

AGENDA ITEM No. 10

PEAK DISTRICT NATIONAL PARK AUTHORITY

NATIONAL PARK AUTHORITY MEETING

27 MARCH 2009

CHIEF EXECUTIVE

PART A

1. RETENTION OF PEAK DISTRICT NATIONAL PARK STRUCTURE PLAN AS BEING MATERIAL TO PLANNING DECISION FOLLOWING THE MARCH 2009 ADOPTION OF THE EAST MIDLANDS REGIONAL PLAN (REGIONAL SPATIAL STRATEGY) (A61442/PTA)

1 Purpose of the report

1.1 To secure the retention of the Peak District National Park Structure Plan as being material to planning decisions following the March 2009 adoption of the East Midlands Regional Plan (Regional Spatial Strategy) until such time as it is replaced fully by the Core Strategy and Development Management Document(s) in the emerging Local Development Framework (LDF).

2 Recommendations

2.1 **That the Authority endorses the content of the Structure Plan as representing its view (for use as described in recommendation 2) until it is replaced fully by the Core Strategy and Development Management Document(s) in the emerging Local Development Framework (LDF).**

2.2 **That for those elements of the Peak District National Park Structure Plan (adopted 1994) that were “saved” beyond 27 September 2007, the Authority continues its current practice (see paragraph 3 below) of taking them into account as being material to planning decisions wherever this remains relevant in the light of the March 2009 adoption of the East Midlands Regional Plan (Regional Spatial Strategy) and in support of the Peak District National Park Local Plan (adopted March 2001).**

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

3.1 From its adoption on the 12th March 2009, policies in the East Midlands Regional Plan (Regional Spatial Strategy) replace those Structure Plan Policies that were “saved” beyond 27 September 2007 (Minute 121/07). The new policies are not as detailed as those in the Structure Plan were. In some circumstances this can lead to the possibility of confusion when trying to understand fully how policies in the Peak District National Park Local Plan tie in with policies in East Midlands Regional Plan and when interpreting both. The following practice is therefore in place (agreed at the 13th March 2009 Planning Committee) in order to avoid any gaps in understanding the hierarchy of policy intent when making development control decisions. It helps to ensure consistency of approach in the application of policy between now and the completion of the Core Strategy and Development Management Documents:

- a) Whilst the saved Structure Plan policies are no longer statutory policies, they remain material to the proper understanding of the Local Plan and to the way in which that document helps to implement the East Midlands Regional Plan. This will remain the case until policies in the Structure Plan are fully replaced by the Core Strategy and Development Management Documents.
- b) Statutory policies quoted as reasons for approval or refusal of planning permission are in the East Midlands Regional Plan (Regional Spatial Strategy) and in the Peak District National Park Local Plan. Any reference to the reasoning and / or policy in the Structure Plan is where it is compatible with the East Midlands Regional Plan and is in order to help explain the interpretation and application of statutory policy to the particular circumstances of the National Park and to the case under consideration.

4 Background

- 4.1 The East Midlands Regional Plan (Regional Spatial Strategy) is accompanied by a schedule explaining which of its policies replace those of the Peak District National Park Structure Plan. The schedule is attached to this report as Annex 1.
- 4.2 The Government Office for the East Midlands has indicated that the approach described in paragraph 3 above is a sensible one that should clarify any potential gaps in the hierarchy of policy intent. They also commented that this should be a temporary arrangement until the Core Strategy is produced, and that this should now be done as a matter of urgency.
- 4.3 There has been no statement by Government or by the Regional Assembly for the East Midlands that disagrees with the former policies of the Peak District National Park Structure Plan, or that denies their relevance to the Peak District National Park Local Plan, the saved policies of which are still a direct part of the statutory policy base. The relevance of the Structure Plan to the way in which Local Plan policies are applied is made clear in the local plan itself: in text before each policy and by the interdependence of some policy phraseology.

5 Proposals

- 5.1 To formalise its intention to continue making use of the Structure Plan in the manner described in paragraph 3 above, it is considered advisable for the Authority to agree the recommendation set out above.

6 Are there any corporate implications members should be concerned about?

- 6.1 **Financial:** None other than in respect of paragraph 6.2.
- 6.2 **Risk Management:** In common with other elements of the planning decision process, the material relevance of the Structure Plan to future decision making might be challenged via appeal. An inspector would reach an independent decision, judging the circumstances of the particular case.
- 6.3 **Sustainability:** None. The former Structure Plan and its policies are considered to be compatible with regional and local sustainability considerations.

Report Author, Job Title and Publication Date

Peter Abbott, Policy Planner, 19 March 2009
Background Papers – None