local needs housing on these sites. Policies also enable essential worker housing, ancillary accommodation, holiday accommodation and open market housing, by conversion or in some case new build, or by re-development of previously developed sites. Any of these, in the right circumstances, can address national park purposes and/or community needs.
- 6.8 In terms of the housing mix, the previous development plan objective for housing was to re-balance the housing stock. The total number of local needs affordable dwelling units added to existing stock over the 1991–2013 period was 359 (16pa). In many DS1 settlements the percentage of social housing stock is now 10% - 15%.
- 6.9 By way of comparison, open market completions by conversion of buildings or re-development of sites added 1314 (59 pa) to the housing stock over the same period. These were justified for conservation as opposed to housing reasons, but demonstrates the scope to address community and general market housing needs within the statutory purposes of the National Park. Indeed trends suggest such housing has always provided a greater number of homes than those locally needed affordable housing delivered on exception sites.
- 6.10 The policies in this plan continue these successful policy routes. However, the opportunity for higher numbers of open market dwelling units is now limited by dwindling numbers of obvious conversion opportunities such as old mills. Therefore, over this plan period and subject to funding and suitable sites, it may be possible to further improve the proportion of affordable housing relative to open market housing⁴⁷. This projected downturn in overall delivery is reflected in the trend figures included in constituent authorities plans.
- 6.11 The Core Strategy⁴⁸ establishes where new housing is acceptable in principle. It firstly directs the majority of new build development to a range of listed settlements, and then describes the scope for development elsewhere in the National Park. **Chapter 12 of the Core Strategy**⁴⁹ establishes the strategic context and key principles for housing delivery. **Policies HC1, HC2 and HC3 of the Core Strategy** need to be read in conjunction with the policies of this chapter and the Supplementary Planning Guidance: meeting the local need

⁴⁶ Source ONS Constitutional Boundaries Population Peak District National Park population estimates, mid-2010 by part Local Authority Quinary age groups, Persons, Males and Females

⁴⁷ Changes to 'right to buy' regulations may lead to loss of social housing stock and worsen the overall proportion of social housing to market housing

⁴⁸ spatial portrait (page 20 to 26) Development Strategy (pages 48 to 51) and (Policy DS1 of the Core Strategy)

⁴⁹ Homes, Shops and Community facilities

for affordable housing in the Peak District National Park adopted in Jul 2003 (or any successor supplementary planning document). Much of that SPG document has been brought forward to this plan because it has been tried and tested over the last 10 years and continues to provide useful guidance justifying inclusion in the development plan.

Addressing the local need for affordable housing

6.12 Evidence shows that affordability of housing across the various housing market areas covering the wider Peak District area continues to be a huge challenge for local people. For example, in the Derbyshire Dales area of the National Park, evidence suggests that 64 affordable houses per year are required up to 2030⁵⁰. The communities of other constituent council areas covering the National Park will also generate a need for affordable houses because the affordability issue is the same in these areas. As every part of the National Park experiences similar affordability issues it is reasonable to surmise based on population numbers that there is an annual need for approximately 100 affordable houses.

6.13 The ability to release such levels of greenfield land over strategic time periods is incompatible with the statutory conservation purpose of the National Park, a principle recognised in both the adopted Core Strategy for the National Park and constituent authority Local Plans. The stated objective is to address affordable housing need in so far as that is consistent with National Park purposes. This helps address an un-met community need and to a small, but not insignificant extent helps communities remain vibrant and thriving.

What is affordable housing?

6.14 The definition of affordable housing includes three types of housing⁵¹:

1. Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. Housing may also be owned by other persons and provided under equivalent rental arrangements, as agreed with the relevant local authority or with the Homes and Communities Agency.
2. Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
3. Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

6.15 All homes provided against the definitions above help address the evidenced challenge of affordability.

⁵⁰ Derbyshire Dales Housing and Economic Needs Assessment Draft Final Report Atkins for Derbyshire Dales District Council February 2014

http://www.derbyshiredales.gov.uk/images/documents/D/Derbyshire_Dales_Assessment_of_Housing_and_Economic_Needs.pdf

⁵¹ Footnote NPPF

What is housing need, and when is new housing justified?

- 6.16 Affordable housing need is defined by National Policy Planning Guidance. It applies to households which are homeless or in insecure tenure in the sense that their current housing is too expensive compared with their disposable income. It includes households in overcrowded accommodation; households containing people with physical impairment or having other specific needs⁵²; households that lack basic amenities like a bathroom or kitchen, and/or are subject to major disrepair or are unfit for human habitation; households with particular social needs such as needing to escape harassment, which cannot be resolved other than through moving to alternative accommodation.
- 6.17 There are many other reasons a household may state for wanting an affordable house in the National Park, but these reasons are classed as housing preference. Housing preference cannot be satisfied in the National Park, and it is not the policy of the Authority to try and do so. National Parks are designated so that the environment can be conserved and that means restricting the levels of development that would otherwise be justified by housing market assessments (HMAs) This is re-enforced by government guidance for National Parks which is summarised in the NPPF and the English National Parks and the Broads Government Vision and Circular⁵³ The focus therefore remains on addressing affordable housing requirements in so far as that can be achieved without compromising the quality of the National Park environment.
- 6.18 However in recognition of long-standing community wishes that local people should have options to stay in the area, the Authority has a mechanism to ensure, in so far as can reasonably be monitored and enforced, that affordable houses are allocated to those who not only have a housing need, but who also have a strong local connection. This helps prevent the involuntary drift of local people out of a community and helps families to stay together. The strength of that local connection is shown in policy LHC2 and LHC3 and described below under the heading *strong local connection*.
- 6.19 Proposals for more than one dwelling will be judged by reference to an up to date housing needs survey prepared by, or in consultation with, the housing authority and preferably also the Parish Council. Evidence should be less than five years old. Anything older than this is considered to be of limited value, and new evidence should be commissioned. This should be to a standard accepted by the relevant housing authority, and should include evidence from choice based lettings schemes⁵⁴ or other 'real time' evidence of need, provided that information is verified by the housing manager for the area. In rural areas, housing need is often hidden, and it can be difficult to gauge exact figures so the Authority encourages and supports any other methods of community engagement undertaken by housing bodies that helps establish genuine housing need. In order to establish a person's housing need, a series of questions are in common usage across the housing authority areas. This Authority has agreed with these Authorities that it will require the same information when individuals apply to build affordable housing in a DS1 settlement anywhere across the National Park. The objective is that housing is only built for or lived in by those with genuine housing need.

⁵² E.g. require level access which isn't available, and can't be made available in current accommodation

⁵³ English National Parks and the Broads UK government Vision and Circular Defra 2010 paragraphs 78 and 79.

⁵⁴ Derbyshire Dales Home Options :

<http://www.derbyshiredales.gov.uk/housing-a-council-tax/find-a-place-to-live/home-options>

6.20 There may be affordable, housing association or private sector properties that are already available and of a suitable size. Where suitable property of an affordable price, size and type is available, and the wider affordable housing need of the community can be met by this available property, a new house is less likely to be justified. Indeed the existence of existing suitable and available stock will be a key factor in establishing the actual need both across in terms of the number of homes needed at a community scale and in determining an individual case. A person's preference for a particular form of tenure is not considered a reason to disregard other types of tenure. It will help a person's case, if they are able to provide evidence of registration on a choice based letting scheme, and confirmation from the housing authority based on that registration of their level of need. The Authority will verify the claim of housing need with the relevant housing authority if, from the information provided, it is unclear whether housing need exists.

6.21 For the avoidance of doubt, and because of the high, and consistently rising trend in the monetary value of houses in the National Park, people owning a house **inside** the National Park are considered to be more able to resolve their own housing need than those who don't own a property. Certainly people who own a home outright are more likely to be in position to realise significant capital gains from sale of their house in order to resolve their housing preference⁵⁵. In common with any area of the country, the extent to which a person can satisfy their housing preference in the exact location they want to live depends on the availability of a house the person wants to buy.

6.22 However, where people have a mortgage, it is more likely that changes to their circumstances, such as drop in income or family breakdown, may mean they are unable to sustain the mortgage and need to sell the property. In such instances the capital gain may be relatively modest or non-existent by comparison with someone who owns a house outright⁵⁶.

6.23 In line with longstanding wishes of communities, the Authority considers that people living outside the area, should have the option to return to the National Park. This long standing aspect of policy continues to respond to parish level concerns about break up of communities and gives scope for local people to return. It is more flexible than housing authority 'Home Options' system for allocating social housing, because it provides a route back to the National Park for people, including those who already own a house, who were born and brought up in the area.

6.24 The Authority recognises that houses owned outside the National Park might be of higher or lower monetary value than an equivalent house in the National Park, so this aspect of policy addresses a political and community desire to give people a route back, rather than addressing acute housing need.

6.25 However, such a route back can provide ongoing community benefit because any new affordable house permitted will be restricted to the size limits for affordable housing, and with

⁵⁵ Almost three quarters of the household spaces in the National Park were owned by the occupier, with 46% owned outright and 27% owned with a mortgage - higher rates than the 'all National Parks', the regional and the England average. The trend shows the number of households owned outright has been increasing since 1991 in the Peak District. (source 1991, 2001 & Census 2011 Tenure of Households)

⁵⁶ It is unlikely that someone will be in negative equity since there is no record of house price falls in the National Park over past plan periods

its occupancy restricted in perpetuity by a section 106 agreement. This will restrict the value of the property, and help ensure the property can serve the needs of other local people in perpetuity, including other local people who have moved out of the area and want to return.

6.26 It is considered to be a reasonable assumption that owner occupiers with the financial means to solve their housing wishes outside the social housing sector will generally choose not to invest in a house of restricted size, and with restricted occupancy, so the risk of losing good exception sites to this intermediate form of housing,⁵⁷ rather affordable housing for local people in housing need, is considered small and sustainable.

6.27 The Authority's objective is that new affordable housing addresses housing need in its purest sense and that the policies allowing new open market housing by conversion of buildings, site re-development and replacement of existing dwellings are applied with a view to achieving a balanced housing stock. This means consulting the housing authorities and requiring developers to provide the mix of houses an area needs. If there is a specific need for smaller housing stock, the Authority would expect a developer to reflect that in any planning application, and it would resist proposals to diminish that part of the housing stock⁵⁸

What does 'strong local connection' mean?

6.28 For the purposes of this development plan, 'strong local connection' means that a person has lived in the particular parish with a DS1 settlement where a house is located or proposed to be located, (or an adjoining parish within the National Park) for a period of at least 10 years (not necessarily continuous) in the last 20 years. For example, if a person is wishing to build an affordable house in Castleton or occupy an affordable house in Castleton, he or she would need to have lived in Castleton, Edale, Hope, Bradwell or Peak Forest or any combination of these places for a minimum of 10 years in the last 20 years. Appendix? shows which parishes are connected by boundary to which other parishes with a DS1 settlement. A parish may be connected by boundary to more than one DS1 settlement.

6.29 Having explored shorter local connection criteria used by housing authorities outside the National Park, and listened to its communities, the Authority believes, on balance, that for the purposes of applying housing policies, a period of residency of at least 10 in the last 20 years is still necessary before a person is considered 'local'. The '10 in the last 20 years' provision allows people brought up in the area to return, when they are in housing need, as 'need' is defined by the policies of this plan.

6.30 The Authority does not own or manage affordable houses so allocation of houses is not within the gift of the National Park Authority beyond ensuring that legal agreements are in place specifying who ought to be offered houses⁵⁹.

⁵⁷ Such housing is considered intermediate because beyond the first three years of occupation by the person in housing need, it is not restricted to those with a housing need. It does however remain restricted to people with a strong local connection as described in policy DMHC1 and is therefore of intermediate value between what would be truly affordable and what has an unrestricted open market house value.

⁵⁸ See policy on replacement dwellings criteria vi

⁵⁹ Legal agreements contain a provision to monitor allocations if the Authority is provided with strong evidence to suggest that houses are not being allocated properly but the Authority will not monitor as a matter of routine.

Site selection

- 6.31 Where green-field land is considered suitable for housing, the site is classed as an exception site for the types of housing needed in the plan area. Development of exception sites will be for 100% affordable housing for those in housing need because that is the type of housing the area most needs⁶⁰. As such, the best price a landowner can expect to be offered in return for housing development is the price that developers are prepared to pay to enable the building of affordable homes for those in housing need.
- 6.32 Permitting open market housing to subsidise affordable housing on such sites would diminish the land available for affordable housing, put undue pressure on other unsuitable land, raise the hope value on land, and reduce the likelihood of landowners selling land for affordable housing.
- 6.33 The NPPF and NPPG support the continuing use of 'rural exception sites' as a means of enabling affordable houses in rural areas. Newly built affordable housing will be allowed on exception sites within or on the edge of settlements listed in core strategy DS1, or as part of schemes which offer potential to conserve and enhance the valued characteristics of the National Park, e.g. by effective development of previously developed sites, or where it can conserve valued vernacular buildings (designated and non designated heritage assets)
- 6.34 If need arises within a parish not containing a settlement listed in policy DS1, and cannot be satisfied by renting or buying into existing stock in that parish, the need can be met by houses in adjacent parishes that do contain DS1 settlement(s). Whilst it is recognised that people would often prefer to stay in the same settlement or parish, a sustainable pattern of new affordable housing development is achieved by concentrating new build social housing into a range of settlements and not permitting new housing development everywhere. This does mean that some people wanting to build a home to address their own housing need, will need to look to the DS1 settlements, or consider what can be achieved by way of conversion or ancillary accommodation in the parish in which they currently live. There may be opportunities to convert traditional buildings to residential use in areas outside of DS1 settlements in accordance with Core Strategy policies DS1, GSP1 and GSP2 and HC1, and DMC14 or DMH5 of this plan, subject to viability. This can help reduce the need to develop green field sites, and can offer opportunities to address need in areas where there is no DS1 settlement, or it is considered too distant or inaccessible to reasonably address the particular housing need. It may also be possible to address need by ancillary accommodation provided by conversion, extension or in some cases new build⁶¹. However, development must satisfy policies in the Conservation chapter.
- 6.35 There may be occasions where the need for affordable housing may best be directed beyond the National Park's boundary to more sustainable locations. This is in line with the NPPF and the development strategies of many constituent authorities. Constituent councils recognise and respect the landscape protection that national park designation confers, and they often recognise the value of the National Park in making their whole council area an

⁶⁰ New open market houses on green field land in the National Park will not be permitted. The cross subsidy option, whilst encouraged by the NPPF, was explored at the examination into the core strategy, and considered by the inspector to be unsustainable. The same logic that applied then applies now, and no cross subsidy is permitted on exception sites.

⁶¹ See policy DMH5: Conversion of outbuildings within the curtilages of existing dwellings to ancillary residential uses and DMH8 Alterations and Extensions

attractive place to live. Some councils consider 'peak district character' to be an asset, and share the desire to protect valued landscape against new housing development. At a strategic level of plan making therefore, all planning authorities are trying to steer most new development away from high quality landscapes. The green belt policies of many authorities is testament to the value placed on landscapes adjacent to the National Park.

6.36 When a DS1 settlement is split by the National Park boundary, the identification of the most appropriate site will be a matter for discussion between the Authority, the community, the constituent authority concerned, and the developer. Where the major part of the DS1 settlement and its population, as distinct from simply the major part of the parish area, is outside the National Park, most of the local need for affordable housing might be better satisfied outside the National Park. For example, the Parish of Hayfield is split by the National Park boundary and whilst the larger area of the parish lies inside the National Park the majority of the population lives outside the National Park. The fact that a large part of Hayfield parish area is inside the National Park does not mean there is more scope for development in the National Park because most of this area is undeveloped farmland and moorland with national park designation.⁶²

6.37 The Authority encourages communities, constituent councils and housing providers to work together to find appropriate sites. Site search work may arise as part of a neighbourhood plan or other type of community plan. In the event that it does become part of an adopted neighbourhood plan, it will assume more significance in decision making, but will not automatically mean that any housing scheme proposed would receive planning permission⁶³.

6.38 Whilst assessments of capacity for development may result in a mutually agreed understanding of development potential, it will not result in site allocations.⁶⁴

6.39 Experience has shown that in many cases, local people in housing need are more able to acquire land or a building, than a mortgage. This might make it financially possible to provide a home to meet their need. In the case of sites, a person should ask the Authority for pre-application advice on its suitability for development. Whilst a person may have only one site option, the Authority will not permit new affordable housing if it considers development of the site would harm the National Park.

6.40 In some DS1 settlements, the Parish Council, planners, and housing enablers may have already looked for appropriate sites. If a person has a site that has previously been identified as having development potential, the Authority is more likely to view applications to build on it favourably. If it hasn't been identified, it suggests it may not be a good site for housing. Applicants should contact the National Park Authority or the Parish Council to establish whether any village wide assessment of suitable sites has been carried out.

⁶² However, if an appropriate site has been identified inside or on the edge of the National Park part of a cross boundary village such as Hayfield, there is no objection in principle to its development

⁶³ Identified sites will be a material consideration but will not be treated as allocated sites because the development plan has no housing target and does not therefore have a need for a five year supply of sites.

⁶⁴ 1.1 This will remain the case unless and until the Authority has convincing evidence that allocated sites in neighbourhood plans can legally be classed as exception sites solely for the types of residential uses that are compatible with this plan (i.e. affordable housing to address needs in the community).

Size of housing

6.41 Controlling the size of housing is extremely important to the Authority's ability to retain affordable housing stock for the community. The Authority considers dwellings to be of an affordable size where they are no larger than the gross internal floor area shown in the policy DMH1. They reflect minimum space standards for the purposes of attracting government finance to build affordable houses, but maximum sizes for the purpose of delivering this plan's objectives of retaining affordable houses in perpetuity for local people in housing need. Without such limits, larger housing would result in valuations that, even taking in account the occupancy restrictions, could render houses unaffordable and therefore unattainable to those in need of a house locally. In the past, such valuations have led Planning Inspectors to direct the Authority to lift section 106 agreements, with the result that the community loses some of its stock of affordable houses⁶⁵.

6.42 Where schemes of housing are proposed, and in the context of affordable housing schemes only, the size of housing should, within the size limits set, reflect what is needed in the area. If this is not apparent from housing need surveys, the Authority will consult the relevant housing authority manager.

6.43 Where applications propose to convert buildings to a local need affordable home, the Authority will only permit them if the resulting floorspace can be within or extremely close to those shown in policy DMH1. If the Authority considers that conversion of larger buildings cannot be sustained as local need affordable homes in perpetuity, it will inform the applicant of this early on and treat applications as a proposals for open market housing under Core Strategy HC1, and DML9 of this plan.

6.44 If a proposal is acceptable for conservation reasons under Core Strategy HC1 and DML9, an applicant is not required to prove local connection or housing need, and planning permissions will not be restricted by legal agreement. Conditions would be used to control future development affecting the building and its setting.

6.45 Where accommodation is required to meet a particular circumstance such as disability, the Authority encourages applicants to work within size limits wherever possible. This also helps protect the affordability of such accommodation in perpetuity making it more accessible for future persons with disability and others in need of affordable housing. However, if a scheme is justified for conservation reasons under Core Strategy HC1 and DML9, the size .limits do not apply, and there will be no occupancy restriction.

6.46 The Authority considers that the smaller the area of land taken up by each house, the lower the cost of the land per house, and the lower the value of the house will be on completion, and in perpetuity⁶⁶.

⁶⁵ Valuations based on the restricted occupancy and size of properties typically results in a 25% reduction on the value of the property. The properties are under rent or shared ownership agreement, and the reduced value allows for affordable rents and mortgages.

⁶⁶ There is however a need for all new development to be sensitive to any valued settlement pattern. This may justify different plot ratios from place to place. For example, the pattern of estate farm villages might justify a lower plot ratio, whereas the pattern in former lead mining villages might lend itself to higher densities. These issues are covered in detail under the Conservation Chapter.

6.47 For each house, the Authority considers that it is the number of persons needing a bed space that is relevant to the floorspace requirement and not the number of bedrooms, since the planning system cannot control the use to which internal floorspace is put⁶⁷.

6.48 For the purpose of this policy, the Gross Internal Areas of a dwelling is defined as the total floor space measured between the internal faces of perimeter wall. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The Gross Internal Areas should be measured and denoted in m². The Gross Internal Areas in the space standard are a refinement of existing standards which look to balance a high degree of functionality with affordability.

6.49 Extensions of up to 10% of the total floor area may be acceptable up to a maximum floorspace of 97m². However, if a house is built at or very close to the 97m² there is rarely justification for an extension because in all likelihood it would render the house unaffordable.

6.50 In all cases it important that the proposed site or building can be developed without adverse effect on the valued character of the building itself, and the surrounding built environment and its landscape setting, in line with other policies in this plan and adopted design guidance

DMH1 New Affordable Housing

Affordable housing will be permitted in or on the edge of Core Strategy DS1 settlements, either by new build or by conversion; and outside of DS1 settlements by conversion of existing buildings provided that:

A. There is a proven need for the dwelling(s)

and

B. Any new build housing is within the following size thresholds

Number of bed spaces	Maximum Gross Internal Floor Area (m ²) ⁶⁸
One person	39
Two persons	58
Three persons	70

⁶⁷ The Authority recognises that in setting size limits, the occasional need of households of over 5 persons, whilst comparatively rare, is not obviously addressed by policy. However, the purpose of the size limits is to protect houses in perpetuity, not to ignore genuine housing need of households of more than 5 persons. Therefore, where evidence supports the need for a bigger house, applicants should explore with the Authority the scope for a larger property, which, through design, could operate as two smaller sized affordable houses, within the policy limits, in perpetuity. Section 106 Legal agreements will be required to protect the community against loss of the larger house to the open market and to ensure the housing is what most households need. If a Section 106 agreement cannot be constructed in such a way as to offer reasonable certainty that the houses can be retained as affordable for local persons in housing need in perpetuity, the Authority may not grant permission.

⁶⁸ Of which minimum built in storage area (m2)

- One person 1
- Two persons 1.5
- Three persons 2
- Four persons 2.5
- Five persons 3

Four persons	84
Five persons	97

Occupancy of houses

- 6.51 Whilst the Authority and housing providers have a good record of enabling and delivering affordable housing, it remains a relatively limited and precious commodity in the National Park. Therefore, occupants must always be eligible persons in housing need as set down in policy LHC2. When a house becomes vacant it is important to the Authority and local communities that it is made available to, and occupied by another eligible local person in housing need.⁶⁹ Whenever a house becomes vacant the same system of search should be used.
- 6.52 The Authority expects housing providers to comply with this, because it is only the affordable housing need of those with a strong local connection that has justified the houses being built in the National Park. If Housing providers are in any doubt about the eligibility criteria⁷⁰ they should contact the Authority for clarification.
- 6.53 Where an application for a single privately built dwelling, as opposed to a scheme of houses, is approved, the person must still meet the policy criteria. This requirement will be included in the Section 106 Agreement. The house must be built within two years of permission.
- 6.54 Once privately built homes have been occupied by the first occupant for three years, the Authority considers that they can fulfil a useful role for the community if future occupancy is restricted to those with the local connection outlined in DMH3 bi) to ii) but not necessarily a housing need.
- 6.55 The occupancy restriction will reduce the otherwise open market value of the property, but the houses can only be considered 'more affordable' than open market houses, and not strictly affordable in the way characterised by those built and managed by Registered Social Landlords. Nevertheless, this form of intermediate housing is becoming more common, and fulfils a useful role between the truly affordable local need housing and unencumbered open market housing.
- 6.56 Where a housing provider has followed the procedure described in DMH3 and has failed to find an eligible tenant, the provider is encouraged to explore with the Authority the possibility of a temporary relaxation of the Section 106 requirements. The Authority will treat each case on its merits and offers no guarantee that a temporary relaxation will be granted.
- 6.57 Requiring occupants to be living within the civil parish subject of the development, or adjoining civil parishes, responds to a strongly held community view that new affordable houses should be lived in by local people. However, the shape and extent of civil parish areas can sometimes render people in housing need as ineligible to live in affordable houses in or near to the communities in which they grew up. This is contrary to plan objectives. In cases where it can be demonstrated that the policy has been followed, but an eligible occupant cannot be found, or the correct search has been done but an otherwise eligible

⁶⁹ The occupancy cascade system is described in policy LCH3 and re-stated in Section 106 Agreements

⁷⁰ Set down in the section 106 agreement

local person is rendered ineligible by virtue of the shape of civil parish area, the housing provider is encouraged to approach the Authority and request a temporary variation of the eligibility criteria.

6.58 In cases where Section 106 Agreements are not being complied with, the communities' trust in the system suffers. The Authority therefore strongly encourages housing providers to work with the Authority to find a resolution, which in the longer term may make that community more willing to welcome further affordable housing⁷¹.

DMH2 First occupation of new affordable housing

In all cases, new housing must be first occupied by persons satisfying at least one of the following criteria:

A. A person (and his or her dependants) who has a minimum period of 10 years' permanent residence in the parish or an adjoining parish and is currently living in accommodation which is overcrowded or otherwise unsatisfactory;

or

B. A person (and his or her dependants) not now resident in the parish but having lived for at least 10 out of the last 20 years in the Parish or an adjoining parish, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory;

or

C. A person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from infirmity.

DMH3 Second and subsequent occupation of affordable housing (The occupancy cascade)

Each and every time a previously occupied property becomes vacant, owners and managers of affordable housing must, as stated in the section 106 agreement, follow the cascade mechanism in steps A. i) to iv) , or B i) to ii) until an eligible occupant is found.

A. For RSL owned and managed homes, and privately owned and managed schemes of more than one affordable home.

i). Sell or rent an affordable home to someone within the parish or adjoining parish who meets the eligibility criteria as set out in policy DMH1, the supplementary planning document and the section 106 Agreement.

(Where a parish is split by the National Park boundary, only those people living

⁷¹ The terms of the legal agreements will state that the Authority may request evidence of proper marketing of properties and confirmation that those occupying those properties have the necessary local connection. This may be considered necessary to monitor the effectiveness of the system in addressing local housing need and to give communities confidence that the system is operating as intended. The Authority reserves the right to take appropriate and proportionate action to ensure the houses are occupied by eligible people. However

within the National Park part of the parish should be eligible initially. The property should be advertised widely at the price advised by the district valuer and prepared at the time marketing is required, or any other body appointed by the Authority for such purposes or, in the case of a rented property, at the target rent at the time. The parish council, housing authority and housing associations working in the area should be advised of the vacancy as soon as houses become vacant)

- ii). After a minimum period of 3 months,(minimum three months total) widen the search to include (in order of preference) those in the Parish or an adjoining parish with residency of the previous 5 consecutive years, and those who meet the local occupancy criteria (10 years) in the next adjoining parishes.
- iii). After a further month, (minimum 4 months total), widen the search to include those who meet the local occupancy criteria (10 years) in the whole of the National Park.
- iv). After a further 2 months (minimum 6 months total) widen the search to include those who meet the local occupancy criteria (10 years) in parts of a split rural parish lying outside the National Park or rural parishes entirely outside the Park but sharing its boundary.

B. For privately owned and managed single affordable local need houses

- i) A person (and his or her dependants) with a minimum period of 10 years permanent residence over the last twenty years in the parish or an adjoining parish, or
- ii) A person who has an essential need to live close to another person who has a minimum of 10 years' residence in the parish, the essential need arising from infirmity

Essential worker dwellings.

6.59 NPPF paragraph 55 requires local planning authorities to consider that for land use planning purposes the essential business need for a rural worker to live permanently at or near their place of work constitutes an exceptional circumstance that justifies a house in the open countryside.

6.60 **Core Strategy policy HC2** makes clear that dwellings for agricultural or forestry workers, or those employed in other rural enterprises operationally dependent on the land, can be permitted provided there is a proven business need that cannot be met by housing in a nearby settlement, or by use of housing already on the farm. The Authority will consider the business unit as a whole including existing worker accommodation and any lapsed permissions when assessing the need for more accommodation. Failure to implement previously granted permissions to provide such houses may indicate that the need no longer exists and fresh applications to renew such permissions are not guaranteed to be permitted.

6.61 The Authority considers that most other businesses are not operationally dependant on the land and have no essential need for a worker(s) to live permanently at or near to the site. The desire of someone to live at or near their place of work is not a justification for a new house in the National Park.

- 6.62 A prerequisite for a planning permission is that the house is tied to the business by a legal agreement. The legal agreement will help ensure the house operates as permitted and help to prevent the legal separation of the worker accommodation from the business.
- 6.63 Long term control of a dwelling by an business ensures it can meet the future needs of that business. It can also enable the dwelling to meet the needs of other such businesses in the locality when the business itself might not require the resident worker dwelling(s).
- 6.64 In uncertain cases, temporary accommodation might be permitted to allow time for the sustainability of a proposal to be tested. Such temporary accommodation may require planning permission. Persons choosing this route to establish a business need for accommodation on site must assure themselves that the temporary accommodation has any permission required.
- 6.65 In tying the business and the house(s) together the Authority aim is to ensure that housing in the countryside helps address the plan objective of encouraging rural enterprise and land management.
- 6.66 The Authority will resist applications to remove the tie, because that would create new open market housing in the open countryside with no connection to any business. This is contrary to the plan's landscape, housing, and economic policy objectives.
- 6.67 Where valuations on tied property are submitted to the Authority as evidence to lift a condition or legal agreement, the valuation must have considered the current level of worker incomes for that business, in the area, at that time, and the level of potential demand from workers who might be expected to be needing such property in the area. These two factors will narrow the market for the houses, and the Authority expects valuations to reflect this.
- 6.68 Before permitting worker accommodation, the Authority will require financial evidence that the business has been operating for at least three years, that it is currently profitable and that it has been so for at least one of the last three years, and that the profit from the business as opposed to turnover, is such that it can sustain the ongoing cost of the dwelling.
- 6.69 Whilst traditional land management businesses may expand or contract in terms of its landholding, the ongoing costs associated with the dwelling linked to the landholding must reflect the actual and potential income that might be generated from the landholding. It is conceivable that large landholdings in upland pasture areas may only sustain marginal businesses. It is also conceivable that small landholdings may sustain more profitable businesses e.g. if it is farming a different type of stock. The size of the landholding is therefore a guide to business viability, but will not of itself be used to either permit or refuse an application.
- 6.70 Where houses are justified to meet a business need, and not to house a local person in housing need, there is no justification to restrict the size of the houses. However the value of the property applied for, with the occupancy restriction and tie to the business needs to be such that workers earning the average wage for the business, in the area, at the time a property becomes available, could afford to buy, part buy, or rent the property. This enables the Authority to defend the status of the house so it can continue to serve the purpose for which it was permitted. Pressure on National Park landscape occurs when Planning Inspectors determine that an occupancy condition should be lifted, worker houses are sold

out of the business and onto the open market, and a new need for worker accommodation then re-appears in future.

6.71 Where there is no proven business need for a worker dwelling, but it is agreed by the Authority that the building proposed to be converted, or land proposed to be built on is inside or on the edge of a DS1 settlement, there may, if housing need and local connection is proven, be scope for a new build affordable house. If permitted, its size would be restricted and, in accordance with DMH1, it will be tied by legal agreement. This will require that it remains occupied by a person with a housing need and local connection as defined in policy DMH1 and DMH2. If conversion of a building is proposed and the building is considered to be of vernacular merit under policy DML9, a person can apply for housing under core strategy HC1. If permitted, the property will not be restricted to the sizes shown in DMH1 or restricted in terms of occupancy.

6.72 Where there is no present need in the locality, the Authority may consider temporary relaxation of a worker occupancy condition to allow the property to be let outside of the business use on a short term basis. Should exceptional circumstances require that a dwelling be sold by the business (e.g. certainty of no further need) the Authority may agree to remove the legal agreement.

6.73 This policy applies where a new farm business is created and there is a requirement for a farmhouse. The size is only restricted in so much as applying the criteria in the policy requires a limit.

6.74 Stated intentions of a business to employ a worker to engage in or further develop land management business need to be genuine, reasonably likely to happen, and capable of being sustained for a reasonable period of time. Where the Authority is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation. This offers a way for businesses to create a proven track record of need for the worker, which would then help justify a more permanent form of accommodation.

DMH4 Essential worker dwellings

The need for a worker dwelling to support agriculture, forestry or other rural enterprises businesses will be considered against the needs of business concerned⁷². Development will be permitted provided that:

A. A detailed appraisal demonstrates that there is a genuine and essential functional need for the worker(s) concerned, with a requirement that they need to be readily available at most times, day and night, bearing in mind current and likely future requirements;

and

B. There is no accommodation available in the locality that could enable the worker(s) to be readily available at most times, day and night, bearing in mind current and likely future requirements;

and

⁷² The personal preferences of an employee are not a material planning consideration

- C There is a traditional building, within or close to the main group of buildings, that could be converted to residential use in line with other policies and guidance on siting and design.

Where no such traditional building exists or is suitable for conversion development may be permitted provided that:

- D. Construction costs of new buildings reflect the established functional requirement and likely sustainable income of the business,

and

- E. The massing and design of new buildings reflect common and valued style of such housing in that particular part of the National Park for that particular type of business;

and

- F. The new building is within or immediately adjacent to the site of the existing building group and enhances the building group when considered in its landscape setting ;

and

- G. Where a house already exists, and is under the control of the business, the subsequent development is subservient in size to the existing original house;

and

- H. Stated intentions to engage in or further develop land management business are genuine, reasonably likely to happen and capable of being sustained for a reasonable period of time. Where there is uncertainty about the sustainability of an otherwise acceptable proposal, permission may be granted for an appropriately coloured caravan or other temporary accommodation;

and

- I. A satisfactory mechanism is put in place which ties the owned land, buildings, other dwellings and business

Ancillary accommodation

6.75 For many reasons, some families want or need ancillary accommodation. A common example is the need to care for relatives unable to remain in their own home, but not wanting to move to care homes. In some cases it is possible to find suitable alternative accommodation which allows people to care, or be cared for in the same general area of the National Park or outside. However, in many cases this will be impractical⁷³.

6.76 In other cases, there may be a natural desire to make space for younger generations to remain at home or return home, e.g. to assist or take on family-run businesses such as farming. The Authority believes that such reasons may become increasingly common as the

⁷³ E.g. the amount of time required to travel between 'carer' and 'cared for' may be disproportionate to the short distances involved, making caring or being 'cared for' unreasonably difficult.

population becomes characterised by older generations taking a step back from full time work, but continuing to support the business. Meanwhile, younger generations may increasingly need or choose to take a number of part time jobs to supplement income from the business at home, whilst wanting space to live their own lives, near to, but out from under the feet of parents and grandparents.

6.77 In many cases, the pattern of working part time or seasonally for the family business cannot justify a worker dwelling under the policy above. However, in such circumstances it may be possible to permit ancillary accommodation. Such accommodation would be tied to the main house, but not the business. The Authority believes this is a positive approach to succession planning for 'family run' businesses, especially where the outcome can reasonably be expected to bring long term benefit to the landscape, the community and the rural economy.

6.78 For such cases it might be possible to achieve the necessary ancillary accommodation through extension of existing houses. For the more traditional types of ancillary accommodation such as elderly dependent relative accommodation (granny flats), this may be the best way to achieve the extra living space. In other cases it may be possible to permit new buildings as ancillary accommodation provided the Authority can reasonably maintain the link between the dwelling spaces by condition or, if expedient, legal obligation⁷⁴ Policy LCH8 on extensions and alterations outlines what is required for such development.

6.79 In other cases, for example where younger generations want to 'flee the family nest but not the tree', it may be possible to use other buildings as ancillary accommodation. Many areas of the National Park retain farmsteads and hamlets of high heritage value, and the Authority wants to see some of these buildings conserved. It is possible that some could usefully operate as ancillary accommodation tied to existing houses. The following policies and the policies of the Conservation Chapter should be read in combination to determine the scope for this type of development.

6.80 As with worker housing, proposals for further ancillary accommodation will be assessed against the range of accommodation that already exists on a site and the physical scope to provide more on a site⁷⁵.

6.81 It is generally preferable to re-use existing buildings rather than build new houses on farms, but new ancillary buildings for residential use may be the only option where there are no other buildings that are suitable for conversion.

6.82 In exceptional circumstances therefore it may be preferable to provide ancillary accommodation in a new building within the curtilage of the main dwelling house. However the new building must be of a design and size that conserves and enhances any heritage significance of the existing building group and be subsidiary to the main dwelling house in appearance. In permitting such accommodation the Authority encourages applicants to

⁷⁴ The conditions or legal agreement that tie properties together is necessary to enable future families to benefit from the same arrangement. This offers continuity to communities where otherwise the opportunities to live in the area remain limited. The policy objective is the long term benefit to the community rather than the particular individual or family grouping.

⁷⁵ Whilst ancillary accommodation may be permitted to enable succession planning on farm businesses, this is only reasonable up to a point and the Authority will not permit separate accommodation for every son or daughter of a farming family where that is judged to go beyond the reasonable need of the family to sustain the business.

consider the building pattern of any farmstead or other building group and aim to enhance that pattern where possible by the voluntary removal of unsympathetic modern buildings. Such accommodation would also be linked to the main dwelling house, where necessary by a legal agreement, to ensure ancillary status endures legally in perpetuity.

6.83 Where permitted development rights, might otherwise facilitate unsympathetic changes to the ancillary building, they may be removed as part of the conditions of planning permission. This does not necessarily prevent further development, but enables the planning authority to control future changes through the planning system and ensure its ancillary appearance and relationship endures in perpetuity.

DMH5: Conversion of outbuildings within the curtilages of existing dwellings to ancillary residential uses

The conversion of an outbuilding within the curtilages of an existing dwelling to ancillary residential use will be permitted provided that:

A

(i) it would not result in an over-intensive use of the property, an inadequate standard of accommodation or amenity space, or create a planning need for over intensive development of the property a later date through demand for further outbuildings

and

(ii) the site is large enough to meet the parking and access requirements of the proposed development;

and

(iii) the new accommodation provided would remain within the curtilage of the main house , accessed via the same access route, sharing services and utilities, and remain under the control of the occupier of the main dwelling, or

B Where no buildings are suitable for conversion, a new build ancillary dwelling unit can be accommodated in such a way that it :

(i) is within the existing building group

(ii) is subsidiary in physical size to the main house

(iii) of an appropriate design and materials that complement the existing building group

(iv) able to be located in such a way that any heritage significance of the existing building group is conserved or enhanced by the new building

(v) able to be located in such a way that the wider landscape setting of the building group is conserved or enhanced by the new building

(vi) does not require new access points and tracks from highway to building or new services and utilities infrastructure.

Housing on previously developed land and by conversion of buildings

6.84 In some circumstances housing development can assist in conservation and/or enhancement of heritage assets and previously developed sites. In an area where people's assets often include land and buildings this offers scope to enable communities to provide for those who, whilst not in housing need, as that term is defined in this plan, want to remain or move into a community. The record of permissions and delivery show that this policy adds significant numbers of unrestricted open market dwelling units to the housing stock⁷⁶ However, the primary driver for such development is conservation and enhancement of the National Park.

6.85 Over the past two plan periods, opportunities for this type of conservation has enhanced industrial and heritage sites such as the site of Station Yard Hathersage, the Glebe Mine site at Eyam, and the conversion of the pumping house at Ladybower reservoir. Chapter 3 outlines conservation and enhancement requirements in more detail, so any policy in this chapter follows on from policies and text in that chapter.

Previously developed land

6.86 The following policy clarifies that 're-development land' means land which is, or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. For the avoidance of doubt it does not mean:

- land that is or has been occupied by agricultural or forestry buildings;
- land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;
- land in built-up areas such as private residential gardens, parks, recreation grounds and allotments;
- land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

6.87 For the purposes of this policy, 'inside' means a site is within the existing built environment of the village or town to the extent that it can reasonably be considered to be part of, rather than separate from, groups of buildings that form part of the village (as opposed to being next to or close to small groups of buildings such as farmsteads which whilst considered to belong to a village are not physically part of the built environment).

6.88 The definition of 'in or on the edge of' is not related to a boundary on a map other than for Bakewell (see inset map) and any village where a neighbourhood plan has been adopted and a boundary has been identified⁷⁷.

⁷⁶ 59 such dwelling units have been added to the housing stock per year on average since 1991 (as opposed to 16 affordable houses per year) demonstrating the success of the policy.

⁷⁷ See policy LL5: Settlement Limits

- 6.89 Neighbourhood Plans may also include locally made judgements on site suitability for development. Any proposal to develop a site must accord with any adopted neighbourhood plan as well as the policies of this plan. A neighbourhood plan will only be adopted if it is in accordance with this Authority's development plan. For the purposes of applying this policy the two are considered complementary documents. A neighbourhood plan policy or view on a site does not constitute a site allocation.
- 6.90 In some cases a site may be quite large and may or may not contain a range of buildings. For financial or personal reasons wholesale site re-development may not always be the applicant's preference, even if permission would have been granted. Applicants may need or prefer to secure permission for conversion of one building, or small parts of the site, to recoup investment before moving onto other buildings or other parts of the site.
- 6.91 A sequence of applications to convert individual buildings or parts of a site may enable an acceptable enhancement of the site as a whole. However, it should not be assumed that this will always be possible, and this approach is at the applicant's risk.
- 6.92 If the conversion of one part of a building or one part of an area of the site would effectively prevent works to enhance other buildings or parts of the site in future (e.g. by a private access point blocking access to the rest of the site) it may be refused.
- 6.93 It may be the case that a site brief approach is preferred by the Authority to ensure that the long term re-development of a site, approached incrementally, meets a set of agreed criteria for siting, design and the achievement of other land-use and sustainability objectives.
- 6.94 Any attempt by applicants to use piecemeal re-development of sites or buildings to avoid providing affordable housing or commuted sums may be refused planning permission. The reasons for refusing permission would be that piecemeal development fails to deliver the conservation and enhancement required, or fails to enable the delivery of affordable homes in line with objectives of core strategy HC1.
- 6.95 The Authority will ask housing managers to confirm the type and mix of houses needed. If affordable houses are not needed in that location, the Authority may negotiate a financial contribution towards affordable housing elsewhere in the National Park as required by HC1C (IV). This should not undermine the scheme's viability. If the building is in a DS1 settlement, the housing need should be established for the parish and adjoining parishes. If the building is outside a parish with a DS1 settlement, the needs of the parish and the nearest parish with a DS1 settlement should be established.
- 6.96 If housing need exists, and the type of housing that is needed could be provided in such a way that conserves and enhances the building(s) and its setting, or the site subject of re-development, the Authority will ask the applicant to demonstrate, through a financial viability assessment, the numbers and types of affordable housing units can reasonably be gained for the community. If necessary, the Authority will commission its own viability assessment to verify the applicant's claims.

Inside or on the edge of DS1 settlements

Re-development of previously developed land for residential use will be permitted provided that:

- i) The land is or has been occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.⁷⁸
- ii) There is no loss of a valued community facility or valued open space unless an equivalent sized site of equal quality is provided in its place.
- iii) The development conserves and enhances the valued character of the built environment around or adjacent to the site
- iv) An adopted neighbourhood plan has not identified the land for continued community or employment use
- v) subject to viability, an element of the housing addresses local need for affordable housing.

Outside DS1 settlements

Re-development of land for residential use will be permitted provided that:

- i) The land is or has been occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure
- ii) There is no loss of a valued community facility or valued open space unless an equivalent sized site community facility or open space of equal quality is provided in its place.
- iii) The development conserves and enhances valued landscape character around or adjacent to the land.

Conversion of designated and non designated heritage assets to residential use

6.97 Proposals for development of Listed buildings and non-designated heritage assets to residential use under Core Strategy HC1C1 both inside and outside DS1 settlements are dealt with in the conservation chapter under Policy DMC14: Conversion of heritage assets Reference should also be made to Policy DMC3 Siting, Design Layout and Landscaping. Where a building is in a Conservation area the Conservation Chapter policy DMC12 Conservation Areas will also apply and if the building concerned is identified in the Conservation Area Appraisal as a non-designated heritage asset, Policy DMC14 will also apply. (For traditional buildings in DS1 settlements Policy DMC3 applies.)

⁷⁸ For the avoidance of doubt it does not mean:

- o land that is or has been occupied by agricultural or forestry buildings;
- o land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;
- o land in built-up areas such as private residential gardens, parks, recreation grounds and allotments;
- o land that was previously-developed but where the remains of the permanent structure or fixed structure have blended into the landscape in the process of time.

6.98 Development schemes of heritage assets providing multiple housing units are required to provide an element of affordable housing or a commuted sum subject to viability assessment. Conversion of designated and non-designated heritage assets to housing is permitted both inside and outside DS1 settlements.

Conversion of other traditional buildings.

6.99 The development of other buildings to residential use must offer significant overall enhancement to landscape in line with GSP2 of the core strategy' and the policies of chapter 3 of this plan.

Extensions and alterations

6.100 In many cases people are either unable, or do not want to move house. The Authority understands that householders may wish to extend their homes to improve the standard of the living accommodation, or to accommodate changing personal and family needs. Where development needs permission⁷⁹, this is often acceptable, particularly if they are well designed and not harmful to neighbours' or conservation interests. Wherever possible the Authority will encourage development that improves on the current building and wider built environment.

6.101 As a general guide, extension(s) that individually or collectively add up to around 25% onto the original footprint of the house may be permitted. What could or may already have been added by permitted development rights is a relevant consideration when considering an application. For some buildings, 25% might be too much, but on others it might be justified by the conservation and enhancement it brings to the building and the setting.

6.102 Design should follow the Authority's overarching design guide and technical design guidance in the adopted Supplementary Planning Document for Alterations and Extensions⁸⁰. Poor extensions and alterations detract from the building and its setting. Design and materials should work with and not against the building, and not adversely impact on other buildings in the vicinity, or valued landscape character.

6.103 Extensions may be by way of new buildings and may provide a useful way of providing ancillary accommodation. The ancillary status of the building needs to be protected and in so far as that can be achieved by conditions the authority will use them. This may for example require shared access and services and prevent further development that may lead to separation of dwelling spaces and creation of independent dwellings⁸¹. The Authority considers the physical relationship of the buildings within the site and the wider built environment and landscape as more important than absolute limits on extensions, but new ancillary buildings as extensions must be physically subservient to the main dwelling.

6.104 If a building is listed, applicants should refer to the **policy DMC11** in chapter 3

⁷⁹ Householders generally benefit from permitted development rights which means that some alterations and extensions do not require planning permission. Householders should ensure they have the relevant permissions for the development they seek.

⁸⁰ http://www.peakdistrict.gov.uk/__data/assets/pdf_file/0007/528631/Alterations-and-Extensions_Detailed-Design-Guide.pdf

⁸¹ Where it is no reasonably possible to secure the ancillary dwelling status of buildings the Authority may require a section 106 legal agreement.

DMH7: Extensions and alterations

Extensions and alterations to dwellings will be permitted provided that the proposal does not:

(i) detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings;

or

(ii) dominate the original dwelling where it is of cultural heritage significance;

or

(iii) amount to the creation of a separate independent dwelling

or

(iv) create, by inclusion of land not previously within the residential curtilage, adverse effect on, or lead to undesirable changes to the landscape or any other valued characteristic.

Proposals for house extensions involving the conversion of adjoining buildings and by the provision of new ancillary buildings must also satisfy Policy DMH5

Where an extension provides ancillary accommodation and it is not possible to secure its ancillary status in perpetuity by planning conditions it will be tied to the main dwelling by way of section 106 agreement.

Provision of new outbuildings in the curtilage of dwelling houses.

6.105 Many houses have curtilages that are disproportionately large for the size of the dwelling house. It is unsurprising therefore that people want to make use of the curtilage to provide additional space where extensions or alterations to the house are either impractical or undesirable. Applications for additional outbuildings may therefore be acceptable. However, plans should avoid dimensions, openings, internal spaces, floor layouts, staircases, walling and roofing materials, pipework, access roads and tracks, hard-standing areas or any other feature, which can reasonably be considered to be more appropriate to other uses. Where dual use is proposed e.g. garaging and storage (often over two floors), the Authority considers that designs should have the minimum of features required. The Authority will restrict the use of new outbuildings in the curtilage of dwelling houses by condition.

DMH8: New outbuildings for non residential use in the curtilage of dwelling houses

New outbuildings are acceptable for storage use provided:

(i) the scale, mass, form, and design of the building conserves and enhances the immediate dwelling and curtilage, any valued characteristics of the adjacent built environment and/or the landscape, including listed building status and setting, conservation area character, important open space, valued landscape character;

and

(ii) the building exhibits the minimum of features necessary for the proposed non residential use(s).

Replacement dwellings

6.106 Replacement of dwellings on a one for one basis is considered sustainable provided that over time the effect of applying the policy is an improvement in the design, quality and sustainability of housing stock; and a range of housing stock that addresses the housing needs of communities. The Authority will not permit replacement of housing that has cultural heritage significance in the terms described in Chapter 3. In such cases the only options are the repair, and possibly extension of the building.

6.107 For dwellings without cultural heritage significance there is no conservation objection⁸², in principle, to their replacement. However, the replacement must be of higher quality than that which it replaces in terms of design and materials, and it must enhance the site and the built environment and/or landscape setting.

6.108 Where replacement is acceptable in principle, the main consideration is whether the replacement will enhance the setting. The Design Guide and Conservation Area appraisals can help applicants to produce schemes that achieve this. Applications should reflect such guidance. This level of rigour is supported by **GSP2 of the core strategy**, which states that proposals need to demonstrate that they offer significant overall benefits to the natural beauty of the area.

6.109 It may be acceptable to permit bigger houses (whether that is by height, floorspace or mass or a combination of these measures), but enhancement to the surrounding built environment and landscape cannot always be achieved by bigger houses, even if, as individual buildings, their design is superior to the house it is proposed to replace. The replacement dwelling must realise a significant overall benefit (positive impact) to the natural beauty, wildlife and cultural heritage of the area (in accordance with Core Strategy policy GSP2). This also clarifies the situation whereby existing good quality accommodation that integrates well with its surrounding landscape should not automatically be viewed as having redevelopment potential.

⁸² Where there is credible evidence from a housing authority that the type and/or size of housing subject of an application is in demand or there is a clear wish to protect or provide more such houses, the Authority will only permit a replacement of that size and or type. Applicants can establish any particular housing needs by talking the housing managers at the constituent housing authorities. The Authority may ask them directly if it has any concerns about permitting the replacement of a small house with a big one.

6.110 Aside from size and design considerations, neighbours residential amenity must be respected and it is also important that the activity created by the new dwelling is no more intrusive in the wider landscape, for example in terms of noise generated or dispersed artificial light.

6.111 **Core Strategy policy CC1** places a requirement on all replacement housing to achieve a minimum sustainability standard. Sustainability of new buildings is important to achieve wherever possible. This includes replacements, where the opportunity exists to improve the quality and sustainability of the National Park housing stock. The Supplementary Planning Document for Climate Change and Sustainable Building outlines the Authority's requirements (see section 7.2)

6.112 The Authority is aware that National Park communities' perceive⁸³ that this policy is leading to an unsustainable loss of smaller housing across national park villages. For this reason, the policy includes a criterion which states that *where is strong evidence from the housing authority and/or an adopted neighbourhood plan that a particular size and type of house is an important part of the housing mix in that village, the Authority should retain houses of that size and/or type*. This does not mean that replacement of the existing house cannot be permitted: the existing house may be in a poor state of repair, or derelict, or contain materials that are no longer considered acceptable for today's living standards. Or, in terms of design, the existing house may be completely incongruous with its surroundings. Any of these reasons may mean replacement is still acceptable in principle, even if the size and/or type is valued by a community. However, in such cases where that size and type has been demonstrated to be of particular value to the community, the Authority will only permit a replacement of the same size and/or type. In this way, the policy enables enhancement of the building stock over time, but also addresses evidenced community housing concerns.

6.113 In accordance with GSP1, GSP2, and HC1 of the Core Strategy, there may be circumstances where conservation or enhancement of a site in a DS1 settlement is considered to be required and can be achieved through an application for a replacement dwelling. If a building meets the criteria i) and ii) of the following policy, the challenge is to enhance the site through one for one replacement. In line with criteria iii), this may require skilful design and placement of the new dwelling on the site, varying the mass, height, footprint and/or orientation to achieve the best result. For example a plot within a street frontage flanked by terraced housing or semi-detached housing may lend itself to the footprint replicating that type of layout, in preference to a taller replacement, set back from the highway and surrounded by garden, which might jar with the otherwise linear feel of the prevailing settlement pattern.

6.114 However, the replacement of one open market house with a number of open market houses does not conform with the core strategy objectives to restrict new housing development to affordable housing to address housing need on exception sites; or to achieve conservation and enhancement of buildings or previously developed sites. In planning terms, a dwelling and curtilage does not constitute a previously developed site or an exception site. The Authority foresees that only in exceptional circumstances would it be justified to deviate from the policy provision of one for one replacement.

⁸³ At the current rate of permissions approximately 170 (1%) of the approximately 17000 housing stock could have been replaced for this reason over the development plan period up to 2026. The actual scale of change is therefore different from the perception.

DMH9 Replacement Dwellings

The replacement of a dwelling will be permitted provided that:

- (i) the dwelling to be replaced is not listed individually or as part of a group listing, and
- (ii) the dwelling to be replaced is not considered to have cultural heritage significance and

Where the original dwelling complies with these principles development will only be permitted where:

- (iii) the proposed replacement dwelling demonstrates significant overall enhancement to the valued character and appearance of the site itself, and the surrounding built environment and landscape,

and

- (iv) the replacement dwelling will not create an adverse impact on neighbours residential amenity,

and

- (v) in the event that the proposed replacement dwelling is on another footprint, the existing dwelling is removed from the site prior to the completion of the development, or within 3 months of the first occupation of the new dwelling, where the existing dwelling is in residential use,

and

- (vi) where there is specific evidence⁸⁴ of general housing demand in the Parish for dwellings of the size proposed to be replaced, the replacement dwelling is restricted to that size and/or type

⁸⁴ Specific evidence from a local authority housing manager of housing demand for particular types of housing of which there is currently a shortage in the particular parish subject of the application e.g. single level property accessible to elderly persons, or small family sized houses. Specific evidence from an adopted neighbourhood plan to support retention of a size and type of housing.

Subdivision of dwellings

- 6.115 The subdivision of existing dwellings into more than one dwelling requires planning permission, and applicants should note a number of factors. Firstly, the subdivision of a dwelling to multiple dwellings changes the status of the original dwelling to a new dwelling unit. Proposals will therefore be considered as applications for two or more new dwellings rather than an existing dwelling plus new dwelling(s)
- 6.116 The Authority will not require affordable housing from subdivision of a building that already had sole residential use, even if technically speaking the subdivision has relinquished the residential use. Applications to create additional dwellings from such buildings will be considered under **core strategy policy HC1** and the Conservation policies of this plan.
- 6.117 All development must conserve and enhance the built environment in line with **core strategy policy GSP2** and the policy on extensions and alterations earlier in this chapter. Whether or not subdivision can achieve this will vary depending on the sensitivity of the building to accommodate change, and the standard of accommodation that can be created. It also depends on the landscape setting.
- 6.118 Sub division of houses that are separate from other buildings must be able to accommodate curtilage requirements without creating harm to the landscape.
- 6.119 In some cases permitted development rights may be removed by condition. This would be to protect the quality of the development, the setting of the development, and the residential amenity of neighbours living in the same or adjacent dwelling units.
- 6.120 In cases where the existing dwelling is restricted by legal agreement to a particular residential use, subdivision to unrestricted dwellings will not be permitted unless the Authority is provided with compelling evidence to suggest there is no justification to uphold the legal agreement for the current use. It is incumbent on the applicant to make a case for a legal obligation to be removed.
- 6.121 In subdividing the building the resultant flood risk to all dwellings must be acceptable for all dwelling units, and adequate car parking spaces standards must be incorporated. In addition, there must be adequate provision for refuse collection and adequate recycling facilities for all dwelling units. In achieving these things, any development must conserve and enhance the building subject of the application, the surrounding built environment and/or landscape setting

DMH10: Sub-division of dwellings to create multiple dwelling units

The subdivision of a dwelling and the creation of multiple new dwelling units will be permitted provided that the subdivision would not prevent or undermine:

(e) the use of the original dwelling where that is already subject to legal agreements restricting use as an affordable house for eligible persons in housing need

or

(f) the use of the original dwelling where that is already tied by legal agreement or condition to another dwelling as an ancillary dwelling

or

(g) the use of the original dwelling where that is not tied by legal agreement or condition to a business, for occupation by a person employed by a business

or

(h) the use of the original dwelling where that is tied by legal agreement or condition to ensure use by those either requiring or providing care.

or

(i) the joint use of the building for residential and business use. .

Planning obligations (Section 106 Agreements)

6.122 To address the housing challenge in a sustainable way, and at the same time reduce the future development pressure on the National Park, permissions for certain types of housing might need to be supported by Section 106 agreements. Where conditions would not prove effective this enables housing to be permitted and retained for the purposes for which it was permitted and reduces the risk of houses being sold out of the social housing stock. National Park communities have been frustrated in the past by breaches of planning conditions and the loss of affordable housing to the open market as a consequence. Section 106 agreements have proved successful in stemming such losses and will therefore continue to be used to:

- i. Secure, in perpetuity; affordable homes for local people in housing need;
- ii. Tie essential worker homes to the business, buildings and the land for which the business has planning permission; and
- iii. Tie properties together to secure the ancillary status of accommodation in perpetuity (where that cannot be achieved by planning conditions).
- iv. Secure care home spaces for local persons in need of such accommodation
- v. Tie new outbuildings to main houses (where that cannot be achieved by planning condition)

6.123 Where eligible people are not available, the policy allows, by written agreement of the Authority, temporary variations to legal agreements to enable other uses such as holiday use. This increases opportunities for people to stay and enjoy the area, which furthers national park purposes. The Authority foresees very few cases where it would be justified to remove an occupancy restriction altogether.

6.124 The system that the Authority has put in place requires the co-operation of all organisations involved in housing delivery and, in the interests of fairness and building trust

of communities, the Authority encourages discussion to pre-empt and resolve foreseeable problems.

DMH11: Section 106 agreements

Affordable Housing

(A) In all cases involving the provision of affordable housing, the applicant will be required to enter into a Section 106 legal agreement, that will

- (i) restrict the occupancy of all of the affordable property (ies) in perpetuity in line with policy DMH1, DMH2 and DMH3, and
- (ii) prevent any subsequent development of the site and/or all affordable property(ies) that would undermine the Authority's ability to restrict the occupancy of properties in perpetuity and for the properties to remain affordable in perpetuity by restricting overinvestment.

The Authority will not agree to the removal of legal agreements

Essential worker dwellings

(B) In all cases involving the provision of essential worker dwellings, the applicant will be required to enter into a Section 106 legal agreement, that will

- (i) restrict the occupancy of all of the affordable property (ies) in perpetuity in line with policy DMH4
- (ii) Where, permission is granted for the temporary release of an occupancy restriction on a property in a DS1 settlement, the dwelling will:
 - (a) remain tied to the business, or
 - (b) will remain limited to persons in housing need and satisfying the local occupancy criteria, under Policy DMH2 or to holiday use, until such time as an essential worker or other qualifying person needs the property.

(iii) Where, exceptionally, permission is granted for the temporary release of an occupancy restriction on a property outside a DS1 settlement, the dwelling will:

- (a) remain tied to the business, or
- (b) will be permitted for temporary holiday use, or for temporary occupation by local person who has lived in the parish or adjoining parish for ten out of the last twenty years and is in housing need, until such time as a business need arises again.

(d) The removal of section 106 agreements on essential worker dwellings both inside and outside DS1 settlements will not be permitted unless it can be demonstrated that:

(i) reasonable attempts have been made to allow the dwelling to be used by a person who could occupy it in accordance with the restriction;

and

(ii) the long term need for the dwelling in the locality has ceased and removing the restriction would be more appropriate than a temporary relaxation.

Ancillary accommodation

(c) Where planning conditions cannot achieve the desired outcome of tying properties together ancillary accommodation, whether by extension, conversion, or new build will be tied to the main property by legal agreement.

(i) Variation to a section 106 agreement may be permitted if it can be demonstrated that the proposed new use of the ancillary accommodation is in accordance with other policies of this plan relating for example to holiday accommodation use or essential worker use.

(ii) Removal of legal agreements tying ancillary accommodation to other accommodation will be refused unless

- Evidence has been provided to this Authority that the main dwelling unit and ancillary accommodation have been marketed together, with at least 3 local estate agents, and on nationally available property websites, for a period of not less than 12 months at a price, at or below the average price, as confirmed in writing by the district valuer, for accommodation of that size and type, and with the occupancy restriction, in the district at the time the property is marketed,

and

- All estate agents used confirm in writing to this Authority, and subject to the consequences of providing false information with respect to legal obligations conferred by the section 106 that that there has been no offers made at or above the district valuer valuation.

Chapter 7 Shops, Services and Community Facilities

Issues

- Retailing and Service provision in Core Strategy named settlements
- Change of use of shops, community services and facilities
- Retail development outside Core Strategy named settlements
- Shop fronts
- Outdoor Advertising
- Safeguarding sites for community facilities
- Retention of community recreation sites or sports facilities

Strategic Context

7.1 It is the National Park Authority's duty whilst pursuing its statutory purposes, to seek to foster the economic and social well-being of local communities within the National Park. Core Strategy policies HC4 and HC5 promote the retention and development of local services and community facilities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship in settlements listed in Core Strategy policy DS1, provided other policy concerns are also satisfied. Policy DS1 seeks to direct development to the most sustainable locations based on a range of criteria. Good local services and community facilities help reduce the need for travel to other locations, contributing to a more sustainable transport pattern and to the vitality of a settlement.

7.2 Whereas the majority of retail development will be focused in the settlements named in Policy DS1, exceptions may be appropriate for retailing of goods grown, produced or processed on the farm or where proposals are small scale and ancillary to a business acceptable under Core Strategy E2 or are related directly to and are ancillary to recreation and tourism facilities. It should be noted that land use planning policy has a limited influence on retail and community service provision compared to market forces and other public sector expenditure and programmes.

7.3 Bakewell is the main service centre within the National Park. Its development issues for shops, services and community facilities are considered in a separate policy in this plan.

7.4 Policy requires clear justification for any change of use of a community facility, service or shop and, where it can be justified, provision must wherever possible be to meet another community need or offer alternative community benefit such as local needs affordable housing. Evidence of reasonable attempts to secure such a use must be provided before any other use is permitted.

Retailing and Service provision in Core Strategy named settlements

7.5 Local businesses such as village shops and public houses are essential components of community life and policies seek to guard against the loss of valued facilities and services. The day to day needs of local communities are increasingly being met by innovative projects such as the community- owned village shop at Winster, the community pub in Bamford and the shop at Parwich, which operates from the village pub. Since most of the National Park's settlements lie within reach of larger towns and cities beyond its boundary, it is reasonable to limit retail development to that which serves the needs of the local community and the

settlement's visitor capacity. In this way the natural beauty and cultural heritage of the National Park can be conserved and enhanced. Wherever possible the aim of planning policy within the National Park is to retain the primary retail function (use class A1 shops) in order to maintain the viability and vitality of named settlements.

DMS1 Retailing and service provision in Core Strategy named settlements

Retail development (use class A1) within named settlements listed in policy DS1 of the Core Strategy will be encouraged provided that:

A

and

B. There are adequate facilities and access for the storage and disposal of goods, waste and delivery of stock;

and

C. In newly built shops (and in those conversions that involve substantial change to an existing building) provision is made for access allowing separate use of upper floors. This should be from an entrance onto the front of the building wherever possible;

and

D Access is provided for people with a mobility difficulty where practicable;

and

E Where the development of a take-away food shop is proposed, particular care must be taken to protect the amenity of nearby property and to ensure local traffic safety.

Change of use of shops, community services and facilities to any other use

7.6 Access to community facilities and services are considered an essential element of sustainable and inclusive communities and sense of place. Flexible use of community facilities can provide a useful means of extending the range of services in a locality.

7.7 When buildings are converted to a shopping use, the upper floor is not always required by the shopkeeper. If allowance is not made for access to upper floors they can be left vacant. Their use for single person accommodation or office space is then prevented, to the disadvantage of the vitality of settlements and sometimes to the upkeep of the buildings concerned.

7.8 The General Permitted Development Order 1995 (as amended) allows for the change of use of the first floor of a shop to living accommodation or a financial or professional service use without the need for Planning Permission. Such uses can prevent the loss of vitality that accompanies buildings which are partly unused. The National Park Authority will encourage the appropriate use of upper floors of buildings when assessing development proposals.

7.9 Change of use of the ground floor part of a local shop to a financial or professional services outlet or hot food shop is often inappropriate in a small settlement with only one or two

shops. However, within the larger settlements these can be suitable as secondary uses, provided they do not dominate normal retail use, or threaten the character, viability and vitality of the local centre.

7.10 Where an existing shop is operated from the ground floor of a family home as a mixed residential and retail use if the two uses cannot be satisfactorily separated residential amenity may sometimes override other considerations. If the shop window is a feature of heritage significance it must be retained.

7.11 The change of use of a building or site which provides community services, including shops and financial services, to non-community uses can undermine the vitality and sustainability of an area. Change of use is strongly resisted, by Core Strategy policy HC4C to protect the availability of facilities locally, and to help the young, the elderly and those without access to private transport. Only where it can be shown that the facility is no longer needed by the community, that there is a facility available elsewhere in the settlement that will satisfy the same community need and that the facility where the change of use is proposed can no longer be viable will change of use be permitted. Any approved new use should wherever possible provide for another local community need or offer alternative community benefit such as affordable housing. Community sports and recreation sites and facilities are dealt with in a separate **policy x**.

7.12 For proposed change of use of existing community facilities to non-community use applicants will need to apply the viability and marketing tests to the development proposal. Community facilities include:

- Public Houses
- Shops
- Churches/Chapels
- Schools
- Village Halls

Viability

7.13 In the case of community facilities such as schools and religious buildings, information will be required about alternative available facilities in the proximity, user numbers etc. which adequately demonstrate that the building is no longer needed by the community.

7.14 In cases where the proposal is for the conversion of an existing commercial premises applicants will be asked to supply trading accounts over a period of 5 years for the existing enterprise. Depending on the nature of the enterprise this may need to be broken down into different components of the business. This information may then be assessed by an independent financial appraiser appointed by the National Park Authority.

7.15 For all applications details will be required of contact with the Parish Council or Meeting or other adjacent Parishes to establish the needs existing in the local area and an assessment of housing needs in the Parish or adjoining Parishes with reference to a Housing Needs Survey. The scheme may be of a size that is suitable for an individually

justified and developed local needs home. Evidence of eligibility for this type of housing will need to be provided.

7.16 If there is no evidence of local affordable housing need, either individual or Parish wide, economic and viability tests will be required to check that the building cannot be used for alternative community benefit. Information relating to efforts to improve the viability and/or usage of the facility or to diversify the use of the facility will be material.

7.17 The Authority will consider proposals for mixed community uses favourably, provided that the scheme is consistent with other plan policies.

Marketing

7.18 Where an applicant is seeking change of use to a non-community use, evidence of reasonable attempts to sell or let the community facility as a going concern will be material and include:

- Submission of evidence of a thorough marketing exercise with a commercial property agent, sustained over at least 12 months, to sell or let the building for alternative community uses or facilities including local needs affordable housing and evidence of marketing of the property through the Economic Development team of the appropriate district council for at least 12 months;
- Details of contact with the Parish Council or Meeting or other adjacent Parishes to establish the needs existing in the local area and an assessment of the local affordable housing needs in the Parish or adjoining Parishes with reference to a Housing Needs Survey.
- A suitable firm of commercial property agents, who have a good knowledge of the property, and the appropriate local, national, or niche market, should carry out the marketing. In some cases it may be necessary to appoint more than one marketing agent. A copy of the letter of instruction to the agent should be supplied to the Authority.

7.19 The asking price or market rent will normally be the market value as defined by the RICS “Appraisal and Valuation Standards” (‘The Red Book’) which must take into account the structural condition of the property and the planning constraints affecting it.

7.20 For the purposes of testing the market, this figure may reflect alternative uses that are in accordance with development plan policies, but must not be based on potential uses for which consent is required but has not been obtained, particularly where such a use is contrary to established planning and conservation policy.

7.21 The methodology used by the surveyor in arriving at a valuation must be clearly identified and demonstrated to the Authority. It must show what figure, if any, has been allowed for the goodwill of a business, for any fixtures and fittings and for the building itself. The floor area must also be identified so that a value per unit area can be established for comparison with the local market.

7.22 The National Park Authority will also request written details of all enquiries received and the reasons why potential buyers/leaseholders found the buildings to be unsuitable or why proposed offers were not accepted. In some circumstances the National Park Authority will need to seek the opinion of the District Valuer as to whether a realistic sale price or leasehold rent has been set.

7.23 The marketing exercise should include:

- Advertising in the local and regional press, usually a minimum of one advert per month in a local newspaper which can be shown to provide coverage of the area in question;and
- A minimum of two adverts over the marketing period in a relevant national publication

7.24 Under Core Strategy policy HC4C evidence of reasonable attempts to secure another community use must be provided before any other use is permitted. The National Park Authority will need to be satisfied that the viability and marketing exercises have been carried out robustly and in accordance with the criteria set out above. Where reference is made to the availability of another building, available elsewhere or reasonably accessible, that will satisfy the same community need, the National Park Authority will need to make a judgement about whether the same need will be satisfied, for example the availability of a public house is likely to cater for a different user to that of a church/chapel.

DMS2 Change of use of shops, community services and facilities

- A. Where an applicant is seeking change of use to a non-community use, evidence of reasonable attempts to sell or let the shop or community facility as a going concern must be provided including:
- (i) evidence of a thorough marketing exercise with a commercial property agent, sustained over at least 12 months, to sell or let the building for alternative community uses or facilities including local needs affordable housing
- and
- (ii) evidence of marketing of the property through the Economic Development team of the appropriate district council for at least 12 months
- and
- (iii) details of contact with the Parish Council or Meeting or other adjacent Parishes to establish the needs existing in the local area and an assessment of the local affordable housing needs in the Parish or adjoining Parishes with reference to a Housing Needs Survey.
- B. The Authority will consider favourably proposals for change of use of shops, community services and facilities to mixed use community schemes including the provision of affordable housing for eligible local need and for workspace.
- C. Where the ground floor of a dwelling is a mixed residential and retail use, residential amenity will be fully taken into account when considering change of use. If segregation of the retail area from the dwelling would have an unacceptable impact on its residential amenity, permission will be granted for change to residential use.

Retail Development outside Core Strategy named settlements

- 7.25 In keeping with Core Strategy HC5, outside settlements named in Core Strategy policy DS1, retail development as part of farm diversification may be acceptable provided that farm shops principally sell goods grown, produced or processed on the farm.
- 7.26 Other retail uses in the countryside will only be acceptable where proposals are small scale and ancillary to a business acceptable under Core Strategy E2 or relate directly to and are ancillary to recreation and tourism facilities. Core Strategy Policy E2 is clear that a business use in an isolated existing or new building in the open countryside will not be permitted.
- 7.27 Retailing related to the needs of motorists may be acceptable at existing petrol stations. However, the retail operation should not become the main use of the site. Development on existing garden centre sites must be related to horticulture and principally offering for sale goods which are produced on the premises.
- 7.28 Retail sales from existing factory units may be acceptable where the goods sold are manufactured on the site and retailing is ancillary to the main use. Retailing linked to a recreational development should also remain closely related and secondary in scale to the primary recreational use, including refreshments and food sales.
- 7.29 For all proposals it will be important to avoid generation of traffic that would lead to inappropriate levels on small country lanes. Proposals should take account of the impact on local centres and should not be of a scale or nature that become significant attractions in their own right or that threaten the retail viability or potential of nearby settlements.
- 7.30 Whilst permitted development rights exist, at the time of writing, for the change of use to retail of agricultural buildings under 500 square metre floor space, (subject to a prior approval process) this allows only for the principal of change of use rather than the physical development. Substantial alterations or the insertion of new doors and windows into the structure will require an application for planning consent. Buildings Regulation Approval could also be required including provision for escape in the event of a fire. Applicants are therefore advised to contact the National Park Authority Planning Service to discuss the proposal as well as the authority responsible for Building Regulations (usually the District Council).

DMS3 Retail development outside Core Strategy named settlements

- A. Where retail development is associated with an industrial or business unit, sales will be mainly restricted to goods produced on the unit.
- B At petrol stations, retail activity must remain ancillary to fuel sales.
- C. New development within existing garden centres or nurseries will not be permitted unless it is related to the primary function of the site and would not damage the valued characteristics of the area.
- D Proposals to expand or intensify the use of an existing site or building must assess the impact of the development in its landscape context by reference to the Landscape Strategy and Action Plan.

E Retail development will not be permitted if it would lead to inappropriate types or volumes of traffic on country roads and lanes, or is of a scale or nature that threatens the retail vitality, viability or potential of nearby settlements.

Shop Fronts

7.31 Shop fronts have a marked visual impact on the character of settlements. Whatever other attention has been paid to the quality of development, they can make a critical difference. The Authority's The Detailed Design Guide Supplementary Planning Document on Shop Fronts provides clear examples and advice about this area of commercial opportunity for owners to make the most of a building's character: recognising the strong attraction of the traditional appearance of settlements in the National Park. Shop fronts often incorporate advertising and require alterations to a building. Attention is, therefore, also drawn **Policies.**
XXXXXX

7.32 External roller shutters are not compatible with the conservation and enhancement of the National Park's character. Alternatives should be used. These include internal roller shuttering and internal shutters of a more traditional design.

DMS4 Shop fronts

Particular attention will be paid to the design and appearance of any new shop fronts or alterations to existing shop fronts, which will be permitted provided that the proposed works conserve and where possible enhance the character and appearance of the building and its locality. External security roller shutters will not be permitted.

Outdoor Advertising

7.33 The display of advertisements is dealt with by the Town and Country Planning (Control of Advertisements) Regulations 2007 and 2012. Under the Regulations control over advertising is more rigorous in areas such as Conservation Areas and National Parks and whilst some advertisements have deemed consent, others require the National Park Authority's "express consent". Some classes of advertisement (such as general poster hoardings and fluorescent signs) may not be displayed at all, and stricter controls on size and lettering apply. Control applies to both private and public signs, including village finger-post direction signs when these are not in the highway. Details are available from the National Park Authority.

7.34 Signs in the highway and advance signing of businesses to assist traffic management are controlled by the appropriate highway authority. In doing so, these authorities are required (under section 62(2) of the Environment Act 1995) to have regard to National Park purposes.

7.35 Businesses should avoid unnecessary proliferation of adverts and signs, bearing in mind that it is the special qualities of the National Park which attracts most paying visitors. Similarly, illumination where permitted requires special care in order to avoid urbanisation of the area's character. Signs should be as near as possible to the business concerned and preferably on its own land or premises. Business managers are asked to consider the

contribution that they can make to conserving and enhancing the National Park's special character and to discuss proposals with the National Park Authority at an early stage.

7.36 Where approval is required, the following policies set a framework for decisions. Where there is sufficient concern over advertising that does not normally require consent, the National Park Authority may seek to bring it within control and is able to create areas of special control where necessary.

DMS5 Outdoor advertising

A. Advertisements will be granted consent provided that they :

(i) are as near as possible to the business or activity concerned (an exception may be made for community information boards or finger-post schemes in named settlements of Core Strategy policy DS1);

and (ii) do not result in a proliferation of signs inappropriate to the building or locality;

and (iii) do not pose a hazard to public safety or unduly harm the amenity of neighbouring properties;

and (iv) are in proportion and appropriately located relative to the building on which they are displayed and/or to nearby buildings;

and (v) are of a high standard of design, materials and construction;

and (vi) their scale, setting and design do not detract from features of architectural or historic importance or other valued characteristics of the area.

B. Internal illumination will not be granted consent (except for single illuminated pole signs essential to road safety at petrol stations on main roads). External illumination will not be granted consent unless it is during opening hours in predominantly commercial areas; or is at public houses, restaurants or similar premises open after dark.

C. Signs or adverts more than 3.6 metres above ground level, or (if lower) above the bottom level of any first floor window on the same wall, will not be granted consent unless:

(i) they are hanging signs;

or (ii) the building is a public house, hotel or restaurant that does not have a fascia and the sign or advert has individual lettering attached to it so as to minimise any harmful visual impact and any damage to the stone or brickwork.

D. Advertisements for the purpose of announcement or direction will not be granted consent unless they are reasonably required having regard to the nature and location of that which they advertise.

Safeguarding Sites for Community Facilities

7.37 Community facilities make a positive social, educational, recreational or health-related contribution to the lifestyle of local residents. Core Strategy policies guard against the loss of any facility or service which meets an essential community need. The National Park Authority's approach is set out in policy HC4 part C of the Core Strategy, including that any development of sites or buildings justified under policy should meet another community need including affordable housing. The absence of the required justification will demonstrate that alternative options to meet the social or economic needs of the local community have been insufficiently explored to warrant a change of use to a use not otherwise permitted by policy HC4.

7.38 Sites likely to be developed for beneficial community use, through a neighbourhood plan, for example, which have been agreed in principle by the National Park Authority, can also be safeguarded from other development and where possible, identified on the Proposals Map. Applicants should seek up to date information from the National Park Authority about such identified sites. Long term availability of new buildings for public use is clearly essential and the National Park Authority may seek planning obligations to ensure this.

7.39 Exceptions to safeguarding such sites may be acceptable where an equally good alternative site is made available. Development offering a dual or multiple community use should be considered particularly favourably, although conservation interests always need to be taken into account.

DMS6 Safeguarding sites for community facilities

Sites identified for the provision of new or expanded community facilities in a Neighbourhood Plan or those gaining planning permission for such use will be safeguarded from other prejudicial development on or adjacent to the site

7.40 The policies map shows the existing community recreation sites and sports facilities that have been safeguarded for community use.

Retention of community recreation sites or sports facilities

7.41 The redevelopment of community recreation sites or sports facilities should be avoided since they are important for the well-being of the National Park's communities. Core Strategy Policy HC4 part D, sets out the principle that the redevelopment of a community recreation site or sports facility for other uses will not be permitted unless a satisfactory replacement site or facility has been provided or it can be demonstrated that the facility is no

longer required. In exceptional circumstances where the redevelopment of a community recreation site or sport facility can be justified alternative uses should meet another community need including affordable housing. Satisfactory evidence of attempts to meet such a need will be required.

7.42 Appendix XX sets out the information as detailed by Sport England for any application for development of recreation sites or sports facilities

DMS7 Retention of community recreation sites or sports facilities

Development that would prejudice the continued use of community recreation sites or sports facilities will not be permitted unless:

- A. An assessment has been undertaken which has clearly shown the open space, buildings or land to be no longer required

and
- B. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location

and
- C. The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Exceptionally where sites can be shown to be no longer required, new uses should meet another community need (including those for affordable housing for local people). Evidence of reasonable attempts to secure such a use will be required before alternatives are permitted.

Chapter 8 – Managing Development in Bakewell

Issues Covered

- Bakewell Settlement Boundary
- Central Shopping area
- Principles for land use across the town
- Principles for land use in the central shopping area

Strategic Context

- 8.1 Bakewell is the only settlement with a population over 3000 in the National Park. At around 4000 population, it could be considered a modest market town, but significant by local standards. With its quality of buildings and its riverside location it attracts large numbers of visitors which in many cases help sustain local businesses.
- 8.2 The town retains reasonable public transport links north and south through bus services on the A6 but there is no rail link. Through traffic still uses the bridge over the River Wye if travelling to Chesterfield or Sheffield and uses the A6 to and from Matlock to the south and Buxton to the north.
- 8.3 Non-residential parking is split across sites, with town centre car parking on much of the old cattle market area and a significantly larger area of parking for cars and coaches next to the Agricultural Business Centre on the land to the east of the river at the southern end of the town.
- 8.4 Business premises now exist on the Deepdale site on Ashford Road, and some businesses have taken up residence on the Riverside site since the Local plan was published in 2001. However this site is an example of where premises could be improved and policy would allow for a mix of uses provided a significant element of business use is retained.

Policy context

- 8.5 This plan does not include policies that are specific to Bakewell. However, the Core Strategy makes specific reference to Bakewell in the spatial objectives for White Peak and the Derwent Valley (see objectives for recreation and tourism development housing, business development and accessibility, travel and transport on page 46 of the Core Strategy). In addition HC5 and T5 make specific reference to Bakewell.
- 8.6 Any policies or neighbourhood development orders adopted in a neighbourhood plan for Bakewell will form part of the development plan and be given weight when planning proposals are put forward.

Bakewell Settlement Boundary

- 8.7 The settlement boundary makes it easier to assess whether applications are inside or on the edge of the settlement. As a tool to manage development pressure and avert speculative proposals for detached sites, it has been successful. Development pressure remains, so it is

sensible to retain the boundary. The boundary shown is that agreed with the community as the preferred extent for growth and would be adopted by the proposed Neighbourhood Plan for the town.

DMB 1 Bakewell's Settlement Boundary

The future development of Bakewell will be contained within the development boundary. Policy DMC5 will not apply.

Central Shopping Area

8.8 Bakewell is the only settlement boasting a wide range of shops. Some other larger villages have modest runs of shops along the high street, but only Bakewell gives a significant retail offer that is important not just for Bakewell residents but those in the surrounding area.

8.9 Whilst it fulfils this important role, it is a modest settlement with little scope for expansion of retail uses. Those shops that do exist are in themselves relatively modest in size. For this reason the development plan shows what is considered to be the Central Shopping Area and re-affirms the principle that significant retail development should be contained within this boundary and where it is considered to be significant retail development it should not be permitted outside the boundary. The Core Strategy development plan policy HC5 makes this clear.

8.10 The boundary of this area is that established for the Local plan 2001 other than where it has been considered acceptable through plan review or neighbourhood planning work to amend the area. Any changes made to the central shopping area have been agreed with the community and articulated by the Bakewell Partnership.

Principles for land use across the town

8.11 The Core Strategy establishes development expectations for Bakewell. DS1 confirms that a development boundary will be retained, and this is shown on map?? DS1 also re-affirms a commitment to protect the range and integrity of the Central Shopping Area. The strategic need for employment sites means that the policy intent is to safeguard existing employment sites so that their re-development includes a substantial element of business use, and promote enhancement of under-used employment sites. Evidence for the Core Strategy has also led to policy scope for a new build hotel to serve the town and improve the range of accommodation within the National Park.

8.12 These provisions are in addition to the usual provisions for development in a range of settlements listed in policy DS1 e.g. new build affordable housing, retail and business premises and new community facilities.

8.13 New permitted development rights have led to the loss of some office space but there is still scope for additional office space if demand leads to development

5. Principles for land use in the Central Shopping Area

- 8.14 The central shopping area is a tool to direct retail development to the core of the town and avoid spread of significant retail activity to the fringes of the town. Within that broad principle, there is the usual scope for change of existing retail units to different types of retail or in certain circumstances to change the use of office space to residential use. In some circumstances it has proved useful to permit non-conforming uses to re-locate and to permit more neighbourly uses within the town, but this is not restricted to retail uses. There is also scope for other uses such as new community facilities within the area. However, the central shopping area includes a small area of the town, and there are few if any areas within it that offer obvious scope for significant change.
- 8.15 The retail offer and the number and type of facilities such as cafes and restaurants is to large extent determined by market forces, and there is rarely justification to use planning as a tool to influence the offer or prevent change. This is especially the case where changes would not result in the loss of a valued facility or service. (in the sense that its loss would mean there was no other business offering that service in the town) However, there may be cause for concern if any particular type of facility was becoming dominant to the detriment and loss of other valuable services. The use of neighbourhood development orders or removal of usual permitted development rights to switch within use classes may be tools the community of Bakewell or the Authority considers using to slow down or reverse a pattern of retail use if it considers it is detrimental to the overall retail offer for residents or visitors. This may accompany a neighbourhood plan, and may serve to respond positively to deeply held concerns that the retail mix or range of facilities is unhealthy and working against securing a vibrant and thriving community.

Chapter 9 – Travel and Transport

Issues Covered

- DMT1 Cross-park infrastructure
- DMT2 Access and Design Criteria
- DMT3 Railway construction
- DMT4 Development affecting a public right of way
- DMT5 Operational parking
- DMT6 Non-operational parking
- DMT7 Residential off street parking
- DMT8 Air transport

Strategic Context

- 9.1 Transport plays a vital role in enabling visitors and residents to travel to, from and around the National Park. It offers opportunities to experience the special qualities of the National Park and to access employment, education, shops and vital services.
- 9.2 **Chapter 15 of the Core Strategy** sets out the strategic principles for accessibility, travel and traffic through a set of policies aimed at reducing the overall need to travel, whilst at the same time encouraging sustainable transport. This approach focuses on reducing the impact of the private car, whilst promoting wider access to facilities for public transport, walking, cycling and horse riding.
- 9.3 The Core Strategy makes it clear that the National Park Authority is not a highway authority and has no direct powers as such. However, it has always maintained a proactive approach through its planning role, and through influencing, negotiating and working in partnership with those organisations that do have power, to affect travel and transport in the National Park and surrounding area.
- 9.4 **Core Strategy policy T1** sets out the overarching strategic principles for all modes of transport within the National Park; these principles are derived from national park purposes and duty. The approach is based upon managing the impacts of cross-Park traffic and the private car, whilst facilitating and encouraging modal shift. The subsequent policies T2 through to T7 give weight to the strategic principles.
- 9.5 The relationship with the need to reduce transport related carbon emissions is captured in paragraph 15.16, along with the role of the authority in educating visitors about the impact of their travel choices on the valued characteristics of the National Park.
- 9.6 **Core Strategy policy T2** sets out the aim of reducing and directing traffic, and in particular cross-Park traffic. The policy draws on the established government approach of restricting major road schemes in National Parks, unless there are exceptional circumstances (English National Parks and the Broads UK Government Vision and Circular 2010 para 85).

- 9.7 The policy also sets out an approach of establishing a road hierarchy with partners and then directing traffic onto the most appropriate route for its purpose and destination.
- 9.8 Finally, the policy sets out the principle that Travel Plans will be required for appropriate new developments; this approach is in keeping with the National Planning Policy Framework 2012 (para 16).
- 9.9 **Core Strategy policy T3** requires that necessary transport infrastructure should be designed and maintained in a manner that is in keeping with the valued characteristics of the National Park. In particular, a minimalistic approach is preferred, whilst ensuring that safety is ensured and a welcoming approach engendered. This approach is supported by the National Planning Policy Framework Planning Practice Guidance on Design (para 042) and the Department for Transport's Traffic Advisory Leaflet 01/13 Reducing Sign Clutter. The text accompanying Core Strategy Policy T3 (para 15.25) refers to the bringing forward of a park-wide Design Code for Transport Infrastructure as being under consideration.
- 9.10 The policy also advocates mitigation of and remedial measures to address the severance of routes for wildlife, where they are affected by transport infrastructure.
- 9.11 **Core Strategy policy T4** sets out the strategic principles for addressing the demand for freight transport. This approach favours the transfer of freight from road to rail, whilst ensuring that facilities related to road freight transport are located where they are best served by the road network, and least likely to harm the valued Characteristics of the National Park. The policy also sets out the approach to be taken should road freight transport have significant harmful impacts in particular locations.
- 9.12 **Core Strategy policy T5** sets out the strategic principles for addressing the demand for rail and the reuse of former railway routes. The policy safeguards land and infrastructure for rail enhancement on the Hope Valley line and reinstatement on the former Woodhead and Matlock to Buxton lines, shown on [Map?](#). However, the policy stipulates that this does not imply 'in principle' support or acceptance of the schemes, and that any proposals will be assessed on their merits. The National Planning Policy Framework 2012 makes an assumption against major developments in National Parks unless there are exceptional circumstances (para 116). Policy T5 goes on to state that any reinstatement of the former lines would be subject to '*rigorous examination including the continuity of the Trans Pennine Trail and Monsal Trail*'.
- 9.13 **Core Strategy policy T6** sets the strategic principles for the safeguarding of routes for walking, cycling and horse riding, ensuring that the Rights Of Way network is protected from development. Similarly the Trails network is protected, although potential realignment of the Monsal and Trans Pennine Trails in the event of future rail use is acknowledged. The policy goes on to support the use of former railway lines for walking, cycling and horse riding. Finally, the policy acts to protect the Huddersfield Narrow Canal within the National Park.
- 9.14 **Core Strategy policy T7** sets the strategic principles for minimising the impact of motor vehicles and managing the demand for parking. The policy directs a partnership review of existing traffic management schemes and the potential for additional schemes. New

residential and operational parking is to be set at the minimal required level, whilst other parking will be restricted and located according to environmental capacity. Park & ride schemes are accepted where they can be accommodated without harm to the Park's valued characteristics and where they bring net environmental benefit.

9.15 It is important in submitting proposals that consideration is given to their impact on travel and transport. For developments generating significant transport movements, or those in close proximity to areas of high environmental designation, National Planning Policy Guidance recommends the undertaking of a Transport Assessment / Statement (para 32). The development management policies on travel and transport below provide further information to support planning applications. As with other elements of the proposed development, the National Park Authority encourages pre-application consultation on travel and transport related matters in order to be able to give further guidance.

Cross-park infrastructure

9.16 The Peak District National Park is located at the heart of England, surrounded by a number of towns and cities. There is a longstanding desire for connectivity between these urban areas which has resulted in the current road and rail network crossing the National Park and connecting these towns and cities, as shown on [Map ?](#).

9.17 The demand for connectivity between our neighbouring urban areas has led to calls for new or improved roads, and the reinstatement of former rail routes across the National Park. This demand has been largely focussed on improvements for east-west connections, and in particular, between South Yorkshire and Greater Manchester.

9.18 However, successive governments have adhered to an approach established by the Department of the Environment in 1976⁸⁵. This approach is that no new or improved roads for long distance traffic should be built in national parks unless there are compelling reasons that cannot be otherwise addressed. This approach continues with the English National Parks and the Broads UK Government Vision and Circular 2010 (para 85) and the National Planning Policy Framework which makes a presumption against major developments in national parks "*except in exceptional circumstances*" (para 115-116).

9.19 Core Strategy Policy T2C makes it clear that new road schemes not specifically related to residential or business development will not be permitted unless there are exceptional circumstances, whilst T2A states that transport developments that increase cross-Park traffic will be opposed. Core Strategy Policy T2B refers to possible exceptional circumstances by which transport developments that increase cross-Park traffic might be acceptable. A similar approach for enhanced or reopened railways is espoused in Core Strategy Policy T5 and its accompanying text (para 15.31). Core Strategy Policy T3 is also relevant, in so far that any new scheme would be expected to delivered in accordance with T3.

9.20 This approach is given clarity in Policy DMT1 below, whereby the presumption against new cross-Park routes, both road and rail, is restated along with a definition of the exceptional circumstances under which new cross-Park might be deemed as acceptable.

⁸⁵ Department of the Environment (1976), Circular 4/76: Report of the National Park Policies Review Committee (Para 58).

DMT1 Cross-park infrastructure

New roads or railways for cross-park travel will not be supported, and no proposals for a major alteration to an existing road or railway will be permitted, unless;

- A. There is a compelling national need which cannot be met by any reasonable alternative means, and
- B. It is demonstrated to be in the overall public interest, and
- C. It is demonstrated to meet long term local transport needs, and
- D. There is a demonstrable long term net environmental benefit within the National Park, and
- E. There is a demonstrable long term net economic benefit within the National Park.

Access and design criteria

9.21 Transport infrastructure plays a vital role in allowing people to travel to, from and within the National Park. However, it is also, the first impression that many visitors have of the Peak District. Much of the transport infrastructure in the National Park is determined by its geography and history, with numerous narrow winding roads, bounded by drystone walls, or with cross-Park routes that have not changed significantly over the life of the National Park. Similarly the existing and former railway routes have changed little since their creation. However, over recent years, there has been a demand for improvements or realignments to roads and rail, and also an incremental growth in the size and number of road signs and other safety or enforcement infrastructure. Whilst, the necessity of transport infrastructure to move with the times is recognised, it is vital that it sits easily within the landscape rather than detracting from it.

9.22 Core Strategy Policy T3A sets principles in relation to the high quality of design of transport infrastructure expected within the National Park, whilst a minimalistic approach is advocated through Core Strategy Policy T3B. In line with the potential impact of transport infrastructure and the high landscape value of the National Park, it is intended to bring forward a park-wide design code to both inform and offer further guidance in this matter.

9.23 The National Park's road network is largely undeveloped and rural in nature, and subject to the terrain of an upland area. Therefore, in bringing forward proposals for development, developers should consider vehicular access to the development and its impact on traffic levels on the local road network. Early discussion with the relevant highway authority is recommended in order to resolve any concerns at the pre-application stage.

9.24 The National Planning Policy Framework directs developers to produce a Transport Assessment or Statement for all developments generating significant amounts of movement. The Framework also stipulates that opportunities for sustainable transport modes should be taken up, and that safe and suitable access be achievable by all people (para 32).

9.25 The importance of access to developments, within the context of the National Planning Policy Framework, applies to all modes, including pedestrians, cyclists and equestrians in addition to motor vehicles; this approach is engendered within Policy DMT2A.

9.26 A large area of the National Park has extremely high designation in terms of the quality of its landscape and wildlife. This includes areas that are designated as Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA) and Special Areas of Conservation (SAC). In such locations, the provision of new or realigned transport infrastructure such as roads or railways can impact severely with the severance of wildlife routes. Core Strategy Policy T3C states that '*Mitigation measures will be provided where transport infrastructure severs wildlife routes*'. Policy DMT2 builds on this approach, hedges, walls and roadside trees all act as wildlife corridors, and Policy DMT2B seeks their retention so far as possible.

9.27 Policy DMT2C goes on to provide examples of mitigation measures that could be provided, where severance takes place. These include wild bridges or 'cut and cover' tunnels. Such measures can reinstate the continuity of a natural habitat, but may not be appropriate in all locations. The delivery of such measures will require a partnership approach with the developer, the highway authority and other relevant agencies including Natural England.

DMT2 Access and design criteria

- A. Development, which includes a new or improved access onto a public highway, will only be permitted where, having regard to the standard, function, nature and use of the road, a safe access that is achievable for all people, can be provided in a way which does not detract from the character and appearance of the locality.
- B. Particular attention should be given to the need to retain, hedges, walls and roadside trees. Where a proposal is for a new access to improve a substandard access, a condition will be applied requiring the substandard access to be closed up in an appropriate manner.
- C. Appropriate and sympathetic measures, including wild bridges or cut and cover tunnels, will be provided where transport infrastructure results in wildlife severance.

Railway construction

9.28 There is a longstanding approach to safeguarding land and infrastructure associated with existing and former railways within the National Park. This approach is borne out of recognition of the benefits that rail travel brings to the Peak District both for residents and visitors. Good rail services provide an alternative means of travel to the private motor vehicle, whilst offering access to goods and services for those without a car.

- 9.29 Core Strategy Policy T5A safeguards land and infrastructure for the enhancement of the Hope Valley Line and the reinstatement of the former Woodhead and Matlock to Buxton railways. However, any reinstatement of the former railways would necessitate a re-routing of the Monsal Trail and Trans Pennine Trail.
- 9.30 Policy LT3 adds clarity and detail to the Core Strategy, providing the criteria under which new railway infrastructure may or may not be deemed acceptable, should the criteria set in LT1 be met.
- 9.31 Policy LT3A states that proposals to construct railways acting primarily as tourist attractions are unlikely to be successful because of their incompatibility with both transport and recreation policies. Elsewhere, railway termini usually generates road traffic, and a demand for additional facilities to cater for customers such as car parks and toilets. Where the line is aimed at the tourist market, such demands are likely to be even more acute.
- 9.32 The development of a new passenger railway terminus forming the destination of a Park and Ride scheme or as part of a visitor / traffic management scheme or for principally local use could be deemed acceptable, but would need to demonstrate an overall environmental and economic benefit to the National Park. Policy LT3B provides the criteria that would need to be met to justify the development of a railway terminus within the National Park.
- 9.33 In bringing forward any rail scheme, developers must be able to demonstrate that there will be an net environmental benefit to the National Park.
- 9.34 In keeping with Core Strategy Policy T6A and T6B, Policy LT3D stipulates that where rail development impinges on existing footpaths, bridleways, or trails, an alternative route of equal or better quality that ensures continuity should be provided.
- 9.35 Where a rail development occurs, including light rail, heavy rail or guided bus scheme, the detrimental effects of the scheme must be outweighed by significant benefits to the National Park. These include, but are not exclusive to, the removal of road traffic from parallel routes or the provision of mitigation against habitat loss.
- 9.36 There are national programmes for electrification, within close proximity of the National Park, including the Trans Pennine and Midland Mainline. This would suggest that in the medium term, there may be plans to electrify the Hope Valley Line. Whilst there are clear benefits to electrification, including to local air and noise pollution, as well as providing longer term sustainability and viability of the railway, there are likely to be negative impacts for the national park, in particular visual intrusion. Therefore, as with other rails schemes within the National Park, a clear net environmental or economic benefit would need to be demonstrated. In all cases of rail development in the National Park, Network Rail must have regard to National Park purposes, as stipulated in Section 62 of the Environment Act (1995).

DMT3 Railway construction

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|--|
| A. New railways designed primarily as tourist attractions will not be permitted. |
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- B. The development of a new passenger railway terminus within the National Park must have an overall environmental and economic benefit to the national park can be demonstrated. It will be permitted provided that:
- i. It is the destination end of an acceptable park and ride scheme; or
 - ii. It is a temporary part of a phased construction programme; or
 - iii. It is part of a traffic / visitor management project; or
 - iv. It is principally used for local purposes.
- C. Any heavy rail, light rail or guided bus development must clearly demonstrate a net environmental benefit to the National Park.
- D. Any heavy rail, light rail or guided bus development that impinges on existing footpaths, bridleways or major trails must comply with the policy approaches in Core Strategy Policy T6a, ensuring equally good alternatives and maintaining their continuity.
- E. Any detrimental effects that a heavy rail, light rail or guided bus scheme may have on the National Park must be outweighed by significant benefits – including a demonstrable lasting removal of road traffic from parallel routes and the mitigation of any habitat loss.

Development affecting a public right of way

9.37 The Peak District National Park has a good network of public rights of way including footpaths, bridleways and byways open to all traffic. This network enables both visitors and residents to enjoy the valued characteristics of the National Park by sustainable means of transport such as by walking, cycling and horse riding. In some instances, proposed developments may affect the line of a right of way. In such circumstances, the continuation of the right of way by an alternative route of equal or better quality is vital.

9.38 Core Strategy Policy T6A sets the approach for the safeguarding of rights of way and other walking, cycling and horse riding routes from development, as well as stipulating the mitigation required, where development does impinge on such routes. Policy LT4A restates this approach, whilst providing the criteria which a replacement route must meet. This overall approach is supported within the National Planning Policy Framework (para 75), which states that '*Planning policies should protect and enhance public rights of way and access.*'

9.39 Where development does take place, and where appropriate, opportunities will be sought to provide links to the existing rights of way and multi-user Trail network from the development. This approach is in keeping with the advice contained within the National Planning Policy Framework (para 75), which states that '*Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*'

9.40 Development can sometimes lead to an increase in motor vehicle use on footpaths, bridleways or byways open to all traffic. This often has detrimental effects on the enjoyment

of those routes by walkers, cyclists and horse riders. Therefore, unless there are overriding social, economic or environmental conservation benefits as a result of the development, it will not be permitted.

DMT4 Development affecting a public right of way

- A. Where a development proposal affects a public right of way, either the definitive line of the public right of way should be retained, or, in exceptional circumstances, where retention of the definitive line is not possible, the developer will be required to provide an alternative route that:
- i) Is of equal or better quality than the original; and
 - ii) Has similar or improved surface appropriate to its setting; and
 - iii) Wherever appropriate, is of benefit to users with special needs, including those with disabilities; and
 - iv) Is available before the definitive route is affected or if this is not possible until the development is complete, a suitable temporary route is available before the definitive route is affected; and
 - v) Is as convenient and visually attractive as the original.
- B. Where development occurs, opportunities will be sought to provide better facilities for users of the rights of way network, including, where appropriate, providing links between the development and the rights of way network, including the National Park's Trail network.
- C. Development that would increase vehicular traffic on footpaths, bridleways or byways open to all traffic to the detriment of their enjoyment by walkers and riders will not be permitted unless there are overriding social, economic or environmental conservation benefits arising from the proposal.

Operational parking

9.41 A key consideration for business developments is how the site will be accessed by those involved in the operation of the business. Invariably for most businesses there will be a requirement for operational park i.e. for vehicles associated with the smooth running of the business. It is important that these vehicles do not impede traffic flow in the vicinity of the development or negatively impact on residential amenity or the valued characteristics of the National Park. Therefore, the inclusion of operational parking as part of a development can enhance the surrounding area.

9.42 Core Strategy Policy T7B states that operational parking space associated with a development should be set at the '*minimum required for operational purposes*', whilst having regard to environmental constraints and any future requirements. Policy LT 5 provides a definition for operational parking in the context of development. Policy LT5A then clarifies the conditions against which the assessment of the requirement for new operational parking will be judged.

9.43 Policy LT5B then stipulates the approach that should be taken to providing additional operational parking as part of a development, whilst Policy LT5C provides clarity as the adopted parking standards of the National Park Authority.

9.44 The overall approach is in keeping with the National Planning Policy Framework (para 39), which stipulates that planning policies take account of '*the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.*'

DMT5 Operational parking

Operational parking space means the space required for the cars and other vehicles regularly and necessarily involved in the operation of the business of particular buildings. This policy applies where planning permission is required for an expansion or alteration of a business, and where planning permission is required for expansion or alteration of an operational car park.

- A. New or enlarged car parks will not be permitted unless a clear, demonstrable need can be shown.
- B. Where planning permission is required, additional parking provision should be of a limited nature. It should be appropriate to the size of the development, take account of its location and the visual impact of parking.
- C. The adopted parking standards are provided **in Appendix?**

Non-operational parking

9.45 The National Park Authority has over successive Development Plan periods adopted an approach of limiting the overall number of public parking spaces within the National Park, whilst adopting an approach of favouring the removal of on-street parking when permitting additional off-street parking facilities.

9.46 Core Strategy Policy T7C states that '*new non-operational parking will normally be matched by a reduction of related parking spaces elsewhere*'. The policy also advocates that non-operational parking be made available for public use wherever possible. Policy LT6 provides a definition for non-operational parking in the context of development. Policy LT6A then clarifies the conditions against which the assessment of the requirement for new operational parking will be judged.

9.47 The layout of many settlements in the National Park is an indication of their historic origins with narrow roads and little off-street parking. The necessity for vehicles to be parked on street is visually intrusive in some locations, although it can add traffic calming benefits. Therefore, Policy LT6B stipulates that where additional non-operational off-street parking is permitted, it will normally be as a replacement for existing on-street parking. This approach diverts on-street parking to a more suitable location.

9.48 Core Strategy Policy L1B makes a presumption against development within the Natural Zone, whilst the Core Strategy states that a '*stronger level of protection*' from development will be accorded to Conservation Areas owing to their national designation (para 9.6). Policy LT6C builds on this approach in respect of non-operational parking, stipulating the requirement on the developer to seek alternative sites, where the impact is lessened. This approach places the onus on the developer to assess alternative sites, and justify the need for new or additional parking within particularly environmentally sensitive locations.

9.49 The overall approach is in keeping with the National Planning Policy Framework (para 39), which stipulates that planning policies take account of '*the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.*'

9.50 Over recent years there have been many calls for new or improved car parks to cater for visitors to settlements and popular locations within the National Park. The general approach is to first ensure that there is a genuine need for additional capacity. Where there is, in some cases, this need can be met within the existing footprint of the car park, without detriment to its location or the National Park's special qualities. However in some cases, demand is restricted to busy summer weekends. In these cases the General Permitted Development Order permits the use of land for parking without the requirement for planning permission. This can include the use of fields for parking for busy weekends such as for well dressings or carnivals; this approach can be undertaken on other busy days for up to 28 days per year. However, care should be taken to identify sites that can be accessed safely, without impacting on the highway network.

DMT6 Non-operational parking

Non-operational parking space means the space required for the traffic which does not need to park or wait precisely at the premises in question. The term includes the cars of commuting employees as well as those belonging to shoppers, business callers, commercial vehicles servicing the buildings and sight-seers.

- A. New or enlarged car parks will not be permitted unless a clear, demonstrable need can be shown.
- B. For non-operational car parking additional off-street parking will normally only be permitted where it replaces equivalent on-street parking spaces.
- C. In considering proposals for new or enlarged car parks in the Natural Zone and in Conservation Areas, the developer is expected to have assessed alternative sites located in a less environmentally sensitive location, capable of being linked to the original visitor destination either by a park and ride system or right of way.

Residential off street parking

9.51 Nationally, dependence on the private car as the primary means of transport for most families has grown considerably. At the last census, almost three-quarters of households

(74%) had access to a car or van⁸⁶; whilst the average number of cars per household was 1.2. In the National Park, reliance on the private car is even more pronounced, with 88% of households having access to a car or van, with the average number of cars per household being 1.6. High car ownership, coupled with the historic nature of most National Park settlements, with little off-street parking, has resulted in the majority of resident's vehicles being parked on the roadside. Large numbers of parked cars in village centres can be visually intrusive, and compromise access to premises or for emergency vehicles. The popularity of some settlements as visitor attractions can exacerbate the situation.

9.52 Core Strategy Policy T7B sets the strategic principle that residential parking should be set at the '*minimum required for operational purposes*', whilst having regard to environmental constraints and any future requirements. Policy LT7A directs developers to provide off-street parking for residential developments unless the provision of on-street parking meets highway and amenity standards. The Policy then goes on to provide maximum parking standards for residential development. The provision of car fee development will be viewed favourably, but will require reasonable alternative parking to be available. Finally Policy LT7A offers protection to off-street parking provision within a development, where its loss would have negative impacts on local traffic flow.

9.53 Policy LT7B provides clarity with regard to the design and number of parking spaces within a residential development. Developers are directed to have regard to the valued characteristics of the surrounding area especially within Conservation Areas.

9.54 The overall approach is in keeping with the National Planning Policy Framework (para 39), which stipulates that planning policies take account of '*the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.*'

9.55 Policy LT7 sets maximum parking standards for residential developments in order to discourage use of the private car in favour of more sustainable means of transport where possible. There may be circumstances whereby additional parking could be considered particularly in those villages where the availability or practicality of on-street parking is limited, or where alternative forms of transport are either limited or unavailable. However, such provision will only be considered in exceptional circumstances.

DMT7 Residential off street parking

- A. Unless it can be demonstrated that on street parking meets highway and amenity standards, off-street car parking for residential development should be provided. This should be either within the curtilage of the property or allocated elsewhere, normally at the following levels:
- I. For one bedroom dwellings: 1 space per unit plus 1 space per 2 units for visitors.
 - II. For two and three bedroom dwellings: 2 spaces per unit.
 - III. For four bedrooms and above: 3 spaces per unit.

⁸⁶ Peak District National Park Authority (2013) State of the Park, Transport, <http://www.peakdistrict.gov.uk/microsites/sopr/communities/transport>

- IV. For holiday residences: 1 space per 1 and 2 sleeping room units, 2 spaces per 3 (and over) sleeping room units.
 - V. Car free development will be considered favourably where reasonable alternative parking provision exists. Off-street car parking space provided as part of development will be protected where there is evidence that loss of such space would exacerbate local traffic circulation problems.
- B. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

Air transport

9.56 The Peak District National Park does not have any established landing sites associated with powered flight, although there is the long established Lancashire and Derbyshire Gliding Club at Camphill near Great Hucklow, which has been in existence at this location since 1935.

9.57 Over the past 30 years there has been a growing trend for the use of ad-hoc sites for take-off and landing of small aircraft such as microlights and helicopters, with the latter often using the car parks of public houses and hotels, to provide recreational flights. Whilst powered flight in this context, offers quick business travel or enjoyable recreational experiences, the development of landing sites is not in keeping with the quiet enjoyment of the National Park. Negative impacts arising from such activities can include noise pollution and disturbance to bird populations.

9.58 The General Permitted Development Order (2015) permits the use of land for aircraft landing for up to 28 days per year without the requirement of planning consent. However, were this to become a regular activity, it would harm the valued characteristics of the area, in particular the public's opportunities for quiet enjoyment. In this event, or where there are other impacts such as traffic congestion, dangerous road conditions or loss of residential amenity as a result of this use, an Article 4 Direction will be considered. Under an Article 4 Direction, permitted development rights are removed and the activity will require planning permission.

9.59 Policy LT8A makes the presumption against the development of aircraft landing sites within the National Park. In relation to powered flight, the policy restricts developments where they are likely to affect the National Park's valued characteristics or its amenity. The policy adds clarity with regard to what is meant by powered flight, with the inclusion of model and drone aircraft as well as those carrying people.

9.60 The Peak District National Park is also a popular location for non-powered flight. In addition to the Derbyshire and Lancashire Gliding Club, the area is popular with hang-gliders, para-gliders and pilots of non-powered or electrically powered model aircraft. Whilst these aircraft do not have the noise impact of conventional powered flight, they can adversely impact nesting birds and other wildlife or compromise other special qualities of the National Park. Policy T8B stipulates that where such uses require planning permission, the

activities may be restricted as a result of adverse impacts on the Valued Characteristics of the National Park.

DMT8 Air transport

- A. Aircraft landing sites will not normally be permitted. Developments related to helicopter or other powered flights will not be permitted where they will adversely affect the valued characteristics or amenity of the area. Powered flights include, but are not exclusive to, model [aircraft](#) and drones.
- B. Where planning permission is required, regular non-powered flights including but not exclusive to hang-gliders, para-gliders and model aircraft, may also be restricted if they have an adverse impact on bird and wildlife populations or other Valued Characteristics of the National Park.

Chapter 10 –Utilities

Issues Covered

- Development that requires new or upgraded utility service infrastructure
- New and upgraded utilities services
- Development close to utility installations
- Telecommunications Infrastructure
- Restoration of utility and telecommunications infrastructure sites

Strategic Context

- 10.1 Under policy GSP1 of the Core Strategy, the National Park aims to support exemplary sustainable development, pursuing the two statutory purposes to conserve and enhance the natural beauty of the National Park and to promote opportunities for enjoyment whilst seeking to foster the economic and social wellbeing of local communities. This justifies, in many cases, requiring developers to consider how they will conserve and enhance the National Park's nationally significant landscapes including for example sharing telecommunications masts, undergrounding electricity cables, using sustainable urban drainage and fully justifying the need for new development.
- 10.2 Core Strategy policies GSP1, DS1 and GSP3 enable utility infrastructure provision in settlements and in the countryside outside the Natural Zone in the context of National Park purposes. Supporting text to policy GSP1 reminds developers that the National Parks and Access to the Countryside Act 1949 (as amended) require all relevant authorities and public bodies (such as District Councils and utility companies) to take National Park purposes into account in their decisions and actions.
- 10.3 Most of the National Park has electricity and mains water supplies. However, coverage is not comprehensive. Mains gas supplies and mains sewerage are available in larger settlements but are less widespread in small villages and beyond village limits.
- 10.4 The acceptability of development is tied to the acceptability of any new infrastructure that it requires. Because infrastructure can easily harm the landscape it is vital that development is located to minimise adverse impact. Where the development of new utility service infrastructure is acceptable the new infrastructure must be provided before the new land use begins.
- 10.5 The Core Strategy generally directs development to areas where service provision is unlikely to be a problem. Sometimes, however, existing service infrastructure may have insufficient capacity to cope with increased demand (sewage or water supply for example). If additional development is permitted in such a case, the services should be improved beforehand to avoid excessive demands being placed upon them. The impact of the improved services on the National Park will be a factor in deciding whether to approve the development

10.6 The National Park Authority will consult the utility providers and the Environment Agency on planning applications where service provision is likely to be an issue. Wherever possible, planning controls are used to enable service infrastructure to be improved rather than refuse the development.

DMU1 Development that requires new or upgraded service infrastructure

New or upgraded service infrastructure will be provided to development provided that it:

- (i) does not adversely affect the valued characteristics of the area
and
- (ii) can be provided before any new land use begins.

10.7 The National Park landscapes are particularly sensitive to new development because much of the landscape is relatively open and treeless. In addition, the National Park's location between large areas of power production and areas of greatest demand such as Greater Manchester, can create pressure for transmission infrastructure of, far greater benefit to communities and businesses outside the Park than those inside.

10.8 Development Management policies provide criteria additional to the Core Strategy that:

- restrict new utility services to those which benefit and are needed by the National Park's resident businesses and communities and that can be provided without harm to valued characteristics and established uses
- control the adverse impact on the built and natural environment requiring utility services (including those for low carbon renewable energy installations) that cause adverse visual impact to be undergrounded.

DMU2 New and upgraded utilities services

- A. Development of utilities infrastructure will not be permitted unless it is to improve or extend the service to the communities and businesses of the National Park, and can be provided without harm to the valued characteristics of the area or to other established uses. Infrastructure and ancillary works or buildings should be located, designed and landscaped so as to minimise their impact on the built and natural environment, and on any other established activities.
- B. Infrastructure services to new development, or improved services to existing uses should be placed underground. Overhead services will not be permitted where they adversely affect the valued characteristics of the area.

Development close to utility installations

10.9 Certain utility installations may impact negatively on other land uses because of potential hazards, smell, noise or loss of amenity. High pressure gas mains and sewage treatment works or the presence of overhead power lines are examples. The potential impact of utility company infrastructure on the amenity or safety of new development will be an important consideration when assessing new planning proposals.

10.10 The Health and Safety Executive designates sites and pipelines carrying potential hazards as 'Notifiable Installations'. The National Park Authority consults the Executive about proposals within given distances of these sites. (Consultation Distances) The Executive generally advises against any proposed development within these distances. Developers considering work within the consultation distance of a Notifiable Installation, are advised to liaise with the Health and Safety Executive at the earliest opportunity.

10.11 Around transmission pipelines, the Executive recommend 'Building Proximity Distances', within which normal domestic occupation should be avoided. British Gas high pressure transmission pipelines within the National Park are listed below with their corresponding Building Proximity Distances (BPD) and Consultation Distances (CD). The location of these pipelines are indicated on the Proposals Map.

10.12 The water companies are concerned about incompatible land use in the vicinity of sewage treatment works. Smells and insects are unavoidable consequences of the treatment process and could result in poor standards of amenity around the installation.

HSE REFERENCE	PIPELINE	BPD (m)	CD (m)
HC/16/103-1	Scawby/Totley	3.0	6
HC/16/104-1	Warningtongue Lane/Totley	3.0	6
HC/16/105-1	18" Totley/Catshaw	8.5	17
HC/16/105-2	30" Totley/Catshaw	3.0	6
HC/16/107-1	Totley/Collingtree	8.5	17
HC/16/117-1	Beeley Moor/Rowsley	16.4	50
HC/19/111-2	Macclesfield (Paradise Farm)/Buxton	16.77	51
HC/19/114-1	14" Catshaw/Failsworth	15.5	47
HC/19/147-1	Bunsal Cob/Horwich End	16.7	50

10.13 The operational and complaints history of a sewage treatment works and other potential odour issues in the detailed consultation response from the Environmental Health Department of the relevant district council will be carefully considered by the Authority before permitting new development in the immediate vicinity

DMU3 Development close to utility installations

Development will not be permitted in the vicinity of sewage treatment works, high pressure oil or gas pipelines or other notifiable installations where they would present an unacceptable loss of amenity or risk to those using the development.

Telecommunications Infrastructure

10.14 The nature of the landscapes of the National Park makes the assimilation of telecommunications infrastructure and associated equipment very difficult without visual harm.

10.15 Modern telecommunications networks are useful in reducing the need to travel, by allowing for home working. They can be a vital aid to business and to emergency services and the management of traffic. However, as with other utility company development, the National Park Authority must carefully avoid harmful impacts arising from this type of development, including that needed to improve services within the National Park itself. Telecommunications development proposed within the National Park to meet an external national need, rather than to improve services within it may well be of a scale which would cause significant and damaging visual harm and in such circumstances alternative less damaging locations should be sought

10.16 In exceptional circumstances where it can be demonstrated that telecommunications infrastructure is essential, rather than desirable to the industry, the National Park Authority will seek to achieve the least environmentally damaging but operationally acceptable location. It will request that the full range of technical information is supplied by the company regarding the siting, size and design of the equipment proposed to facilitate evaluation of the least obtrusive but technically feasible development in line with guidance in the National Planning Policy Framework.

10.17 New equipment should always be mounted on an existing structure if technically possible and development should be located at the least obtrusive site. Particular care is needed to avoid damaging the sense of remoteness of the higher hills, moorlands, edges or other prominent and skyline sites. Upland or elevated agricultural buildings, which are not uncommon in the National Park, may provide a suitable alternative to new structures in the landscape. If necessary, the National Park Authority will seek expert advice to help assess and minimise the impact of the design and siting of telecommunications infrastructure. Evidence will be required to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest. Fixed line Code Operators should refer to the Code of Practice for Cabinet siting and Pole siting, June 2013⁸⁷.

1. ⁸⁷ https://www.gov.uk/.../Final_Cabinet_and_Pole_Siting_COP_Issue_1.docx

<https://www.gov.uk/government/consultations/proposed-changes-to-siting-requirements-for-broadband-cabinets-and-overhead-lines-to-facilitate-the-deployment-of-superfast-broadband-networks>

10.18 Mobile telephone companies may often be able to locate antennae (or any other transmitting or receiving equipment) on an existing building rather than erect a purpose built mast. The National Park Authority would support such an approach where the antennae can be mounted with minimum visual and architectural impact. Mounting antennae on a listed building will usually be inappropriate (see **Policy XXX**).

10.19 The Code of Best Practice on Mobile Network development in England July 2013 should be used as guidance.⁸⁸

10.20 Some businesses and public services are developing their own telecommunication networks either for operating and monitoring equipment or to improve their communications. It is considered that such systems are desirable to the industry rather than essential and therefore major infrastructure proposals such as masts or buildings should not be allowed to detract from the valued characteristics of the National Park. Shared use of existing infrastructure or the use of the public networks should be used instead. Exceptions may occur if there are strong public safety implications. Proposals for satellite dishes on dwellings should not be detrimental to the character appearance of the building or its setting or neighbouring buildings. They should always be designed and sited where they have the least visual impact, avoiding principal elevations or street frontages.

10.21 Development proposals for radio and telecommunications masts and antenna should be supported by evidence to justify the proposed development including a landscape assessment as in **policy XX**.

and

- a) documentary evidence with dates and contact details and copies of responses that the possibility of erecting antennae on an existing building, structure or mast site has been explored.
- b) the outcome of consultations with organisations with an interest in the proposed development in particular where a mast is to be installed near a school or college within a statutory Safeguarding zone surrounding an aerodrome or technical site.
- c) certificate that demonstrate that cumulative exposure when operational will not exceed International Commission on Non-Ionising Radiation Protection guidelines
- d) use of design that minimises the size of the telecommunications apparatus
- e) evidence of outcomes of consultations with the MOD, any aerodrome or technical site.

DMU4 Telecommunications infrastructure

A. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the effect on the landscape or other valued characteristics of the National Park.

B. Development proposals for radio and telecommunications, must be supported by

CachedSimilar

⁸⁸http://www.mobilemastinfo.com/images/stories/2013_Code_of_best_practice/Code_of_Best_Practice_on_Mobile_Network_Development_-_Published_24-07-2013.pdf

evidence to justify the proposed development

C. Telecommunications infrastructure will be permitted provided that:

- (i) the landscape, built heritage or other valued characteristics of the National Park are not harmed;
- (ii) it is not feasible to locate the development outside the National Park where it would have less impact; and
- (iii) the least obtrusive or damaging, technically practicable location, size, design and colouring of the structure and any ancillary equipment, together with appropriate landscaping, can be secured.

D. Wherever possible, and where a reduction in the overall impact on the National Park can be achieved, telecommunications equipment should be mounted on existing masts, buildings and structures. Telecommunications equipment that extends above the roofline of a building on which it is mounted will only be allowed where it is the least damaging alternative.

E. Substantial new development such as a mast or building for the remote operation and monitoring of equipment or plant not part of the code-system operators' network will not be permitted.

DMU5 Restoration of utility and telecommunications infrastructure sites

A. Where the erection or installation of a building, structure or equipment for utility service and telecommunication provision is acceptable, it will be permitted provided that its removal is guaranteed when it is no longer used to meet an appropriate operational need. Restoration of the site to its original (or previously agreed alternative) condition will be required to be commenced and completed within an agreed period following the end of the operational use for which the development was permitted.

B. Provided that its long-term requirement is established, water supply infrastructure that may only come into use in times of drought or high rainfall will not be subject to this policy.

Chapter 11 – Minerals and Waste

Issues Covered

- Assessing and minimising the environmental impact of minerals and waste development
- Safeguarding of Local Building and Roofing Mineral Resources
- Waste Management Facilities

Strategic Context

- 11.1 Mineral and waste development is considered to be major development by the Town and Country Planning (Development Management Procedure) (England) Order 2010 and as such they raise a wide range of planning considerations that need to be addressed in the determination of planning applications.
- 11.2 The policies below set out the broad range of planning considerations that will be taken into account by the National Park Authority in its development management role. The Core Strategy in Policies MIN1 to MIN4 sets out the overall strategic context for minerals development in the National Park. Policies CC3 and CC4 set out the overall strategic context for waste development. The policies in this DPD supplement those in the Core Strategy where a proposal has firstly been deemed acceptable against the relevant Core Strategy Policies.
- 11.3 Mineral workings can harm the natural resources and valued characteristics of the National Park. These include landscape of national and international significance, recreational uses and activities, agricultural land, woodland, important water resources and areas or features of heritage or nature conservation interest. Mineral and waste activity can also have a detrimental impact on local communities, bringing problems of noise, dust and heavy lorry traffic, sometimes over a period of many years. On the other hand, the minerals industry does contribute positively to the landscape in the restoration of mineral sites.
- 11.4 If the proposed development is likely to have significant environmental effects (dependent on its size and sensitivity of the location, working methods and duration) an Environmental Impact Assessment may be required in accordance government regulations. Disturbance can be either short-term or permanent destroying irreplaceable features. Adjustments to the site area might help eliminate impacts or reduce them to an acceptable level, as can careful attention to landscaping and screening, measures to reduce noise and dust problems, and local highway and access improvements. Planning conditions, legal obligations, and monitoring and enforcement can ensure effective control of operations. It is also important to consider any wider benefits gained from the development, such as the reclamation of derelict land, the elimination of pollution, and enhancement which may outweigh adverse environmental aspects of the proposals.
- 11.5 The transportation of minerals and waste by road often has considerable impact on local amenity and public safety, creating inconvenience, noise and vibration, air pollution and visual intrusion. Problems are most severe where lorries use minor hilly roads unsuited to their weight and size, where they pass through sensitive areas and villages, and at the point of access to the site from the public highway. It is not desirable to allow development which could make existing problems worse or create unacceptable new ones. In order to assess

traffic implications, the National Park Authority will require the applicant to provide details of anticipated vehicular movements. Where roads likely to be used regularly by mineral or waste traffic would be inadequate planning permission should be refused. The impact of road transport might be reduced to an acceptable level by improvements to the site access, on-site signs directing traffic along appropriate routes and in certain instances improvements to the road system where the improvements are in accord with the transport policies in the Core Strategy.

- 11.6 There may be situations where the cumulative environmental impact of mineral or waste activity is unacceptable. This could arise because of a concentration of sites in a particular locality such as those in close proximity to Stanton Moor and the Nine Ladies Scheduled Ancient Monument. Creeping industrialisation in areas of outstanding landscape, wildlife and cultural heritage value can gradually erode the very qualities that underpin National Park designation and the tranquillity and quiet enjoyment that residents and visitors come to experience. Where environmental damage or disturbance to the local community or to visitors could increase significantly by the addition of a further site, the valued characteristics of an area will be key considerations. Alternatively, a proposed development might result in a number of environmental impacts which are individually acceptable, but which collectively create unacceptable damage or disturbance. It is not possible to quantify the number of sites that would trigger consideration of cumulative impact. This will be dependent on the particular locality and will be assessed on a case by case basis.
- 11.7 Mineral working is not a permanent use of land although it can take place over a long period of time. Sensitive methods of working, restoration and aftercare can minimise impact during the operation and can sometimes conserve or enhance the environment in accordance with the principles of sustainable development.
- 11.8 There is currently no oil, gas or unconventional hydrocarbon proposals in the National Park. If any proposals do come forward then the development management criteria set out below will be utilised depending upon their relevance to each of the three phases of development (exploration, appraisal and production).
- 11.9 The quantity and variety of types of waste generated within the National Park are relatively low and limited when compared with the surrounding urban areas, due to the Park's rural nature, economy and relatively low density of population. They are generally restricted to inert, domestic, commercial and industrial waste categories.
- 11.10 The movement of waste to waste management facilities can generate large volumes of traffic. Due to the rural nature of the National Park and the limited availability of a rail network, all waste management operations currently involve road transport. Regard should be had to the 'Proximity Principle' which states that travelling distances should be kept to a minimum, thereby reducing environmental and financial costs.
- 11.11 Mineral permissions will be reviewed periodically under the provisions of the Environment Act 1995 and the Authority will aim to negotiate the best possible package to protect the interests of the National Park. New conditions and/or voluntary agreements will be sought to obtain improved schemes which will minimise the adverse effects of mineral working on the environment and secure restoration and aftercare in accordance with other policies within the Plan. Where necessary the Authority will amend submitted schemes through the imposition of conditions.

- 11.12 The policy also sets out the general information requirements for all mineral proposals in order to be considered acceptable. The policy also set out a number of obligations the Authority expects applicants to deal with in the development of the proposal pre-application in order to expedite the effective and efficient determination of the planning application.
- 11.13 Any mineral proposal, whether a new scheme, extension to existing scheme or a proposal for new phasing or other amendment to an existing scheme involving an area of 1 hectare or more, should set out what pre-application consultation has been undertaken with Statutory Consultees and the local community. The application submitted should indicate how the proposed development has responded to the results of consultation and in particular how the scheme has been designed to respond positively to the views expressed by the local community.
- 11.14 Proposals considered under the Review of Mineral Permissions (ROMP) will be generally assessed against the factors set out in this Plan when devising the modern operating conditions, having regard to the existing consent(s). When reviewing conditions the focus will be on minimising impacts on, and achieving significant enhancements for, the environment and communities.
- 11.15 In certain cases mineral processing can cause considerable disturbance to local residents, especially due to noise from early morning or weekend working or lorry despatch. Where on-site processes exist or new proposals are acceptable, they should cease when the parent operation ceases. Permitted development rights, are generally excluded by condition in order to safeguard the special landscape of the National Park and to allow input into the design and siting of buildings, plant and machinery. Control of ancillary development to prevent quarry sites becoming isolated industrial units unconnected with mineral extraction will be controlled by planning condition.

DMMW1 – The Management of Mineral and Waste Development

Mineral development or the development of waste management facilities will only be permitted where the adverse impacts on the valued characteristics and amenity of the National Park can be appropriately mitigated, reduced to the minimum practicable level, or eliminated, and the development is acceptable given the need to conserve and enhance the National Park. Where appropriate, the applicant must provide satisfactory evidence that the development can be completed within an agreed period. Particular attention will be paid to the following issues:

- (a) nuisance and general disturbance to the amenity of neighbouring properties and the wider area, including the impact on local communities resulting from transport, hours of working and the method and duration of working;
- (b) the risk and impact of potential pollution on environmental receptors;
- (c) the potential for any adverse effects on amenity or human health including from noise, particulate emissions, blasting, dust, vibration, fumes, smells, leachate or water run-off and material storage;
- (d) the proposed operating methodology and the conformity to the highest possible standards;
- (e) harm to landscape character and cultural heritage, including that caused by the design and location of plant and buildings, storage of waste and loss of any existing site features and any necessary screening or landscaping of the site;
- (f) where new buildings, plant or structures are required the scale, siting, design, orientation and relationship to existing buildings;

- (g) opportunities for enhancement of the landscape, biodiversity, geodiversity and amenity;
- (h) harm to agricultural and forestry interests, including to soil resources and the impact on the use and quality of neighbouring land;
- (i) harm to the water environment and impacts arising from any dewatering or surface water run-off or management and any proposals for foul water disposal;
- (j) the need to minimise the residual waste arisings from the development along with the proposals for the disposal of those residual waste arisings;
- (k) the potential effects of land instability arising from the operations, any tipping or disposal activities and the restoration proposals on neighbouring development;
- (l) the cumulative impacts of operations in the area and across the wider National Park and its setting both concurrently and successively;
- (m) the efficiency and effectiveness of the proposed working scheme or operation, including the phasing proposals and their potential for resulting in the highest standards of environmental acceptability;
- (n) the proximity of the mineral extraction to the end-user market or the proximity of the waste operation to the supply-chain, availability of other permitted or allocated mineral supply or the availability of secondary or recycled materials or the availability of other permitted or allocated waste sites or developments, both within and outside the National Park, closer to the end-user market or supply-chain with the aim of reducing 'mineral or waste miles';
- (o) the off-site impact of any utility or infrastructure improvements necessary to serve the development;
- (p) the need for site security to prevent unauthorised public access or to prevent access from livestock or fauna from adjacent land;
- (q) the impact of the development on the local economy and job opportunities and the contribution of any planning benefits to the local community;
- (r) the need for any buildings, plant or other structures proposed to meet the functional needs of the development, their design to be appropriate to their temporary nature and the proposals to ensure their complete removal from site, together with any foundations, bases and utilities immediately on cessation of working; and
- (s) the suitability of restoration proposals, including the need for restoration to ensure that no future land stability or other public safety issues will arise, phased progressive restoration being undertaken within a reasonable timescale and to the best industry standards, and suitable after-use and aftercare proposals that will result in landscape, biodiversity and geodiversity enhancement.
- (t) the provision of suitable geological and other information on the quality, availability and volume of the mineral reserves ensuring that high quality materials are retained for appropriate end uses.
- (u) the provision of information on the durability and aesthetic qualities of the stone together with precise details of its compatibility with the repair or restoration project it is supplying.

Planning conditions will be imposed as appropriate to ensure proposals are satisfactory against the above issues. Where necessary, planning obligations will be sought to address matters which cannot be dealt with by means of planning conditions, including the extinguishment of existing planning permissions where appropriate and necessary. Where necessary to ensure the protection of landscape character or to prevent adverse impact on the locality, planning conditions will be imposed to remove permitted development rights for buildings, plant and structures to ensure that the Authority has the ability to adequately control their impact.

Safeguarding of Local Building and Roofing Mineral Resources and Safeguarding of Existing Permitted Mineral Operations from Non-mineral Development

- 11.16 Policy MIN4 of the Core Strategy sets out the overall framework for the safeguarding of mineral resources against the potential sterilisation from non-mineral surface development. That policy established that “a selection of small individual areas for local small-scale building and roofing stone for conservation purposes will be considered for safeguarding through the forthcoming Development Management Policies DPD.
- 11.17 Ensuring that stone that is important for heritage and conservation purposes is safeguarded is necessary to ensure that this mineral resource is potentially kept available for future use. Safeguarding does not imply that future extraction will actually occur, nor does it imply that an application for extraction would be acceptable if it came forward. The long term interest of the heritage and conservation of the National Park is best served by endeavouring to prevent these areas of stone being lost to new surface development.
- 11.18 The plan also seeks to safeguard existing permitted mineral sites from sensitive new developments such as residential being permitted too close, as without proper consideration new development could result in complaints against the permitted mineral extraction that may threaten the continued operation of the mineral site. It is normal practice to seek to safeguard permitted mineral extraction from new sensitive non-mineral developments.
- 11.19 The areas of local small –scale building and roofing stone for conservation purposes identified on the Policies Map will be safeguarded from sterilisation from non-mineral development. Proposals for any non-mineral development in these areas will only be permitted where it can be demonstrated that there is no current or future need to protect the mineral resource for heritage conservation.

Waste Management Facilities

- 11.20 The plan seeks to ensure a sequential approach is taken to the development of waste management facilities in order to ensure that they are developed where permitted by the Core Strategy in accessible sustainable locations and in preference in areas where compatible surrounding land uses exist.
- 11.21 Waste management facilities that are of a scale appropriate to the Park, relating only to accommodating waste from the immediate area will be supported subject to the requirements of Policy CC3 and CC4 of the Core Strategy.

DMMW2 – Waste Management Facilities

Sites for waste management facilities where permitted by Policies CC3 or CC4 of the Core Strategy should be located in accordance with the following sequential approach having regard to the relevant Municipal Waste Management Strategy where appropriate:

1. existing authorised waste management sites located in existing defined settlements within the National Park;
2. existing or allocated industrial land within existing defined settlements;
3. previously developed land within existing defined settlements;

4. industrial land or previously developed land elsewhere;
5. vacant or under-utilised agricultural buildings;
6. Greenfield sites or any other land.

Proposals for waste management facilities must also demonstrate the relationship to the community in which the facility is located, the scale of the facility in relation to the needs of the local community and proximity to any onward facility for transmission; and ensure the minimisation of the need for any outside storage of waste.

(Note – in this policy ‘defined settlement’ means those listed in policy DS1 of the Core Strategy)

Proposed List of Appendices

- Glossary;
- Guidance on Heritage Statements and assessing non designated heritage assets;
- Lists of various designated including:
 - conservation areas;
 - scheduled ancient monuments;
 - nature conservation sites;
 - registered parks and gardens;
- Historic landscape characterisation;
- Parking standards
- Example housing needs survey

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9. REVIEW OF CHARGING FOR PRE-APPLICATION PLANNING ADVICE (JRS)

Purpose of the report

1. To review the performance of the scheme of charging for pre-application advice related to developments.

Recommendations:

- 1. That the pre-application charging schemes for development be continued and for any future changes to the scheme to be delegated to the Director of Planning.**
- 2. That the principle of charging for advice be extended to other areas of the Authority's work, in accordance with Standing Orders.**

How does this contribute to our policies and legal obligations?

2. The introduction of charges for pre-application advice is permitted under Section 93 of Local Government Act. The introduction of charges for pre-application planning advice presents an opportunity to recoup some of the costs associated with undertaking pre-application discussions with potential applicants for planning permission, and to offset some of the costs of the planning process.
3. Pre-planning application guidance is seen as a key part of delivering a good planning service. The National Planning Policy Framework states:

“Early engagement has a significant potential to improve the effectiveness of the planning system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community. Local Planning Authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications. The more issues that can be resolved at pre-application state, the greater the benefits. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs”

Pre-application advice is advantageous both to applicants and to Local Planning Authorities for the following reasons:

- It provides an opportunity to suggest that an application should not be submitted if the proposal is wholly unacceptable;
- It enables officers to influence the proposal to provide a better development, particularly in terms of design and layout;
- It allows discussion regarding the information required to accompany an application and any draft legal requirements; and
- It allows liaison with other departments and consultees (internal and external) to bring out any conflicting views and issues.

Corporate Strategy 2015

4. Cornerstone 3 of the Performance and Business Plan for 2015/16 says that there will be a focus on “Our Services – delivering our services in a way that helps resident

communities deepen their understanding and support for the special qualities of the national park”. The Corporate Strategy 2012-15 included 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 introduction of charging was intended to support the provision of a high quality planning service at a time of budget constraints.

Current Position

5. The principle of charging for pre-application advice was initially agreed by the Authority in December 2013 and was introduced on 1 April 2014. That scheme covers a wide range of developments which were considered to be commercial or business related, but it did not include householder developments. A target of £20,000 has been set from charging for planning advice in 2014-15. When the initial scheme was agreed in December 2013, it was agreed that a report would be brought to the Authority after 12 months of operation to review its performance and effectiveness. There was a partial review of the original scheme when the Authority considered the proposed extension to include householder developments in February 2015 and, based on that assessment, Members agreed to extend it to householder developments. At that meeting the Authority agreed to extend the scheme to include householder developments, with a flat rate fee of £100. This report provides a full review and an initial assessment of the scheme to include householder development, which has now been operating for 6 months
6. The Planning Service is currently funding in two ways – an allocation in the annual budget from the DEFRA grant given to the Authority and from planning application fee income, with the additional income from pre-application charging now added to this. Planning application fee income is variable and cannot easily be predicted, but in recent years it has been relatively consistent at around £210-230,000 pa. The position for 2014-15 was that application fees were around £50,000 above expectation, at approximately £318,000, largely because of a number of high fee-earning applications. Fees are set nationally and rarely cover the cost of determining an application; proposals for local fee setting were considered by the Government but were not progressed.
7. The background to charging for pre-application charges was set in some detail in the report to Authority in December 2013, so this is not repeated here. That report also set out the background to, and proposals for, introducing Planning Performance Agreements (PPAs). Although PPAs were agreed by the Authority in December 2013, none have been used to date. This is partly because they are voluntary and require an applicant to either offer one or agree to one. They are particularly useful for the pre-application stage of major developments, including minerals and waste proposals. Officers are expecting to make greater use of these in the coming year and will actively promote them with applicants.
8. The Authority encourages prospective applicants to seek pre-application advice so that issues that could arise during the application process are identified and dealt with as early as possible and the application is submitted in the best form possible. It can also help to avoid validation problems and delays. Detailed planning advice is largely provided through the Planning Service, but a significant amount of general advice on more straight forward matters is provided by the Customer Service Team, particularly by the Planning Advisor. In addition to this, other officers provide specialist advice - for example on developments which affect listed buildings, conservation areas, trees, features of ecological or archaeological interest, for example.
9. The principle that the person receiving a service should cover part of the cost of providing that service was considered to be acceptable and equitable by the Authority in

December 2013.

10. The charging scheme generates additional income which helps to provide/maintain resources within the Planning Service at a time when budgets are constrained. The process also results in a clearer expectation by applicants/agents and Planning officers about the nature of the advice being given, with a more business-like approach being adopted to the submission of information and the provision of advice in return.
11. The following principles were adopted when the current pre-application advice charging scheme was introduced:

Principles:

- Fees should be set at a level which will not be prohibitive and which would not deter most applicants/agents from seeking advice, whilst be sufficient to justify the administrative costs and time taken to collect and process them.
 - The proposed fee scales are not intended to meet the whole cost of providing the Planning Service; this would require a level of fees which would be significantly higher than proposed. The purpose is to generate some additional income which would help to provide/maintain resources within the Planning Service at a time when budgets are constrained.
 - Fees should be simple and easy to understand.
 - Fees should be fixed rate for single meetings, letters and reports for all but major developments where variable fees may be more appropriate.
 - No fee should be charged for confirming whether or not planning permission is required as this is an important piece of advice which applicants require
 - Fees for major developments shall be based on the above principles, but with project specific fees being negotiated with applicants and agents at an initial meeting. Where possible the applicant will be encouraged to enter into a Planning Performance Agreement, which will include agreement on fees, at the outset (see below for further guidance on PPAs).
 - Where an hourly rate is to be charged, it is recommended that this be charged at £45 per hour.
 - All fees include VAT.
 - The fees shall be reviewed every 12 months and revised as necessary on 1 April each year.
12. When the introduction of charging for pre-application advice was agreed in December 2013 the principle of charging for businesses for advice was accepted, but it was considered that householders should not be charged at that stage. However, given the nature and scale of applications received by the Authority each year, with a predominance of householder applications, Members agreed in February 2015 that charging householders for pre-application advice could provide a reasonable level of income, although it was acknowledged that it would also impact on a wider range of applicants. In 2013-14 over 300 householder applications were received in the Peak District, approximately 30% of the total received.
 13. Using the same principle as was adopted with charging for non-householder developments, the fee for pre-application advice to householders was set at a flat rate of £100.
 14. It was anticipated that if a fee of £100 is charged and approximately 50% of householder proposals are the subject of pre-application advice (although some may not proceed to an application), then this would result in around 150 x £100, giving an income of £15,000 per annum in addition to the existing pre-application fee income. This would contribute to the target of £25,000 additional income which has been set for the Planning Service in

2015-16. The remainder of this income is expected to be generated through additional income from the existing pre-application charging scheme and through making better use of Planning Performance Agreements (PPAs).

15. **Review of the Scheme**

As noted above, Members had a detailed discussion about the operation of the scheme at the Authority meeting in February 2015 when the scheme was extended to householder developments, but it was agreed that a further report would be brought to Authority after a full 12 months of operation; the initial charging scheme has now operated for 18 months and the householder for 6 months. In general the schemes have worked well, with very few complaints about the level of fees and how the system has worked. The key facts are as follows:

Number of paid for enquiries:

- 115 from 1 April 2015 to 22 September 2015 (out of a total of 1240 enquiries in total logged as enquiries by the Customer Service Team, excluding enforcement enquiries)

Fee income received:

- 2014-15: £23,091 (excluding VAT – all fees paid to the Authority included VAT at 20%). This exceeded the target of £20,000
- 2015-16: to 22 September £14,558, exc. VAT (target for 2015-16 £35,000).

16. An analysis was carried out of two months pre-application enquiries for which a fee was paid (non- householder) to assess the effectiveness of the system. This showed that in these two separate months (July and December 2014) between half and three-quarters of applications determined had sought and received pre-application advice. Of those applications where pre-application advice had been received, all had been approved. Of those where it had not been sought, the majority of applications had been refused. In one month this comprised 4 applications, 3 of which would have been capable of approval had pre-application advice been sought and followed; the fourth application was unacceptable in principle, so had the applicant sought and followed pre-application advice they would not have submitted an application and would not have incurred a planning application fee and any other fees they had incurred (such as consultant's fees).

17. Feedback from agents has largely been that they understand the need for the Authority to cover some of its costs and that the level of fees charged is reasonable. Their main focus is on the quality and speed of advice as they rely on this to advise their clients. Those complaints and concerns which have been received have been where advice has been delayed and, in some cases, the fee has been returned as gesture of goodwill.

18. A key principle of the system is that, where possible, the planning officer who gave the pre-application advice should be the officer who deals with the subsequent application. It is also expected that the officer's approach to the application will be consistent with the pre-application advice given unless there is a very clear and material change in circumstances. The pre-application advice is always given on a "without prejudice basis" so it does not commit the Authority or the Planning Committee. This is accepted practice for local planning authorities.

19. All enquiries are allocated a unique enquiry number and they are then scanned to the Authority's information storage system (currently for internal access only). Many of the enquiries received are relatively minor matters which can be dealt with by the Planning Advisor who works within the Customer Service Team. The majority of these are

currently dealt with in 2-3 working days. Many of these are enquiries seeking advice on whether planning permission is required and these do not incur any fee. Proposals where advice is being sought on a specific proposal for which planning permission is required are allocated to a Planning Officer. The target for these is 15 days (25 days for major development), but the initial contact is often the start of a two-way dialogue with an applicant/agent about a proposal. Whilst the current charging schedule allows the Authority to seek additional fees on an hourly rate for further advice after the initial advice, in practice the advice we have given to date has been based on the fixed initial rate. This is more likely to be used in future for major development. An hourly rate of £45 is given in the schedule, this being based on work carried out in 2011 on the cost to the Authority of dealing with a planning application.

20. Overall, the charging scheme for pre-application advice is considered to be working well. For the Authority it provides a more focussed way of registering and dealing with pre-application enquiries and it provides a source of income which helps the Authority to fund this service. It could also help to reduce the number of frivolous enquiries the Authority receives and to improve the quality of those submitted. For applicants and agents the system provides a more structured way of seeking and receiving pre-application advice which is given in writing, with an expectation that Planning officers will be consistent with this advice in dealing with any subsequent applications. The benefit of pre-application advice is that it helps an applicant or agent to get the application “right first time”, avoiding unnecessary and abortive fees for redrawing plans and providing additional advice.

21. **Next Steps:**

Following the successful introduction of fees for pre-application advice, the Authority’s Tree Service has introduced charges for providing the owners of trees with tree management advice. This is at a relatively low level so it was introduced under authority delegated to officers. The Legal team also has a charging scheme for work on section 106 legal agreements. There have been cross team discussions about the possibility of introducing charges for other specialist advice which the Authority provides on a discretionary basis - for example advice to owners of listed buildings, or advice on the ecological interest of land, and on land and farming matters. In the past this advice has been given free of charge, but it is largely discretionary. However, the role of the Authority’s officers in providing this advice can be invaluable to the land/building owner and it can help the Authority to achieve some of its statutory purposes and duties. Introducing a charging scheme for some of these aspects of the advisory role is therefore considered to be an appropriate way of helping to fund these specialist areas of work, some of which do not fall within the planning system or are related to it in others ways (e.g. listed building advice). The bringing together of planning and specialist advice in the new Directorate for Conservation and Planning will help to provide a more coordinated service to the public on this wider range of matters. The introduction of additional non- planning charging schemes is delegated to officers up to £50,000 (from £30,000 to £50,000 in consultation with the Chair and Vice Chair of ARP).

22. With regard to the current charging scheme, it is recommended that the annual revision of specific charges and the introduction of any new charges for specific proposals which, based on the experience of the last 18 months, were not properly covered in the schedule introduced in April 2014, should be delegated to the Director of Planning (Director of Conservation and Planning from April 2016) in consultation with Chair and Vice Chair of Planning. This will allow for relatively minor changes to cover operational issues to be dealt with at an appropriate level, but any significant changes would be referred to the Authority.

-
23. **Are there any corporate implications members should be concerned about?**
No
24. **Financial:** There are obviously financial implications a fee charging schedule. Firstly, it will provide additional income, although the level can only be estimated and cannot be guaranteed. In terms of costs to the Authority, a system for collecting fees has been set up so there is no additional cost or significant officer time involved in extending this to householder developments. A target of £20,000 from the original charging scheme was set in the Planning Service budget for the year 2014-15 and this was exceeded. The additional income from the extended charging scheme £15,000 in 2015-16. This will be kept under monthly review so if income is falling well short of target, a mid year review will have to consider additional mitigating action.
25. **Risk Management:** The financial risk is covered above. The other risk which should be considered is that of the possible damage to the reputation of the Authority and its relationship with applicants and agents, who may consider that they are paying for a service which should be covered by the planning application fee. However, the principle of charging for pre-application advice is now well established in the planning system and within the Peak District. The majority of LPAs in the areas surrounding the Peak District now have a charging regime. If the income can be seen to support the retention of a good planning service, then the public is more likely to accept the principle that users should pay for the service.
26. **Sustainability:** None
27. **Consultees:** Head of Finance
28. **Background papers (not previously published):** None
29. **Report Author, Job Title and Publication Date:**
John Scott, Director of Planning, 24 September 2015.

10. HOPE VALLEY CAPACITY IMPROVEMENT SCHEME PROPOSED FORMAL RESPONSE PROCESS (A8613/ EF)

1. Purpose of the report

This report makes Members aware that the Transport and Works Act Order for the Hope Valley Capacity Improvement Scheme was submitted to the Secretary of State on 25 September 2015. It goes on to outline a proposal for involving Members in the Authority's response to the Order and seeking approval for submitting the final response to the Order.

2. Key issues

- Network Rail proposes to increase capacity on the Hope Valley line between Sheffield and Manchester by providing two passing loops, one of which is within the National Park.
- The proposed location for the loop that is within the National Park is between Bamford station and the overbridge where Jagers Lanes crosses the railway line to the west of Hathersage.
- The Authority has responded to all appropriate public consultations on the scheme, most recently a June consultation and on the draft Environmental Statement for the scheme.
- At paragraph 7, the report outlines a number of comments and concerns that are likely to remain as we enter into the process of responding to the formal Orders on the scheme.
- The Authority has until 6 November to respond to the Orders, which unfortunately does not fit with our existing Authority or Planning Committee dates.
- Therefore, at paragraph 9, the report outlines a process of ensuring that Members are engaged with and approve the response to the Orders.

3. Recommendations

- 1. It is noted that the Transport and Works Act Order for the Hope Valley Capacity Improvement Scheme has been submitted to the Secretary of State, and that a formal consultation on the Orders has begun.**
- 2. That the Authority delegates the Authority's response to the Hope Valley Capacity Improvement Scheme Transport and Works Act Order to officers to develop in consultation with the Director of Planning (as Management Team lead for this project) and the Chair and Deputy Chair of the Authority.**

How does this contribute to our policies and legal obligations?

4. The Hope Valley Capacity Improvement Scheme could contribute to delivering a number of National Park Management Plan outcomes and corporate objectives 2015-16, specifically, as follows:

National Park Management Plan Outcomes

DL4: Greenhouse gas emissions will be reduced and a healthy national park will adapt to the effects of climate change.

TV2: Communities and individuals will feel inspired to live sustainably and help shape the place they live in.

TV3: Residents will have sustainable access to local services and employment.

WI3: Visitors and residents will be inspired to act in a way that sustains the environment and the special qualities of the Peak District.

ES2: There will be a diversity of thriving businesses supporting and contributing to the economy and local communities which are critical to the long term future of the national park.

ES4: Traditional and modern economic development that is innovative, well managed and appropriate to the landscape will be supported.

Corporate Objectives

D4b: Improve access to the National Park for less represented audiences – young people and health opportunities

5. Background

This scheme was previously known as Hope Valley Passing Loops. As some Members will be aware from informal briefing notes, Network Rail proposes to increase capacity on the Hope Valley line between Sheffield and Manchester. At present, slow moving freight and passenger trains are a constraint to capacity on the line. To overcome this in 2013 Network Rail proposed provision of two passing 'loops', one at Grindleford and one at Dore, to allow fast trains to pass slow freight and passenger trains. The 'loop' is a length of additional track running adjacent to the existing track, so that it acts as a passing place. Since then, the Department for Transport changed the specification for the project, which meant that Network Rail could assess other locations for the passing loops. Network Rail is now proposing one passing loop between Bamford and Jaggars Lane, Hathersage (replacing the proposed loop at Grindleford), and one at the original location at Dore. The proposed location for the loop that is within the National Park is between Bamford station and the overbridge where Jaggars Lanes crosses the railway line to the west of Hathersage. It would be approximately 1km in length and to the north of the existing tracks, which runs straight for this length of line.

6. The Authority has engaged with the project team within Network Rail from the start of the project. A number of different specialist teams have been involved in this work, including transport policy, planning, rights of way, ecology, cultural heritage, archaeology and landscape, to ensure all potential impacts of the scheme on the National Park are considered. The Authority has responded to all appropriate public consultations on the scheme, and outlined our expectations in terms of the evidence that Network Rail need to provide to enable officers to assess the impact of the proposal on the National Park.
7. Most recently, the Authority responded to a public consultation in June 2015 and in August 2015 provided confidential comments on the draft Environmental Statement for the scheme. Our responses to both these consultations outlined a number of areas where we require further information or clarity on the information provided in order to ascertain the impact of the proposal on the National Park or satisfy tests within planning policy. Due to the project timescales being extremely tight, we have been informed by Network Rail that they have been unable to take account of our response to the draft Environmental Statement before the document was finalised. Therefore, it is extremely likely that our comments and concerns will remain for the final Environmental Statement. A summary of the points made in our responses to the last two consultations are as follows.
 - Any major development within a National Park, which the Bamford to Jaggars Lane loop is considered to be, should only take place in exceptional circumstances. Network Rail still need to outline what the exceptional circumstances are, which should be partially determined through the alternatives that they have examined. Paragraph 116 of the National Planning Policy Framework states that planning permission should be refused for major

developments in designated areas (including National Parks) except in exceptional circumstances and where it can be demonstrated they are in the public interest.

- The landscape section of the draft Environmental Statement was missing three elements we would expect to see within it.
- Many of the policy sections of the draft Environmental Statement were incomplete, as they lack reference to a number of National Park policies that are relevant.
- The most recent draft design of the footbridge that will accommodate the Hathersage West footpath was unacceptable within a National Park setting. We therefore await a response to our most recent correspondence on this.
- Given the scale and impact of the proposed development within a National Park, the archaeological assessment of the affected area is still considered to be inadequate.
- To date, we have not been provided with an outline landscape and ecology plan.
- To date, we have not been provided with the risk assessment report of all footpath crossings on the route.
- We have sought clarification that all site compounds will be located in species poor grassland and whether there is the potential for night time lighting during the construction phase which could impact on foraging bats and nesting birds.
- To date, we have not been provided with the proposed design of underbridge MAS 25, as the design needs to be sympathetic to its National Park setting.
- We have requested that further noise surveys are undertaken within Hathersage, as we believe accelerating and decelerating trains will be audible from within in the village; without the noise survey information that we have requested the impact on the residential amenity of the area cannot be assessed.

It can be seen from the above summary that there are a number of concerns and some of them are significant to the Authority, for example the failure to outline the reason for major development in a National Park, an inadequate archaeological assessment and design of the footbridge. Therefore, although the Authority may wish to support the proposal in terms of the principle of this scheme encouraging sustainable travel within the National Park, we may be obliged to object to the proposal on points of technical detail. It will not be until officers have had sufficient time to comprehensively assess the information provided in the Orders that we will be able to come to a view, but at this stage, Members should be aware of the level of concerns we have previously had on this scheme.

Proposals

8. The Transport and Works Act Order is the statutory process for gaining approval for works on the railway, with the decision being made by the Secretary of State rather than the planning Authority. Network Rail submitted their order on 25 September 2015, and there is now a consultation period of 42 days for anyone to make their views on the scheme known to the Secretary of State. This means that the consultation closes on 6 November 2015. Subject to approval being given, works would begin in summer 2017, with a completion date of December 2018.
9. Unfortunately, the consultation timescales outlined in paragraph 8 do not fit with our existing committee dates. Therefore, this report proposes a way of engaging with Members (of which, this paper is the first step) in advance of submitting our formal response, and also gaining Authority approval for the response, as set out below.
1. This report outlines (at paragraph 7) a number of areas of concerns that we are led to believe are likely remain within the Orders, as the project timescales have not allowed Network Rail sufficient time to take our previous responses into account. Therefore, the summary above provides Members with a good indication of the

level of concern we have with the scheme.

2. We will engage with Members on this scheme on the day of the Strategic Finance Workshop on 23 October, when most Members will be at Aldern House. This meeting will provide an update on the concerns outlined in paragraph 7 of this report, and any further ones that may have arisen. At this point in time, officers will be able to advise Members on the Authority's likely response to the scheme, and receive feedback on this so we can take account of it in advance of submitting the response to the Secretary of State on 6 November.
3. We will bring an information report to the 4 December Authority meeting with our response on the scheme, as submitted to the Secretary of State, as an attachment. We can also provide Members with any response or further information that Network Rail may have provided.

It is therefore requested that officers thoroughly assess the Order documents, and develop the Authority's response to the scheme in consultation with the Director of Planning (as Management Team lead for this project) and the Chair and Deputy Chair of the Authority. As outlined above, there will be an opportunity for all Members to engage with the response on 23 October.

Are there any corporate implications members should be concerned about?

10. **Financial:** Staff time is the only financial implication of responding to the Hope Valley Capacity Improvement Scheme Transport and Works Act Order.
11. **Risk Management:** Risks associated with responding to the Hope Valley Capacity Improvement Scheme Transport and Works Act Order have been minimised by actively engaging with the project team within Network Rail from the start of the project. The Authority has responded to all appropriate public consultations on the scheme, and outlined our expectations in terms of the evidence that Network Rail need to provide to enable officers to assess the impact of the proposal on the National Park.
12. **Sustainability:** The Hope Valley Capacity Improvement Scheme has the potential to enable more residents and visitors to access and travel within the National Park by sustainable means.
13. **Background papers** (not previously published)
None.
14. **Appendices**
None.
15. **Report Author, Job Title and Publication Date**
Emily Fox, Transport and Climate Change Policy Manager, 24 September 2015

11.1 MEMBER LEARNING AND DEVELOPMENT ANNUAL REPORT (A.111/RC)

Purpose of the report

1. This report sets out proposals for the next annual programme of Member learning and development events (January - December 2016).

Recommendations

2.
 1. That the proposed Member learning and development events programme for January to December 2016 at Appendix 1 be agreed.
 2. That Member learning and development activities continue to be recorded in terms of hours and include personal learning and development by Members outside of events organised by the Authority, with the target of 20 hours per Member in every 12 months.

How does this contribute to our policies and legal obligations?

3. This work contributes to achieving the corporate objectives for 2015/16 as part of the 4 Cornerstones to building a solid foundation:
 - Cornerstone 4 - Developing our organisation so we have a planned and sustained approach to performance at all levels (people, money, outputs)
 - a. A solid performance management approach
 - b. A clear plan for the future to give ourselves strategic certainty for 2016/17 and beyond

The Authority aims to enable members to develop appropriate skills, knowledge and behaviours to improve effectiveness and fulfil their role as a member of the authority and to ensure that processes are in place to support this within a framework of good governance and continuous improvement.

Background

4. In October 2007 the Authority agreed a revised approach to Member Learning and Development. The full report can be found at:
<http://resources.peakdistrict.gov.uk/ctte/authority/reports/2007/071005Item10-4Annex1.pdf>.
5. In October 2009 (minute 74/09) Members agreed to a number of actions to progress towards achieving the East Midland Development Charter and setup a member learning and development task team to help outline the Authority's future approach to:
 - Producing future member personal development plans
 - Reviewing member development plans when in place
 - Member appraisals
 - Developing members to take on leadership roles including formal committee roles and Member Representative roles
 - Encouraging all members to participate in the essential events of the annual programme
6. Since the Group reported back, to deliver savings, the Authority reduced the level of direct support given to Members by the Democratic Services Team. While this decision has had an impact on the timescales in which the Authority will meet the requirements of the Charter, it is still a longer term aspiration to meet the Charter Standard and the proposals in this report continue our steps towards this.

7. At the AGM in July 2014 it was agreed to re-instate the Member representative role for Member Learning & Development and Cllr Peter Harrison was appointed as the new representative. However, following the Parish Member elections this year Cllr Harrison is no longer a Member of the Authority and at the AGM in July this year the Member Representative post was left vacant pending a review of all the Member representative roles.
8. Although the Authority continues to provide direct support, one of the key principles for Member Learning & Development is that Members are asked to take individual responsibility for their training and development. This includes:
 - Some element of self-assessment on areas for improving effectiveness
 - Making the most of opportunities offered both at the Authority and elsewhere
 - Making the most of experiences available to Authority Members – talks and walks etc.
9. The attached Learning and Development Plan, and the activities included within it, aim to support members in meeting their Learning and Development responsibilities.
10. In September 2010 progress in delivering the approach agreed in 2009 was reported to the Authority. The learning and development programme was divided into three categories: essential events for all Members, desirable events for all members and events to meet identified needs for some members. It also introduced the idea of providing briefings at the end of the Authority meeting rather than calling Members in on additional days. This style of training programme was continued for 2011/12 with a slight amendment to highlight the distinction between events focusing on progressing the Authority's business which either included an element of learning but were essential to involving Members in moving the work of the Authority forward and events focussing on meeting the needs in Members' Personal Development Plans. Also following feedback from a Member workshop in 2011 the Learning and Development Plan was divided up into three sections:
 - Core Learning and Development Events organised by the Authority for which attendance by all Members is either essential or desirable.
 - New Member Induction Events which are essential or desirable for those recently appointed to the Authority
 - Optional learning and development opportunities which have been identified by Members during recent workshops or in their personal development plans.
11. The final group of opportunities was divided further into groups as identified in the Members skills matrix previously agreed by the Authority:
 - Developing Skills
 - Governance Performance & Scrutiny
 - Strategic & External Leadership
 - Improving knowledge of the work of the National Park Authority
12. Since then a clear message from Members has been that there should be fewer formal learning and development sessions and more opportunities for personal development through other methods such as e-learning, workbooks and shadowing officers. The final group of opportunities in the Learning & Development Plan for 2011/12 was aimed to progress this by asking Members to look at them and identify two of those areas they had an interest in pursuing during the forthcoming year. The mode of delivery of these elements was then dependent on the level of interest and preferences of individual members. In choosing from the programme Members were asked to have regard to issues identified in their self assessment and their personal learning and development plan, while being realistic about what is achievable in a year

and the Corporate targets for Member Learning and Development.

13. Some optional choices have again been included in the learning and development programme for 2016.
14. In 2011 it was agreed that performance in Member Learning & Development would be reported in terms of hours rather than days. This was to allow us to capture relevant personal learning and development by Members outside of opportunities provided by the Authority. A target of 20 hours per Member within a 12 month period was agreed (Minute 59/11).

Proposals

Learning and Development Plan

15. The proposed learning and development plan for 2016 is attached at appendix 1. The format is the same as in the previous 4 years and this is explained in paragraphs 9 to 11 above.
16. There have been 6 new Members this year and all have been asked if they would like to meet with an external facilitator to produce a Personal Development Plan (PDP). At present there has only been one expression of interest in this offer. Of the remaining 24 Members, currently 13 have a PDP in place. Of the 11 Members who do not have a PDP some have previously indicated that they do not wish to take up the opportunity, however these Members can still request the opportunity to meet with an external facilitator if wished. Provision of training opportunities for any extra areas/issues identified by new PDPs will be considered by the Democratic and Legal Support Team as necessary.
17. New Members are also offered the option of having a 'Buddy' Member. A 'Buddy' Member is an existing Member who is willing to mentor a new Member, help them with settling into their new role and to support them through their first 6 months or so. 'Buddy' Members were introduced as part of the new Member induction process in 2010 and of the new Members this year so far 1 has requested a 'Buddy'.
18. All expressions of interest and recording participation in activities will be co-ordinated by the Democratic & Legal Support Team. As in the previous 4 years each Authority Member will be able to choose a maximum of two optional items from the list for 2016 and all choices need to be submitted to the Democratic and Legal Support Team by 1 December 2015. Arrangements for providing the optional elements will then be considered.
19. Where possible additional briefings during the year are scheduled for Authority meeting days and this practice will continue for 2016.

Recording and Measuring Performance

20. It is proposed that learning and development activities continue to be recorded in terms of hours and include personal learning and development by Members outside of events organised by the Authority, with the target of 20 hours per Member in every 12 months, as agreed last year.
21. Records for 2014/15 show that 24% of Members (7 Members) almost obtained the target of 20 hours, a decrease of 5% from last year, and 34% (10 Members) exceeded the target of 20 hours, an increase of 1% from last year, just by attending workshops and training/development sessions provided by the Authority. The percentage of Members recording less than 10 hours of learning and development has doubled this year to 20% (6 Members). However this figure may have been affected by the

changes in Membership over the past year.

22. During 2013 a self-assessment form for Members was trialled with the Secretary of State appointed Members in May and then rolled out to all remaining Members in August. Members were asked to complete the self-assessment form and, for those who have them, to review their current personal development plans at the same time. The self-assessment form helps to capture Members' contributions towards the Authority's work and towards their learning and development target, whilst also identifying future learning and development needs. The self-assessment was repeated in 2014 and 2015 and will continue to be done annually. The period for self-assessment is from 1 April to 31 March each year. Members joining the Authority towards the end of this period will not be asked to complete a form for that year.
23. This year the self-assessment forms were sent out during April/May and 55% (14 Members) of eligible Members (26) returned completed forms. An increase of 11% from last year. This year Defra requested business cases to support re-appointments of Secretary of State appointed Members and the completed self-assessment forms were invaluable in helping to draft these.
24. Attendance at essential activities will continue to be monitored and reported to the Authority.
25. In considering the proposals in this report the following performance data is relevant:

Data	Results and comments
Member participation in training/briefing events	2012/13: 67.2% (11.2% more than 2011/12) 2013/14: 61% (6% less than 2012/13) 2014/15: 62% (1% more than 2013/14)
2014 Member Survey: (Based on 60% returns)	*Percentage of members who feel valued: 61.1% (*47.7% in 2012, 69.5% in 2010 and 67% in 2008 surveys) Percentage of members who feel developed by the Authority: 94% (81% in 2012, 83% in 2010 and 76% in 2008 surveys) *The 2012 figure was low as 47.6% of Members felt unable to comment and it is thought that this is due to the fact that the Authority appointed 9 new Members that year.
Number of Members with personal development plans	44% have a plan in place (remaining the same percentage as the last 2 years). Of the 17 who do not have a plan, 6 are new Members who have been offered the option to have a plan. The remaining 11 have either previously declined or not taken up any of the interview dates offered but all will be offered the opportunity to have a plan again.
Evaluation of training provided in 2014/15	Key messages from evaluation forms include: a) % of members who felt objectives of workshops were met over 10 workshops = range: 72%-100% over workshops b) % of Members who rated the workshop 'good' over 10 workshops = range: 70%-100%

26. Management Team, Assistant Directors, Heads of Service and the Democratic Services Manager have all been consulted on this report.

Are there any corporate implications members should be concerned about?

27. **Financial:**

Member development costs are funded by the Democratic Services budget and includes funding for all training including attendance at National Parks UK conferences and workshops and the external facilitation of member development plans.

28. As part of the budget planning work in 2011/12 year there was a reduction in staff resource in the then Democratic Services team and in other teams across the Authority. In 2013/14 further reductions in staff resources were made within the Democratic Services Team, now titled Democratic and Legal Support Team. This means expenditure and support to member development has to be prioritised to take account of reduced resources and we cannot do everything we might want to in our aspirations to achieve the Charter in the near future.

29. **Risk Management:** The main risk is failure to enable Members to develop appropriate skills, knowledge and behaviours to improve effectiveness and fulfil their role. The Authority has provided development opportunities for Members for many years. The proposals in this report are part of continuous improvement in our approach but proportionate to the future resources available.

30. **Sustainability:** There are no issues to highlight.

31. **Background papers:** None

30. **Appendices -**

Appendix 1: Proposed programme of member learning and development events for January – December 2016.

Report Author, Job Title and Publication Date

Ruth Crowder, Democratic and Legal Support Team Leader, 24 September 2015.

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Dates have been set for the following learning and development events and attendance for all Members of the Authority is essential or desirable.

ESSENTIAL & DESIRABLE LEARNING & DEVELOPMENT						
Course Event/Title	Attendance	Date	Duration	Type	Current Lead	Notes
Annual Tour	Desirable	24/6/16	5 hours	Development	Jason Spencer	
Strategic Corporate Planning Workshop	Essential	23/09/16	5 hours	Progressing Business & Development	Rachel Gillis	
Planning Training	Essential	30/9/16 Or 28/10/16	4 hours	Progressing Business & Development	John Scott	All Members must attend one of the sessions to participate in decisions relating to planning matters.
Strategic Finance Workshop (1)	Essential	21/10/16	3 hours	Progressing Business	Ruth Marchington	
Strategic Finance Workshop (2)	Essential	18/11/16	3 hours	Progressing Business	Ruth Marchington	

The following learning and development events are designed specifically for new Authority Members and for part of the Induction process

NEW MEMBER INDUCTION						
Course Event/Title	Attendance	Date	Duration	Type	Current Lead	Notes
An Introduction to the Peak district National Park Authority	Essential (for new Members)	10/06/16	2 hours	Development	Jason Spencer	
Getting started as a member – An introduction to Democratic Services	Essential	10/06/16	2 hours	Development	Jason Spencer	
UKANPA new members induction	Desirable	January or September 2016	15 hours	Development	Jason Spencer	

The final section list areas for learning and development that have been identified by Authority Members as development needs. **Members are invited to look down the list and advise Democratic and Legal Support Team of any two that they would be interested in participating in by Tuesday 1 December 2015.** The method of delivery will depend upon the number of members who express an interest. (in this section a date is only given where a session has already been organised)

DEVELOPING SKILLS					
Course Event/Title	Attendance	Estimated Duration	Type	Current Lead	Notes
Influencing/Persuading Skills	Optional	3 hours	Development	Ruth Crowder	
Constructive Challenging Skills	Optional	3 hours	Development	Ruth Crowder	
Managing Time/Speed Reading	Optional	3 hours	Development	Ruth Crowder	
Chairing Skills	Optional	2 hours	Development	Ruth Crowder	
Skills for Presentations and Public Speaking	Optional	3 hours	Development	Ruth Crowder	
Using the internet and Member Portal as a source of information	Optional	1 hour	Development	Ruth Crowder	
IT Skills	Optional	1 hour	Development	Darren Butler	1-1 meetings by appointment

GOVERNANCE PERFORMANCE & SCRUTINY

Course Event/Title	Attendance	Estimated Duration	Type	Current Lead	Notes
Code of Conduct and Role of Audit, Resources and Performance Committee	Optional	2 hours	Learning	Jason Spencer	
An introduction to Corporate Planning	Optional	2 hours	Learning	Rachel Gillis	
National park Finance and Financial Planning	Optional	3 hours	Learning	Philip Naylor	
Dealing with Complaints	Optional	1 hour	Learning	Ruth Crowder	
The role of Authority Members in Monitoring Performance	Optional	3 hours	Learning	Rachel Gillis/Wendy Amis	
National Park Authority Scrutiny	Optional	3 hours	Learning	Jason Spencer	

STRATEGIC & EXTERNAL LEADERSHIP

Course Event/Title	Attendance	Estimated Duration	Type	Current Lead	Notes
Approaches to Climate Change	Optional	3 hours	Progressing Business	Rachel Gillis	
Working in Partnership.	Optional	3 hours	Progressing Business	Rachel Gillis	
The National Park Management Plan	Optional	2 hours	Learning	Rachel Gillis	
National Parks UK Workshop	Optional	5 hours	Development	Jason Spencer	Date to be confirmed
National Parks UK Conference	Optional	5 hours	Development	Jason Spencer	Date to be confirmed

IMPROVING KNOWLEDGE OF THE WORK OF THE NATIONAL PARK AUTHORITY

Course Event/Title	Attendance	Estimated Duration	Type	Current Lead	Notes
Land Management	Optional	2 hours	Learning	Jane Chapman	
Recreation Strategy	Optional	2 hours	Learning	Rachel Gillis	
Affordable Housing	Optional	2 hours	Learning	John Scott/Brian Taylor	
Moors for the Future	Optional	3 hours	Learning	Chris Dean	
Sustainable Tourism	Optional	2 hours	Learning	Rachel Gillis	
Transport Issues in the National Park	Optional	2 hours	Learning	Emily Fox	
Access and Rights of Way	Optional	2 hours	Learning	Mary Bagley	
Maintaining and Developing Services in Villages	Optional	2 hours	Learning	tbc	
The Role Rangers and Volunteers	Optional	3 hours	Learning	Mary Bagley	May involve shadowing opportunity
Approaches to Engaging Communities	Optional	2 hours	Learning	Rachel Gillis/Brian Taylor	
Community Planning	Optional	2 hours	Learning	John Scott/Brian Taylor	