

Hartington Town Quarter Parish Neighbourhood Development Plan

A report to the Peak District National Park Authority of the
Independent Examination of the Hartington Town Quarter
Parish Neighbourhood Development Plan

Copy to Hartington Town Quarter Parish Council

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16 July 2025

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Summary of Main Findings

This is the report of the Independent Examination of the Hartington Town Quarter Parish Neighbourhood Development Plan. The Neighbourhood Plan relates to the Hartington Town Quarter Parish Neighbourhood Area. The Neighbourhood Area was designated by the Peak District National Park Authority on 8 February 2013. Hartington Town Quarter Parish Council is the qualifying body that has led the plan preparation process and submitted the plan to the Peak District National Park Authority. The plan period runs until 2039. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for housing development.

As the Neighbourhood Plan was submitted to the National Park Authority before 12 March 2025, in accordance with paragraph 239 of the National Planning Policy Framework December 2024, I have undertaken this Independent Examination in the context of the National Planning Policy Framework published on 20 December 2023. References to the Framework in my report refer to that version.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Hartington Town Quarter Parish Neighbourhood Area (the Neighbourhood Area) was designated by the Peak District National Park Authority (the National Park Authority) on 8 February 2013. The Hartington Town Quarter Parish Neighbourhood Development Plan (the Neighbourhood Plan) has been submitted by Hartington Town Quarter Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Neighbourhood Area. The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group made up of Parish Councillors and other volunteer residents, supported by a Planning consultant.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council and submitted to the National Park Authority on 13 December 2024. The National Park Authority arranged a period of publication between 3 March 2025 and 28 April 2025. The National Park Authority subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 9 May 2025.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the National Park Authority including a recommendation as to whether the Neighbourhood Plan should proceed to a local referendum. The National Park Authority will decide what action to take in response to the recommendations in this report.

6. The National Park Authority will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the National Park Authority subsequently decide the Neighbourhood Plan should not be 'made.' The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the National Park Authority with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the National Park Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have extensive experience at local planning authority Director or Head of Planning Service level. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, prepared in the full range of types of urban and rural communities.
10. As independent examiner, I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”
13. The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the comments of the Parish Council; the level of detail contained within the submitted Neighbourhood Plan and supporting documents; and the responses to my request for clarification of matters have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; the written representations and comments; and an unaccompanied visit to the Neighbourhood Area undertaken on 18 May 2025.
14. This report should be read as a whole, and has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies.' Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated by the National Park Authority on 8 February 2013. A map of the Neighbourhood Area is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded

development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure projects). I can confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period is 2024-2039. This end date is confirmed in paragraph 1.17 of the Neighbourhood Plan.
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

25. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Hartington Town Quarter Parish Neighbourhood Development Plan 2024-2039 Submission Draft, including Appendices A-D, 5 June 2024
- Hartington Town Quarter Parish Neighbourhood Development Plan 2024-2039 Basic Conditions Statement 19 November 2024 [In this report referred to as the Basic Conditions Statement]
- Hartington Town Quarter Parish Neighbourhood Development Plan Consultation Statement 13 December 2024 [In this report referred to as the Consultation Statement]
- Hartington Town Quarter Parish Neighbourhood Development Plan 2024-2039 Strategic Environmental Assessment Screening Report 28 November 2024
- Hartington Town Quarter Parish Neighbourhood Development Plan 2024-2039 Habitat Regulations Assessment Screening Report 28 November 2024
- Information available on the Hartington Town Quarter Parish Council and National Park Authority websites
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the National Park Authority and the Parish Council including: the initial letter of the Independent Examiner dated 9 May 2025; the comments of the Parish Council on Regulation 16 representations which I received on 23 June 2025; the letter of the Independent Examiner seeking clarification of matters dated 26 June 2025; and the response of the Parish Council dated 8 July 2025 following communication with the National Park Authority
- National Planning Policy Framework (2023) [In this report referred to as the Framework]
- Peak District National Park Core Strategy Development Plan Document Adopted October 2011
- Peak District National Park Development Management Policies Part 2 of the Local Plan for the Peak District National Park Adopted May 2019
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance which should be taken to also include all Written Ministerial Statements]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)

- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species Regulations 2017
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods. A summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan are presented in an accompanying document. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.
27. Following a public meeting attended by approximately 50 people held in July 2014 a Neighbourhood Plan Steering Group comprising Parish Councillors and other volunteers from the community was established in October 2014. A second public meeting in September 2015, and a questionnaire distributed to every household in the Parish were important in identifying issues to be addressed in the emerging Neighbourhood Plan. The findings from the questionnaire were presented at a two-day exhibition attended by approximately 70 people. The 32 completed response forms informed the next stage of plan preparation.
28. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 22 October 2018 and 3 December 2018. A copy of the Pre-Consultation Draft Plan was published on the Parish Council and village websites. Adverts were placed in the local press and

printed copies displayed in local businesses. Statutory consultee bodies and owners of proposed Local Green Spaces were notified directly.

29. By the middle of 2021 a revised draft Neighbourhood Plan was prepared. Because of the time that had elapsed since consulting on the earlier draft and because there had been some significant changes in residents, including new residents on the Peakland Grange development, it was decided that a further Regulation 14 consultation should be undertaken. That consultation took place between 4 December 2021 and 31 January 2022. The consultation was advertised in the parish newsletter and local press. Copies of the revised plan were distributed to every household in the parish with additional copies available in local businesses and the village hall. Electronic copies of the plan were posted on the Parish Council and village websites and were sent to statutory consultees and to owners of land affected by proposed green space designation. A questionnaire and response form, including a specific questionnaire on designated green spaces were made available. Responses included 40 from members of the public, five from owners of land subject to green field designation, and several from statutory consultees.
30. The Consultation Statement presents details of representations received in respect of the Regulation 14 consultations and includes where appropriate comment in response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in changes to the Plan that was submitted by the Parish Council to the National Park Authority. Appendix 3 of the Consultation Statement sets out a Policy Evolution Table and Appendix 4 sets out an explanation of the evolution of the proposed Local Green Space designations. Appendix 5 includes the supporting documents.
31. Following submission of a plan proposal by a qualifying body, the local planning authority check it includes all items set out in Regulation 15, and then publicise the plan in accordance with Regulation 16. The local planning authority then sends the Independent Examiner all the documents set out in Regulation 17, which includes a copy of any representations that have been made in accordance with Regulation 16. The actions necessary under Regulation 16 and Regulation 17 are entirely matters to be undertaken by, and under the control of, the local planning authority. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication. The National Park Authority arranged a period of publication between 3 March 2025 and 28 April 2025. A total of 13 representations were duly made.
32. The National Park Authority suggest a policy index would be helpful and has commented on each Policy of the Neighbourhood Plan in some cases to merely confirm general conformity, and in other cases to seek modification. A specific

comment relates to the colour of road parking restriction lines.

33. Two separate individuals express support for the Neighbourhood Plan. The representation of another individual supports Policies E2, H1 and S2 but does not support Policy DB2 stating that new and affordable housing can be built within the Development Boundary. This representation also objects to double yellow lines on the north side of Hall Bank on the basis that area provides useful overflow parking for the Youth Hostel. Another individual supports the approach to Local Green Spaces and community green spaces; comments on management of affordable housing; and questions whether there should be a greater focus on appropriate sheltered/managed accommodation for the elderly. This representation also comments on parking issues on Hall Bank and elsewhere and questions whether only parking issues relating to new development should be included in the Neighbourhood Plan. A further individual refers to the recent Peakland Grange housing development including whether it should be included within a single contiguous development boundary with the core village area; suggests Policy C1 should address flood risk, including the safeguarding and even enhancement of attenuation ponds subject of past planning permissions; questions in the context of Policies DB1 and DB2 whether the ability to accommodate new development is more constrained than envisaged in the Core Strategy; queries the term “ancillary dwelling” and comments on Policies H2, H3, ED2, and ED3; and refers to parking issues whilst suggesting they are outside the scope of the examination of the Neighbourhood Plan. This representation also suggests policy provision is made within the Neighbourhood Plan for new community facilities in or on the edge of the settlement commensurate with Core Strategy Policy DS1. Two individuals writing together refer to the need to maintain adequate parking facilities; support the designation of Local Green Space 6 as a wildflower area with seating for rest and reflection but not recreational development beyond that. This representation states the Neighbourhood Plan leaves very few future development options and suggests the Peakland Grange development has been of benefit to the community.
34. A representation from ‘Hartington Town Quarter residents’ refers to parking restrictions around the Mere; dark skies policy; access to Wolfscote Hill; and access to the Tissington Trail.
35. Derbyshire County Council suggest inclusion of additional information regarding school provision and support the approach to development boundary and housing and suggest:
- Policy E1 should require Biodiversity Net Gain above the statutory requirement.
 - Policy C1 should require all new dwellings and commercial buildings to include microgeneration and should include requirements relating to energy

efficiency and overheating for all new development and extensions; surface water infiltration; and retrofit of existing buildings. The County Council also recommend a policy supporting nature-based solutions for flood prevention (for example around land management practices and 'slowing the flow').

- Additional and alternative approaches to transport matters.

36. Network Rail has offered general advice. Natural England has offered general advice but confirmed it does not have any specific comments on the Neighbourhood Plan. The Coal Authority also confirmed it has no specific comments.

37. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy or other matters that could be included in the Neighbourhood Plan, for example where Derbyshire County Council suggest additional and alternative approaches to transport matters, that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley National Park Authority* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017, and Town and Country Planning Act Schedule 4B paragraph 10(6), where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.

38. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council prepared comments which I received on 23 June 2025 regarding the representations, and those comments were published on the National Park Authority website. I have taken all the Parish Council comments into consideration even though I have not referred to them all in my report.

39. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:

- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

- b) explains how they were consulted;
- c) summarises the main issues and concerns raised by the persons consulted;
and
- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

40. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

41. This section of my report considers whether the Neighbourhood Plan, when considered as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

42. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood

Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010.

43. Section 7 of the Basic Conditions statement states “An equalities impact assessment has not been undertaken, as is no longer required under the Equalities Act 2010, and it is not considered the Plan discriminates unfairly or in a manner which is contrary to the Human Rights Act 1998”. From my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.
44. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
45. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the National Park Authority either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
46. The Hartington Town Quarter Parish Neighbourhood Development Plan 2024-2039 Strategic Environmental Assessment Screening Report 28 November 2024 states “It is demonstrated, through assessment against the significance criteria in the SEA Directive and Regulations . . . that the impact of Hartington Neighbourhood Development Plan will not result in significant environmental effects.” The Screening Report includes, as appendices, the responses of Historic England, Natural England, and the Environment Agency. The Basic Conditions Statement states consultation responses supported the conclusion and with comments that will be “taken into account.” I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

47. The Hartington Town Quarter Parish Neighbourhood Development Plan 2024-2039 Habitat Regulations Assessment Screening Report 28 November 2024 states “there is likely to be no significant effect of the Hartington Neighbourhood Plan on the European sites. Therefore, an appropriate assessment is not required.” The Environment Agency and the statutory consultee Natural England have confirmed agreement with the conclusion reached. I have noted an independent ecologist report has also concluded the Neighbourhood Plan is unlikely to have a significant effect on any European Site either alone or in combination. I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
48. There are other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
49. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
50. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. The National Park Authority as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
 - when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

51. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it

the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”

52. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
53. As the Neighbourhood Plan was submitted to the National Park Authority before 12 March 2025, in accordance with paragraph 239 of the National Planning Policy Framework December 2024, I have undertaken this Independent Examination in the context of the National Planning Policy Framework published on 20 December 2023. References to the Framework in my report refer to that version. I have considered the Planning Practice Guidance in that context.
54. Paragraph 182 of the National Planning Policy Framework (2023) states “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads (further guidance is set out in footnote 63 of the Framework 2023. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”
55. Paragraph 183 of the National Planning Policy Framework (2023) states “When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development (defined in footnote 64 of the Framework 2023) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

56. Part 4 of the Basic Conditions Statement set out a broad explanation how the Neighbourhood Plan has regard to the Framework and the Guidance. The Table set out on pages 8 to 16 of the Basic Conditions Statement demonstrates how each of the Neighbourhood Plan policies have regard for the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
57. The Neighbourhood Plan includes in part 3 a positive vision for Hartington Town Quarter Parish with three components that have economic, social, and environmental dimensions. Objectives have been developed for the topics of landscape and ecosystems; climate change; development boundary; housing; economic development; transport; and community health, social and cultural wellbeing. The vision and objectives provide a framework for the policies that have been developed.
58. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have, later in my report, recommended a modification to the plan I am satisfied that the need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition "having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan."
59. The Neighbourhood Plan includes at paragraph 9.18 a statement relating to parking control to be adopted as a non-planning community policy. Parking controls are subject to Traffic Regulation Orders which are entirely separate from neighbourhood plan making. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the Parish Council and the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of an issue raised in consultation processes that does not have a direct relevance to land use planning policy represents good practice. The Guidance states, "Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan." I am not satisfied the community aspiration is adequately distinguished from the policies of the Neighbourhood Plan, not least as it is referred

to as a policy and is background shaded in precisely the same way as the policies of the Neighbourhood plan. I have recommended a modification of paragraph 9.18 of the Neighbourhood Plan so that it is clearer the community aspiration is not a neighbourhood plan policy. I confirm the non-policy community aspiration has not been subject to Independent Examination.

Recommended modification 1:

In paragraph 9.18 of the Neighbourhood Plan replace “policy” with “aspiration. This community aspiration has been identified through the plan preparation process but is not a policy of the Neighbourhood Plan,” and remove the background shading of the community aspiration statement.

60. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). To demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.”
61. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
62. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Part 6 of the Basic Conditions Statement states “A Strategic Environmental Assessment has been produced and in conclusion offers evidence that policies are supportive of sustainable development and are aligned to this dimension of PDNPA policies and actions. In particular policies relating to landscape and ecosystems, climate change, economic development, transport, and community well-being are supportive of both the human and environmental dimensions of sustainable development.” This statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.

63. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Ensure development proposals deliver a net gain in biodiversity and landscape quality and do not fragment or disrupt habitat networks;
- Ensure development proposals seek to address the causes and impacts of climate change;
- Establish that new build development, with stated exceptions, should wherever possible be located within a defined settlement boundary;
- Support a wide mix of tenure for new affordable housing, which should be indistinguishable from open market housing;
- Ensure any conversion to an open market home necessary to secure the conservation of a heritage asset should be occupied as a primary residence;
- Guard against change of use of public toilet facilities in Mill Lane;
- Only support new touring caravan and camping sites, yurts, shepherds' huts, and pods under specified circumstances, and only support the extension or improvement of facilities at existing sites under specified circumstances;
- Establish that new shopping or catering facilities at existing caravan and/or camping sites will only be supported at an appropriate defined scale;
- Ensure development demonstrates how it will be served by sustainable and active travel and will include provision of cycle parking and storage.
- Establish conditional support for proposals for an off-road link between Hartington village and the Tissington Trail and ensure cycle parking facilities in Hartington village;
- Guard against loss of public parking in Parsons Croft car park;
- Establish support for development proposals which deliver off street parking for existing residents;
- Ensure commercial development proposals address how travel needs will be met and promote sustainable travel;
- Designate 10 Local Green Spaces and establish support for specified proposals affecting identified Local Green Spaces; and
- Establish conditional support for flexible working space for business use within a community facility.

64. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and

advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

65. Paragraph 13 of the Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Paragraph 21 of the Framework states “plans should make explicit which policies are strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.” Paragraph 29 of the Framework states “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies.”
66. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The National Park Authority has confirmed the Development Plan applying in the Hartington Town Quarter Parish Neighbourhood Area comprises the Peak District National Park Core Strategy Development Plan Document Adopted October 2011, and the Peak District National Park Development Management Policies Part 2 of the Local Plan for the Peak District National Park Adopted May 2019.
67. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The National Park Authority has confirmed for the purposes of neighbourhood planning the strategic policies of the development plan comprise the policies of the Core Strategy.
68. The National Park Authority has begun the preparation of a new Local Plan for the area to provide the strategic planning framework for at least 15 years from its adoption. A Regulation 18 Issues and Options Consultation was undertaken in autumn 2024 and a call for sites has been undertaken in 2025. The National Park Authority website states an intention to submit a draft new Local Plan to the Secretary of State by December 2026.
69. The Neighbourhood Plan can proceed ahead of preparation of the new Local Plan. The Guidance states: “Neighbourhood plans, when brought into force, become part

of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;
- the emerging Local Plan;
- the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

70. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the new Local Plan when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. To satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging new Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be

developed before or at the same time as the local planning authority is producing its Local Plan.”

71. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan, rather than the whole development plan.

72. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

73. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration the final column of the Table presented on pages 8 to 16 of the Basic Conditions Statement that demonstrates how the policies of the Neighbourhood Plan are in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

74. The Neighbourhood Plan includes 21 policies as follows:

- Policy E1 and Policy E2 relating to Landscape and Ecosystems
- Policy C1 relating to Climate Change
- Policy DB1 and Policy DB2 relating to Development Boundary
- Policy H1, Policy H2 and Policy H3 relating to Housing
- Policy ED1, Policy ED2, Policy ED3 and Policy ED4 relating to Economic Development
- Policy T1, Policy T2, Policy T3, Policy T4 and Policy T5 relating to Transport
- Policy S1, Policy S2, Policy S3 and Policy S4 relating to Community, Health, Social and Cultural Wellbeing

I agree with the representation of the National Park Authority that a policy index would be helpful to users of the Neighbourhood Plan. I refer to this matter in the Annex to my report.

75. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

76. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.”

77. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding

unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

78. The Guidance states "A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."
79. "While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan."
80. A neighbourhood plan should contain policies for the development and use of land. "This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004)."
81. "Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need." "A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available."
82. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is 'made' they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy E1

83. This policy seeks to establish planning applications must deliver a net gain in biodiversity and landscape, and includes examples of relevant measures.
84. Paragraph 182 of the Framework state great weight should be given to conserving and enhancing landscapes and scenic beauty in National Parks. Paragraph 185 of the Framework states plans should identify and pursue opportunities for securing measurable net gains for biodiversity.
85. I agree with the National Park Authority that certain types of development are exempt from biodiversity net gain requirements and it is not clear how net gain will be calculated. The requirement to deliver a net gain in landscape is unclear. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I am satisfied the policy seeks to establish examples of measures to reinstate or add to locally significant habitats and features that enhance landscape quality. I am unable to recommend modifications suggested by Derbyshire County Council as they are not necessary to meet the basic conditions.
86. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2:

In Policy E1 replace the first sentence with “Development proposals that set out clear measures to enhance biodiversity, and where relevant, enhance landscape quality, will be supported.”

Policy E2

87. This policy seeks to establish that proposals should not fragment or disrupt habitat networks.
88. Paragraph 185 b) of the Framework states plans should promote the conservation of ecological networks.

89. I agree with the National Park Authority that it is unclear what the existing habitat networks are, however I consider the policy serves a purpose of alerting parties preparing development proposals to the issue. The policy is in general conformity with the strategic policies of the Development Plan. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy C1

90. This policy seeks to establish requirements of development proposals so that they address the causes and impacts of climate change.

91. Paragraph 158 of the Framework states policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.

92. The National Park Authority has questioned the suitability of several parts of the policy. I agree that the requirements for EV charging facilities should not hinder viability of projects in accordance with paragraph 34 of the Framework. The requirement of the first bullet point to only apply to extensions, and only of a specific percentage increase, has not been justified. The requirements for measures for microgeneration of energy, and grey water recycling have not been justified. The terms "in the village" and "locally sourced" are imprecise and have not been adequately justified. The Written Ministerial Statement of 25 March 2015 states "From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings." I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

93. The representations of an individual and of Derbyshire County Council refer to flood risk. There is no requirement for Policy C1 to refer to flood risk to meet the basic conditions. I do however refer to flood risk in my consideration of Policies DB1 and DB2. I am unable to recommend other modifications suggested in representations as they are not necessary to meet the basic conditions.

94. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy C1

- **replace “future developments must” and the first three bullet points with “development proposals must demonstrate consideration of the following principles:**
 - **inclusion of measures for microgeneration of energy and grey water recycling where they would not cause harm to the significance of heritage assets or harm to visual or landscape character;**
 - **use of local stone as an external building facing material wherever possible;**
- **after “viable” insert “and”**
- **delete “in the village”**
- **delete the bullet point indicators before “Subject” and “If”**

Policy DB1 and Policy DB2

95. Policy DB1 seeks to limit new development to within a defined Development Boundary. Policy DB2 seeks to establish that outside the Development Boundary no new development will be supported except where stated criteria are met.

96. Paragraph 83 of the Framework states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 84 of the Framework states planning policies should avoid the development of isolated home in the countryside unless one or more of stated circumstances apply. Paragraph 180 of the Framework states planning policies should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Paragraph 182 of the Framework state great weight should be given to conserving and enhancing landscapes and scenic beauty in National Parks.

97. The National Park Authority state “Core Strategy DS1 restricts local need homes permissible under HC1 to ‘in or on the edge of’ a settlement. This policy is just ‘outside the development boundary,’ i.e. could be open countryside. The reference to HC1 is incorrectly paraphrased, so not clearly written, and unambiguous. HC1 refers to ‘eligible’ local need (other policies set out the eligibility tests) whereas DB2 refers

to 'proven' local need. DB2 also refers to 'essential housing for a worker employed in agriculture or forestry, or new agricultural buildings where there is a compelling case for their need'. These are policy areas already covered in strategic policy Core Strategy HC2 and DS1C. It is not the purpose of a neighbourhood plan to re-write strategic policy. If this occurs, especially when using slightly different language, as is the case here, this creates ambiguous policy contrary to NPPF Para 16. Need clarity that HC1 means Core Strategy HC1. To note that policy references will change with new local plan. Does 'no new development' include everything? I.e. householder applications on existing property? If so, it would not comply with DS1. Should state that development outside must also be consistent with strategic planning policy as per reg 14 comments. Note that the development boundary does not include the road leading west adjoining the two built up areas."

98. Derbyshire County Council support the approach adopted to establish a Development Boundary for Hartington stating "As noted in the HTQNP, the PDNPA Core Strategy Policy (DMC4) makes clear that under a neighbourhood plan a DS1 settlement can define a boundary for development. In many other NP consultations that DCC has received it has been supportive of the Plan identifying a settlement boundary as it provides much more certainty and clarity of where new housing development may be acceptable i.e. within the settlement boundary or unacceptable / exceptional where it is located outside the boundary. DCC has looked at the settlement development boundary that has been defined and considers that it has been well conceived and appears as a logical boundary that follows the existing settlement pattern and built form of the village very well. Hartington is classified within PDNPA Core Policy as a DS1 Settlement (paragraph 6.1), which means it is identified as one of a number of settlements in the Peak Park where the majority of new development (including about 80% to 90% of new homes) will take place. In a DS1 settlement, the policy indicates that new build development will be acceptable for affordable housing, community facilities and small-scale retail and business premises in or on the edge of settlements." Derbyshire County Council and the representation of an individual refer to flood risk in the context of Policy C1. I have earlier in my report stated there is no requirement for Policy C1 to refer to flood risk to meet the basic conditions. I have however considered flood risk in the context of Policy DB1 as it is seeking to establish support for new development within a defined area.

99. Two individuals writing together state that preserving the village in its current form for eternity is not necessarily a good policy in promoting its future viability, nor in providing badly needed affordable housing for young local families. Another individual questions in the context of Policies DB1 and DB2 whether the ability to accommodate new development is more constrained than envisaged in the Core Strategy. This representation refers to assessment of site alternatives to establish capacity of a settlement for future development included in the reasoned justification

of non-strategic Policy DMC4 and contends availability of sites to accommodate development is constrained. Similar concerns are raised about availability, and lack of assessment of suitability, of existing commercial and agricultural buildings to satisfy the need for new development. The representation refers to inconsistency of Policies DB1 and DB2 with Core Strategy Policy DS1 and suggests with reasons that if a Development Boundary is to be established by the Neighbourhood Plan it would be advantageous for the boundary to include a single area rather than two areas as currently proposed.

100. When commenting on the representations of other parties the Parish Council state “We are pleased to note the Development Boundary is almost entirely supported and fully supported by all statutory bodies. While resident 2 raises several points these were fully discussed over the period of consultation on the Plan and resulted in the final demarcation shown in the Plan. Resident 3 appears to have misunderstood the implications of a DB. PDNPA raise a concern that the policy must be compliant with DS1 so some slight revision of wording may be needed.

Resident 2 also highlights there is no detailed assessment of the likelihood of current existing farm buildings becoming available under 6.12. However, the village has 5 working farms within the proposed Development Boundary, all with extensive agricultural buildings, many of recent construction. It is therefore highly likely, given the rapidly changing pressures on agriculture, that some of these will become redundant within the timescale of the Plan. The Plan therefore supports their use for appropriate development particularly for Affordable Housing, where there is a proven need.

Resident 2 also refers to the now outdated 2009 SHLAA assessment and would like the Plan to make clear if the two sites are suitable for development or not. The Development Boundary and the designation of Local Green Space make absolutely clear where the Plan supports future appropriate development. In the same resident’s comments about edge of boundary development, the Plan gives absolute clarity about where future development should take place. The fact that the Plan is silent on criteria for reasons for determining a planning application is because the LPA has clearly defined policies and procedures which determine any such application.

We also note the same resident’s claim that the future of Development Boundaries is uncertain. The Development Boundary is supported by the response from every Statutory Authority and the consultation documents for the new Local Plan make clear the Authority is considering introducing such boundaries on a wider scale.

In general, the comments from resident 2 seem to want the Plan to include more detailed policy which is already clearly covered within the Policies of the LPA. The Plan is written to express clear local requirements within these stated policies.

Furthermore, many of resident 2's comments seem designed to designate additional development sites and indeed his opening paragraphs refer to the recently completed Peakland Grange scheme stating it '*could inform any future development proposals **outside the core settlement area***'. Defining where any future development should take place is exactly why this Plan is proposed.

The Plan, without being specific, allows potential for sites within the Development Boundary, should the need be proven based on up-to-date local needs assessment. The importance of this is demonstrated in the 4 new Affordable Homes on the Peakland Grange development which were subject to dated local needs assessment and are generating little or no interest from local people despite being offered at a 30% discount to open market housing."

101. Paragraph 29 of the framework states "Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and has regard for the Guidance.
102. Core Strategy Policy DS1 directs the majority of development into Bakewell and a range of named settlements including Hartington village. Paragraphs 8.18 to 8.21 of the Core Strategy explain the criteria for naming settlements. The Guidance makes it clear a Neighbourhood Plan does not have to make specific provision for housing, or seek to allocate sites. I have visited the area and consider it is reasonable to assume there is potential for at least some supply of dwellings during the Plan period within the built area of Hartington village which will boost the supply of homes in the Neighbourhood Area. Policies DB1 and DB2 do not place any cap on the total number of dwellings or other appropriate development that can be provided in Hartington village nor in the Neighbourhood Area as a whole. I am satisfied the approach adopted to consider the quantity of housing need in the Neighbourhood Area, including in paragraphs 7.10 to 7.17 of the Neighbourhood Plan, is appropriate for the purpose of neighbourhood plan preparation and provides the necessary justification for those policies (after recommended modification) that are relevant to housing supply. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies.
103. Paragraph 3.42 of the Development Management Policies Part 2 of the Local Plan for the Peak District National Park adopted May 2019 supporting Policy DMC4 - Settlement Limits, states "Adopted Neighbourhood Plans can provide a more detailed expression of the physical extent and capacity of settlements. As a part of

the statutory Development Plan for the area, any guidance on location and capacity for development that is shown in an adopted Neighbourhood Plan will be the starting point for the planning decision.” The definition of a boundary in both Policies DB1 and DB2 is imprecise without reference to Map 3 of the Neighbourhood Plan. I have recommended a modification in this respect so that the policies have sufficient regard for national policy and are “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I am satisfied the justification that supports Policies DB1 and DB2, although brief, sufficiently explains the alignment of the boundary proposed. The alignment takes account of the spatial character of the village and its distinctiveness, including recent development, and where possible follows clear and logical defined features that are visible on-site and on an OS map, for example a field boundary. The boundary generally follows the curtilage of properties. The definition of the boundary does not have to relate to some observable land use difference or dividing feature. A boundary does not have to include the full extent of a settlement, and does not have to reflect land ownership boundaries. The boundary does not include areas of open countryside. The boundary identified on Map 3 includes two separate areas of land. I consider there is less likelihood of any confusion if only one continuous area is defined. I have recommended a modification in this respect so that the Neighbourhood Plan is unambiguous in accordance with paragraph 16d of the Framework. The identified boundary adds a local layer of detail, to both Policy DB1 and DB2, as to what constitutes the built area of Hartington village.

104. Policies DB1 and DB2 are inconsistent in that the first policy states new development will be limited to within the Development Boundary, but Policy DB2 identifies development that will be supported outside the Development Boundary. I agree with National Park Authority that Policies DB1 and DB2 require modification so that they are in general conformity with strategic Policy DS1 particularly part D of that policy which states “In or on the edge of these settlements new build development will be acceptable for affordable housing, community facilities and small-scale retail and business premises”. In these contexts, and in the absence of any detailed analysis of capacity for development I consider the term “Development Boundary” is confusing and have recommended a modification so that the term “Settlement Boundary” is used instead. The term “limited to within” is also not in general conformity with strategic policies and does not have sufficient regard for national policy. I have recommended the term “where possible be located” in recognition of the community support evidenced through the plan preparation process to influence the location of new built development to protect the landscape setting of Hartington village and to enhance the vitality of the community. I have also recommended Policy DB2 should state the circumstances where development will be supported in terms that are in general conformity with the strategic policies. I have recommended

a modification in these respects so that the policies have sufficient regard for national policy and are “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. Without these modifications Policies DB1 and DB2 do not meet the basic conditions and unless those policies were deleted, I could not recommend the Neighbourhood Plan should proceed to referendum.

105. The representations of an individual and of Derbyshire County Council refer to flood risk. As the Neighbourhood Plan identifies past impact of flooding on properties, and includes policy support relevant to the general location of development through Policy DB1, it is appropriate that policy should have sufficient regard for national policy by recognising the local constraint of flood risk. I have recommended a modification in this respect.

106. As recommended to be modified Policies DB1 and DB2 are in general conformity with the strategic policies of the Development Plan. The policies seek to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policies as recommended to be modified, are appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification the policies meet the Basic Conditions.

Recommended modification 4:

Replace Policy DB1 with “New build development for affordable housing, community facilities and small-scale retail and business premises should where possible be located inside the Settlement Boundary for Hartington village identified on Map 3 of the Neighbourhood Plan. Development of these types will be supported inside the Settlement Boundary where it will be consistent with the other policies of the Neighbourhood Plan and the policies of the Core Strategy (or replacement policies), and will avoid inappropriate development in areas at risk of flooding and not increase flood risk elsewhere.

Replace Policy DB2 with “Outside the Settlement Boundary for Hartington village identified on Map 3 of the Neighbourhood Plan new build development will only be supported where it is in accordance with the Policies of the Core Strategy (or replacement policies).”

Replace all references to “Development Boundary” throughout the Neighbourhood Plan, including the title of Map 3 of the Neighbourhood Plan, with “Settlement Boundary”

Retitle Policy DB1 as Policy SB1 and retitle Policy DB2 as Policy SB2.

On Map 3 of the Neighbourhood Plan include in the Settlement Boundary the road between the two areas forming the Settlement Boundary.

Policy H1

107. This policy seeks to establish that the provision of a wider mix of tenure for new affordable housing, including rental, shared ownership and private ownership will be encouraged.
108. Paragraph 63 of the Framework (which should be read in the context of establishing need) states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 64 of the Framework states where a need for affordable housing is identified planning policies should specify the type of affordable housing required applying the definition in Annex 2 of the Framework.
109. The term “wider” is without context and the term “encouraged” does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
110. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
111. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy H1

- **replace “wider” with “wide”**
- **replace “will be encouraged” with “to meet identified local needs will be supported”**

Policy H2

112. This policy seeks to establish affordable housing should not be readily differentiated from open market housing by its design, quality, location, or distribution within a site.
113. Paragraph 64 of the Framework refers to the objective of creating mixed and balanced communities Paragraph 96 of the Framework states planning policies should aim to achieve inclusive places.
114. The National Park Authority has drawn attention to Policy DMH1 that limits size of affordable housing. Whilst the policy referred to is not a strategic policy, I consider the reference to quality in Policy H2 is imprecise and could cause confusion. I have recommended a modification in this respect so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
115. An individual queries whether the reference to open-market housing is in error as Policy DS1 is permissive only of affordable housing. The Parish Council has commented “It is included because if a future ‘enablement’ scheme of mixed open market and Affordable Homes (as per Peakland Grange) is proposed, there must be no clear demarcation between the two types of dwelling.”
116. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
117. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6: In Policy H2 delete “quality,”

Policy H3

118. This policy seeks to establish conditional support for conversion of a heritage asset to an open market dwelling. The resultant dwelling must be subject to a legal agreement that it must be the occupant’s primary residence.

119. Paragraph 84 of the Framework states planning policies should avoid the development of isolated homes in the countryside unless one or more of stated circumstances apply including the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.
120. The representation of an individual questions whether the policy is more restrictive and potentially non-conforming with the wording of Policy HC1C. I am satisfied the policy is in general conformity with strategic policies and that paragraphs 7.11, 7.13 and 7.14 of the text supporting the policy provide adequate justification for the primary residence requirement.
121. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
122. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy ED1

123. This policy seeks to establish the change of use of the public toilet facilities in Mill Lane will not be supported.
124. The National Park Authority state should the building become disused there could be a mechanism in place to support it thereafter or for its ongoing use. Paragraph 97 of the Framework states planning policies should plan positively for the provision of community facilities, guard against the unnecessary loss of valued facilities and services, and ensure established shops, facilities and services are able to develop and modernise and are retained for the benefit of the community. I have recommended a modification so that the policy has sufficient regard for national policy.
125. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
126. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

127. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
128. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 7:

Continue Policy ED1 with “unless it is demonstrated the facilities are no longer required; or that the facilities are no longer viable; or that the proposals will result in alternative public toilet facilities of equivalent quality in a location no less convenient to users”

Policy ED2

129. This policy seeks to establish that business uses should primarily be directed to existing buildings. The policy also seeks to ensure if a new building is proposed for a business use, an assessment of the availability and suitability of existing buildings in the Development Boundary must first be undertaken.
130. It is confusing for this policy to refer to the location of development when that matter is dealt with in Policies DB1 and DB2 as recommended to be modified. The policy is not in general conformity with Policy DS1 that permits community facilities, small-scale retail, and business premises in or on the edge of named settlements including Hartington. I have recommended a modification in these respects so that the policy is in general conformity with the strategic policies of the Development Plan, and the Neighbourhood Plan is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
131. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 8:
In Policy ED2 delete “in the Development Boundary”

Policy ED3

133. This policy seeks to establish that proposals for touring camping and caravan sites, yurts, shepherds’ huts, and pods will not be supported. The policy also seeks to establish that the extension or improvement of facilities at existing sites will not be supported unless stated criteria are met.
134. The National Park Authority state “DNPA policy RT3 and DMR1 do allow for camp and caravan sites in these locations. This policy could allow for exception sites where the scale, location, access, landscape setting and impact upon neighbouring uses are acceptable, as a fall-back position.” I have recommended a modification in this respect so that the policy is in general conformity with the strategic policies of the Development Plan.
135. Whilst paragraph 2.6 of the Neighbourhood Plan states the policies apply only to the designated area the reference in the policy to the Dove and Manifold valleys means the policy could be interpreted as applying outside the Neighbourhood Area which it may not. The reference to the wider area provides an explanation for the policy and should be transferred to the justification that accompanies the policy. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
136. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
137. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 9:
In Policy ED3 replace the first sentence with “The development of any new sites for touring camping and caravanning, yurts, shepherds’ huts, and pods will only be supported where the scale, location, access, landscape setting and impact upon neighbouring uses are acceptable.”

Include in the justification for the policy a statement referring to the existing provision for touring camping and caravanning, yurts, shepherds' huts, and pods in the wider Dove and Manifold valleys.

Policy ED4

138. This policy seeks to establish that new shopping and catering facilities on existing camping and/or caravan sites will not be supported.
139. The National Park authority state strategic Policy RT3 C does permit the uses referred to if the scale is appropriate. I have recommended a modification in this respect so the policy is in general conformity with the strategic policies of the Development Plan.
140. Paragraph 90 of the Framework states planning policies should support the role that town centres play at the heart of local communities. Paragraphs 91 and 92 of the Framework establish a sequential approach to the location of main town centre uses as defined in annex 2 to the Framework. Paragraph 93 of the Framework states this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.
141. The reference to ensuring the viability of existing retail services in Hartington provides an explanation for the policy and should be transferred to the justification that accompanies the policy. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
142. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
143. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a ‘made’ neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

Recommended modification 10:

Replace Policy ED4 with “New or additional shopping or catering facilities will only be supported on existing camping and/or caravan sites where they are of a scale appropriate to serve people staying overnight at the site.”

Include in the justification for the policy a statement that the policy seeks to assist the viability of existing shops and catering services in Hartington village.

Policy T1

144. This policy seeks to establish travel related requirements for development.
145. Paragraph 108 of the Framework states transport issues should be considered from the earliest stages of plan-making so that opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 110 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking.
146. It is unclear how development proposals can require provision of cycle parking and storage. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
147. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
148. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a ‘made’ neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

Recommended modification 11:
In Policy T1 replace “require” with “include”

Policy T2

149. This policy seeks to establish conditional support for the provision of an off-road link between the centre of Hartington village and the Hartington Trail and specify that cycle parking facilities should be an integral feature of a scheme.
150. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

151. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy T3

152. This policy seeks to establish that proposals for development that would lead to a loss of public parking in Parsons Croft car park on Mill Lane will not be supported.

153. The policy has not been sufficiently justified. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

154. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

155. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a 'made' neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

Recommended modification 12:

In Policy T3 replace "not be supported" with "only be supported if the proposals include an equivalent number of replacement parking spaces in no less convenient location for users"

Policy T4

156. This policy seeks to establish support for development proposals which deliver off-street parking for existing residents. The policy also seeks to establish that any domestic garages that are permitted will include planning conditions requiring that they remain available for the parking of vehicles in perpetuity.

157. The scope of reasonable planning conditions does not extend to limitation how any domestic garage should be utilised. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is

“clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

158. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

159. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a ‘made’ neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

Recommended modification 13:

In Policy T4 replace the second sentence with “Development proposals that would result in the loss of car parking space in a domestic garage will only be supported if the proposals include the creation of an equivalent number of on-site replacement car parking spaces.”

Policy T5

160. This policy seeks to establish requirements for commercial development proposals to include a travel plan.

161. Paragraph 117 of the Framework establishes a requirement to provide a travel plan in respect of all developments that will generate significant amounts of movement. I am satisfied the amount of movement of customers or clients generated by any commercial development proposals will be significant in the context of the characteristics of the Neighbourhood Area.

162. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

163. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

Policy S1

164. This policy seeks to designate ten identified sites as Local Green Space where new development is not supported other than in the exceptional circumstances set out in Policies S2 and S3.
165. Two individuals writing together support the designation of Local Green Space 6 as a wildflower area with seating for rest and reflection but not recreational development beyond that.
166. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Map 5 with more detailed maps in Appendix A of the Neighbourhood Plan. The scale and discrete nature of the areas of land in question assists in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Space have been adequately identified.
167. Paragraph 107 of the Framework states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts.” The part of the Framework that relates to ‘Protecting Green Belt land,’ including paragraphs 152 to 156, sets out statements regarding the types of development that are not inappropriate in Green Belt areas. I have recommended a modification so that it is clear the policy does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip National Park Authority. Case Number: C1/2020/0812).
168. Paragraph 105 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” In respect of each of the ten areas proposed for designation as Local Green Space I find the designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period even taking into account the exceptional circumstances set out in Policies S2 and S3

The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

169. Paragraph 106 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” The sites proposed for designation are small, well defined, and substantially enclosed by clear boundaries. The sites are easily recognised as discrete areas of land. The proposed designations, both singly and in combination, do not constitute a blanket designation of open countryside adjacent to existing settlement as a back door way to achieve what would amount to a new area of Green Belt by another name. I find that in respect of the intended Local Green Spaces the designations relate to green spaces that are in reasonably close-proximity to the community they serve, are local in character, and are not extensive tracts of land.
170. The Guidance states the Qualifying Body (Parish Council) “should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.” (Planning Practice Guidance Paragraph: 019 Reference ID:37-019-20140306 Revision date 06 03 2014). The areas proposed for designation as Local Green Spaces have been subject to extensive consultation with the local community and specific consultation relevant landowners.
171. The submission Neighbourhood Plan includes, in Appendix A, information which seeks to justify the proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of each of the sites including matters referred to in the Framework. I have visited the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan provides sufficient evidence for me to conclude that the areas proposed for designation as Local Green Spaces are demonstrably special to a local community and hold a particular local significance.

172. I find that the areas proposed as Local Green Spaces are suitable for designation and have regard for paragraphs 105 to 107 of the Framework concerned with the identification and designation of Local Green Space.

173. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

174. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 14:

In Policy S1 replace “is not supported” with “will be managed in accordance with national Green Belt policy”

Policy S2

175. This policy seeks to establish support for the provision of a children's outdoor play area in Local Green Space LGS2, and the provision of outdoor communal green spaces in both Local Green Spaces LGS2 And LGS3.

176. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

177. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy S3

178. This policy seeks to establish support for the provision of a graveyard extension in Local Green Space LGS3 as identified on Map 5 of the Neighbourhood Plan.

179. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

180. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions

Policy S4

181. This policy seeks to establish conditional support for the change of use of a community facility to accommodate flexible working space for business use.
182. Paragraph 85 of the Framework states planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt. Paragraph 88 of the Framework states plans should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. Paragraph 86 of the Framework states planning policies should allow for new and flexible working practices. Paragraph 124 of the Framework states planning policies support the development of underutilised land and buildings.
183. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
184. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Conclusion and Referendum

185. I have recommended 14 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have

recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I recommend to the Peak District National Park Authority that the Hartington Town Quarter Parish Neighbourhood Development Plan for the plan period up to 2039 should, subject to the modifications I have put forward, be submitted to referendum.

186. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the Peak District National Park Authority as a Neighbourhood Area on 8 February 2013.

Annex: Minor Corrections to the Neighbourhood Plan

187. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be

resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

188. I agree with the representation of the National Park Authority that a policy index would be helpful to users of the Neighbourhood Plan. In this respect I recommend each Policy should also include a short description of content for example:

Policy E1: Biodiversity and Landscape

Policy E2: Habitat Networks

Policy C1: Climate Change

Policy SB1: Hartington Village Settlement Boundary

Policy SB2: Development outside the Hartington Village Settlement Boundary

Policy H1: Housing Mix

Policy H2: Affordable Housing

Policy H3: Primary Residence

Policy ED1: Mill Lane Public Toilet Facilities

Policy ED2: Business Uses

Policy ED3: Overnight Tourism Sites

Policy ED4: Shopping and Catering Facilities

Policy T1: Sustainable Transport

Policy T2: Hartington Village/Tissington Trail Off-Road Link

Policy T3: Parsons Croft Parking Area

Policy T4: Off-Street Resident Parking Facilities

Policy T5: Commercial Development Travel Plans

Policy S1: Local Green Space Designations

Policy S2: Enhancement of Local Green Spaces

Policy S3: Graveyard Extension

Policy S4: Working Space in Community Facilities

I have recommended a modification in this respect so that the Neighbourhood Plan is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

Recommended modification 15:

Add a policy index and a short description of content to policy titles. Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies; to achieve updates and correct identified errors; to achieve necessary clarifications; and to ensure sufficient regard for national policy.

Chris Collison
Planning and Management Ltd
16 July 2025
REPORT END