



The Planning Inspectorate

Report to High Peak Borough Council

by Mike Moore BA(Hons) MRTPI CMILT MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO HIGH PEAK

LOCAL PLAN

Document submitted for examination on 28 August 2014

Examination hearings held between 13 January and 5 February 2015 and on 3 September 2015

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Abbreviations Used in this Report

AA	Appropriate Assessment
DCLG	Department for Communities and Local Government
GTAA	Gypsy and Traveller Accommodation Assessment
HMA	Housing Market Area
IDP	Infrastructure Delivery Plan
LIA	Landscape Impact Assessment
LDS	Local Development Scheme
LEP	Local Enterprise Partnership
LP	Local Plan
MM	Main Modification
MoU	Memorandum of Understanding
NLP	Nathaniel Lichfield and Partners
NP	Neighbourhood Plan
OAN	Objectively assessed need
OE	Oxford Economics
PEZ	Primary Employment Zone
PPG	Planning Practice Guidance
PSA	Primary Shopping Area
PSF	Primary Shopping Frontage
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SDS	Strategic Development Site
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
VTR	Viability Test Report
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the High Peak Local Plan provides an appropriate basis for the planning of the area providing a number of main modifications are made to the plan. The Council has specifically requested me to recommend any main modifications necessary to enable the plan to be adopted.

The great majority of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on the issues raised.

The main modifications can be summarised as follows:

- Amend the overall approach to sustainable development so that it is consistent with national policy;
- Amend objectively assessed housing need to 350 dwellings per annum to reflect latest household projections;
- Delete requirement for 500 dwellings in the Cheshire East Council area;
- Include an updated housing trajectory;
- Delete reference to the phasing of new housing;
- Clarify the relationship with Neighbourhood Plans in terms of new housing;
- Amend approach to previously developed land for consistency with national policy;
- Amend approach to sustainable new housing on unallocated sites;
- Update affordable housing policy;
- Update and clarify policy for gypsies and travellers;
- Strengthen approach to the setting of the Peak District National Park;
- Introduce separate policies for the Green Belt and rural development;
- Amend rural development policies for consistency with national policy;
- Strengthen policies for European nature conservation sites;
- Clarify approach to mineral water bottling plants in the Buxton Sub-area and extensions to Waterswallows Lane Primary Employment Zone;
- Clarify approach to tourist accommodation in market towns;
- Clarify approach to new retail floorspace at New Mills;
- Amend approach to inclusive design;
- Amend approach to heritage assets for consistency with national policy;
- Clarify policy for Local Green Space;
- Clarify approach to protection and provision of sports facilities;
- Clarify the approach to surface water drainage from new developments;
- Introduce reference to the Trans-Pennine Feasibility Study;
- Amend approach to parking standards for consistency with national policy;
- Amend references to the relationship between the Plan and Supplementary Planning Documents or other reports and strategies;
- Update the approach to housing standards, sustainable construction and wind energy in the context of changes to national policy;
- Redesignate some housing allocations as Strategic Development Sites;
- Delete Strategic Development Site at Woodhead Road, Glossop; and
- Amend policy criteria at most Strategic Development Sites to ensure that they will be effective and, in some cases, remove ceiling on amount of housing development.

Introduction

1. This report contains my assessment of the High Peak Local Plan (LP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that, to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the High Peak Local Plan Submission Version (April 2014). In error this included an allocation for 47 dwellings on land to the rear of Laneside Road, New Mills (site C14). The document submitted for examination included a correction to remove this site and I have considered the plan in that context.
3. After the main hearings were concluded the Council undertook further work on the implications of the DCLG 2012-based sub-national household projections and the Strategic Development Site at Land at Woodhead Road, Glossop. Consultation was undertaken on the outcome. In the light of the representations made an additional hearing was held and I have taken into account the written and oral submissions made in relation to those matters.
4. Following the additional hearing further consultation took place on the implications of a new Gypsy and Traveller Accommodation Assessment, a change in circumstances affecting the Strategic Development Site at Hogshaw, Buxton, and the Council's intentions concerning the Government's housing standards review. The responses have also been taken into account in my conclusions.
5. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
6. The main modifications that are necessary for soundness and/or legal compliance all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal and this schedule has been subject to public consultation for over six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and, in the light of this, I have made some amendments to the detailed wording of a few of the main modifications. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Assessment of Duty to Co-operate

7. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
8. The duty to co-operate is not a duty to agree but local planning authorities should make every effort to secure the necessary co-operation on strategic cross boundary matters before they submit their local plans for examination. The Council has summarised its approach in a Duty to Co-operate Statement (August 2014) which sets out the other relevant bodies that it has worked with, identifying actions and outputs.
9. The Plan as submitted does not make sufficient provision within the Plan area to meet the Borough's full, objectively assessed housing needs (OAN) as identified in the April 2014 Strategic Housing Market Assessment and Housing Needs Study: Final Report (SHMA) produced by Nathaniel Lichfield and Partners (NLP). The basis for this and the Council's post submission reassessment of housing need as a result of the Department for Communities and Local Government's (DCLG) 2012-based sub-national household projections are considered further below. However, the duty must be complied with at submission, as a failure in this regard cannot be remedied. The way in which the Council has sought to address not meeting its OAN is clearly a significant factor in assessing whether the duty has been met.
10. In this context, the Council approached neighbouring authorities to ascertain whether they could accommodate some of the unmet needs in their areas. This process has not been assisted by the fact that the plans of neighbouring Councils are at different stages, with some already having adopted Core Strategies. Nevertheless, there were a number of positive outcomes.
11. There is a signed Memorandum of Understanding (MoU) with Cheshire East Council where there would be a 500 dwelling contribution towards High Peak's needs in the period 2020/21 to 2029/30. That Council's submission version Local Plan includes 500 dwellings in the latter part of its plan period. Stockport Metropolitan Borough Council entered into a signed MoU whereby it would consider the scope to accommodate some of the unmet need in any review of its Core Strategy. There is a similar but draft MoU with Tameside Metropolitan Council. A draft MoU with the Greater Manchester Combined Authority includes an agreement to discuss contributing to High Peak's unmet need in the later phase of the Local Plan period. The Peak District National Park Authority entered into a signed MoU whereby, based on past delivery rates, there would be an estimated contribution of 110 dwellings within that part of the National Park that is in the Borough, albeit that this would not be a target. Staffordshire Moorlands District Council made a written agreement to consider the request to contribute to unmet needs in the partial review of its Core Strategy.
12. The committed contributions from some neighbouring authorities would not meet the shortfall in provision in full and there is uncertainty as to whether others could contribute in the longer term and what the amount of assistance would be. However, the Council has sought to work collaboratively and with some effect with neighbouring Councils to address unmet needs. The Council's position on the need for the provision of 500 new dwellings in Cheshire East

has changed as a result of its assessment of the implications of the DCLG's 2012-based sub-national household projections. I deal with that matter below. In terms of the duty to co-operate it is clear that the Council has made extensive efforts to secure effective policies to address this strategic matter.

13. The national Planning Practice Guidance (PPG) indicates that authorities should explore all available options for delivering the planning strategy within their own planning area. Here the Council has pointed to the different options for delivering growth that it considered and the evidence on the constraints that it has taken into account. I consider their merits below, but the Council's conclusions are based on an examination of the possibilities within the plan area.
14. There is clear evidence of collaborative working with neighbouring Councils on other matters including joint Gypsy and Traveller Accommodation Assessments. The Council has been a partner in various infrastructure studies that support the plan.
15. High Peak was initially engaged in producing a joint Core Strategy with Derbyshire Dales and a number of joint studies were produced as a result of that. The Councils decided to prepare separate plans on the basis that the High Peak housing market related more to Greater Manchester and Cheshire East while Derbyshire Dales looked to Sheffield and Derby. They have sought assistance from each other in meeting unmet housing needs but in that context, and the position High Peak had identified for its own plan, the Borough was justified in being unable to accommodate the request.
16. Tameside Metropolitan Borough Council had asked about the scope for High Peak to accommodate some of its requirements for employment land as an alternative to a proposed strategic site there. However, High Peak has been unable to provide a site of sufficient quality and Tameside has discounted High Peak as a potential location for accommodating its employment land requirements.
17. On the basis of these considerations I am satisfied that the Council has co-operated constructively, actively and on an on-going basis with relevant bodies on strategic matters. As such, it has maximised the effectiveness by which the Local Plan has been prepared. The minimum legal requirements of the duty to co-operate under the Planning and Compulsory Purchase Act 2004 (as amended) have therefore been met.

Assessment of Soundness

Main Issues

18. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified ten main issues upon which the soundness of the Plan depends.

Issue 1 - Whether the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the Local Plan area in accordance with national policy

Vision and objectives

19. The LP contains an appropriate spatial vision and a list of strategic objectives that relate well to that vision. The main concern in representations is that there is an inconsistency between the vision and the scale of development proposed. This is considered further in subsequent sections of this report, particularly in relation to housing.

Sustainable development

20. Policy S1 sets out the sustainable development principles on which the LP is based. The Council has suggested modifications to the policy (**MM1 part**) that more closely align its provisions with the definition of and approach to sustainable development included in the Framework and these are necessary for that reason. Policy S1a reflects the presumption in favour of sustainable development in national policy.

Strategic alternatives and sustainability appraisal

21. The submitted LP was accompanied by a Sustainability Appraisal (SA) that seeks to set out the reasonable alternatives to the overall strategy, policies and proposed allocations that were considered during its evolution and the reasons why they were progressed or rejected.
22. Early in the examination the Council were asked whether in the light of recent case law (particularly in *Save Historic Newmarket Ltd v. Forest Heath District Council* [2011] EWHC 606, *Heard v Broadland District Council and Others* [2012] EWHC 344, *Berkeley v Secretary of State for the Environment* [2000] UKHL 36, [2001] 2 AC 603 and *Cogent Land LLP v Rochford District Council* [2012] EWHC 2542) it had fully complied with the requirements of European Directive 2001/42/EC (the 'SEA Directive') and associated regulations. This requires that an environmental report (such as an SA) should identify the likely significant effects on the environment of implementing a plan and reasonable alternatives. In particular, the Council was asked whether it was satisfied that the report accompanying the plan adequately summarised or repeated the reasons that were given for rejecting the alternatives at the time when they were ruled out (and that those reasons were still valid).
23. The Council's view is that the SA report meets legal requirements and appraises reasonable alternatives for the proposed policies, including alternative locations for development and gives reasons why they were rejected. It considers that both the rejected and adopted alternatives were assessed to the same standard.
24. The Framework requires that the plan should be the most appropriate strategy when considered against the reasonable alternatives. From the various consultation documents and the submission SA it is clear how the LP was derived from a positive process of considering alternatives, narrowing down to a preferred option. The submission SA records consideration of options for the

scale of growth and the spatial distribution of development as well as alternative strategic sites.

25. The evaluation of site allocation alternatives is considered later in this report in the context of the Sub-area strategies. The main modifications have been subject to further sustainability appraisal but this does not alter my conclusions on the consideration of reasonable alternatives to the overall strategy. It is evident that reasonable alternatives in terms of the scale and distribution of development have been considered. There is a clear audit trail showing how and why this strategy was arrived at, demonstrating that with the main modifications the plan is the most appropriate strategy.

Flexibility

26. The LP is not dependent on a small number of large sites and does not set an overall ceiling on development. There are misgivings about the Council's approach to the phasing of residential development which are considered under Issue 2 but, taken in the round, the overall strategy is sufficiently flexible to respond to an unexpected change in circumstances.

Greater Manchester Spatial Framework

27. The Greater Manchester Combined Authority has consulted on an initial technical evidence base for a Greater Manchester Spatial Framework. The Framework could have implications for the Borough as a neighbouring authority. However, beyond the various matters which the Council has discussed with Greater Manchester authorities under the duty to co-operate, there is insufficient evidence at this stage on any impacts on High Peak for there to be any necessary changes to the LP.

Settlement hierarchy

28. Policy S2 sets out a settlement hierarchy of market towns, larger villages and smaller villages, with the rest of the plan area outside settlement boundaries being regarded as countryside for the application of the LP policies. This seeks to focus development in sustainable locations where there is or can be the infrastructure to support growth. The policy has to be read in conjunction with the other provisions of the LP. On that basis the categories in the settlement hierarchy are appropriate and justified.
29. It has been suggested that Hadfield should be considered as a market town rather than as a larger village. However, the plan makes clear that, within larger villages, development of an appropriate scale and nature will be allowed, taking account of their current size and infrastructure. As such, proposals for development in Hadfield would be assessed in terms of its characteristics as a larger settlement. A case for designation as a market town has not been made. Overall, there is no persuasive evidence that the position of individual settlements within the settlement hierarchy should be changed.
30. I conclude that with the main modification identified above the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the LP area in accordance with national policies.

Issue 2 – Whether the housing strategy has been positively prepared and whether the overall level of housing provision and its distribution are justified and appropriate

Objectively assessed housing needs

31. The National Planning Policy Framework ('the Framework') seeks to boost significantly the supply of housing. To that end local planning authorities should use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies in the Framework.

Housing market area

32. The plan area relates to that part of the Borough that is outside the Peak District National Park. It comprises two areas separated by a section of the National Park. The smaller northern area is centred on Glossop and the larger part to the south around New Mills, Whaley Bridge, Chapel-en-le-Frith and Buxton. Only about 7% of High Peak's residents live in the National Park even though it comprises the major part of the Borough area. The Council's assessment of housing needs is based on the Borough as a whole. In that the adopted National Park Core Strategy does not include a housing target and that policies within that area are restrictive in the light of its overriding purposes, this is a reasonable and justified approach for the Council to take.
33. Given the geography of the Borough it is not surprising that the SHMA concludes that High Peak is split between 3 separate local housing market areas which extend beyond its boundaries. The evidence shows considerable overlaps between housing market areas in High Peak. It also has a high degree of self-containment for a rural area. Whereas an earlier SHMA had recommended that the housing market area should include Derbyshire Dales District there are limited migratory and commuting linkages between the two. In this context, I am satisfied that basing the housing needs assessment on the Borough as a whole as recommended by the SHMA is the pragmatic and correct approach. The Council has followed this course, seeking to collaborate with neighbours where appropriate as I have noted under the duty to co-operate.

Amount of objectively assessed housing needs

34. The April 2014 SHMA concludes that the OAN for the Borough in the plan period 2011-2031 is between 420 and 470 dwellings per annum (dpa). Following the subsequent publication of the 2012-based sub-national population projections by the Office for National Statistics, an updated Housing Needs Study was produced by NLP which concluded that the range should be modified to 280 to 420 dpa. At the hearings the Council indicated that if a single figure were to be used it should be 420 dpa. The submitted plan provision is 360 dpa.
35. After the main programme of hearings was concluded, the DCLG's 2012-based sub-national household projections were published at the end of February 2015. As such, I asked the Council to assess any implications of the projections for the plan and to undertake consultation on the outcome. A further hearing was held at which the results were considered. The Council's conclusions were based on NLP's High Peak Housing Needs Study 2012-based

SNHP Update (May 2015) (NLP Study). This recommends that the range of OAN should be 310 to 350 dpa based on a number of assumptions which are considered below. The Council has proposed that 350 dpa should be the figure adopted and suggested main modifications to the Plan to this effect (**MM3, MM4, MM5, MM6, MM7, MM11 part**).

Starting point estimate

36. The PPG indicates that the household projections published by DCLG should provide the starting point estimate of overall housing need. The DCLG 2012-based projections show annual growth between 2012 and 2037 of 262 households. The NLP Study models the same projection in terms of the number of households and, taking account of dwelling vacancy rates, converts this to 296 dpa for the plan period. Notwithstanding the earlier SHMA and its update this represents the latest evidence. No other significantly different figures were suggested and, as such, 296 dpa represents the starting point estimate of overall housing need.
37. The NLP Study examines the impact of a 'partial return to trend' sensitivity test for younger household formation rates. Up to 2017 this retains the DCLG household formation rates in younger age groups which were particularly affected by the economic recession and then seeks to make up half the difference between the 2012- and 2008-based projection headship rates by 2033. The results show only a modest effect and in my view this factor is not critical to the overall housing needs figure.

Market signals

38. The PPG indicates that the housing need number suggested by household projections should be adjusted to reflect appropriate market signals. The SHMA provides an analysis of the performance of High Peak against the range of indicators listed in the PPG, showing that the Borough is generally performing well against the national average. However, on some indicators it is experiencing worsening market conditions relative to comparable areas nearby. It concludes that overall some upward adjustment could be necessary relative to adjoining areas but that the scale would not need to be substantial. The NLP Study suggests that there needs to be a very modest improvement in affordability and a requirement to stabilise increasing house prices. It therefore allows for a 5% uplift which would increase the requirement to 311 dpa – the lower end of the proposed OAN range.
39. The PPG provides no detailed guidance on the amount of uplift that is appropriate. Moreover, plan makers should not attempt to estimate the precise impact of an increase in housing supply. Having regard to the circumstances of the degree of uplift used by Inspectors at other examinations in comparison with the significance of the considerations here, the 5% used by the Council is a reasonable assumption.

Economic factors

40. The SHMA considered a range of different economic-led scenarios which the NLP Study has updated. The 'Policy On Job Growth' scenario uses the job creation figures in the Council's Employment Land Review (ELR) and results in an annual need of 352 dpa, corresponding to the upper end of the proposed OAN range. The ELR in turn was based on econometric forecasts prepared by Oxford Economics (OE), modified to take account of local priorities in some sectors.
41. It has been suggested that insufficient uplift has been given to reflect economic factors. While this is the most optimistic of the various economic scenarios tested it envisages annual growth of only 25 jobs. This would make only a very small contribution to the job growth objective identified by Derbyshire County Council, as its contribution to a wider target established by the D2N2 Local Enterprise Partnership (LEP). The Framework seeks proactively to drive and support sustainable economic growth. The Plan is supportive of employment growth and there are planned future investments in the Buxton area in particular. Since the OE forecasts on which the Plan is based were produced there have been more optimistic assessments of future prospects.
42. The Plan is required by the Framework to be aspirational but realistic. The detailed basis for the LEP target, which applies across a large and diverse area, has not been established at the examination but this is not generally subject to the same degree of scrutiny as the evidence that underpins the Plan. The PPG indicates that the likely change in job numbers should be based on past trends and/or economic forecasts as appropriate. In that context, employment growth projections should not rely on an aspirational strategy. Alternative scenarios have not been justified in terms of econometric trends and forecasts.
43. The PPG also indicates that the assessment of the likely change in job numbers should have regard to the growth of the working age population. In High Peak there is an ageing population with a reduction in those of working age projected. Nonetheless, the 'Policy On Job Growth' scenario has accelerated some job growth assumptions beyond those projected by OE to reflect the local circumstances. At the same time there are some sectors where there is likely to be a reduction in jobs, reflecting national trends. There are more recent economic indicators and forecasts, but on the evidence before me they have not justified departing from the Council's data and projections. In the light of these considerations I am satisfied that 350 dpa is a realistic level of housing need in relation to economic factors. The LP has dealt appropriately with the relationship between employment and population growth, and therefore between jobs and new housing.

Affordable housing needs

44. Although the Framework requires that both market and affordable housing needs should be met, the PPG sets out a methodology for calculating affordable needs which is different to the demographic-based approach used above. This entails adding together the current unmet housing need and the projected future needs and then subtracting it from the current supply of affordable housing stock. Having said that, there is an element of affordable need that is included in the demographic calculation.

45. In the SHMA the Council has estimated that, using an approach based on that in the PPG, there is a gross annual need for 878 affordable dwellings, or a net annual requirement of 526 if likely social re-lets and re-sales of intermediate affordable housing are taken into account. This estimate was not revisited as part of the NLP Study but there is no substantive evidence that the magnitude of these figures will have changed significantly since the SHMA was produced.
46. The judgement in *Satnam Millennium Limited v Warrington Borough Council [2015] EWHC 370 (Admin)* restates the approach set out in the PPG that, having identified the OAN for affordable housing, this should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. An increase in the total housing figures should be considered where it could help deliver the required number of affordable homes. The judgement indicates that the local plan should then meet the OAN for affordable housing subject only to the constraints in Framework paragraphs 14 and 47.
47. The Plan provides for affordable homes as 30% of market-led housing schemes (on sites of 25 units or more) and 20% on sites of 5-24 units. To achieve and sustain even the net affordable need of 526 dpa would require a total building rate very significantly greater than the highest single year figure achieved in the last 15 years and in excess of the total annual provision proposed by the Council. Need should be met as far as is consistent with other policies in the Framework. Framework paragraph 154 requires that local plans should be aspirational but realistic. The amount of market housing to deliver the full affordable needs would result in an excessively high building rate which the market may be unable to deliver and in my view is unrealistic. Indeed, such an increase would be likely to reduce the viability of some larger allocations and may undermine the numbers of affordable units being delivered. It has been suggested that an uplift to the OAN, short of the full affordable figure should be considered. However, the uplift to the starting point estimate of OAN proposed by the Council will provide some additional affordable housing. I am not convinced that any further uplift and the allocation of more sites would be an effective way of addressing affordable needs.

Conclusion on objectively assessed housing needs

48. Based on the above considerations, I am satisfied that the OAN range of between 310 and 350 dpa recommended by the NLP Study and the Council's conclusion that the Plan should be based on 350 dpa, at the top end of the range, are justified. For effectiveness and consistency with national policy therefore, this will require the main modifications to the Plan as suggested by the Council (**MM3, MM4, MM5, MM6, MM7, MM11 part**).

5-year housing land supply

49. The Framework requires that the Council should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional appropriate buffer. It goes on to indicate that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a

5-year supply of deliverable sites. Accordingly, there should be reasonable certainty that on adoption the Borough would have a 5-year land supply.

50. During the examination the Council amended and refined its calculation of the 5-year land supply in the light of comments made and more up to date information. I have therefore based my conclusions on the latest position as at March 2015 and a requirement for 350 dpa in the plan period. While the Council produced alternative calculations depending on the methodology and assumptions made, its preferred approach shows a 6.4 year supply.

Buffer

51. The Council has accepted that in the light of recent low levels of housing delivery against targets the buffer should be 20% and I have seen no evidence that would lead me to a different conclusion. However, the buffer should be applied to the sum of the 5-year target and the shortfall. The Council has referred to a Secretary of State decision (APP/R0660/A/13/2209335) where he added the shortfall adjustment after the buffer had been applied. Nevertheless, no other Ministerial or Inspector decision where that approach has been used has been drawn to my attention. The shortfall is part of the requirement and to take a different view would be to discount part of the requirement for the plan period as a whole. Using this approach would reduce the supply to 6.2 years based on the Council's calculations.

Shortfall

52. There is a shortfall against the requirement in the early years of the Plan period 2011-15. The Council seeks to meet this past undersupply across the whole of the remaining Plan period (the 'Liverpool' method). However, the PPG indicates that, preferably, this should be dealt with in the first 5 years of the plan period where possible (the 'Sedgefield' method).
53. The shortfall is some 918 dwellings which represents more than 2.5 years supply in terms of the annual requirement over the plan period. Taking account of the buffer, to address this over the 5 year period would require an average building rate of 600 dpa. This has been approached in only one single year in the recent past – in 2006/07 when the housing market was buoyant and mill conversions contributed to the figure. If other sites without planning permission were brought into the supply there would be a lead time before they could deliver completions, meaning that the building rate in the latter part of the supply period would have to be materially higher. As such, it is difficult to see how the completions resulting from the Sedgefield method could be achieved in the short term. Even if the Liverpool method were to be used the completion rate over the remaining part of the plan period would be over 400 dpa which has only been exceeded in two years since 2001 and would therefore represent a marked and sustained increase on recent performance.
54. In the circumstances in High Peak therefore, I consider that the Liverpool method of meeting the shortfall should be used. It would result in a housing land supply that was both aspirational and realistic.

Specific deliverable sites

55. For a site to be considered deliverable it must meet the Framework definition. It should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that the development of the site is viable. Sites with planning permission should be considered deliverable until permission expires unless there is clear evidence that schemes will not be implemented within 5 years. The PPG indicates that allocations can also be included as deliverable sites on this basis.
56. At the March 2015 base date of the Council's land supply calculation it estimates that there were planning permissions for some 2,857 dwellings. This is a significant number in relation to the annual requirement and does not rely on any very large sites which may take longer to commence and build out. The Council has also included some of the proposed allocations in the 5-year supply. In general, the evidence indicates that the identified sites are both suitable and available.
57. In terms of achievability, the Council has made allowance for lead times and expected delivery rates on individual sites. Some of these assumptions were challenged during the examination and some were adjusted. Nonetheless, there was criticism from some developers that there had been insufficient liaison with those having interests in sites to be confident about these factors. There was concern that the Council had been too optimistic in terms of lead times, the discharge of reserved matters on outline permissions and overcoming infrastructure constraints.
58. One example is the Waterswallows site in Buxton which has outline permission for 331 dwellings of which 180 are included in the 5-year supply. In the past its implementation has been delayed by Town and Village Green applications but these appear to have been resolved. It is tied to the provision of the Fairfield Link Road. Whereas the Council's trajectory on this site may be optimistic there is a developer involved and it is likely to contribute new dwellings in the supply period. Taking account of the evidence on all of the identified sites, including those considered under Issue 10, there is scope for some slippage while maintaining a robust 5-year supply.

Windfall sites

59. The Framework allows for windfall sites to be included in the 5-year land supply provided that there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
60. In its March 2015 based calculation of the land supply the Council has not included windfalls in the first 3 years to avoid double counting of sites with planning permission but has included an allowance for small sites in the last 2 years. The assumption is based on the number of extant planning permissions rather than any detailed annual assessment of past rates. Nonetheless, larger sites are not included and it is based on evidence of past permissions. In this context, I am satisfied that the evidence is sufficiently compelling that a windfall allowance should be made as proposed in the 5-year land supply.

61. The supply includes a small allowance of 7 dpa for completions in that part of the National Park that is within High Peak. While outside the Plan area these completions would be within the Borough and the Council has based its OAN on the Borough as a whole. Accordingly, it is appropriate to include this assumption, supported by the MoU with the National Park Authority.
62. The Council has not made any provision for the possibility that some existing planning permissions may lapse. There is no requirement for this in either the Framework or the PPG. No evidence has been presented on fallout rates. In the light of the limited assumption made about windfalls and the amount of dwellings with planning permission, I consider that a specific estimate of lapsed permissions is not necessary in this case.

Conclusion on 5-year land supply

63. I note that the calculation currently used by the Council for development management purposes shows only a 3.8 year land supply. However, amongst other things, this is based on the Sedgefield method of dealing with the backlog and does not include new allocations made in the LP. Taking account of the evidence before me from all parties relating to the position at the time it was calculated by the Council, the housing land supply is likely to be less than the Council estimates. Nevertheless, it would be closer to six years than five. Recent progress on some individual sites may have been different to that assumed when the supply was calculated. Nonetheless, I am satisfied that on adoption there would be a reasonable prospect that the Plan would result in an appropriate supply of sites to provide 5 years worth of housing in accordance with the Framework.

Housing trajectory and allocated sites

64. In accordance with the Framework, the LP illustrates the expected rate of housing delivery through a housing trajectory. A detailed version of this has been updated during the course of the examination alongside the 5-year land supply. It includes the allocated sites in the Plan. The Council's suggested main modification (**MM106**) proposes to substitute the revised trajectory for that in the LP. This is necessary to ensure that it is consistent with all the other modifications relating to sites. The amended trajectory is based on evidence as at September 2015. It has been suggested in representations on the main modifications that it should be revised further in the light of events that have occurred since this date, particularly where some sites are not being developed at the anticipated rate. However, the trajectory is inevitably based on information at a particular point in time. It is more important that the Council monitors development against the trajectory (and the 5-year land supply requirement) in a comprehensive way having regard to progress on all sites. As such, further changes to the trajectory are not necessary for soundness.
65. The Framework requires the identification of a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

66. My reasoning on individual allocations is set out later in this report. Having regard to my conclusions on those and the consequent updating of Policy H3 (**MM63**), I am satisfied that the Framework requirements in this regard have been met.
67. The Council has included an allowance for small windfall sites across the plan period in its housing trajectory. Given the number of small sites that have been permitted in the past, I am satisfied that this is acceptable in principle. However, the Council would need to ensure that this could be achieved in the long run. In a suggested main modification the Council has proposed several changes to Policy H1 which is the principal policy dealing with windfall housing. These would give greater flexibility in supporting appropriate unallocated sites. However, the Council should monitor windfall completions annually to ensure that the assumptions remain valid and Policy H1 should be further modified to this effect (**MM59 part**). For clarity, a further reference to the likely scale of windfall development and other possible locations for new housing on industrial legacy sites should be included in the LP (**MM61**) as suggested by the Council.
68. The Council's suggested modification to Policy H1 included an appropriate commitment to review the Local Plan if necessary to bring forward additional sites for housing. It also proposed that where there is less than a 5-year supply of deliverable sites the Council would give consideration to approving sites adjacent to built up area boundaries where various criteria are met. However, the Framework requires Councils to plan positively and to identify a 5-year supply of deliverable sites. As Policy H1 is clearly a policy for the supply of housing it would be regarded as out of date if the required supply could not be demonstrated. The policy would be ineffective therefore and, as such, it is inappropriate to plan for failure in this way. However, sustainable sites that meet the specific and limited circumstances consistent with the criteria proposed in the Council's modification would assist in meeting the windfall requirement. I have therefore amended the suggested modification to enable such sustainable sites to be considered even if there is a 5-year supply (**MM59 part**). Other policies in the LP, including those relating to biodiversity and water pollution, would of course apply to windfall sites as appropriate.

Distribution

69. In the light of my conclusions on the OAN and the amount of housing provision being proposed by the Council, there is no longer an unmet need in the plan area that would have to be met by neighbouring authorities. In that context, the provision of 500 dwellings by Cheshire East Council is no longer necessary. The Council's proposed modifications to the LP to remove this are therefore justified (**MM8, MM10, MM11 part**).
70. The LP distributes the total housing provision between three Sub-areas. Given the geography of the plan area, with Glossopdale separate to the north, the southern section centred on Buxton and the proximity of the 3 market towns of New Mills, Whaley Bridge and Chapel-en-le-Frith in the Central Sub-area, this is a justified approach to take in principle. The Council considered different options for the distribution of dwellings on new sites between the Sub-areas. The distribution in LP Policy S3 is justified by the evidence base, subject to main modifications suggested by the Council for consistency with other changes to the plan and updated information (**MM11**).

71. Policy H1 prioritises new housing development on previously developed land and adopts a restrictive approach to unallocated greenfield sites. However, whereas the Framework encourages the re-use of brownfield land, it does not give it priority and does not prevent the development of sustainable greenfield sites. The Council's proposed main modification to Policy H1 that addresses this difference (**MM59 part**) is endorsed in that respect for consistency with national policy.

Phasing and flexibility

72. The LP includes a specific policy, H2, on the phasing of housing development and there are other references to phasing in Policy CS3 on infrastructure and elsewhere. Phasing can be justified where there is a clear link to the provision of essential infrastructure or services. However, there is a need for clarity as to what the phasing intentions of the plan are, as limiting the release of land for reasons other than the delivery of key infrastructure could prevent sites coming forward at the earliest opportunity in accordance with the national aim of boosting significantly the supply of housing. The Council's proposed modifications (**MM60, MM71 part**) would delete Policy H2 and otherwise address this concern. They are necessary for the LP to be effective in this regard.
73. While the overall housing provision figure for the plan period is expressed as a minimum in Policy S3, the total additional dwellings required on new sites is stated as a maximum. A number of the individual site allocations refer to development up to a specified number of units. The Council has reviewed this and in main modifications (**MM79, MM86 part, MM87 part, MM90 part**) is proposing in most cases to remove the ceiling on development. The detailed policies of the LP, including the requirements set out for individual sites, would continue to apply. For Neighbourhood Plans, **MM12** indicates that they should provide at least the same amount of housing land as identified in the LP. These modifications are necessary for the plan to be flexible and accord with the aims of national policy.

Mix, size, type, tenure and range of housing

74. The SHMA has addressed the need for housing for different types of household and Policy H4 sets out in general terms how this would be taken forward. Although the policy does not provide detailed targets for particular categories, it can accommodate changing circumstances when the SHMA or similar document is updated. Subject to the specific considerations below, the policy provides sufficient guidance on these matters.
75. Policy H4 includes a requirement that all dwellings should be designed to provide accommodation capable of adaptation to meet the Lifetime Homes criteria. However, in March 2015 the Government set out in a Written Ministerial Statement (WMS) its policy on the setting of technical standards for new dwellings. There is an option for Councils to set additional technical standards, exceeding the minimum required by Building Regulations, including in respect of access, and an optional nationally described space standard. In this context, the Council has proposed a main modification to Policy H4 that would seek to achieve internal space in accordance with the Nationally

Described Space Standard and delivered to meet the accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations.

76. The optional new technical standards can only be required where they address a clearly evidenced need and where their impact on viability has been considered. An Addendum (August 2015) to the previously published Viability Test Report (VTR) (April 2014) shows that the removal of the requirement to achieve compliance with the Code for Sustainable Homes (considered under Issue 9) would outweigh any additional costs associated with these optional standards and therefore viability would not be at risk. The assumptions used in the original VTR mostly complied with the new optional standard.
77. In terms of evidenced need, the Council has produced an analysis of the size and type of dwellings currently being built. This shows that 1 to 3 bedroom units are smaller than the optional standards would require. The SHMA indicates that there will be significant increases in the numbers of older people over the plan period. However, it is not evident as to what the potential impact would be on meeting demand for starter homes, or whether a transitional period is necessary to enable developers to factor the cost into future land acquisitions.
78. The PPG indicates that plans should state what proportion of new dwellings should comply with the accessibility requirements. The Council's proposal is that it should apply to all dwellings but it is not clear that there is a need for this in all cases in High Peak. However, the modified policy would not be expressed as a requirement. In the light of the evidence it is reasonable for the Council to seek homes that meet the optional standard and appropriate main modifications (**MM63, MM64**) will achieve this. There is insufficient evidence to conclude that the modification should be widened to include provision for a proportion of M4(3) wheelchair accessible dwellings.
79. Amongst the changes the Council is proposing to Policy H1 is the introduction of support for development identified through a Community Right to Build Order and for self build housing schemes. In this respect modification **MM59** in part is justified as it carries forward national policy.

Overall conclusion

80. My overall conclusion on this issue is that, subject to the main modifications indicated, the housing strategy has been positively prepared and that the overall level of housing provision and its distribution are justified and appropriate.

Issue 3 – Whether the Local Plan makes appropriate provision for affordable housing

81. The overall amount of affordable housing need has been considered above. However, in terms of how provision can be achieved from individual developments, Policy H5 sets out the size thresholds at which affordable housing would be sought and the percentage of dwellings that should be affordable. In the context of the November 2014 WMS and associated changes to the PPG, the Council had proposed modifications to the plan that would restrict affordable housing contributions to developments larger than 10 units.

However, in *West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin)* the High Court has ruled that policies in the WMS must not be treated as a material consideration in development plans. Accordingly, the Council has indicated that it wishes to revert to the submitted policy.

82. The Policy requires 30% affordable housing on sites of 25 units or more and 20% on sites between 5 and 24 units. These assumptions have been built into the Council's VTR which has undertaken site specific viability assessments for most of the Strategic Development Sites and major housing allocations and a sample of smaller housing sites reflecting broad typologies. It uses a residual valuation approach.
83. The VTR has included assumptions about possible planning obligations or the Community Infrastructure Levy (CIL) and the Addendum has addressed the implications of the Government's review of the technical standards for new dwellings. It concludes that overall the plan requirements are not of such a scale that they threaten the ability of the sites allocated to be developed viably. However, in certain circumstances there will need to be a balance between affordable housing and other requirements. The Addendum indicates that the modifications to the plan as a result of the technical standards review mean that these circumstances are likely to be more limited, suggesting a greater prospect for the delivery of affordable housing. Overall, the conclusions of the VTR and Addendum are robust.
84. Policy H5 includes flexibility by accepting reduced provision where this is supported by a financial appraisal. In this context and having regard to the conclusions of the VTR and Addendum the thresholds and percentages for affordable housing have been justified.
85. The LP seeks to achieve a target of 80% rented and the balance as intermediate affordable housing. This has been based on the findings of the SHMA and has been incorporated into the VTR. Policy H5 allows these proportions to be varied where justified. This approach provides the flexibility required in national policy.
86. Policy H6 supports affordable housing on rural exception sites subject to a series of criteria. These include allowing an element of market housing where it would deliver a significant amount of affordable housing. This is consistent with national policy which provides for rural exception sites where appropriate, reflecting local needs.
87. Subject to some main modifications to wording for clarity and effectiveness (**MM65, MM66**) the LP makes appropriate provision for affordable housing.

Issue 4 – Whether the Local Plan has adequately addressed the accommodation needs of travellers

88. The Council has jointly undertaken a Gypsy and Traveller Accommodation Assessment (GTAA) along with other Derbyshire Councils, East Staffordshire Borough Council and the Peak District National Park. The assessment was undertaken in 2014 but the final report was not published until June 2015. Revised national Planning Policy for Traveller Sites was published in August 2015. As these were not available when the LP was submitted for examination, the views of relevant consultees on the documents were sought and have been taken into account in this report.
89. The GTAA identifies a need for additional residential pitches, transit sites and travelling showpeople plots over the period to 2034 in the study area as a whole. However, for High Peak it includes no indication of a need for transit sites or travelling showpeople plots. It also concludes that there is no need for additional pitches in this period based on survey results of unauthorised encampments in the Borough. Nevertheless, it indicates that need does not have to be met where it arises. The GTAA goes on to record that if the needs arising from unauthorised encampments were shared equally between all authorities in the study area, High Peak would have a need for 2 pitches.
90. National policy requires that local planning authorities should set pitch targets which address the accommodation needs of travellers in their area. The GTAA does not recommend sharing need equally between the different authorities. Indeed, it concludes that over the study area as a whole this would be unrealistic. However, it does recommend that smaller collaborative groupings should be adopted to determine jointly how to meet needs. In the case of High Peak this would include Derbyshire Dales District Council and the National Park Authority.
91. The Council indicates that the participating authorities are not considering splitting the need between them and that at this stage it is envisaged that this will be met where it arises. There is no recent evidence of unauthorised encampments or planning applications for pitches within the plan area. While there may be needs in other parts of north Derbyshire and around the Manchester conurbation, the GTAA appears to have been produced in accordance with good practice and is robust. In these circumstances, in the light of the GTAA's conclusions it is appropriate for the LP not to include a pitch target or to identify sites. However, Policy H7 should be updated following the publication of the GTAA to ensure that it is consistent with national policy by carrying forward a commitment to meet needs (**MM67 part**).
92. Policy H7 also contains a series of criteria against which any proposals for gypsy and traveller sites would be considered. While not expressed in the same form, the criteria generally reflect the aims of national policy. However, the requirement for permanent sites to have reasonable access by foot, cycle or public transport to various services goes further than national policy for traveller sites and is too onerous. As such, to be consistent with national policy I am recommending a further main modification (**MM67 part**).
93. With the main modification indicated I conclude that the LP has adequately addressed the accommodation needs of travellers.

Issue 5 – Whether the Local Plan is consistent with national policy relating to the Green Belt and the countryside

94. Policy EQ3 sets out the LP's approach to development in the Green Belt and the countryside. In the plan area the Green Belt extends around Glossop and New Mills and to the north of Whaley Bridge, whereas the countryside is defined as land outside the settlement boundaries established on the Policies Map. The designations overlap in the northern part of the plan area. Nonetheless, Green Belt is a national policy serving very clear purposes set out in the Framework with a fundamental aim of preventing urban sprawl by keeping land permanently open. By treating the two designations in one policy other factors which do not feature in national policy appear to apply to the Green Belt here. The Council has proposed main modifications (**MM40 part, MM41**) that transfer the Green Belt aspects to a separate, plainly expressed policy, EQ3a, which refers to applying national policy for the Green Belt. These modifications are necessary for the plan to be effective and consistent with national policy in this regard.
95. Once established Green Belt boundaries should only be altered in exceptional circumstances. The LP proposes a single change, at Furness Vale where land on the edge of the village adjacent to the A6 would be removed from the Green Belt and allocated for 39 dwellings. The site is enclosed by a road, canal and existing built development. The Council's Landscape Impact Assessment (January 2014 with updates in July and August 2014) (LIA) undertaken by Wardell Armstrong has demonstrated to my satisfaction that it does not contribute to the purposes of including land within the Green Belt. Furness Vale is identified as a larger village in the LP settlement hierarchy where a moderate scale of development is acceptable. Taking these factors together the exceptional circumstances test has been met and the exclusion of the land from the Green Belt has been justified. The LP would not be sound unless the Policies Map was amended to show the boundary change and housing allocation as proposed by the Council.
96. A number of changes to the Green Belt boundaries have been promoted in representations. The LIA also recommends removal of land from the Green Belt at Kinder Road, Hayfield and at Brickfield Street and Platt Street, Padfield. These have not been taken forward in the LP. The Platt Street site raises coalescence issues with Hadfield, recognised in the LIA. While the LIA identifies some Green Belt benefits at Kinder Road these are not persuasive in demonstrating that there are exceptional circumstances for boundary changes. The Brickfield Street site has mainly been assessed in landscape rather than Green Belt terms in the LIA. Planning permission was granted on appeal for two dwellings on this site in December 2015. However, the Inspector regarded the proposal as limited infilling which is not inappropriate development in the Green Belt. This does not of itself justify a change to the boundary.
97. A change to the Green Belt boundary to accommodate housing development on land at Meadows Farm, Hayfield would result in an extension to the village on prominent rising ground. As such, in this case any benefits in terms of providing new homes would not amount to exceptional circumstances sufficient to justify such an amendment.

98. The LIA has found development of some land at the Bridgeholme Industrial Estate as acceptable in landscape terms but that is a separate consideration from maintaining Green Belt openness. While there is some sporadic development in the area, the Industrial Estate is located in the countryside in an area of Green Belt between Chinley and Chapel-en-le-Frith, some distance from either settlement. Reference has been made to developments allowed elsewhere in the Green Belt but these did not entail a boundary change. Notwithstanding the limitations that this may place on the expansion of businesses, a case for taking land out of the Green Belt here based on exceptional circumstances has not been made.
99. A previous Local Plan Inspector was concerned that there may not have been a consistent approach to where built up area boundaries are established and, in the Green Belt, where small settlements are 'washed over' rather than treated as insets. The village of Bridgemont is within the ribbon of development along the A6 south of Furness Vale and is washed over by Green Belt. Given the loose-knit nature of the groups of dwellings within the settlement there is not an exceptional case for an inset to be introduced.
100. Although land at Buxton Road, Bridgemont has well defined boundaries and is screened by woodland, its development for housing would introduce built form into a part of the gap between the village and the edge of Whaley Bridge. Its removal from the Green Belt would not be justified therefore.
101. Land at Hog's Yard, Buxton Road, Whaley Bridge is close to the Bridgemont site and enclosed by roads and a canal. Its development could be viewed as an extension to the Bingswood Industrial Estate. It is argued that the site is similar to that at Furness Vale. However, in this case it contributes to the limited gap between the settlements and, as such, a change to the Green Belt boundary to exclude this land cannot be justified.
102. Other locations have been referred to where the Green Belt boundary might be adjusted to reflect recognisable features. However, except for the site at Furness Vale, it has not been demonstrated that there is a case based on exceptional circumstances for land to be removed from or added to the Green Belt.
103. Policy EQ3 includes criteria by which development in the countryside will be assessed. The Council's proposed main modification **MM40** recasts and amends the policy so that it is clearer and consistent with national policy, particularly in relation to housing, and is justified on that basis.
104. Subject to the above main modifications my conclusion is that the LP is consistent with national policy relating to the Green Belt and the countryside.

Issue 6 – Whether the Local Plan would proactively drive and support sustainable economic development

Vision and strategy

105. The LP Spatial Vision incorporates aims for the prosperity of the Borough, emphasising the growth sectors that have been identified in the evidence base. These are developed in the Spatial Strategy. The economic strategies for each

of the Sub-areas are then included in Policies S5, S6 and S7. There is a strong regeneration theme running through the plan, including the redevelopment of industrial legacy sites. Taken as a whole the LP sets out a clear economic vision and strategy for the area which proactively encourages sustainable economic growth and regeneration.

Employment land needs

106. The LP is underpinned by an Employment Land Requirement Study Update (July 2014) which identifies a need for between 40 and 80ha of employment land in the plan period. A further Appendix (September 2014), which took account of the publication of the 2012-based sub national population projections, was added to the report but did not alter this conclusion.
107. This range of employment land needs has been appropriately identified and justified. The top end is based on projecting forward past take up and allowing for the re-provision of likely losses to non B-Class uses. However, this is well in excess of demand forecasts based on the OE econometric model which are at the bottom end of the range.
108. In Policy S4 the LP provides for at least 45ha of land which is towards the lower end of the identified range but not a ceiling on development. Having regard to the conclusions under Issue 2 concerning objectively assessed housing needs, this broadly aligns with the demographic and econometric projections that support the plan and the amount of new housing. It would accord with the LP policy aspirations for economic development. As such, the overall land provision in the LP has been justified.

Sites

109. The LP identifies new employment land allocations in Policy E2 and lists Primary Employment Zones (PEZ) in Policy E3 where employment development will be supported. The VTR concludes that none of the new allocations would be viable for speculative development. However, they could come forward as sites for an individual owner occupier to expand or for businesses that need to develop in that area. The Council's 'Growth Fund' may provide some assistance in bringing forward new employment land, albeit that there will be competing demands on its resources.
110. There is an existing PEZ on Waterswallows Road near Buxton. Policy E2 proposes that this should be extended to include the recently constructed bottling and distribution plant for Nestlé Waters UK Ltd and that there should be a further allocation of land around this as an extension to the employment area. Nestlé have made significant investment in the new facilities and contend that a larger area should be allocated to provide sufficient flexibility for the business to change and expand over the plan period.
111. The PEZ and the new plant are situated in the countryside in an open pastoral landscape and the additional land proposed in the LP would have to include landscaping for any further buildings. The wider extension proposed would align with field boundaries and would include land controlled by the company. However, the Council has proposed modifications to Policy E2 and associated reasoning that support an additional extension of the site for the purposes of

the bottling plant subject to consideration of other LP policies (**MM56, MM57**). While these fall short of the allocation sought by the company, the landscape implications in particular of a larger extension have not been satisfactorily addressed at this point. The modifications nevertheless are more positively worded and are necessary for the LP to be both justified and effective in this respect.

112. It has been suggested that the LP should support mineral water bottling plants elsewhere, specifically at Cowdale, exploiting the Rockhead Spring. In the past there have been concerns over, amongst other things, the setting of a Scheduled Monument and the removal of extracted rock from the site. There is insufficient evidence at this point to be sure that a sustainable development could be achieved. However, the Council is proposing a modification to the LP (**MM24**) that refers to the possibility of further opportunities for bottling plants, including Rockhead Spring. Taken with the modification to Policy EQ3 (**MM40**), this provides a more positive approach to the economic opportunities presented by exploiting a natural and renewable resource in line with national policy and is necessary for that reason. The protection of the quality and supply of natural mineral water in the Buxton Sub-area is an important aim of the LP and **MM25**, as suggested by the Council is necessary to ensure that this is effectively expressed in Policy S7.
113. The proposed extension to the Tongue Lane Industrial Estate, Buxton is linked to the provision of the Fairfield Link Road. The likelihood of delivery of the road is considered under Issue 8 and, in the context of my conclusions on that, the extension has a reasonable prospect of being delivered within the plan period. The other new allocations proposed are at land off Wren Nest Road at Glossop and an extension to existing provision at Staden Lane, Buxton. There is no persuasive evidence that would suggest that these allocations are not justified and deliverable. The Council is not proposing to make specific employment land allocations in the Central Sub-area but has set a requirement for 7.7ha of land to be identified in the Chapel-en-le-Frith Neighbourhood Plan. Overall, the LP has identified an appropriate supply of justified and deliverable new sites to meet anticipated needs over the plan period.
114. The Thornsett Industrial Estate is included in the list of PEZs in Policy E3. It comprises a mixture of modern industrial and former mill buildings, typically appropriate for B2 or B8 uses. However, there is significant vacancy, some of the older units are in a poor state of repair and the access is difficult, particularly for large vehicles. The Council is proposing that a former employment land allocation adjoining the site should be redesignated as part of the PEZ.
115. The site has been assessed by the Council as performing poorly and some buildings are unusable at present. However, there are businesses in some of the older buildings, albeit at favourable rentals, as well as in the modern units. Low quality premises can be appropriate for some users. Other similar sites are to be redeveloped as part of the Council's approach to its industrial legacy and there may be some displaced businesses as a result. Given the access to and layout of the site and its relationship with the river, it is unclear how a mixed use development might be achieved. At this point the PEZ designation is, on balance, justified. However, the Council should closely monitor the

estate and review this if it is clear that it is not fulfilling the role associated with that status.

Flexibility

116. Policy E1 supports new business and industrial developments in sustainable locations, including criteria as to how this will be achieved. It encourages development on allocated sites, the more efficient use of PEZs and development within built-up areas. In terms of rural areas, the Framework supports economic growth, setting out requirements for local plans that will promote a strong rural economy. In part, main modification **MM40** modifies Policy EQ3 on rural development so that it is brought into line with this approach. Modifications to some other policies that cross refer to it are also proposed (**MM13, MM55**). These are therefore necessary for the LP to be consistent with national policy in this regard. In this context, the LP employment policies are sufficiently flexible that they could accommodate needs not anticipated in the plan.
117. In the light of the Framework policy that the long term protection of sites allocated for employment use should be avoided when there is no reasonable prospect of a site being used for that purpose, the Council has not carried forward some allocations from the current saved Local Plan. A number of industrial legacy sites containing infrastructure or premises no longer suited to meet the needs of modern businesses are proposed for redevelopment under Policy E5, mainly for mixed use schemes. However, Policy E4 limits the change of use of existing business or industrial land or premises, requiring that, amongst other things, there is marketing evidence to show that the site is no longer suitable or commercially viable.
118. The Council has clearly examined the status of existing sites. It is reasonable that for a change of use there should be a requirement to demonstrate that there is no market for the employment use. The policy limits this to that commensurate with the size and scale of development. There is no requirement for marketing evidence on those sites where an alternative use is supported by the LP. In the light of these considerations, the approach to the protection or release for redevelopment or change of use of existing employment sites or premises is consistent with national policy.

Tourism and culture

119. Policies E6 and E7 set out a criteria-based approach to tourism and culture. They reflect the importance of tourism to the local economy while at the same time recognising the need to safeguard the environmental assets that are a crucial part of the attraction to visitors. Policy S7 supports the Buxton Crescent and Spa Hotel project and generally encourages the provision of additional visitor accommodation and facilities. Hotel and tourist accommodation is included in the Station Road and Spring Gardens Regeneration Area, Buxton allocation in Policy DS20.
120. The Framework indicates that local plans should allocate a range of suitable sites to meet development needs in town centres, including those for tourism and culture. Although the Council's approach is not as specific as this, it is positive and flexible. However, Policy E6 only refers to Buxton and Glossop as

named locations. The Council's proposed main modification (**MM58**) would clarify that tourist accommodation can be appropriate in other market towns. With that change, overall, the LP provides a justifiable and effective strategy for the promotion of tourism and culture.

121. My overall conclusion on this Issue is that with the main modifications the LP would proactively drive and support sustainable economic development

Issue 7 – Whether the Local Plan provides a sound basis for retail development and the management and growth of town and local centres

122. The strategy for retail uses is based on the Quantitative Retail Study Update (October 2013) and an Addendum Report (February 2014) which takes account of some significant changes in baseline data, including growth forecasts and information from the 2011 Census. Allowances have been made for the effect of the position of students and the impact of tourists. Some of the specific conclusions of the Studies are considered below, but overall they provide an appropriate and robust objective assessment of needs.

123. The LP makes no provision for additional convenience goods shopping in Buxton. This is in accordance with the conclusions of the Retail Studies that there are no overriding grounds to allocate a new site over the early to mid-phase of the plan. It is in contrast to the earlier 2009 Retail Study which had identified the need for a new mainstream foodstore in or on the edge of the town centre. This was to provide choice and competition due to the dominance of the out-of-centre Morrison's foodstore. It has been suggested that there would be benefits to the viability and vitality of Buxton town centre in locating a new foodstore on land to the north of Station Road, the former Nestlé Water (UK) site. There would be an opportunity for linked trips to the town centre and in effect provide additional town centre car parking capacity.

124. Since the 2009 Study the market share of Morrison's has reduced by about 10% while that of the edge-of-centre Aldi store has increased significantly. Both stores are trading well above their company average. Nonetheless, the evidence shows that Buxton town centre stores are generally trading below the company average. Qualitatively there is currently a breadth of provision and therefore choice and competition within the town. There is projected convenience expenditure growth but in the light of these factors I agree that it would be inappropriate to allocate a site at this time. However, the Council should continue to monitor the health of the town centre and the basis for further convenience store provision in the longer term.

125. It has been suggested that the Primary Shopping Area (PSA) for Buxton should be extended to include the land to the north of Station Road. The LP has included this land within the Station Road and Spring Gardens Regeneration Area (Policy DS20) which is considered in detail under the Buxton Sub-area Strategy, below.

126. The Aldi store is to the north of Station Road next to the Nestlé Waters land. No doubt some further improvements could be made to assist pedestrians crossing Station Road. However, Station Road is a busy through route presenting a considerable barrier to movement between the Spring Gardens Centre and other retail frontages to the south of the road. There is also a

sizeable gap between existing retail frontages and the Aldi store. Having regard to the definition of the PSA in the Framework, I consider that the case has not been made for the land north of Station Road to be included within it.

127. Policy CF1 includes the strategy for development in Town Centres. A change to the Policies Map is proposed to amend the town centre boundary for New Mills to remove an area of residential properties while including a convenience store. The approach to development in Primary Shopping Frontages (PSF) is set out in Policy CF2. The proposal to extend PSFs in Buxton and Glossop as shown on the Policies Map is based on evidence of concentrations of A1 uses. These changes to the Map reflect the position on the ground and Policies CF1 and CF2 would not be effective unless these amendments were made.
128. Policies CF1 and S6 include provision for a new Class A1 food store at New Mills. This is supported by the Retail Study Update but references in the policies to demonstrating a need would be inconsistent with national policy. The Council's suggested modifications (**MM23, MM68**) would address this concern. The modifications also delete reference to the particular part of New Mills where the store should be located. This is necessary for the policy to be effective by providing flexibility in this respect. Supporting text indicates that a deep discount store is likely to be appropriate to help broaden choice. However, this is a preference rather than a requirement and any proposal would be considered in the context of the tests in Policy CF1.
129. The LP includes provision for small scale A1 retail convenience development at Harpur Hill Local Centre which would be part of the Strategic Development Site at Land off Ashbourne Road and Foxlow Farm, Buxton (Policy DS18). Outline planning permission has been granted for the development of this site. The Council is proposing main modifications (**MM69, MM99**) to Policies CF1 and DS18 that remove a requirement to link the retail floorspace to the implementation of the residential element of the overall scheme and to clarify that the total floorspace limit of 2,500 sqm for the Local Centre relates to town centre uses only. It has not been demonstrated that phasing the retail aspect is necessary. The limit on town centre uses is supported by the 2014 Retail Study Addendum in terms of possible effects on Buxton town centre. As such, these modifications are necessary for the plan to be justified and effective in this regard.
130. In the light of these considerations and with the main modifications indicated, I consider that the LP provides a sound basis for retail development and the management and growth of town and local centres.

Issue 8 – Whether the infrastructure requirements for the Local Plan are soundly based and deliverable and whether there are clear mechanisms for implementation and monitoring

General

131. The Council's Infrastructure Delivery Plan (IDP) (August 2014) sets out the infrastructure needs associated with the LP, distinguishing between those that are critical and those that are desirable. A critical dependency is where development would be prevented or delayed unless the infrastructure is provided at the appropriate time. However, in many instances it is not clear

why particular infrastructure in the IDP is so fundamental that the consequences of non-delivery can be regarded as critical. When the IDP is updated it would be appropriate to adopt a more focused approach so that the priority requirements are clear. Nonetheless, the IDP provides a comprehensive basis for considering the relationship between development and infrastructure, setting out, amongst other things, those responsible for delivery, the costs and funding sources where known and the likely timescale.

132. The LP policies relating specifically to infrastructure, such as CF3, CF4, CF5 and CF6 do not detail individual schemes. These are included in the policies for Sub-areas or individual site allocations where relevant. Overall, the plan has included the elements of infrastructure that are critical to the delivery of the LP and the Council has shown that there is sufficient commitment at this stage from the relevant organisations responsible for delivery. Subject to more detailed considerations, below in this section or under Issue 10, there is reasonable certainty that the overall infrastructure requirements of the development proposed can be delivered.

Transport

133. The LP is supported by the High Peak Local Plan Transport Study (July 2014) which assesses the likely transport and traffic implications of the development proposed, including the likely trip generation from the allocated sites. It identifies the mitigation measures required. The Study has been prepared using an appropriate methodology and forms a robust basis for this aspect of the LP.
134. The A628 is a trunk road and part of the Strategic Route Network, providing an important cross-Pennine route and a link between Glossopdale and the Manchester conurbation. There are issues of congestion and delays, particularly with the A628/A57 junction at the Gun Inn. Following initial findings from the Trans-Pennine Feasibility Study, the Government's Road Investment Strategy (December 2014) has identified improvements to the A57, although the precise timing of this is not established.
135. Highways England (formerly the Highways Agency) considers that the cumulative effect of the Strategic Development Sites in the Glossopdale Sub-area has the potential to impact upon the Strategic Road Network. However, it also considers that this represents a limited risk. The cumulative impact of proposed development on the A628 may be relatively limited and could reasonably be considered as part of further assessments at the planning application stage. Air quality matters would be addressed through Policy EQ9 (as modified by **MM52** and **MM53**). It has not been suggested that the A57 improvements are critical to the plan. The Council's suggested main modification to Policy S5 (**MM17**) relating to the outcomes of the Trans-Pennine work and the approach to developments affecting the A57 and A628 is sufficient but necessary to ensure that the LP would be effective in this regard.
136. The County Council as local highway authority concludes that the evidence does not indicate that the combined impact of the strategic sites identified would result in insurmountable difficulties. I agree that the transport assessments, including the A6 Corridor Study, support that outcome. For individual sites transport mitigation, where appropriate, is considered mainly under Issue 10.

However, there are three Strategic Development Sites (SDS) for which the Fairfield Link Road, Buxton is a relevant consideration, identified as critical infrastructure in the IDP.

137. Tongue Lane, Buxton is narrow and unsuitable to take additional traffic. Planning permission has been granted at Waterswallows for 331 dwellings tied to the provision of a link road from the A6 to the Tongue Lane Industrial Estate. Strategic allocations for residential development at land west of Tongue Lane (Policy DS16) and an addition to the Tongue Lane Industrial Estate (Policy DS19) would be reliant on a further extension to that link road. The LP therefore safeguards a route for the Fairfield Link Road from these sites to a new roundabout junction on the A6. Land at Hogshaw (Policy DS15) for mainly residential development would require access on to this roundabout. It is proposed that the link road would be funded by contributions from these developments.
138. The Link Road has been provided for in previous local plans but has not been delivered. The Waterswallows permission has been extant for some time and a related application for the link road was approved in 2013 but subject to a planning obligation that has yet to be agreed. There have been Town and Village Green applications and land ownership issues. The IDP shows the provision of the Link Road in two phases. The first, between 2014 and 2019, would relate to that necessary for development with planning permission and the second, between 2026 and 2031, would relate to the further housing and employment sites. However, this is only indicative and there is no reason why the road could not be brought forward if the issues affecting delivery could be addressed.
139. The Council has control of land relating to some of these sites and there are interested developers. The new residential allocations are shown as being built out towards the end of the plan period. Having regard to evidence on site viability, there is reasonable certainty that the matters that have caused delay could be resolved and the Link Road delivered such that the developments could be achieved in the plan period.
140. The LP provides for new railway stations at Gamesley and Chapel-en-le-Frith. The former is defined as critical to the plan in the IDP and has some funding in place, while the latter is identified as desirable. There is no evidence that any of the development in the plan would be put at risk if either project was not carried forward. Although there is some way to go before the schemes could be delivered and the Chapel station in particular would be towards the end of the plan period, they would assist in providing sustainable transport choices. Their inclusion in the plan is therefore justified.
141. The LP spatial strategy reflects the opportunities for sustainable transport choices in the plan area. There is provision within various policies to promote walking, cycling and public transport. Main modification **MM71** in part ensures Policy CF3 reflects national policy in terms of seeking modal shift. With this, overall, the LP facilitates the use of sustainable modes of transport where reasonable to do so.
142. Policy CF6 requires that development should accord with local parking standards as identified in Appendix 1 of the plan or future standards set by the

highway authority. However, the March 2015 WMS indicates that local parking standards should only be imposed where there is clear and compelling justification that it is necessary to manage the local road network. The Council is proposing main modifications to both the policy and the Appendix (**MM77, MM105**) which include removing the requirement. They refer to parking guidance and clarify the approach to be taken to parking matters related to development. The modifications are necessary for the plan to be consistent with national policy.

Other services and infrastructure

143. Much of the specific infrastructure identified by the IDP as being required in the first 5 years of the plan period relates to extensions to schools. Cost estimates are included where known and funding sources identified, principally through developer contributions. The measures reflect the needs identified by the local education authority and there is no evidence to suggest that they have not been based on a robust methodology. While the solutions to deliver extra capacity are not resolved in all cases, there is no compelling evidence to indicate that satisfactory outcomes will not be achieved.
144. The LP also identifies sites that will be safeguarded for education purposes. These are based on the local education authority's requirements. The position of land at Green Lane, Buxton for the re-location of school sports pitches is considered under Issue 10. Subject to that, taken as a whole the education infrastructure implications of the LP have been justified and are deliverable.
145. Sport England considers that the evidence base on which the LP's provisions on sports and recreation are based is out of date. The main assessment was undertaken in 2009 jointly with Derbyshire Dales District Council and the National Park. A joint Open Space, Sport and Recreation Strategy was adopted by the Council in 2012. The Council has suggested main modifications to the LP that include a commitment to update the 2009 assessment as soon as reasonably practical and to refer to the latest Strategy (**MM18, MM22, MM30, MM72, MM74**). The methodology for the existing needs assessment appears robust and it retains some relevance for the LP. Accordingly, while less than ideal in terms of its currency, in the light of the proposed modifications on balance a conclusion of unsoundness would not be justified.
146. In various respects Policy CF4 on open space, sports and recreation facilities does not accord with the Framework. The Council's suggested main modifications (**MM14, MM19, MM27, MM30, MM71 part, MM73**) address this and also ensure that sports and recreation considerations are given appropriate attention in other parts of the plan. With these changes the LP is consistent with national policy and provides an adequate framework for the protection and development of sports and recreation facilities.
147. The IDP indicates that the water and waste water infrastructure implications of development will be addressed on a site by site basis. No specific new projects have been identified as necessary to support development generally. The Environment Agency and the utilities companies have not raised any in principle objections to this. Subject to a main modification (**MM70**) proposed by the Council, which would clarify the approach to co-ordinating development with the timing of infrastructure improvements, the plan is sound in this regard.

148. The approach to flood risk management in Policy EQ10 has raised no concerns from the Environment Agency, or the County Council as lead local flood authority. It accords with national policy and would be effective in ensuring that development takes account of flood risk. However, clarification of the approach to dealing with surface water from new development in supporting text is necessary for effectiveness as set out in the Council's modification (**MM54**). In the light of comments made by the Environment Agency, a minor change to the modification has been incorporated to provide more flexibility in the priority method of discharge.
149. The Council has proposed a main modification (**MM71 part**) to Policy CF4 that introduces a requirement for the provision of waste management infrastructure related to development. This is necessary for the plan to be effective in ensuring that the waste implications of development are addressed.

Implementation

150. In terms of the effect of infrastructure requirements on the viability of development, in general appropriate assumptions have been built into the VTR and Addendum. Overall, having regard to other requirements as considered above, the conclusions of the VTR and Addendum are robust. However, the position on individual sites is considered where appropriate under Issue 10.
151. The LP indicates that the Council is giving further consideration to the introduction of the CIL. However, the levy will not be in place at the point of adoption of the LP and there is not a clear timescale in which it might be introduced. As such, the Council must rely mainly on planning obligations where it is seeking the provision of or financial contributions towards infrastructure from developments, at least in the short term. Based on the IDP, the situations in which such obligations would be sought would be proportionate and could meet the requirements of CIL Regulation 122 and the tests in Framework paragraph 204.
152. CIL Regulation 123(3) places a limit on the pooling of contributions in respect of up to five separate planning obligations that relate to planning permissions granted for development within the area of the charging authority. Pooled contributions beyond that limit may not lawfully be used to fund infrastructure which could be funded from CIL. There is no evidence that this will inhibit the Council's ability to achieve the infrastructure that is critical to the LP in the early years of the plan. However, the Council will no doubt wish to factor in the implications of the pooling restriction for development across the plan period when considering whether to take forward CIL.
153. There are several LP policies (including H5, CF4, CF7, EQ2 and EQ5) where there are references to Supplementary Planning Documents or other reports and strategies as a mechanism to assist with implementation. These are in many cases worded in such a way as to confer development plan status on the other documents. However, they have not been subject to the same process of preparation, consultation and examination as a local plan. The Regulations require that policies intended to guide the determination of applications for planning permission should be in the local plan. The Framework also indicates that policies on local standards should be in the plan. The Council has

suggested main modifications that would introduce more appropriate wording (**MM46, MM75, MM78, MM97 part, MM103 part**), which are necessary to address this concern.

154. The LP contains a section on implementation and monitoring, setting out in a table the principal outcomes, implementation mechanisms and delivery bodies for each policy. A further table lists the LP objectives, monitoring indicators, targets and data sources, again on a policy by policy basis. This establishes clear arrangements for managing and monitoring the implementation of the plan.

Conclusion

155. Having regard to these considerations on Issue 8 and with the main modifications identified, I conclude that the infrastructure requirements for the LP are soundly based and deliverable and that there are clear mechanisms for implementation and monitoring

Issue 9 – Whether the Local Plan makes appropriate provision for the protection and enhancement of the natural and built environment, to address climate change and for the safeguarding of resources

Nature conservation

156. The European sites likely to be affected by proposals in the LP are the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) and the South Pennine Moors and Peak District Dales Special Areas of Conservation (SAC). The Council undertook a Habitats Regulations Assessment (HRA) for the Submission Version LP (March 2014). However, Natural England raised a number of concerns with the Assessment and some LP policies in terms of soundness and meeting the requirements of the Habitats Regulations. Accordingly, the Council produced an Addendum to the HRA (August 2014) that sought to address these matters.
157. In December 2014 the Council and Natural England agreed a Statement of Common Ground whereby subject to various modifications to the LP the concerns would be resolved. It concluded that the HRA and its Addendum demonstrated compliance with the Habitats Regulations. Subject to avoidance measures incorporated as appropriate in the modifications, the LP would not result in adverse effects on European designated sites, both alone and in combination with other plans.
158. At the hearing on this matter the Council and Natural England agreed that some of the modifications were not necessary for soundness or legal compliance but could be treated as additional modifications if the parties wished. However, the others that they had identified, particularly in relation to Policy EQ4 on biodiversity, the Sub-area strategies and some individual site allocations are necessary main modifications in order for the LP to comply with the Regulations and to be effective in protecting European sites. Although there is some further variation of wording in the main modifications that are being recommended (**MM16, MM21, MM26, MM29, MM35, MM37 part, MM39, MM42**), this does not affect the substance of what was agreed between the Council and Natural England.

159. The Framework requires that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status. Policy EQ4 differentiates between each type of site but **MM42** in part is necessary to ensure that it is clearer and therefore effective in this regard.

Landscape and green infrastructure

160. The Peak District National Park has the highest protection in relation to landscape and scenic beauty. The LP area is outside but on the edge of the National Park. Their topography and proximity is such that there is extensive intervisibility between the two areas. There is no specific provision for safeguarding the setting of National Parks in national policy. However, the PPG refers to the statutory duty to have regard to the purposes of designation as being relevant to development proposals that are outside the National Park but which might impact on the setting. This is a significant factor here and the LP makes some references to it. Nonetheless, the Council has proposed a number of main modifications (**MM1 part, MM2, MM15, MM20, MM28, MM43, MM44**) that would strengthen this aspect. These are necessary for the LP to be effective in this regard.

161. Policy EQ2 sets out a criteria-based approach to protecting and enhancing landscape character. Taken with site specific policies, including their main modifications for reasons considered elsewhere in this report, it should be effective in achieving these aims. Policies EQ7 and EQ8 relating to green infrastructure and trees, woodland and hedgerows are justified and will be effective in meeting their aims.

Design and heritage

162. Policy EQ5 sets out a series of criteria relating to good design and place making. They are generally expressed but are nonetheless broadly consistent with national policy. However, the Framework encourages inclusive design and a more specific reference to this in Policy EQ5 as proposed by the Council (**MM45 part**) is justified for that reason.

163. The Council has suggested a number of main modifications (**MM47, MM48, MM49, MM50**) to Policy EQ6 that are intended to bring the approach towards heritage assets in line with that in the Framework. Historic England supports these changes which are necessary for EQ6 to be consistent with national policy. A further suggested main modification is necessary to ensure that it is clear where Article 4 Directions will be used (**MM51**).

Pollution

164. The provisions of Policy EQ9 and supporting text in so far as they relate to pollution, including air quality, are not clearly expressed and would be ineffective in achieving the aim of avoiding or mitigating potential impacts. The Council's suggested modifications (**MM52, MM53**) are therefore necessary as they address this concern.

Climate change and resources

165. The LP's strategy to mitigate and adapt to climate change is included in Policy EQ1. Amongst other things, this seeks to ensure that renewable energy installations do not have adverse landscape impacts and, specifically, that wind turbine developments do not adversely affect European sites. Having regard to the WMS of June 2015 the Council is proposing that this reference to wind energy should be deleted, relying on the WMS for future planning decisions in this regard. This main modification (**MM37 part**) is necessary for the plan to be consistent with national policy.
166. Policy EQ1 also requires new dwellings to achieve standards set by the Code for Sustainable Homes. However, following the Government's housing standards review and the WMS of March 2015 the Government has withdrawn the Code. LPs should not include any policy requiring any level of the Code to be achieved by new development. As such, the Council has proposed various modifications that would delete references to the Code (**MM32, MM33, MM34, MM36**). Nonetheless, there is an optional Building Regulation on water. The Council has proposed to delete reference to the Code but to require new residential development in the Buxton Sub-area to meet the optional national technical requirement for water efficiency of 110 litres per person per day.
167. The PPG provides guidance on the evidence necessary to establish a clear local need to support a tighter water efficiency standard. In this case, the Buxton Sub-area is not subject to serious water stress. However, the PPG does not limit the application of this optional standard to those circumstances. Parts of the River Wye are within the Wye Valley Site of Special Scientific Interest, a component site of the Peak District Dales SAC. Targets have been set for phosphate levels in the river. The Buxton Sewage Treatment Works can deliver the water quality targets within its headroom. Nevertheless, Seven Trent Water, Natural England and the Environment Agency support the proposed standard in order to preserve that headroom. United Utilities also supports the proposal based on its Water Resources Management Plan. The measure would clearly assist in the management of nutrients in the SAC.
168. With savings in costs associated with the removal of the Code for Sustainable Homes the VTR Addendum has shown that, in combination with the other optional housing standards, the water efficiency requirement would not threaten the viability of development overall. With appropriate reference to viability the Council's main modifications to Policy EQ1 and supporting text (**MM35, MM38**) are therefore justified.
169. Taking account of the main modifications proposed, I conclude that the LP makes appropriate provision for the protection and enhancement of the natural and built environment, to address climate change and for the safeguarding of resources.

Issue 10 – Whether the Sub-area strategies are soundly based and justified and whether the Strategic Development Sites and other allocations in each Sub-Area are justified and deliverable.

General

170. The LP area is divided into three Sub-areas, each with its own strategy, component policies and site allocations. The thrust of each strategy, set out in Policies S5, S6 and S7, flows from the overall scale and distribution of development in the plan area and, subject to detailed points considered below and elsewhere in this report, is the most appropriate for the Sub-area.
171. The Council's Strategic Housing Land Availability Assessment (SHLAA) forms the basis from which the LP residential allocations have been selected. These (and employment site options) have been assessed through the SA process and evaluated in accordance with their impact in relation to a series of objectives. It has been suggested that the SA gives environmental factors too much weight in the scoring system in relation to other considerations. However, the methodology was subject to public consultation. The SA objectives were weighted, with four being given high importance including supporting economic development and provision of affordable housing. Within the context of the overall scale and distribution of development the methodology provides an appropriate aid to site selection.
172. In some instances sites have been included in the LP that have lower SA scores than some that have been omitted. However, the SA is an aid to decision making. Other factors such as deliverability must be taken into account and there is still a need for judgement, albeit supported by appropriate reasoning. There is therefore no in principle reason why lower scoring sites should not be included.
173. The LIA has been an important factor in the consideration of potential development sites in greenfield locations. This has included landscape assessments of sites not included in the plan but promoted in representations. The LIA has identified whether sites are suitable for development in landscape terms, identifying mitigation where necessary. It is a consistent, appropriate and generally robust starting point for evaluating sites in this respect but is dealing with the general principle of development on a site rather than a specific scheme. As such, there may be some instances where it concludes that a site is not suitable for development in landscape terms but where, when examined in greater detail in terms of the amount and nature of proposed development and the mitigation measures that could be applied, a different conclusion could be reached. This possibility is reflected in the proposed modification to Policy H1 (**MM59**) considered above.
174. Built-up area boundaries are shown on the Policies Map for the purpose of distinguishing where policies for settlements and those for the countryside apply. The Council is proposing to amend these boundaries, mainly so that new allocations or extant planning permissions on the edge of settlements would be included within them and it is clear which plan policies would then apply. The Policies Map does not form part of the LP, but the boundary changes shown in the Council's Further Changes to the Policies Map document (December 2015) are necessary for the plan to be effective.

175. The Council has suggested that 4 of the housing sites allocated in Policy H3 (Roughfields and North Road at Glossop, land south of Macclesfield Road at Whaley Bridge and Market Street Depot at Buxton) should be treated as Strategic Development Sites (SDSs) so that the detailed criteria used to assess proposals can be set out in the plan. As such, it has proposed main modifications (**MM83, MM84, MM95, MM104**) that would introduce additional policies to the plan (DS21 to DS24) which list the considerations that would apply. The merits of each of these sites are considered further below but in principle these modifications are justified in order for the LP to be effective in this regard.

Glossopdale Sub-area

Strategic Gap

176. Policy S5 provides for the maintenance of a strategic gap between Glossop and Hadfield which is shown on the Policies Map. The gap comprises mostly grassland and woodland. It is justified in order to prevent visual and physical coalescence and will assist in maintaining the separate identities of the two settlements.

Local Green Space

177. The LP designates two areas of Local Green Space (LGS) in the Sub-Area – at George Street, Glossop and at Padfield. The Framework indicates that the designation will not be appropriate for most green areas or open space and should only be used where a series of criteria are met. In this case, both are in reasonably close proximity to the community they serve and they are not extensive tracts of land. However, all the criteria for designation must be achieved. As such, the position here turns on whether the spaces are demonstrably special to a local community and hold a particular local significance.

178. The George Street land was developed in the past as part of Shepley Mill. However, it now mostly comprises a small wood but with some open areas including land used for car parking. A recent application to register the land as a Town Green has been rejected. The report following the public inquiry in 2014 concluded that there was no public access as of right although it had been used for recreational purposes for many years in the past. Other than the car park the land is enclosed by various types of boundary treatment.

179. Land can be considered for designation even if there is no public access. The site is located adjacent to Glossop Brook and close to a footbridge that leads from George Street to Harehills Park on the opposite bank. The wooded area has an attractive, natural appearance. The report on the Town Green application refers to the land as being regarded as a highly valued amenity by local inhabitants and remaining as such. There are some objections but on the evidence before me this is an area of particular importance to the local community and demonstrably special to it.

180. The land at Padfield has public access to part, including a children's play area, and is situated in the centre of the village. It has an open character with

significant views of distant hills from the top of the sloping site and there is evidence of local support for the LGS. In this context I consider that it is demonstrably special to the community.

181. On this basis, I conclude that both areas of LGS have been justified. The Council has proposed a main modification to Policy CF4 (**MM76**) to clarify that the local policy for managing development in a LGS should be consistent with that for Green Belts. This is necessary for the plan to be effective and consistent with national policy.

Built up area boundary

182. The Council is proposing various adjustments to the built up area boundaries on the Policies Map at Dinting Road and Cliffe Road. They reflect the conclusions of the SA. The LP is not unsound as a result of these changes.
183. A site at *Wimberry Hill Garden Centre, Glossop* was promoted in response to consultation on the main modifications, seeking its inclusion within the built up area boundary on the Proposals Map. There is no evidence that this has been subject to sustainability appraisal and the details provided are too limited for the LP to be regarded as unsound if it was not included.

Strategic Development Sites

184. *Woods Mill, Glossop* (Policy DS1) is proposed for a mixed use development including up to 104 dwellings. The site comprises mainly previously developed land and contains a number of former mill buildings. The housing trajectory shows the dwellings being developed in the middle part of the plan period. The evidence indicates that the site is both justified and deliverable. Subject to modifications to remove the ceiling on housing development and to clarify the relationship with other policies (**MM79**) the allocation is sound.
185. *The former Railway Museum and land off Dinting Road, Glossop* (Policy DS2) is an area of former railway sidings now mainly overgrown and wooded. About 139 dwellings are proposed. The site is located between Glossop and Hadfield but adjacent to Dinting railway station. With an appropriate landscaping scheme, as required in the Policy, an acceptable development could be achieved. There are access issues but these could be overcome for the development to deliver the required housing towards the end of the plan period as envisaged in the trajectory. The general conclusions of the VTR Addendum would assist its viability. Subject to the addition of a requirement for a wildlife survey (**MM80**), the site is sound.
186. *Charlestown Works, Charlestown Road, Glossop* (Policy DS3) is a site containing a number of redundant mill buildings in a 'gateway' location for the town. A mixed use development including business/industry and about 100 dwellings is proposed. Planning permission was granted for 100 new homes in 2014. The evidence supports the case that this is a justified and developable allocation.
187. *Adderley Place, Glossop* (Policy DS4) is a greenfield site on the edge of Glossop where approximately 130 new dwellings are proposed. It is adjacent to existing properties and woodland and has a generally low visual impact in the

wider landscape. A crucial issue is creating a new access to the site from the A57 and the additional traffic. The evidence does not indicate that these matters are insurmountable and the VTR has taken the access into account. The Council owns part of the site, which the trajectory shows as coming forward in the middle of the plan period. Subject to the addition of a requirement for a wildlife survey (**MM81**), the site is sound.

188. *The former Ferro Alloys Site, Glossop* (Policy DS5) is allocated in the LP for mixed business, industrial and residential use. The former factory has been demolished and the site largely cleared except for a tall steel chimney. In the current Local Plan it is part of a wider regeneration area where comprehensive development involving a mix of potential uses including retail and leisure are supported. Its redevelopment as a brownfield site within the urban area of Glossop is clearly justified. The main issues concern viability in the context of the need for decontamination and the removal of the chimney. The VTR concludes that speculative development as far as employment uses are concerned is not currently viable. There have been proposals for affordable housing on some of the site. The VTR points to the possibility of development by an owner occupier or with public sector funding support. Policy DS5 allows for a range of possibilities and on that basis this is a sound proposal.
189. *Land at Woodhead Road, Glossop* (Policy DS6) is allocated for approximately 121 dwellings. It is mainly undulating farmland, sloping downwards from its northern and north-western boundaries towards Old Glossop where part is located in Old Glossop Conservation Area. The upper elements of the site have views of the National Park. In recognition of its context the amount of development is limited in comparison with the size of the site and the policy requires a comprehensive landscaping plan and consideration of the setting of nearby heritage assets. However, English Heritage (now Historic England) raised concerns regarding the principle of development in this location in the absence of an assessment that demonstrated that the development could be accommodated without harm to heritage assets.
190. The Council therefore commissioned a heritage appraisal (supported by a landscape and visual appraisal) that examined the potential impacts of development on the site. It concluded that development of the land within the Conservation Area would cause substantial harm to the special interest of the asset. Development of some other parts of the site would be highly damaging to the character and setting of the Conservation Area. In some areas, development would variously harm the settings of nearby Grade II listed buildings – the All Saints Roman Catholic Church and Presbytery, the Anglican Church of All Saints and Laneside Farm.
191. The appraisal also concludes that the landscape has been consciously designed, being largely unchanged since at least 1857 and reflecting an aesthetic untypical of farmland in its ornamental planting, ornamented boundaries and the relationship between ornamental buildings within it. As such, the landscape is in itself of local significance and could be considered a non-designated heritage asset. The appraisal goes on to conclude that the cumulative impact of development on all heritage assets would be much greater than individually and that, apart from a small area on the Woodhead Road frontage, the harm could not be overcome by mitigation. The Council has therefore proposed to delete

- the allocation from the Plan and has undertaken consultation on this. The matter was also considered at the further hearing.
192. The Conservation Area mainly comprises the historic core of the settlement of Old Glossop and also Manor Park, the former grounds of Glossop Hall, now a public park. Its importance is largely derived from the core of 17th to mid-19th century buildings and the topography of Old Glossop as a hillside settlement.
193. The allocation is divided into 4 sub sites – G8 to G11. G11 is within but on the edge of the Conservation Area. It is part of a wider open pastoral landscape and contributes to the significance of the heritage asset as part of the agricultural context for the historic settlement, which has been mostly lost elsewhere due to more recent development. On this basis, housing development here would be materially harmful to the Conservation Area. However, given the overall extent and character of the asset, the harm would be less than substantial.
194. Beyond the Conservation Area the pastoral landscape continues on rising land. There are views back towards Old Glossop from a public footpath, 'Backsitch', crossing the allocation site. From the Conservation Area settlement edge there are views across the allocation. As part of the pastoral agricultural setting of the Conservation Area the landscape contributes to its significance as an historic hillside settlement.
195. The Anglican Church is centrally located in Old Glossop. It was rebuilt during the 19th and 20th centuries with the spire dating from 1854. It is significant as the tallest building in the Conservation Area and accordingly stands out in glimpsed and wider views. The Roman Catholic Church is from the 1830s, of classical design with a prominent bell-cote. Its significance derives from the level of preservation of its original design as a post-emancipation church with a nationally important architect and benefactor. Views of the church from within the settlement have been constrained by more modern development. However, it is situated on the edge of the settlement adjacent to the allocation site where its setting includes open pasture land.
196. There are views from Backsitch of both the listed churches which would be screened or fragmented by development. Wider views of the Anglican Church spire from the south east of Glossop would change as it would be seen against a background of development if the allocation were to proceed.
197. Laneside Farm comprises a model farmhouse and group of farm buildings from the early 20th century, situated just to the north of the allocation. They are an isolated picturesque group within a rural landscape. The buildings are screened to some degree from the allocation by a wooded area but the tower with a dovecote and red-tiled roofs are distinctive in wider views. They are also seen from a public footpath that passes close to the buildings. The setting in an agricultural landscape maintains the historic working relationship between the buildings and the land and contributes to the significance of the asset. Preserving this setting would affect development in the northern part of the allocation.
198. In the light of these considerations, there is the potential for harm to the settings of the listed buildings, albeit this is likely to be less than substantial in

terms of its effect on the significance of the assets. In terms of possible mitigation, the number of dwellings proposed is smaller than the notional capacity of the allocation giving scope for flexibility in the layout and design. Some key views towards the heritage assets from within the development could be retained. However, the experience of those views would be more limited to specific locations and some would change from a rural to a suburban context. It would be possible to develop the allocation with an area of open space in G11 which could potentially retain some views into the Conservation Area and to listed buildings. Nonetheless, the views out from the settlement edge would be of new development beyond the open space. Reducing the developable area of the allocation would be likely to lead to a fragmented scheme that would still result in significant change to this part of the agricultural landscape setting of Old Glossop.

199. Irrespective of whether the landscape is ornamental and can be regarded as a non-designated heritage asset, the cumulative impact of development in this location on the various heritage assets and their settings, particularly in relation to the Conservation Area, is such that it would give rise to harm to their significance. For the above reasons, while I have found that the overall harm would be less than substantial, it would nonetheless be material.
200. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving the setting of a listed building and special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The public benefits of the development would include the contribution of additional housing towards meeting needs (including affordable housing needs), economic benefits during construction, spending by future residents and potential contributions to local services and facilities. However, in the light of my earlier conclusions on housing needs in particular, these factors do not outweigh the harm that would occur if the allocation were to be developed. As such, for the plan to be sound the Woodhead Road allocation should be deleted from the LP in accordance with the Council's suggested main modifications (**MM62 part, MM82**) and from the Policies Map.
201. In the context of **MM83** and **MM84** (considered above), sites at *Roughfields*, *Hadfield* and *North Road, Glossop*, which are allocated in Policy H3, would be designated as SDSs. *Roughfields* is allocated for some 102 dwellings with part being safeguarded for education use. It comprises a large open grassed area on the edge of Hadfield. There are some existing recreational facilities which could be incorporated into the development. The site is visually prominent from the National Park, but with an appropriate landscaping framework it should be possible to accommodate the amount of development proposed without unacceptable harm to the wider landscape. This should also assist in maintaining the separate identities of Hadfield and Padfield. Infrastructure concerns would be addressed through the criteria in **MM83** and the evidence indicates that development would be viable here. In that context, the site is both justified and developable.
202. *North Road* is a greenfield site on the edge of Glossop. There is no evidence that the allocation would not be deliverable. It is in an elevated position and would require a landscape plan in accordance with **MM84** to mitigate potential harm, including to the setting of the National Park. The site was granted

planning permission for 150 dwellings in 2014, which is the number proposed in the LP. In the light of these considerations its inclusion in the LP is justified.

Other housing allocations

203. Land at *Paradise Street, Hadfield* (28 dwellings) is mainly grassed and open but adjacent to residential properties and within the settlement boundary. It is well located in relation to local services and there is no evidence of significant infrastructure or viability issues. It is appropriate for it to be included in the LP.
204. *Land at Bute Street* (30 dwellings) and *Hawkshead Mill, Old Glossop* (31 dwellings) are adjacent sites. *Bute Street* is mainly greenfield but has development on three sides. There is some flood risk but no indication that this cannot be addressed through the approach set out in national policy and LP Policy EQ10. *Hawkshead Mill* is a brownfield site containing a range of former mill buildings. The principle of development is acceptable here and the general conclusions of the VTR Addendum would lend weight to the prospect of a viable scheme. There are potential issues for both sites relating to primary school places but the Council indicates that there is scope for resolution of this. Overall, these sites are sound.
205. *Dinting Road/Dinting Lane, Glossop* (64 dwellings) comprises mainly grassland on a sloping site. The proximity of existing development would limit wider landscape impacts. There is reasonable certainty that appropriate access could be achieved and the Council considers that there is scope for school capacity issues to be resolved. The site is both justified and deliverable.
206. *Land off Melandra Castle Road, Gamesley* (35 dwellings) is an open grassed area. This has some informal recreational use. If appropriate, the provisions of Policy CF4 would apply. However, it has not been demonstrated that this would be a constraint on development here. There is some uncertainty as to the viability of development if higher levels of affordable housing are sought due to the possibility of lower house prices in this location. The Council should monitor whether the likely lower house prices in this location affects viability to the extent that a developer does not come forward. Nonetheless, this is an appropriate site for housing and is sound.
207. *Land adjacent to Gamesley Sidings* (38 dwellings) is a grassed field on the edge of Gamesley. Impact on the wider landscape is limited by the background of existing residential development and proximity to a disused factory. A satisfactory access could be achieved and there is no evidence to indicate that any flooding concern cannot be addressed at the planning application stage. There are no overriding constraints on development here and the allocation is sound.

Other employment allocation

208. *Land off Wren Nest Road, Glossop* is allocated for employment use in Policy E2. It is an open, grassed area to the rear of existing business and retail buildings and would provide an extension to the established industrial area. It is likely that the site would be developable but only if taken forward by an owner occupier in the current market conditions. Its inclusion in the LP is justified but the Council should continue to monitor its long term protection in the context of

national policy.

Omission sites

209. Sites not included in the LP but being promoted for development include land at *Dinting Road and Shaw Lane, Hadfield* and at *Glossop Road, Gamesley*. However, both have planning permission for residential development and are regarded by the Council as 'commitments' in its land supply. The changes proposed to the Policies Map relating to built up area boundaries would include these sites within the settlements and therefore subject to the policies that apply there. In that context, the inclusion of these sites in the LP as specific allocations is not necessary for soundness.
210. *Land to the rear of Cottage Lane, Gamesley* was considered by the Council at the Issues and Options stage but was not included in the LP for ownership, biodiversity and access reasons. However, it is being promoted for up to 30 affordable homes by a company that specialises in bringing forward such schemes. It would appear that the ownership concerns have been resolved. The viability of the scheme would depend on the amount of grant available. The site would be accessed from Cottage Lane which is a narrow residential road with traffic calming features. There is a potential access at a gap between properties but there is insufficient evidence to be sure that appropriate access arrangements could be achieved. Notwithstanding the need for affordable homes, in this context it has not been demonstrated that the LP would be unsound without this site.

Central Sub-area

Chapel-en-le-Frith

211. The LP does not allocate sites in Chapel-en-le-Frith parish as this is a matter for the Neighbourhood Plan (NP). In this context, the LP sets a strategic context for the NP. Policy S3 provides for a minimum of 850 dwellings to be delivered by the NP over the plan period in addition to a small sites allowance of 100 dwellings. It indicates that this figure may be exceeded to help meet the needs of the Borough. Policy S4 sets a requirement for a minimum of 7.7ha of employment land allocations.
212. The general scale of development is in accordance with Chapel-en-le-Frith's status in the LP as a market town and, accordingly, the provisions of Policy S2. The LP housing figure took account of the significant number of dwellings with planning permission with a further allocation of 42 dwellings in the then emerging NP. Since the figure was derived there have been further planning permissions, such that the overall amount of development is in the order of 1,100 dwellings. As the LP provision is clearly set as a minimum it is not necessary for soundness for the amount in Policy S3 to be updated in this regard.
213. The LIA has identified land in the NP area that it concludes has potential for development and which would be additional to the sites taken into account in the LP provision figure. However, landscape impact is only one factor to be considered and, in any event, on the basis of the evidence before me there is no overriding need for the LP housing provision for the parish to be changed.

214. In August 2015, during the course of the examination, the Chapel-en-le-Frith Neighbourhood Plan was 'made' by the Council. For clarity the Council's suggested main modification (**MM9**) includes this position. The NP Examiner had considered the plan in the context of the emerging LP. On that basis she concluded that the housing allocations in the NP were consistent with the requirements of emerging LP Policy S3 and that the NP policy setting the scale of employment land provision met the Basic Conditions, which include general conformity with the LP strategic policies.

215. In the light of these considerations, the LP includes appropriate strategic policies to provide the context for the NP. The level of housing provision for the NP area is justified by the evidence base.

Green Wedges

216. The LP includes two Green Wedges at New Mills, the aim of which would be to maintain their open character. That at Ladyshaw Bottom is already designated as countryside in the existing Local Plan. It forms a substantial undeveloped finger of land between residential and commercial development in the town. It is focused around the River Sett, containing both open grassed areas and woodland. There are a number of public footpaths through the area and some significant views. There are some remaining walls and bases from a derelict former effluent works, but this is much overgrown and clearly not in use for a considerable time. Overall, this area serves an important open function within the fabric of New Mills and the Green Wedge designation is justified.

217. A smaller Green Wedge between Church Lane and St Georges Road forms an undeveloped break between development within the town, being partly rough grass and partly woodland. The boundary would exclude an area where there has been a resolution to grant planning permission for development. While public access is limited this does perform an important local function as open land and the designation is therefore justified.

Built up area boundary

218. The Council is proposing various adjustments to the built up area boundaries on the Policies Map at Reservoir Road, Whaley Bridge and New Mills Road, Hayfield. The areas of land involved are small and take account of the conclusions of the SA. The LP is not unsound as a result of these changes.

Strategic Development Sites

219. *Land off Derby Road, New Mills* (Policy DS7) is allocated for about 107 dwellings. It comprises a mainly flat area of grassland on the edge of the settlement. There is a pylon line across the site and appropriate landscaping would be required. The Council's suggested main modifications (**MM85, MM86 part**) are necessary to ensure that the Policy would be effective in addressing these matters. There is a reasonable prospect that matters relating to school capacity could be resolved. The Policy includes provision for mining legacy issues to be addressed. Overall, the site is both justified and developable.

220. *Land at Ollersett Lane/Pingot Road, New Mills* (Policy DS8) is indicated as providing for about 239 dwellings. It is a greenfield edge of settlement site. The Policy includes provision for mining and ground condition issues to be

addressed. Provided that a transport assessment is undertaken (**MM87**) the evidence indicates that this is a sound site.

221. *Britannia Mill, Buxworth* (Policy DS9) is within the Green Belt. The area includes the remains of the former mill buildings which have been largely destroyed by fire, other brownfield land in employment use, container storage and woodland. It is close to the Peak Forest Canal and Buxworth Basin and adjacent to the Black Brook.
222. The Policy refers to an area of 5ha allocated for mixed use business, tourism-related and residential development. Up to approximately 50 dwellings would be restricted to the brownfield part of the site (approximately 1.5ha). The Council has suggested a main modification (**MM88**) that would amend the Policy so that it referred specifically to the 1.5ha site as an allocation for approximately 50 dwellings, the precise capacity being determined by considerations of viability and compliance with Green Belt policy. The modification would support infilling and the redevelopment of previously developed land which would not have a greater impact than the existing development on the openness of the Green Belt and the purpose of including land within it. Further changes in the modification would require the preparation of a design and development brief, specific details to be included in a masterplan and potentially a heritage assessment.
223. The site is somewhat isolated in a rural location. However, there would be benefits from the redevelopment of a partly derelict site. The partial or complete redevelopment of previously developed sites (excluding temporary buildings) which would not have a greater impact on openness or the purpose of including land within the Green Belt would not be inappropriate development.
224. A key consideration here is whether the amount of development that could be achieved without harming Green Belt openness would be deliverable. The VTR and its Addendum have presented a robust case that 50 units would be viable. The impact of that on the Green Belt would depend on the nature of the development proposed and the amount that would be removed. The nature of the existing development on the site, including a number of different buildings and structures, is such that there is sufficient prospect that an acceptable scheme could be achieved. Accordingly, with the Council's suggested main modification the allocation is sound.
225. *Bingswood, Whaley Bridge* (Policy DS10) comprises 6.8ha of land allocated for business and mixed use development. The site includes the existing Bingswood Industrial Estate and vacant land to the south and east of the River Goyt and an undeveloped area, Hogs Yard, to the north and west of the river (excluding land that is in the Green Belt and has been considered under Issue 5).
226. The Policy identifies appropriate land uses for Hogs Yard as being business, hotel, assembly and leisure, food and drink and tourist accommodation and facilities. However, there are extant planning permissions on part of this land for, firstly, a building containing retail, office and restaurant uses and, secondly, 3 comparison retail units. The permissions were granted in the context of the adopted Local Plan policies. The Framework requires that development needs should be met. However, the Council's Retail Studies that

support the LP do not indicate a need for more retail floorspace in Whaley Bridge. In any event, Policy CF1 would apply to proposals for town centre uses. In this context, there is no compelling case for non-food retail uses to be included in the Hogs Yard part of the Policy.

227. It has been proposed that the southern part of the Hogs Yard land should be allocated for residential use and there has been a planning application for 23 apartments. This area has planning permission for a mixed use development and has been marketed for that purpose for a number of years without development taking place. However, this has included a period of poor economic conditions and details of the marketing are limited. It would need to be established that such a use would be compatible with nearby employment uses. On that basis, Policy DS10 is not unsound by omitting residential use for this area. Any proposals could be considered in the context of Policy E4.
228. The current bridge access to the Industrial Estate is substandard and is reached via narrow roads through residential areas and the historic core of the town. Policy DS10 seeks to achieve a new access road and bridge over the River Goyt from the Hogs Yard part of the site. However, there is a considerable funding gap and there are multiple land ownerships.
229. The LP has therefore relaxed the uses that would be appropriate in this part of the allocation, including about 75 dwellings on 2.5ha to the north of the Industrial Estate, potentially to secure some developer funding for the bridge. There would need to be some relocation of businesses to facilitate this and viability is affected by addressing other site constraints. However, as the site is not envisaged to come forward until later in the plan period, the Council would have a reasonable timescale to seek to resolve these matters.
230. The owner of the Hogs Yard site has transferred land to the Council to facilitate the route to the bridge as part of an earlier planning permission. Nonetheless, it is appropriate for the LP Policy to refer to development not prejudicing the construction of the bridge and road as this will also apply to that on the Industrial Estate side of the river. A suggested main modification (**MM89**) is necessary for the Policy to be effective in this regard. Subject to that, this is a sound allocation.
231. *Furness Vale Business Park, Calico Lane, Furness Vale* (Policy DS11) comprises an existing industrial estate, based around converted mill buildings, with associated car parking. The Policy allocation provides for business, tourism and leisure uses and residential development of about 26 dwellings. In the light of concern about suitability of the mill buildings for modern businesses and the need for refurbishment, the intention is that a comprehensive mixed use scheme will improve the employment potential. The Council's suggested modification (**MM90**) that would introduce the possibility of live/work units and deal with flood risk and ecological matters is necessary for the Policy to be effective.
232. The existing industrial estate is a PEZ and a small extension to this is proposed. I agree with a representation made on the main modification and Policies Map that, due to its narrow shape and topography, the PEZ extension would not provide a useful space for further buildings. It could potentially have a poor relationship with the mixed use area and should therefore be included within it.

The extent of the overall area proposed for development would not change. In this context, I have made a minor amendment to **MM90** to incorporate the PEZ extension in the mixed use area and the Council should also amend the Policies Map to that effect for the LP to be sound in this regard. With that change, the site is both justified and deliverable.

233. The *Torr Vale Mill, New Mills* (Policy DS12) SDS comprises a Grade II* listed former cotton mill and surrounding car parking and unused land situated at the bottom of a gorge on a meander of the River Goyt. The Policy promotes mixed use development with the aim of preserving the character of the building and providing it with a viable future. The Council recognises that it is likely that contributions for affordable housing or open space will not be required due to the effect on the viability of development. Subject to the Council's suggested main modifications (**MM91, MM92**) for effectiveness to ensure that there is a clear heritage focus to development, the Policy is sound.
234. *Newtown, New Mills* (Policy DS13) comprises two allocations – housing off *Woodside Street* (25 dwellings) and the *Newtown Industrial Legacy Site* (mixed use). The former has a canal-side location which is taken into account in the Policy. The *Legacy Site* is adjacent to New Mills Newtown Railway Station. The mixed uses proposed include housing (approximately 15 dwellings), B1b and c and about 30 extra parking spaces for the station but retail is not one of those specified. The need for further retail provision in New Mills is established in Policy CF1 which indicates that an out of centre site can be appropriate. However, the list of uses in Policy DS13 is not exclusive and refers to town centre uses being dealt with in accordance with Policy CF1. Amongst other things, there are access issues that would need to be resolved. In that context a potential retail use has been dealt with satisfactorily. Overall, the SDS as proposed is justified and there is reasonable certainty of its deliverability.
235. *Birch Vale Industrial Estate* (Policy DS14) is an industrial legacy site where, while there are some modern buildings in use, a considerable area is vacant. About 100 dwellings are proposed with 0.9ha to be retained as employment land. Given its location and proximity to housing this is an appropriate mix of uses. A transport assessment is an appropriate approach to access concerns. Subject to additional criteria suggested by the Council (**MM93, MM94**) relating to a landscape framework and a contamination survey, this is a sound site.
236. In the context of modification **MM95** (considered above), a site *South of Macclesfield Road, Whaley Bridge*, which is allocated in Policy H3, would be designated as a SDS. This would provide for about 83 dwellings. The site comprises a mainly grassed area adjacent to dwellings on the settlement edge. The allocation would be seen in the context of existing development and would not have significant adverse effects on the wider landscape, including the setting of the National Park. In May 2015 the Council granted outline planning permission for 107 dwellings on a larger site than the proposed allocation. There is sufficient evidence to conclude that matters relating to traffic, ecology, infrastructure and flooding can be resolved through the development management process.
237. Representations were made to the effect that, due to the loss of countryside, the rights of local residents under Article 1 of the First Protocol of the Convention, as incorporated in the Human Rights Act 1998, would be violated.

However, the SA has considered the site along with other alternatives. The evidence does not indicate that the principle of the allocation would give rise to a violation of rights to peaceful enjoyment of property and to respect for private and family life and the home and, therefore, that there would be a breach of the requirements of the Act or First Protocol. Any detailed matters of the effect on living conditions of individual residents could be addressed through the planning application process. Subject to **MM95** the inclusion of the site in the LP is justified.

Other housing allocations

238. *Buxton Road, Chinley* (13 dwellings) is a small greenfield site on the edge of the village but with clear boundaries, including the railway line. The development would not have significant adverse landscape impacts. In summary, the evidence shows that the allocation is both justified and deliverable.

239. The merit of removing land at *Furness Vale adjacent to the A6* from the Green Belt was considered under Matter 5. In the context of nearby built development the allocation of 39 dwellings would not have a significant adverse landscape impact and the VTR indicates that it would be likely to be viable. In those respects the proposed development is sound.

Omission sites

240. Amongst the sites promoted in representations but not included in the LP are land at *Buxton Road, Bridgemont; Buxton Road, Whaley Bridge; Meadows Farm, Hayfield; Kinder Road, Hayfield; and the Bridgeholme Industrial Estate*. These are all within the Green Belt and, in the light of my conclusions under Issue 5, allocations for development would not be justified.

241. *Land at Laneside Road, New Mills* was initially included in the LP as a housing site for 47 dwellings but withdrawn in the final submission version. It is unclear as to whether access to the land can be achieved. In that context, the LP is not unsound by the site being omitted.

242. A number of possible development sites have been promoted within Chapel-en-le-Frith parish. These fall within the remit of the NP and are not matters for consideration in the LP.

Buxton Sub-area

Green Wedges

243. The LP proposes Green Wedges between Harpur Hill and Buxton with the object of preventing coalescence between these settlements. There is little public access to these areas. However, they provide a narrow but nonetheless visually important break of partly wooded and partly open land. The Green Wedges are therefore justified in order to assist in maintaining the separate identities of the settlements.

Strategic Development Sites

244. *Land at Hogshaw, Buxton* (Policy DS15) includes an area of former railway sidings and a refuse tip, now mostly overgrown with scrub and woodland, and also an undeveloped greenfield area. The LP proposes approximately 124 dwellings with public open space and recreation and amenity space.
245. The site has particular constraints in terms of access to the A6, the remediation of contamination and compensatory ecological measures that could have implications for viability. The Council has produced a Site Delivery Report (January 2015) that has considered these factors. It has made reasonable assumptions about, amongst other things, developer's profit, land values and sales revenues. Although the amount of affordable housing achievable would require detailed consideration in the context of a particular scheme, there is reasonable certainty that a viable development could be achieved.
246. The main elements of the site are owned by the Council and a developer. In the light of its location within the site, an easement for the Nestlé water pipeline can be taken into account in the detailed housing layout. The Site Delivery Report shows that there is potential for most of the dwellings to be accommodated on the greenfield part of the site. However, appropriate landscaping will be necessary for this area. Some other changes to the Policy are necessary for effectiveness by giving more flexibility to developers. These are included in the Council's suggested main modification to Policy DS15 (**MM96**).
247. During the Examination Network Rail indicated that they wished to extend the railway sidings at Hogshaw to include land within the SDS boundary. The Council and Network Rail have agreed that the amount of housing development proposed can still be achieved, provided that there is a modification to Policy DS15 (included in **MM96**) and an appropriate amendment to the Policies Map. The specific amounts of open space set out in the LP would be removed. Given the size of the site any noise from the sidings should not materially affect the proposed housing.
248. **MM96** is necessary for Policy DS15 to be sound. In the context of the housing trajectory that places the development of the site in the latter part of the plan period this is a justified and developable site.
249. *Land West of Tongue Lane, Fairfield, Buxton* (Policy DS16) is an area of mainly rough grassland on the edge of the town. It is adjacent to undeveloped land previously granted a planning permission for housing that has expired. The LP provides for an allocation of approximately 215 dwellings. Appropriate landscaping and design quality as required by the policy are necessary to ensure that wider adverse landscape impacts are avoided.
250. The critical infrastructure for the site is the Fairfield Link Road, the delivery of which is considered under Issue 8. In any event, the housing trajectory does not envisage the land being developed until the latter part of the plan period and the site can be regarded as developable in that context.
251. The site is close to Ashwood Dale Quarry where a proposed extension is being planned. The Council has agreed a statement of common ground with the site

operator and the County Council that would enable a potential quarry extension with a reduced number of houses at the SDS. In this context, the Council has proposed modifications to Policies H3 and DS16 (**MM62 part, MM97**) (and an amendment to the Policies Map) reducing the number of dwellings to about 139 in the plan period and indicating a 200m buffer zone in relation to the limestone quarry extension. The modification also includes specific reference to mitigating any effects on the Peak Dales SAC. These aspects of the modification are necessary for the LP to be effective and justified in these respects.

252. *Land off Dukes Drive, Buxton* (Policy DS17) is an elevated mainly grassed site but reasonably contained visually so that landscape impacts could be addressed satisfactorily. Minor changes to the site boundary are proposed by the Council. The proposal is for approximately 338 dwellings. There are particular access and school capacity issues to be resolved. However, the landowner is supportive of development and the VTR Addendum indicates that the proposed allocation is likely to be viable. The site is envisaged as coming forward in the middle part of the plan period. On this basis, the SDS is a developable site and its inclusion in the LP is justified.
253. *Land off Ashbourne Road and Foxlow Farm, Buxton* (Policy DS18) comprises an area of farmland situated between existing housing at Harpur Hill and Staden Lane Industrial Estate at Ashbourne Road. The LP proposes an allocation of about 440 dwellings and a Local Centre. Although greenfield, this SDS is well related to existing development. The site is close to a scheduled ancient monument (Fox Low Bowl Barrow) and Historic England has raised concerns about potential harm. However, the site has outline planning permission for 445 dwellings. Policy DS18 includes the preparation of a comprehensive landscape masterplan to mitigate wider landscape impacts, including on the setting of the National Park. The Council's proposed modification (**MM98**) requires this to include mitigation of any impact on the scheduled monument. In the context of these considerations and with the modification, the SDS is justified.
254. *Tongue Lane (land south of Tongue Lane Industrial Estate), Buxton* (Policy DS19) would be an extension to the existing industrial estate. It comprises an area of rough grazing and various agricultural buildings. The Fairfield Link Road would pass through the site unless an alternative utilising the line of the existing industrial estate road could be achieved. The relationship of the site with the delivery of this road scheme is considered under Issue 8. Provided that appropriate mitigation relating to its landscape setting and the Peak Dales SAC is included, in accordance with the Council's suggested modifications **MM100**, **MM101** and **MM102**, the SDS is justified and developable.
255. *Station Road and Spring Gardens Regeneration Area, Buxton* (Policy DS20) includes land around Buxton railway station, the former Nestlé Waters site and other land within the town centre. The LP proposes town centre regeneration uses, including residential, office, hotel and tourist accommodation, leisure and cultural related developments. Retail development within the PSA is supported but this does not include the Nestlé Waters land. This was considered under Issue 7. Subject to the Council's suggested modification (**MM103**) which, amongst other things, clarifies the need for an Environmental Impact

Assessment, the SDS is sound.

256. In the context of modification **MM104** (considered above), *Market Street Depot, Buxton*, which is allocated in Policy H3, would be designated as a SDS. The site is within the urban area of Buxton and includes some residential properties, a car park, garages and storages. The LP proposes an allocation of 24 dwellings. Concern over possible loss of public parking would be addressed by inclusion in **MM104** of a requirement that this is retained. The site is owned by the Council which should assist with its delivery. Overall, this is a sound allocation.

Other housing allocations

257. *Batham Gate Road, Peak Dale* (25 dwellings) is a grassed field between existing frontage properties. The Church has indicated that there are no plans to extend the neighbouring burial ground into the site. The evidence indicates that the site could come forward early in the plan period and is both justified and deliverable.

258. *Hardwick Square, South Buxton*, (30 dwellings) is an urban brownfield site mostly to the rear of existing residential and commercial properties. It comprises mainly disused factory buildings. The redevelopment is supported by the landowner and justified as an appropriate re-use of previously developed land.

259. *Harpur Hill College Campus* (105 dwellings) is a redundant educational establishment. Many of the buildings have been demolished. The site is within the built up area boundary of the settlement and the landowner is promoting its redevelopment with a development partner. Overall, this is a sound allocation.

Other employment allocations

260. An extension to the existing employment allocation at *Staden Lane, Buxton* proposed in Policy E2 would be into grassed fields on the edge of the settlement. Development would be seen in the context of the existing industrial estate and would not materially harm the wider landscape. The extension would improve access options to the site and therefore assist with its deliverability and, as such, the allocation is sound. The proposed extension to the PEZ at *Waterswallows Lane, near Buxton* was considered under Issue 6.

Omission sites

261. *Land off Macclesfield Main Road, Buxton* was considered by the Council as a potential housing allocation at the Issues and Options stage (Option B17) but was not taken forward due to possible impacts on the landscape and European sites of nature conservation, its distance from the town centre and school capacity. On the evidence submitted neither the town centre relationship nor education matters are likely to be overriding constraints on development here.

262. Representations have been made promoting housing development on two separate parts of the site. The first, and larger, area is adjacent to Macclesfield Main Road and Leek Road and comprises mainly grassed fields. The intention is to bring forward only part of the site with substantial landscaping mitigation

and the developer has been in pre-application discussions with the Council about development of up to 120 units.

263. The Macclesfield Main Road omission site is set down in a bowl between the National Park boundary and the edge of development in Buxton, at a 'gateway' location for the town. I note that the National Park Authority has not raised concerns with the pre application proposal. However, while topography and the presence of boundary walls would provide some limits to views of the site when approaching Buxton in cars on the A54, it is nevertheless prominent in views after the stone piers of a former railway bridge, including from a pedestrian footway. The site can also be seen more distantly from Macclesfield Old Road where this becomes a public right of way entering the National Park.
264. Development would be viewed in the context of the existing urban edge. Nevertheless, this is an important location visually, marking the transition from the town to fields before the open moorland. It is not clear whether some development as proposed would be the appropriate distance from the nearby Peak District Moors (South Pennine Moors Phase 1) SPA. Notwithstanding the options for different layouts and amounts of landscaping that been put to the Council, it is not possible to be confident as to whether there is an acceptable and viable amount or extent of development here that would not harm the landscape or ecological interests. In that context, the plan is not unsound by omitting the site.
265. The second area of land being promoted in B17 is to the north of and adjoining the first site and is referred to as *Land at Burbage, Buxton*. It contains a dwelling, access road and an area of rough grass. There is a stream on its northern boundary and it is adjacent to new residential development on the urban edge. The unmanaged and more undulating appearance of much of the site gives it a different character to the first area of land. However, it is still visually part of the wider B17 land. Some development here would be visible from Macclesfield Main Road. Notwithstanding the adjacent buildings it has not been demonstrated that the development of this site in isolation could be accommodated without harm to the wider landscape considerations at site B17.
266. *Harehill Kennels, Burbage* is close to site B17. This was also considered as an allocation at the Issues and Options stage but was not taken forward by the Council mainly for landscape and ecological reasons. It includes a single dwelling and several outbuildings but also trees and undeveloped areas on land sloping down towards the stream and site B17. Topography and existing vegetation limit views of the site. Nevertheless, it can be seen from various locations. It is at the end of built development on Macclesfield Old Road and a significant housing scheme here would be likely to be visually prominent from here at the edge of the National Park.
267. The Council has refused a planning application for 31 dwellings on the basis of impact on the landscape and the effect on trees that are subject to a preservation order. A lower density scheme of 15 dwellings is seeking to address these issues. There has not been an objection from the National Park Authority. However, it has not been demonstrated that in principle it is possible to achieve a development that would successfully address all of the landscape, tree and ecological concerns. As such, it is not appropriate to include the site in the LP.

268. Owners of *land off Green Lane, Buxton* have objected to this being allocated as playing fields for Buxton Community School as they consider a mixed development of playing fields and housing would be more appropriate. Taking account of the preference of the local education authority to use land in their ownership instead, the Council has proposed a main modification to Policy S7 (**MM31**) and a change to the Policies Map to include the appropriate alternative land and reference to the need for any landscape and nature conservation interests to be addressed. These are justified in order for the LP to be effective. In terms of the originally allocated site, while this was considered for housing at the Issues and Options stage (Options B13 and B14) it was not pursued by the Council. There were a number of concerns identified and there is insufficient evidence in relation to these matters for the land to be included in the LP as a housing site.

Overall conclusion

269. Subject to the main modifications identified, the Sub-area strategies are soundly based and justified. Furthermore, the Strategic Development Sites and other allocations in each Sub-Area are justified and deliverable.

Assessment of Legal Compliance

270. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan is identified within the approved LDS (April 2014 with amended timetable August 2014) and was submitted for examination in accordance with that. The amended timetable does not include a likely date of adoption. This is acceptable as, in any event, local circumstances have meant that the time taken for the examination may have been longer than could have been anticipated. The Local Plan's content is compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in May 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	A Habitats Regulations Assessment (March 2014 with Addendum August 2014) has been undertaken and concludes that subject to recommended modifications the plan complies with the Regulations.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

- 271. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.**
- 272. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the High Peak Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

M J Moore

Inspector

This report is accompanied by the Appendix containing the Main Modifications