

**11. AGREEING THE PROCESS FOR COMPLETING THE DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT (DPD) (BJT/A.6101)**

**Purpose of the report**

1. To recommend that the Authority endorse the draft set of development management policies at Appendix 1 to form the basis of detailed discussions on the full document with members and other stakeholders during the summer and prior to the formal agreement of this important Development Plan Document (DPD) for publication in the autumn.

**Recommendations**

**That:**

2.
  1. **Members endorse the draft policies at Appendix 1 as the basis of further detailed work on the full DPD; and**
  2. **Delegated Authority is given to the Director of Planning in consultation with a member working group to complete the full detailed drafting of the Development Management Policies Document in readiness for approval at the Authority meeting on the 2 October; and**
  3. **Members agree the composition of the member working group as set out at paragraph 16**

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

**National Planning Policy Framework (NPPF)**

3. The NPPF says it is highly desirable that local planning authorities should have an up-to-date plan in place (para.12) For the purposes of making planning decisions, the Core Strategy supporting text linked the saved Local Plan policies to Core Strategy policies and states that the policies should be read together. As such the Core Strategy and Local Plan are the starting point for planning decisions. Officers have remained confident that the basic thrust of the saved Local Plan is correct for the National Park and as such has formed the basis for the production of the emerging development management policies.
4. Nevertheless, the onus has been on local planning authorities to update their plans and policies so that planning decisions reflect local conditions and the core planning principles of the NPPF. The process of reviewing the saved policies of the Local Plan is therefore a positive step forward to complete the Local Development Plan for the National Park and reduce the scope for challenge.
5. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
6. Paragraph 216 states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

### **National Park Management Plan 2012-17**

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

### **Corporate Objectives 2012 – 15**

8. The assessment undertaken in this report furthers Corporate Objective 3: to provide a high quality planning service to the community of the National Park that achieves national park purposes and that is responsive to and contributes to the debate on planning reform nationally and locally.

### **Local Development Plan**

9. Following the adoption of the Authority's Core Strategy in October 2011, work has continued to complete both Development Management Policies and detailed guidance on sustainable buildings and renewable energy, and other technical design guidance. Collectively the suite of policies and supplementary guidance will form the Authority's Local Development Plan which will provide a basis for greater clarity and certainty in decision making over the next 10-15 years.
10. The Local Development Scheme (see related report to Authority) explains these relationships and confirms the scope and nature of the current Local Development Plan and any timeframes to bring forward new documents.

### **Policy Background**

11. Following the adoption of the Core Strategy in October 2011 officers began to consider the next level of detailed policies that form the Local Development Plan. Currently these are set out in the saved Local Plan adopted 2001. The 2004 Planning and Compulsory Purchase Act introduced the concept of Local Development Frameworks as a package of policy documents. Government expected a quick transfer to this new system and allowed a 3 year period during which existing District and National Park wide plans could be replaced by Development Plan Documents. In reality very few Authorities made progress during this timescale and in 2007 the Government allowed a further bid for indefinite saving of policies to be made. The National Park Authority made a successful bid at this time and this resulted in all but a small handful of policies being retained. Only 5 policies were lost at this stage and these all related to minerals and waste matters owing to the fact that they had become out of date in relation to national policy.

12. The adoption of the Core Strategy in 2011 presented the opportunity to replace further policies and a formal schedule of saved and replaced policies was included as Appendix 2 to the Core Strategy.

### **The Process and Steer so far**

13. In 2012 the Authority approved its Issues and Preferred Options Document for the first formal stage of consultation. Importantly, the preferred options were presented to further the aims of the adopted Core Strategy, and not to undertake an immediate review. The process also allows the Authority to address issues raised through the application of saved Local Plan policies and to take the opportunity of securing further consistency with the NPPF. While there was broad support for many areas of policy, the biggest areas of debate include:

- The criteria to determine affordable housing need and eligibility;
- The need to bring cascade mechanism into policy;
- Bringing about a small increase in the size of affordable housing;
- Barn conversions and the need to further define the concept of valued vernacular;
- Replacement dwellings;
- The ability to condition new development and the scope for subsequent changes;
- Managing extensions to employment sites and considering their long term sustainability;
- Consideration of economic viability in relation to more complex and mixed-use sites;
- The size and design and agricultural workers dwellings; and
- Creating opportunities for farmer succession

14. Some responses did seek to reopen more substantive issues, e.g.:
- Strategic housing policy;
  - Settlement strategy;
  - Climate change policies; and
  - The role that neighbourhood planning offers in bringing about localized solutions

However officers have advised that at this stage it is important to allow the core policies to bed in and be applied over a reasonable time period to allow a series of monitoring reports to be prepared and return to a more strategic review upon completion of the development management policies. This provides an important set of parameters for the scope of policy at this level, i.e. finer grained criteria based policy as opposed to core principles.

15. Since 2012 the Authority has utilised the annual Parish Council's day in 2013 and 2014 to continue the debates and test out emerging policy ideas. Moreover a range of member workshops and chaired debates were held during 2014 and as a result officers have been able to prepare a full set of draft policies (see Appendix 1) for a final period of testing before a version of the plan is brought to the Authority for approval later in the year.

16. Over the last period of detailed drafting, officers have worked closely with a range of specialist officers from across the Authority, such as Cultural Heritage, Natural Environment, Landscape, Minerals and Transport officers. In particular, the Policy Planning team has maintained a regular input from the Planning Service, recruiting a planner on a regular basis to test and critique the emerging approaches and

share insights with a range of other planning staff, including Team Managers. This level of connection across the planning teams has proved highly beneficial in creating a set of policies that are workable and responsive to the needs of the area.

### **The next stage of engagement**

17. Looking forward, it is now vital that time is spent seeking engagement with communities and key stakeholders to ensure as much buy-in to the emerging policies as possible in the lead up to the final statutory stage of consultation.
18. It is proposed to engage closely with the Peak Park Parishes Forum and a selection of other key bodies, including major land owners, interest groups and statutory organisations. The policies attached at Appendix 1 will form the basis of this engagement but officers will liaise at an early stage to seek the preferred means of receiving comments, e.g. through letters and emails or through meetings and workshops.
19. Member input will be organised via a small working group. The proposed composition aims to provide input from Members with appropriate technical knowledge and skills where possible and a balance from the membership across parish, local authority and secretary of state backgrounds. The proposed group is as follows:
  - Paul Ancell – Secretary of State
  - Doug Birkinshaw – Local Authority
  - Lesley Roberts – Parish
  - Patrick Brady - Parish
  - Stella McGuire – Secretary of State
  - Penny Anderson – Secretary of State (appointment to commence from 1 April)
20. Officers have already been in dialogue with the Chairs and Vice Chairs of the Authority in order to seek a steer on the best timeframe for bringing the full document back to Authority for approval. In order to fully engage during the summer and prepare the required documentation ready for consultation, the Authority meeting on the 2 October has been identified as the next available meeting.

### **Statutory requirements**

21. Plan-making follows a series of prescribed stages laid out in regulations. Much of the early stages is flexible and aimed at setting the context and evidence base for the plan as well as developing a set of alternative approaches that can be tested through consultation and through a Sustainability Appraisal and an Assessment under the Habitats Regulations. These assessment processes are required through EU obligations and built into the Planning Acts. They ensure that consideration is given to the overall sustainability of the plan and that important environmental features (including internationally protected habitats and species) are afforded appropriate protection. A first layer of these assessments has already been undertaken at the Issues and Preferred Options stage.
22. It is important that these tests are shown to underpin the development of the emerging development plan document. As such, officers have re-engaged consultants to assess the draft policies at this stage and produce a full report into

the potential sustainability of the plan and its potential for impact on protected habitats and species. Officers will lead on these technical processes and report back to the member working group at the key times later in the summer.

23. The key tests for the soundness of a plan involve it being:
- Positively prepared – seeking to address the needs of the area as far as possible without causing harm to the valued characteristics;
  - Justified – being the most appropriate strategy for the area, when considered against the alternatives and the evidence base;
  - Effective – the plan should be deliverable over its period based on effective joint working on cross boundary matters; and
  - Consistent with national policy
24. Officers have recently sought advice from the Planning Advisory Service (PAS) and a detailed health check of our approach will be undertaken over the next 2-3 months. This support is funded via the Government so there is no cost to the Authority. A report will be produced which will be fed back to members in due course. PAS have also indicated that they are able to host training and briefing sessions for members if there is any further need or desire for this in future.
25. Early advice from PAS has been that as the Authority must prepare policies that deliver its statutory purposes and because an adopted Core Strategy is in place with a substantial evidence base behind it, it is likely that the tests for the Development Management Document will be proportionately less rigorous. Nevertheless officers have been advised to prepare carefully to demonstrate how we have met the Duty to Cooperate, and also to update our checklist of consistency with the NPPF. Officers are currently planning in these tasks in readiness for the publication and submission stages to follow later this year.

### **Style and design**

26. Importantly, when officers have engaged with both Chairs and Vice Chairs of the Authority and with PAS, the need for consistency of language and for an engaging document style arose. For a Development Management Document it is particularly important that criteria-based policies are framed in a consistent and where possible in a positive style. It is nevertheless equally important to be clear of those circumstances where development is not appropriate in order to conserve and enhance the National Park and achieve its statutory purposes. The use of maps, photos, diagrams etc are also encouraged in order to illustrate the context and intent of policies.

### **Proposals**

- 27.
1. Members endorse the policies at Appendix 1 to form the basis of further detailed work in completing the Development Management Policies Development Plan Document ready for publication (including 6 weeks consultation) and Submission to the Secretary of State; and
  2. That the full document and proposals map will be brought back to the full Authority on 2 October for approval; and
  3. That the policies set out at Appendix 1 provide the basis of further engagement during the spring and summer; and
  4. Members agree the composition of the member working group as set out at paragraph 16; and

5. Delegated Authority is granted to the Director of Planning in consultation with the Member Working Group to finalise the detailed document.

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

**Financial**

28. None

**Risk Management**

29. Authority benefits from an existing set of adopted policies including the relatively recent Core Strategy (adopted October 2011). As such there is no risk of a policy gap. A key test will be to ensure that there remains broad consistency between the Local Development Plan and the National Planning Policy Framework.

**Sustainability**

30. Having an adopted set of planning policies in place is a great benefit in steering the National Park towards a more sustainable future.

**Consultees: Director of Planning**

Comments included within the report

**Background papers (not previously published)**

31. None

**Report Author, Job Title**

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**Appendices**

- 1. Compendium of draft Development Management policies**