

# **Chapel-en-le-Frith Neighbourhood Development Plan 2013-2028**

**Report by Independent Examiner**

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**CHEC Planning Ltd**

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## Summary and Conclusion

1. The Chapel-en-le-Frith Neighbourhood Development Plan has a clear community vision.
2. As there are a considerable number of policies in the Plan, I have confined the summary to my main findings. I have found that the housing allocations will contribute towards the achievement of sustainable development and that there are no adopted strategic policies to justify a more significant growth strategy.
3. I have recommended the deletion of the Affordable Housing Requirement Policy, as I see no reasoned justification to seek provision at different percentages to that sought in the whole Borough or to distinguish between different types of site in this respect.
4. The approach to employment land provision in the Plan has regard to the National Planning Policy Framework, where it recognises the building of a strong and competitive economy as being central to sustainable development.
5. Reinvigorating the Town Centre is a major aim of the Plan. This has regard to the National Planning Policy Framework, where it seeks to support the viability and vitality of town centres.
6. I have recommended the deletion of the definition of small shops as under 280m<sup>2</sup> in Dove Holes and under 150m<sup>2</sup> in the other settlements. There is no robust evidence to justify either of these figures.
7. Section 4 of the Plan seeks to promote sustainable travel. In this respect, Policy TR1 has regard to National Policy to promote sustainable transport. Whilst Policies TR2 and TR3 contribute towards this objective, they are objectives and projects rather than land use and development policies. Therefore, I have recommended the deletion of these two policies.
8. I do not consider that the proposed extension to the Special Landscape Area is supported by a robust evidence base required to justify this designation. This policy approach to extending the Special Landscape Area does not have regard to the National Planning Policy Framework. In particular, it does not have regard to the requirement for a distinction between the hierarchy of designated landscape areas, so that protection is commensurate with their status.
9. I have found that the following sites do not meet the criteria for Local Green Space designation.
  - Site 7. Target Wall Field and woodland adjacent to Warmbrook.
  - Site 11. Spring Meadow, Whitehough.
  - Site 13. Fields between Homestead Way and Ashbourne Lane.

Site 14. Land approaching Chapel-en-le-Frith South Station, between railways and Bank Hall Drive.

Site 17. North and South of Manchester Road.

Site 19. Fields around Black Brook, alongside tramway, between Longson's and Kelsa Trucks and land on the north side of Bowden Lane.

Site 24. Land South of Manchester Road.

10. I realise that some of my recommendations will not be popular with some people in the local community and some with developer interests. My recommendations ensure that the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I consider that the Chapel-en-le-Frith Neighbourhood Development Plan will provide a strong practical framework against which decisions on development can be made.

## Introduction

11. I was appointed as an independent Examiner for the Chapel-en-le Frith Neighbourhood Development Plan 2013 - 2028 in December 2014.
12. On 11 April 2013 High Peak Borough Council (HPBC) approved that the Chapel-en-le Frith Neighbourhood Development Plan Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Chapel-en-le Frith.
13. The qualifying body is Chapel-en-le Frith Parish Council. The plan has been prepared by Chapel Vision working in partnership with Chapel-en-le Frith Parish Council.
14. The plan covers the period from 2013 to 2028. Whilst this time period does not equate to that of the emerging High Peak Local Plan, a neighbourhood plan is only required to specify the period within which it is to have effect. Thus, the Plan accords with this requirement.

## Legislative Background

15. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
  - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and

- that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
16. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
17. I am obliged to determine whether the plan complies with the Basic Conditions. These are that the Plan is required to:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies contained in the Development Plan for the area; and
  - not breach, and is otherwise compatible with, EU obligations and human rights requirements.

### **EU Obligations**

18. Chapel-en-le-Frith Parish is within the authority areas of High Peak Borough Council and the Peak District National Park Authority, with over half of the Parish being within the Peak District National Park.
19. A Strategic Environmental Assessment (SEA) screening was undertaken by HPBC and agreed with the Peak District National Park Authority (PDNPA). The screening confirmed that a Strategic Environmental Assessment was not required for this Plan. The screening was submitted to the statutory environmental bodies (English Heritage, Natural England and the Environment Agency). The responses confirmed that the Plan will not result in significant environmental effects and thus a SEA is not required. In particular, an email dated 8 July 2014 from Natural England to HPBC confirmed that there are no likely significant effects on the natural environment from the Neighbourhood Plan.
20. A Habitat Regulation's Assessment screening has been undertaken by HPBC and agreed with the PDNPA. The screening exercise concluded that there were no European sites that would be affected by the proposals within the Plan. Natural England confirmed that there are unlikely to be any significant effects on any European Sites from the Plan.
21. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## Policy Background

22. *The National Planning Policy Framework 2012* (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* provides Government guidance on planning policy.
23. The development plan for the Chapel-en-le-Frith Neighbourhood Development Plan Area comprises the Peak District National Park Authority's Core Strategy 2011, saved policies in the Peak District National Park Local Plan 2001 and Saved policies in the High Peak Local Plan (2005). The strategic policies in the PDNPA Core Strategy include policies regarding the conservation and enhancement of the national park. The strategic policies in the HPBC saved Local Plan Policies include policies regarding the countryside, Green Belt and Special Landscape Areas, although the Plan covered the period up to 2011.
24. The Chapel-en-le-Frith Neighbourhood Development Plan has been produced alongside the emerging High Peak Local Plan. The examination of the submission Version has commenced during my examination of the Neighbourhood Development Plan.

## The Neighbourhood Plan Preparation

25. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
26. The initial consultation process started in 2011 and included four public meetings, resident's survey, questionnaires to retailers and businesses and open days. The responses were developed into policies for inclusion in the pre-submission Plan.
27. The Consultation period on the pre-submission draft of the Plan ran from 16 December 2013 to 31 January 2014. The plan was available on a dedicated web site with links from both the Parish Councils web site and that of HPBC. Copies were available in the Parish Office and Library. Four open days were held during the consultation period and publicity of the plan included local press and radio coverage and a newsletter delivered to all households. The 172 responses received were considered and addressed. Some of these representations resulted in amendments to the Plan.
28. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents, retailers and businesses and other interested parties were able to engage in the production of the Plan. I suspect that numerous hours have been spent on the production of this Plan by many people. I congratulate them on their efforts.

29. HPBC publicised the submission Plan for comment during the publicity period between 2 October and 13 November 2014 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A considerable number of responses were received, including a number of very detailed representations. I am satisfied that all these responses can be assessed without the need for a public hearing. I am satisfied that the extensive details provided in many of the representations have enabled me to ensure an adequate examination of the issues and have given each person making representations a fair chance to put their case.
30. Some representations suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.
31. In the interest of fairness, I have accepted 50 late representations from local residents submitted following a public meeting on the last day of the publicity period, but see no reason to accept the three late representations from authorities.
32. I have been provided with evidence base in the Neighbourhood Plan background supporting documents. This has provided a useful and easily accessible source of background information.
33. As part of my examination of the Plan I have spent two days in the Parish looking at all the sites identified in the Plan and the sites suggested by landowners and developers for inclusion.

## **The Chapel-en-le Frith Neighbourhood Development Plan**

### **Vision and Status of the Neighbourhood Plan**

34. The plan includes a clear community Vision Statement as follows:  
affordable, quality homes to provide for local needs;  
ample, well-paid jobs for local people;  
re-invigorated town and village centres;  
excellent facilities for all ages;  
safe, convenient and sustainable transport links;  
access to, and protection of, countryside recognised as *special*.
35. On page 2 reference is made to the status of the plan. For clarity, it is necessary to amend this paragraph to include reference to the plan becoming part of the development plan for the area, rather than forming 'all planning and development in the Parish'.
36. **Recommendation: modification to the first paragraph on page 2 to refer to the plan becoming part of the development plan for the area.**

37. It is necessary for Neighbourhood Plans to provide ‘a *practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*’ as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity with regard to a number of recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF.

## **Section 1: Housing**

### **H1 Housing Allocation**

38. I note that the minimum figure of 454 new homes in Policy H1 takes account of planning permissions granted during 2013 and is based on the development strategy set out in the emerging High Peak Local Plan. The Neighbourhood Plan does not identify or allocate housing sites in the Peak District National Park, in line with National Park Policy.
39. Policy S3 in the High Peak Local Plan – Preferred Options (February 2013) states a required 400 new dwellings in the Chapel Neighbourhood Plan area as part of the emerging Local Plan. The Neighbourhood Plan has based its allocation of a minimum of 454 dwellings on this emerging Local Plan figure. This figure includes planning permissions granted post February 2013.
40. It is not in dispute that HPBC cannot demonstrate a five year supply of housing land. Policy S3 in the Submission Local Plan (April 2014) sets a requirement of a minimum of 850 new dwellings in the Neighbourhood Plan in addition to a small site allowance of 100 dwellings. The Local Plan does not allocate housing development sites in the Neighbourhood Plan Area, leaving the choice of site specific allocations to the Neighbourhood Plan.
41. Policy H1 in the Neighbourhood Plan allocates a minimum of 42 dwellings on sites at Pickford Meadow and Park Road Factory. Together with commitments for 813 dwellings on other sites, this equates to a minimum of 855 dwellings. The small site allowance is alluded to in Policy H3 where it allows smaller sites in appropriate locations. In the interest of clarity, a map showing the locations of the allocated housing sites should be included in the Plan.
42. The emerging Local Plan seeks a target of 360 dwellings per annum for the whole Borough. This is less than the objectively assessed housing need range of between 420 and 470 new dwellings per year, which HPBC considers is not deliverable due to identified infrastructure and environmental constraints. I realise there is objection to this approach. The Neighbourhood Plan Examination process does not require a rigorous examination of borough wide housing land requirements. This is the role of the Examination of the emerging Local Plan.
43. I have considered detailed representations from a number of interested parties seeking further residential development in the Parish, including

representations on behalf of landowners and developers, including Bloors Homes North West Ltd, Dr and Mrs Bartholomew, Gladman Developments Ltd, Seddon Homes, Innovation Forge Ltd and consultants Emery Planning and a considerable number of representations from local people on this matter. There are no adopted strategic policies upon which to base a more significant growth strategy.

44. The housing allocations in the Neighbourhood Plan meet the requirements of Policy S3 in the emerging Local Plan. In the absence of adopted strategic housing policies, it is not my role to determine whether the Neighbourhood Plan would be inconsistent with the adopted version of the emerging Local Plan if it were to be subject to future amendments to accommodate further growth.
45. National policy emphasises that development means growth. The Neighbourhood Plan has sought to provide for sustainable growth, with the aim to ensuring housing is located on the most sustainable sites that are accessible to local facilities and services.
46. The Chapel Vision Housing Group undertook a Sustainability Appraisal of a number of sites. The sites at Pickford Meadow and Park Road Factory gained the highest ranking for sustainability. Whilst the site selection process has been criticised, the chosen sites received the most local support during a robust consultation process. Any assessment of land availability in the production of Neighbourhood Plans needs to be proportionate. Subject to my detailed comments below, I am satisfied that these sites are deliverable and together with the overall housing strategy in the Neighbourhood Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth.
47. Representations have stated that the Neighbourhood Plan is unsound. Soundness is not a relevant test, although I am satisfied that the Neighbourhood Plan has undergone considerable robust consultation and is the result of collaborative working with the local authorities.
48. Representations have urged that the Neighbourhood Plan does not proceed until the emerging High Peak Local Plan has been adopted. There is no legal requirement to test the Neighbourhood Development Plan against emerging policy although Planning Policy Guidance advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the neighbourhood development plan is tested. The qualifying body and the local planning authority should aim to agree the relationship between policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted development plan, with appropriate regard to national policy and guidance.
49. The Consultation Statement accompanying the Neighbourhood Plan acknowledges that there has been a proactive and positive working relationship between the Parish Council, HPBC and PDNPA. Collaborative working has sought to share evidence and minimise any conflicts between policies in both emerging plans.

50. For the above reasons, I consider that it is not appropriate to halt the process of the Neighbourhood Plan even though there might, in future, be a need for further growth.
51. In reaching my conclusion, I consider it relevant to refer to the recent High Court Judgement of *Gladman Developments Limited v Aylesbury Vale District Council & Winslow Town Council [2014] EWHC 4323 (Admin)* on 18 December 2014.
52. The following is an extract of paragraph 58 of that judgement: *In my judgment, a neighbourhood development plan may include policies dealing with the use and development of land for housing, including policies dealing with the location of a proposed number of new dwellings, even where there is at present no development plan document setting out strategic policies for housing. The examiner was therefore entitled in the present case to conclude that the Neighbourhood Plan satisfied basic condition 8(2)(e) of Schedule 4B to the 1990 Act as it was in conformity with such strategic policies as were contained in development plan documents notwithstanding the fact that the local planning authority had not yet adopted a development plan document containing strategic policies for housing. Further, the examiner was entitled to conclude that condition 8(2)(d) of Schedule 4B to the 1990 Act was satisfied. That condition requires that the making of the neighbourhood development plan “will contribute to the achievement of sustainable development”. The examiner was entitled to conclude that a neighbourhood plan that would provide for an additional 455 dwellings, in locations considered to be consistent with sustainable development, did contribute to the achievement of sustainable development notwithstanding that others wanted more growth and development plan documents in future might provide for additional growth. Similarly, the examiner was entitled to conclude that having regard to national guidance and advice, including the Framework, it was appropriate to make the neighbourhood plan even though there might, in future, be a need for further growth.*
53. **Recommendation: in the interest of clarity, include a map in the Plan to identify the allocated housing sites.**

## **H2 Housing Site Design Briefs**

54. This policy seeks design briefs to accompany all planning applications for housing. Those over 6 dwellings are required to be agreed with the Parish Council. These are onerous requirements that go beyond that required for design and access statements. I see no justified evidence base to support this approach.
55. Policy H2 does not have regard to paragraph 17 in the NPPF, particularly in that it would not provide a practical framework within which planning applications could be made with a high degree of efficiency. Therefore, I recommend the deletion of Policy H2.

56. **Recommendation: to meet the Basic Conditions, I recommend that Policy H2 is deleted.**

### **H3 Smaller Sites**

57. This policy only relates to small housing sites in accordance with the title of the policy. Therefore, in my opinion, it does not preclude otherwise sustainable development from going ahead on larger sites. Such larger sites would have to be considered on their individual merits in accordance with national and development plan policy.
58. The second paragraph refers to single dwellings in the rural area. The categories do not all correspond to those identified in paragraph 55 in the NPPF. It is not necessary to repeat national policy. However, to have regard to national policy, it must be clear that other proposals for single dwellings in the countryside, which are in accordance with paragraph 55 in the NPPF, will be supported.
59. I see no robust evidence to justify the provision of a home for carers and see such a policy requirement to be unworkable. Such proposals for homes for relatives would be determined on their individual merits. In the interest of clarity, I recommend the deletion of this part of the policy.
60. In the interest of clarity, I recommend modification to the policy to show support for single dwellings in the second paragraph.
61. **Recommendation: in the interest of clarity, to meet the Basic Conditions , I recommend modification to the second paragraph of Policy H3 to read as follows:**

**Proposals for single dwellings outside the Peak District National Park and outside the built-up area boundary will be supported where they provide homes for key workers in agricultural, forestry or other rural enterprises or accord with other special circumstances in paragraph 55 in the NPPF, subject to the policies of this Plan, as well as other national and local policy requirements.**

### **H4 Housing Mix**

### **H5 Housing Density**

### **H8 Design**

### **H9 Design Criteria**

62. Policies H4, H5, H8 and H9 provide a detailed list of requirements for housing mix, housing density, high quality design and design criteria. There is some repetitiveness between these policies. In the interest of clarity, I recommend that they are amalgamated into one design policy, subject to my recommendations regarding the detailed wording.

63. Paragraph 59 in the NPPF states that *design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.*
64. Policy H4 refers to the needs of current and future households. It is not clear how these needs will be defined or assessed. I therefore recommend that this is deleted.
65. The second part of Policy H4 is unduly prescriptive where it refers to uniform housing types. In Policy H9 reference is made to a mix of housing types and tenures that suit local requirements. To avoid contradiction and unnecessary prescription, I recommend the deletion of Policy H4 and reliance on Policy H9 with regard to housing mix.
66. Policy H5 is a prescriptive policy with no robust evidence for justification of all the detail. In particular, a density of around 30 dwellings per hectare and a requirement for mainly one and two bedroom accessible dwellings are not supported by sufficient evidence. It must be remembered that the Plan will cover the period to 2028. These detailed requirements would not necessarily optimise the potential of sites to accommodate development, which is a requirement of paragraph 58 in the NPPF.
67. It does appear that one of the aims of Policy H5 is for new development to reflect existing density and ensure the provision of adequate private and public open space. Reference to reflecting local character is raised in Policy H8. In the interest of clarity, I recommend amalgamating reference to local character into the one new policy.
68. The 'integration of sites' in Policy H8 and 'connections' in Policy H9 are similar requirements. Car parking and open spaces are repeated in both policies. The 'forgotten elements' in Policy H8 are over prescriptive and a number, such as telephone lines and satellite dishes, may be added after the initial development. Therefore, I recommend the amalgamation of Policies H8 and H9 into one new policy and the deletion of the 'forgotten elements' criterion. For ease, I make comment on the sub headings in Policy H9, with cross reference to Policy H8 where appropriate.
69. Not every design criterion will be relevant to all new housing development. This should be made clear in the policy. In addition, the requirements listed should be subject to viability, in accordance with paragraph 173 in the NPPF.
70. *Sustainable development.* The Housing Standards Review (March 2014) and a Ministerial Statement on Building Regulations (12 September 2014) indicate that it is unlikely for it to be appropriate to refer to the Code for Sustainable Homes in Neighbourhood Plans once a statement of policy has been produced in early 2015. As this is a clear indication of the direction and intentions of National Policy, I recommend deletion of this section in Policy H9.

71. *Connections.* For clarity, I recommend the amalgamation of both sections from Policies H8 and H9.
72. *Facilities and Services.* The Plan is seeking to concentrate development within the built up area where facilities and services are already concentrated. Thus, I see no need for this criterion.
73. *Public and Private Spaces.* Policy H8 requires private outdoor amenity space for all new dwellings. This may not be appropriate or achievable for high density town centre developments. To ensure the viability of development, I recommend that this criterion is modified to seek 'suitable private outdoor amenity space for new dwellings'.
74. *External storage and amenity space.* Whilst this criterion refers to amenity space in the heading, it only relates to external storage and thus, in the interest of clarity, amenity space should be deleted from the heading. Vehicles are referred to in the car parking sub-section and thus reference to vehicles is not necessary in this section.
75. **Recommendation: to meet the Basic Conditions I recommend the deletion of Policies H4, H5, H8 and H9 and their amalgamation into one new policy to read as follows:**

### **Design Criteria**

**New housing development in the Neighbourhood Plan Area must be of a high quality. The design and density should seek to reflect and distinguish the attractive characteristics of Chapel-en-le-Frith and other settlements within the Parish. Proposals must demonstrate how they have taken into account the following where appropriate and subject to viability:**

#### **Connections**

**Development should integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site. Developers must demonstrate how they have had regard to movement (vehicular, pedestrian and cycle).**

#### **Public transport**

**Good access to public transport to help reduce car dependency and support public transport use.**

#### **Meeting local housing requirements**

**Development should provide a mix of housing types and tenures that suit local requirements.**

#### **Character**

**Development should seek to create a place with a locally inspired or otherwise distinctive character.**

### **Working with the site and its context**

**Development should take advantage of existing topography, landscape features (including water courses), wildlife habitats, existing buildings, site orientation and microclimates.**

### **Creating well defined streets and spaces**

**Buildings should be designed and positioned, with landscaping, to define and enhance streets and spaces. Buildings should be designed to turn street corners well.**

### **Easy for people to find way around (legibility)**

**Development should be designed to make it easy for people to find their way around and to recognise distinctive places.**

### **Streets for all**

**Streets should be designed in a way that encourages low vehicle speeds and allows the streets to function as social spaces.**

### **Car parking**

**Resident and visitor parking should be sufficient and well integrated so that it does not dominate the street. Car parking must meet minimum standards, as set out by Derbyshire County Council. In addition, frontages must not be entirely dedicated to car parking, but should provide for appropriate and significant public and private open space and landscaping, reflective of the Parish's character and countryside setting.**

### **Public and private spaces**

**Public and private spaces should be clearly defined and designed to be attractive, well managed and safe. There should be suitable private outdoor amenity space for new dwellings.**

### **External storage**

**There should be adequate external storage space for bins and recycling facilities as well as for cycles.**

## **H6 Affordable Housing Requirement**

76. Saved Policy H9 in the High Peak Local Plan (2005) seeks an element of affordable housing on new housing sites, subject to site size, various criteria and viability. The supporting text states that it is recommended that at least 30% of units on such sites throughout the Borough be provided as affordable homes. There is no differentiation between brownfield and greenfield provision of affordable housing, although saved Local Plan Policy H9 does recognise site development constraints need to be taken into consideration.
77. Emerging High Peak Local Plan Policy H5 seeks 30% affordable housing on sites of 25 dwellings or more and 20% affordable housing on sites of

between 5-24 units. A financial appraisal is required to justify a lower provision. Whilst supporting guidance includes The Strategic Housing Market Assessment 2014, I note that there are objections to this emerging policy to be considered as part of the Examination of that Local Plan.

78. In Policy H6 in the Neighbourhood Plan, the justification for distinguishing between the percentage of affordable housing sought from brownfield of greenfield sites is explained as being due to the additional costs of development of brownfield sites. Neither the existing Local Plan nor emerging Local Plan takes this stance. In addition, the 50% requirement for greenfield sites is based on this provision on the greenfield site at Long Lane in Policy H1.
79. I consider the approach taken to justify the different percentages of affordable housing in Policy H6 is not justified by a robust evidence base. In particular it does not take into consideration the varying infrastructure requirements and wide range of development costs for both brownfield and greenfield sites. I refer to paragraph 173 in the NPPF where it states that *'the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'*.
80. From the evidence before me, I see no reasoned justification to seek affordable housing provision in the Parish at a different percentage or percentages to that sought in the whole Borough or to distinguish between brownfield and greenfield sites in this respect.
81. For the above reason, I consider that Policy H6 does not meet the Basic Conditions. A Neighbourhood Plan is not required to have affordable housing policies. Affordable housing can still be sought in accordance with policy in the development plan. To meet the Basic Conditions, I recommend that Policy H6 is deleted.
82. **Recommendation: to meet the Basic Conditions, I recommend that Policy H6 is deleted.**

### **H7 Affordable Housing Criteria**

83. This policy requires *the type and size of affordable homes to meet the specified and up-to-date needs of the Neighbourhood Plan Area* and requires an affordable housing strategy to be agreed prior to a planning application.
84. The policy and supporting evidence do not clearly indicate how the specified and up-to-date needs are to be defined and it is not clear what is required in an affordable housing strategy. As such Policy H7 does not provide a practical framework for decision making in accordance with the requirements of paragraph 17 in the NPPF. Thus, Policy H7 does not have regard to National Policy in this respect. Therefore, I recommend the deletion of all but the first sentence in Policy H7.

85. **Recommendation: to meet the Basic Conditions, I recommend that Policy H7 is modified to read as follows:**

**Affordable homes should be designed to be well integrated with existing and other new housing development.**

### **H10 Site Specific Policies**

86. To ensure deliverability of the housing sites in Policy H10, the list of requirements in this and other policies can only be met if viable. Therefore, it is necessary to ensure that the list of requirements in this policy does not prevent development of these housing sites.
87. HPBC has commented that the requirements related to affordable housing provision, sustainable development, number of bedrooms and accessibility requirements in the consultation version of the Plan may require a greater degree of flexibility to ensure deliverability of these sites. Part of this assessment has been based on a proposed Community Infrastructure Levy (CIL) charging rate of £45 per sq m for private market houses. I note that the proposed CIL charging is not part of adopted policy.
88. I have already commented on some of these matters under previous policies and consider that my suggested modifications, particularly with regard to the size of dwellings and the Code for Sustainable Homes, will go some way towards achieving viability and deliverability of the allocated sites in Policy H10. In addition, I consider it necessary for the list of requirements in Policy H10 to be subject to viability and deliverability in accordance with paragraph 173 in the NPPF, rather than simply being accompanied by a viability appraisal.
89. English Heritage has raised concern regarding the development of the Pickford Meadow site as it lies within the Conservation Area and states that it is within the setting of St Thomas's Church, which is a Grade II\* listed building.
90. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
91. Having viewed the site at Pickford Meadows and the proximity of St Thomas's Church, I consider it necessary to include a requirement in Policy H10 for development of this site to take into consideration statutory requirements to preserve the setting of the Church and to preserve or enhance the character or appearance of the Conservation Area.

92. I recommend modification to Policy H10 by the deletion of reference to one and two bedrooms, for the same reasons as I have outlined under my comments on Policy H5 above.
93. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy H10 to read as follows:**

**Pickford Meadow (behind Pickford Place)**

**Proposals should demonstrate how they have taken into account the statutory requirements to preserve the setting of St Thomas's Church and to preserve or enhance the character or appearance of the Conservation Area.**

**Subject to viability and deliverability in accordance with paragraph 173 in the NPPF, proposals should demonstrate how they have taken into account the following:**

**Accessibility for wheelchairs or those with impaired mobility.  
A high quality design approach to the provision of a higher density scheme.**

**Provision of appropriate public and private open space, including an area comprising approximately the north western half of the site, incorporating the pond and ample green space around it to protect wildlife.**

**Arboriculture – Retention of all mature trees worthy of retention and, where trees are, removed the appropriate planting of replacement tree of native species.**

**As a town centre site, the development should demonstrate how it contributes towards town centre improvements in accordance with Policy CNP1.**

**Access should be via Miry Meadow Car Park, and the approach route leading to the site from Eccles Road should be made up and adopted.**

**Park Road – Bungalow and Factory**

**Subject to viability and deliverability in accordance with paragraph 173 in the NPPF, proposals should demonstrate how they have taken into account the following:**

**Accessibility for wheelchairs or those with impaired mobility.  
A high quality design approach to the provision of a higher density scheme.**

**The relevant part of Park Road between Market Street and Grange Park Road should be made up and adopted.**

**Vehicular access to the site is to be from Park Road only. Pedestrian access is to be from both Park Road and Sunday School Lane.**

## **CNP1 Provision of Infrastructure and Facilities and Developer Contributions**

94. This Policy cross refers to emerging High Peak Local Plan Policy CF7 with regard to developer contributions. As Policy CF7 is emerging and may be subject to future amendment, in the interest of clarity, I recommend modification to Policy CNP1 by deleting this reference.

95. Planning Policy Guidance was revised on 28 November 2014 stating at paragraph 012 (Reference ID: 23b-012-20141128) that:

*There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.*

*Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.*

*In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.*

*Affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.*

96. HPBC has confirmed that only the areas of Chapel-en-le Frith Parish that lie within the National Park are within a rural area described under section 157(1) of the Housing Act 1985.

97. To have regard to Planning Policy Guidance, I recommend the inclusion of the wording 'were applicable' in Policy CNP1.

98. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy CNP1 to read as follows:**

**New residential development should, where applicable and where possible, provide appropriate and proportionate new facilities and infrastructure on site, and make appropriate and proportionate contributions to related off-site facilities and infrastructure.**

## **Section 2: Employment, Tourism and Community Land Development.**

### **EP1 New Employment Land**

99. This policy explains the objectives of the employment section, primarily to grow employment from new and existing industrial sites. As such, it is not a land use and development policy in itself as it simply sets out the objectives. Therefore, I recommend deletion of this policy and incorporation of the text into the preceding explanatory paragraphs taking into consideration my comments regarding Policy EP3 below.
100. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend the deletion of Policy EP1 and the incorporation of the wording of this policy into the preceding text.**

### **EP2 Design of Employment Sites**

101. This policy seeks to ensure that new employment development is designed to be compatible with the area and does not have an adverse effect on residential amenity. This policy meets the Basic Conditions.

### **EP3 Existing Employment Sites**

102. The NPPF states at paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst support for existing employment sites in Policy EP3 has regard to national policy in respect to supporting economic growth, I consider that the first sentence stating that existing employment sites should remain in employment use does not have regard to paragraph 22 in the NPPF. Thus, I recommend the deletion of this first sentence in Policy EP3.
103. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EP3 by deleting the first sentence.**

### **EP4 New Development Employment Sites**

104. This policy seeks to encourage the provision of a significant number of jobs. This has regard to the national policy commitment to securing economic growth. This policy meets the Basic Conditions.

## **EP5 Employment Land Allocation**

### **EP6 Site Specific Requirements for Allocated Employment Land**

105. Policy EP5 allocates approximately 9.44 hectares of land for employment use. This includes site ES3, where only a small area is still available for development.
106. Policy EP6 lists site specific requirements for the allocated sites. These requirements include suitable access arrangements to the sites, the protection of the amenities of neighbours and site specific design constraints.
107. Representations have referred to an inadequate amount of employment land provision in the Plan. A representation has requested the reintroduction of site ES2 previously allocated in the Consultation Version of the Plan. I understand this was removed primarily for landscape reasons. In addition, a considerable number of representations have requested the allocation of the Old Mill Tip adjacent to Bridgeholme Industrial Estate.
108. There has been objection to site ES5 on the grounds that it would eventually encroach onto the historical High Peak Tramway and destroy a public footpath. I consider this is a matter to be considered in detail at a planning application stage and does not undermine the deliverability of the site. In addition, there is objection to some of the other employment site allocations, particularly to the financial viability of the allocation of land at Bowden Hay Farm. One representation suggests the extension of the boundaries of sites ES4 and ES5 to include all the land up to the A6.
109. The emerging Local Plan does not specify employment land sites for the Chapel-en-le frith Neighbourhood Plan Area. It does state that a minimum of 7.7 hectares of employment land is available within proposed allocations in the Neighbourhood Plan. I have been referred to emerging Local Plan supporting evidence in the Employment Land Requirement Study High Peak and Staffordshire Moorlands ELR Demand Update 2014.
110. The employment policies in the emerging Local Plan are yet to be examined and may be subject to future amendment. In the absence of strategic policy quantifying the amount of employment land, there are no adopted strategic policies upon which to base a more significant growth strategy.
111. Whilst the site selection has been criticised, the chosen sites have been subject to a robust consultation process. The employment land allocation policies together with the other employment policies in the Plan, as modified by my recommendations, are proactive policies which will contribute towards the achievement of sustainable development. The approach to employment land provision has regard to the NPPF where it recognises the building of a strong and competitive economy as being central to sustainable development. Thus, Policies EP5 and EP6 meet the Basic Conditions.

## **EP7 Bridgeholme Industrial Estate**

112. This policy supports improvement to the Bridgeholme Industrial Estate, subject to Green Belt constraints. It specifies that no extension into the Green belt will be permitted.
113. Many local people have objected to this policy with respect to it not allowing further extension of the industrial estate into the Old Mill Tip, which is within the Green Belt.
114. It is important to recognise that a Neighbourhood Plan cannot alter Green Belt boundaries. Green Belt policy in the NPPF at paragraph 87 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Whilst this is very restrictive policy, it does not preclude all development in the Green Belt. Therefore, I recommend the deletion of the last sentence of Policy EP7 which states that *'No extension into the Green Belt will be permitted'*. If any future proposal to expand the site met the stringent tests in Green Belt policy, alongside other national policy and development plan policy, there would be no reason to prevent an expansion of the site.
115. In the interest of precision, 'Green Belt requirements' should be replaced with 'Green Belt policy requirements' at the end of the second sentence.
116. **Recommendation: to meet the Basic Conditions with respect to having regard to national policy I recommend modification to Policy EP7 by the deletion of the last sentence and the policy to read as follows:**

**This site comprises a developed site within the Green Belt. Proposals which lead to the improvement, modernisation or upgrading of the buildings on the site will be welcomed and supported, subject to their meeting Green Belt policy requirements.**

## **TM1 Promoting Tourism**

### **TM2 Touring Caravan and Camping Sites**

117. These policies seek to encourage visitors to stay overnight and these policies support touring caravan and camping sites for this purpose rather than static caravan or lodge sites. I consider that this balance between the economic and social benefits of tourist accommodation and environmental protection will contribute towards the achievement of sustainable development.
118. In the interest of precision, I recommend that development that would improve the quality of existing sites is 'supported', rather than 'encouraged'.
119. **Recommendation: to meet the Basic Conditions, In the interest of precision, I recommend that 'encouraged' is substituted by 'supported' at the end of Policy TM2.**

### **TM3 Development for Community Use**

120. This policy seeks the provision of community facilities. In the interest of precision, I recommend that 'encouraged' is substituted by 'supported'.
121. The second sentence is a statement rather than a land use and development policy. Therefore, I recommend deletion of this sentence. It can be included as explanatory text accompanying the policy.
122. The Theatres Trust has suggested amendments to the wording of this policy. Particularly the inclusion of support for the retention of existing community facilities. Whilst such support would be in keeping with the Plan's Vision Statement, it is not necessary for it to be included in the policy in order for the policy to meet the Basic Conditions.
123. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy TM3 to read as follows:**

**Proposals for community facilities, especially within existing settlement boundaries, will be supported. In the Peak District National Park area community facilities are only permitted through the conversion or change of use of existing buildings or by new build to replace an unsuitable facility, in which case it may be on the same site or another site by agreement with the planning authority taking all relevant planning considerations into account.**

### **Section 3: Town Centre**

#### **TC1 Extent of Chapel-en-le-Frith Town Centre**

124. Reinvigorating the Town Centre is a major aim of the Plan. This has regard to the NPPF where it seeks to support the viability and vitality of town centres.
125. Policy TC1 identifies the extent of the Town Centre. This Policy is a statement rather than a land use and development policy. As such, I recommend the deletion of Policy TC1 and the incorporation of the wording of this policy into the preceding text.
126. This Policy refers to a map of the Town Centre, which has been included in the evidence base, but not in the Plan. In the interest of clarity, the map needs to be incorporated into the Plan. This map differs slightly to that recommended as the town centre boundary in a report commissioned by HPBC: *Quantitative Retail Study Update, High Peak Borough Council and Staffordshire Moorlands District Council, October 2013*. However, the differences are primarily due to the Neighbourhood Plan including areas for proposed car parks. As such, I see no problem with this approach.

127. Representations on behalf of WM Morrisons Supermarkets Plc have requested that the Neighbourhood Plan defines the primary shopping area and has referred to the NPPF requirement for the definition of such area in local plans.
128. Whilst there is no reason why a primary shopping area cannot be included in a Neighbourhood Plan, this is not a requirement of a Neighbourhood Plan. Thus, the inclusion of a defined primary shopping area in this Plan is not necessary to meet the Basic Conditions.
129. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend the deletion of Policy TC1 and the incorporation of the wording of this policy into the preceding text. In addition, I recommend the Town Centre map in the evidence base is included in the Plan.**

### **TC2 New Retail Developments in Chapel-en-le-Frith Town Centre**

130. This policy seeks to encourage new retail development in the town centre. Large parts of the town centre are within Conservation Areas and English Heritage has expressed concern regarding possible conflict between new development and the protection of the historic environment. However, Policy TC6 seeks development in the Conservation Areas in the Town Centre to have regard to High Peak Local Plan conservation and heritage policies. Thus, I do not consider that modification is required to Policy TC2 in this respect.

### **TC3 Mixed Use in the Town Centre**

131. The Theatres Trust has requested reference to the protection of existing community assets and facilities within this policy.
132. Policy TC3 is a proactive policy underlying the aim to reinvigorate the town centre. Whilst the inclusion of the Theatres Trust suggestion would align with these aims, specific reference is not necessary for this Policy to meet the Basic Conditions.

### **TC4 Use of Redundant Buildings in Chapel-en-le-Frith Town Centre**

### **TC5 Use of Shop Upper Floors in Chapel-en-le-Frith Town Centre**

### **TC6 High Quality Town Centre Design**

133. These policies seek to reinvigorate the town centre. As such, they meet the Basic Conditions.

### **TC7 Small Local Shops**

134. Saved Policy TC5 in the High Peak Local Plan defines a small shop as being under 500m<sup>2</sup>.
135. Policy TC7 seeks to encourage small shops. It defines a small shop as under 280m<sup>2</sup> in Dove Holes and under 150m<sup>2</sup> in the other settlements. There is no robust evidence to justify either of these figures. The deletion of these arbitrary figures would ensure that this policy has regard to national policy, where it is committed to securing economic growth.
136. **Recommendation: To meet the Basic Conditions, I recommend modification to Policy TC7 by the deletion of the first sentence of the second paragraph - 'A small shop is defined as under 280m<sup>2</sup> in Dove Holes and under 150m<sup>2</sup> in the other settlements'.**

### **TC8 Partnership Working for Town Centre Developments**

137. Whilst this policy seeks to promote the future vitality of the town centre, it is not a land use and development policy. Therefore, I recommend the deletion of Policy TC8 and the incorporation of the wording of this policy into the preceding text.
138. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend the deletion of Policy TC8 and the incorporation of the wording of this policy into the preceding text.**

### **TC9 Regeneration of Chapel-en-le-Frith Market Place**

#### **TC10 Car Parking Reserved Sites**

139. I note that a study of existing parking patterns is due to be undertaken to inform a future parking strategy. The principle aim being to provide convenient parking space. Policy TC9 proposes the relocation of some parking spaces in Market Place, but only if there is suitable nearby replacement parking.
140. There has been considerable opposition to Policy TC9 from local people with regard to the impact of removing parking from the Market Place on the nearby retail and service businesses in the area.
141. A representation requests the reinstatement of the car parking proposal on Pickford Meadow previously proposed in the Neighbourhood Plan to help towards resolving the identified parking problem.
142. Identified parking problems are clearly going to be difficult to resolve. However, I consider that Policies TC9 and TC10, subject to detailed modifications as outlined below, will make a significant contribution towards maintaining the vitality and viability of the town centre. In the interest of

clarity, the Plan should include a map showing the locations of the sites allocated for additional car parking.

143. As regards the detailed wording of these policies, the first and last sentences in Policy TC9 are not land use and development policy. Thus, I recommend their deletion and incorporation into the preceding text. Likewise, sub-section f) in Policy TC10 is not a land use and development policy.
144. The High Peak Access Group has requested reference in Policy TC10 to the provision of accessible parking spaces to assist disabled people. I am satisfied that this can be considered as part of the detailed design of the proposed car parks.
145. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend the following:**

**modification to Policy TC9 to read: The redevelopment of Chapel-en-le-Frith Market Place, comprising the relocation of some parking spaces, restoration of the surfacing and the provision of seating and other street furniture, and high quality landscaping, will be supported. This will be subject to the provision of suitable nearby replacement car parking spaces elsewhere.**

**Delete sub-section f) in Policy TC10.**

**Include a map in the Plan indicating the locations of the sites allocated for additional car parking.**

#### **Section 4: Sustainable Transport and Movement**

##### **TR1 Information Required to Support Planning Applications**

##### **TR2 Partnership Working to Achieve Objectives**

##### **TR3 Transport Infrastructure Projects**

146. Section 4 of the Plan seeks to promote sustainable travel. In this respect, Policy TR1 has regard to National Policy to promote sustainable transport. Whilst Policies TR2 and TR3 contribute towards this objective, they are objectives and projects rather than land use and development policies. Therefore, I recommend these two policies are deleted and incorporated into the supporting text.
147. A representation has suggested additional detailed wording in Policy TR1, particularly with regard to the cumulative impact of traffic arising from development and a request for plans to show safe walking and cycle routes. Whilst these additions would be in accordance with the promotion of sustainable travel, I am only required to consider if the policy as it stands meets the Basic Conditions. As outlined above, I am satisfied that Policy TR1 meets the objective of promoting sustainable travel.

148. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend the deletion of Policies TR2 and TR3 as they are not land use and development policies and the incorporation of the wording of these policies into the supporting text on sustainable transport.**

## **Section 5: Countryside**

### **C1 Chapel-en-le-Frith Parish Special Landscape Area**

149. The adopted Local Plan includes a Special Landscape Area which lies partly within Chapel-en-le-Frith Parish. The extension to the Special Landscape Area in the Neighbourhood Plan has been derived from a combination of three sources. Firstly the Special Landscape Area previously established by HPBC. Secondly, the area of Primary Sensitivity in the Parish identified in Derbyshire County *Council's Areas of Multiple Environmental Sensitivity (AMES) Study*, as part of a landscape characterisation of the County. Thirdly, an area defined as 'Special Countryside' as a result of local public consultation. The combination has resulted in most of the countryside outside the built up area and outside the National Park as being designated as a Special Landscape Area, with a sub-category of areas identified by local people as being particularly special.
150. I have been referred to the *HPBC High Peak Local Plan Landscape Impact Assessment (January 2014)* prepared by Consultants Wardell Armstrong. I note this assessment is yet to be considered as part of the Examination of the emerging High Peak Local Plan. It does not recommend the extension of the Special Landscape Area to that proposed in the Neighbourhood Plan.
151. Consultants FPRC on behalf of Bloor Homes North West Ltd have indicated that the proposed Special Landscape Area in Policy C1 is not supported by either the Ames Study or the Peak District Landscape Strategy as they are looking at too large a strategic area and not intended to be used in specific allocations or do not undertake qualitative analysis of character areas to be used as a measure of the sensitivity or quality of a landscape. In addition, the consultants conclude that the local survey of residents is not a professionally informed assessment nor representative of the population. I concur with this view. For these reasons, I do not consider that the proposed extension to the Special Landscape Area is supported by a robust evidence base required to justify this designation.
152. Without the evidence base required, this policy approach to extending the Special Landscape Area does not have regard to the NPPF. In particular, it does not have regard to paragraph 113 in the NPPF which requires distinction between the hierarchy of designated landscape areas, so that protection is commensurate with their status. Therefore, to meet the Basic Conditions, I recommend the deletion of the extended Special Landscape Area from Figure 3.

153. I am only required to recommend the minimum modifications necessary to ensure that the Plan meets the Basic Conditions. Sometimes, there is more than one way for a Policy to be modified to meet the Basic Conditions. In this particular instance, I consider that there are two options and I leave the choice to the local community.
154. The deletion of the extension to the Special Landscape Area would still leave in place the designation of a Special Landscape Area as defined in the saved policies in the High Peak Local Plan. The Neighbourhood Plan is not required to include a policy for that existing Special Landscape Area, or indeed to make any reference to it on an accompanying map. As such, Policy C1 can be deleted from the Neighbourhood Plan in its entirety. However, if the local community would prefer to retain Policy C1 to apply to the existing Special Landscape Area as defined in the saved policies in the High Peak Local Plan, then subject to my detailed recommendations below, this would meet the Basic Conditions.
155. On the assumption that Policy C1 is retained to apply to the existing Special Landscape Area in the saved policies in the adopted High Peak Local Plan, I recommend revision to the wording in the first paragraph to accord with saved Policy OC3 in the High Peak Local Plan. The term ‘inappropriate development’ is not clearly defined in Policy C1. In the interest of clarity, I recommend the use of the wording in saved Local Plan Policy OC3, with regard to the need to protect the Special Landscape Area *from development that would detract from the special qualities and character of the area*.
156. In accordance with my recommended modifications to Policy H3, I recommend the deletion of reference to that policy.
157. **Recommendations: Option 1. To meet the Basic Conditions I recommend modification to Figure 3 to remove the extension to the Special Landscape Area and modification to the accompanying text to clarify that Policy C1 only applies to the existing Special Landscape Area in the adopted High Peak Local Plan.**

**Sub-section a) of Policy C1 to be modified to read as follows: In order to complement the conservation-focussed policies both in the plan and as set out in the adopted Local Development plan for the nationally-valued landscape of the Peak District National Park the Chapel-en-le-Frith Parish Special Landscape Area’s distinctive landscape character and key features will be protected from development that would detract from the special qualities and character of the Special Landscape Area and, where possible, enhanced for their environmental value and amenity use.**

**In addition, I recommend the deletion of the last sentence in sub-section b).**

**Option 2. As there is no requirement for a Neighbourhood Plan to include a Policy regarding an existing Special Landscape Area, if the local community does not wish to retain Policy C1 as modified above,**

**the deletion of Policy C1 in its entirety and the deletion of Figure 3 would meet the Basic Conditions.**

## **C2 Local Green Spaces**

158. Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

*where the green space is in reasonably close proximity to the community it serves;*

*where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

*where the green area concerned is local in character and is not an extensive tract of land.*

159. I must emphasise that in order for an area to be designated as a Local Green Space, it has to meet all the criteria for designation. I realise that footpaths dissect some of the parcels of land. This is not in itself a reason to designate a parcel of land as a Local Green Space.

160. The Planning Practice Guidance advises that: *some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty). Designation does not in itself confer any rights of public access over what exists at present.*

161. I have spent a considerable amount of time looking at the areas proposed to be designated as Local Green Spaces. As there are a considerable number of proposed Local Green Spaces, for ease of reference, I refer to each parcel in accordance with the numbering on Figures 4 and 5 and the addresses in Table 1. Whilst this has resulted in a certain amount of repetition, it does make it easier for the local community to understand my views with regard to each individual site.

### **1. Small grass area between Primary School and Methodist Churchyard.**

162. Whilst I understand this land is owned by the Church, it appears to be used for some community events. Clearly it is close to the community, is demonstrably special and holds a particular local significance with regard to its use by the community, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

## **2. Warmbrook area behind primary school.**

163. There is objection to this designation on behalf of HD Sharman Limited. It appears that the objection is to the extent of the site in a previous version of the Plan. The Examination Version excludes the fenced off land associated with that business.
164. The remaining area currently proposed to be designated as a Local Green Space comprises a green space with footpaths, weirs and trees. It is situated between dwellings with direct access from a number of residential properties. Clearly it is close to the community, is demonstrably special and holds a particular local significance with regard to its use by the community and its beauty, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

## **3. Tramps' Garden.**

165. This is a small community park with historic interest. Clearly it is close to the community, is demonstrably special and holds a particular local significance with regard to its use by the community and its historic interest, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

## **4. Orchard, Bowden Lane, between footpath to Bowden Hall and Kelsa Trucks.**

166. This is a small green space with mature trees within the built up area. Public view is obtained from Bowden Land and the footpath alongside the site. Clearly it is close to the community, is demonstrably special and holds a particular local significance with regard to its tranquillity in the built up area, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

## **6. Land behind Dove Holes community land.**

167. This area includes a children's playground and playing fields. In addition it includes the Bull Ring Henge and Tumulus. Whilst it is a large site, I am satisfied that it is local in character and is not an extensive tract of land. In particular, it is contained to a considerable extent by development on three sides. Clearly it is close to the community of Dove Holes and is demonstrably special and holds a particular local significance with regard to its use by the community and its historic interest. I am satisfied that it meets the criteria for designation as a Local Green Space.

## **7. Target Wall Field and woodland adjacent to Warmbrook.**

168. There have been numerous representations regarding this site, both for and against the designation as a Local Green Space. I note the historical significance with regard to the former target wall, which was demolished in 1991.

169. The site is in a countryside location on the outskirts of the settlement, projecting into the wider countryside. As such, the character of the site is as part of the surrounding countryside, rather than local in character. Whilst there is public access along the footpaths, and these footpaths appear to be well used by the local community, there are many areas of countryside where footpaths allow public access.
170. It is not the purpose of the Local Green Space designations to include countryside land that provides wider views of the countryside. In my view, the site is a large area which projects into the open countryside and is part of the wider countryside rather than local in character. Thus, even with the historical significance and possible wildlife significance, I do not consider that this site meets the criteria for designation as Local Green Space.
171. There is objection to the designation of the area as Local Green Space on behalf of developers wishing to develop the site. My recommendation to delete the designation does not in any way suggest that the site is suitable for development. This is not something for my consideration under the Local Green Space criteria.

#### **8. Land around Combs Reservoir.**

172. These parcels of land border the reservoir. In this particular location, against the backdrop of the reservoir, I can see how they are demonstrably special to the local community and hold a particular local significance and I note the recreational value and wildlife value of these sites. They are local to the communities of Combs and Tunstead Milton. They are local in character in the context of the setting of the reservoir and are not extensive tracts of land. I am satisfied that they meet the criteria for designation as Local Green Space.

#### **9. Field adjacent to Combs School.**

173. This parcel of land on the edge of the village of Combs is used for local community events. Clearly it is close to the community, is demonstrably special and holds a particular local significance with regard to its use for community events is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

#### **10. Field in centre of Combs village.**

174. This small parcel of land in the centre of Combs makes a significant contribution to the tranquil and rural character of the village. Clearly it is close to the community, is demonstrably special with regard to its tranquillity, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

#### **11. Spring Meadow, Whitehough.**

175. This site is visible from adjacent public rights of way. The site appears to have some ecological value, but otherwise, it is only a field adjacent to the

built up boundary to Chinley and adjacent to a development site. The location as a buffer between the proposed development and the Whitehough Conservation Area is not sufficient reason for designation.

176. From my observations at my site visit and having considered the evidence base and representations made both for and against this proposed designation, I do not consider there to be robust justifiable evidence to show that this site is demonstrably special to a local community or holds a particular local significance. Thus, I do not consider that this site meets the criteria for designation as Local Green Space.
177. There is objection to the designation of the area as Local Green Space on behalf of developers wishing to develop the site. My recommendation to delete the designation does not in any way suggest that the site is suitable for development. This is not something for my consideration under the Local Green Space criteria.

### **13. Fields between Homestead Way and Ashbourne Lane.**

178. These are fields on the edge of the built up area with public access via a footpath. I realise that they provide a green backdrop. However, so does a considerable amount of the surrounding countryside. I realise that the footpath is used by local residents. However, I do not consider there to be robust justifiable evidence to show that this site is demonstrably special to a local community or holds a particular local significance. Thus, I do not consider that this site meets the criteria for designation as Local Green Space.
179. There is objection to the designation of the area as Local Green Space on behalf of developers wishing to develop the site. My recommendation to delete the designation does not in any way suggest that the site is suitable for development. This is not something for my consideration under the Local Green Space criteria.

### **14. Land approaching Chapel-en-le-Frith South Station, between railways and Bank Hall Drive.**

180. This site is not local in character. It is countryside which provides a rural setting to Chapel-en-le-Frith when viewed from the Station. Footpaths around and across the site provide some public access. I do not consider there to be robust justifiable evidence to show that this site is demonstrably special to a local community or holds a particular local significance and the site is not local in character. Thus, I do not consider that this site meets the criteria for designation as Local Green Space.

### **16. High School Fields.**

181. These school playing fields are used by both the school and the local community. The playing fields are close to the community, are demonstrably special and holds a particular local significance with regard to their recreational value, are local in character and do not comprise an extensive

tract of land. I am satisfied that these fields meet the criteria for designation as Local Green Space.

**17. North and South of Manchester Road.**

182. These two fields are situated between Chapel-en-le-Frith and Cockyard and I note that one of the reasons in the evidence base for their designation is to provide a green buffer. This is not a reason for Local Green Space designation. I realise that there are open panoramic views out of and across the fields. However, from the evidence base, there is no robust justifiable evidence to support these fields as being demonstrably special and hold a particular local significance. In addition, they are not local in character as they are part of the wider countryside. Thus, I do not consider that these fields meet the criteria for designation as Local Green Space.

**18. Bowden Lane, between the Lodge Nursing Home and A624.**

183. This site is an area of considerably mature woodland. I note the historical significance of the historic tramway tunnel within the site. The site is close to the community, is demonstrably special and holds a particular local significance with regard to its historic interest, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

**19. Fields around Black Brook, alongside tramway, between Longson's and Kelsa Trucks and land on the north side of Bowden Lane.**

184. This area of land is not local in character but instead has a wider open countryside character. I realise that it is situated within the built up area boundary and that the land further east is allocated for employment use. It may be that once the employment land is developed, the character of this site would alter to being contained within the developed area. At the present time, I see no robust justifiable evidence to support the designation of this land as Local Green Space.

**20. Field behind Morton's Yard, Tunstead Milton, between Randall Carr Brook and canal feeder.**

185. This is a contained area of open space on the edge of Tunstead Milton, which forms a tranquil riverside area. The site is close to the community, is demonstrably special and holds a particular local significance with regard to its tranquillity, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

**21. Burnside Avenue, public green space.**

186. This is a small area of public open space on the edge of a modern housing estate. The area is on the edge of a brook and includes mature trees. It is used for informal play and social gatherings. The site is close to the community, is demonstrably special and holds a particular local significance with regard to its informal recreational use, is local in character and is not an

extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

#### **22. South Head Drive, small green space.**

187. This is a small green space used for informal recreation by local residents in the surrounding residential area. The site is close to the community, is demonstrably special and holds a particular local significance with regard to its informal recreational use, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

#### **23. Bank Hall Drive entrance.**

188. This site lies between two sites in the process of being developed as residential sites. The dense mature trees provide a tranquil verdant setting between the residential areas and for existing residents in Long Lane. The site is close to the community, is demonstrably special and holds a particular local significance with regard to its tranquillity, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.

#### **24. Land South of Manchester Road.**

189. This site includes domestic garden areas and land on the periphery of Chapel-en-le-Frith between development along Manchester Road and the golf course. It is not usually appropriate to include domestic gardens as Local Green Space and, in this particular instance, I see no exceptional reason to include the domestic gardens.
190. The site is either domestic garden or countryside. As such it is either domestic or rural in character. I have no robust justifiable evidence to clearly indicate that the site is demonstrably special and holds a particular local significance. For these reasons, I do not consider this area meets the criteria for designation as Local Green Space.
191. **Recommendation: to meet the Basic Conditions, I recommend modification to Figures 4 and 5 and Table 1 to remove the Local Green Space Designations on sites 7, 11, 13, 14, 17, 19 and 24.**

### **C3 Biodiversity**

192. The NPPF requires the planning system to contribute to and enhance the natural and local environment. Within the list of criteria in paragraph 109 is the requirement to *minimise impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity...*
193. Policy C3 has regard to the NPPF and thus meets the Basic Conditions.

#### **C4 Walking, Footpaths and Public Rights of Way**

194. The High Peak Access Group has requested that this policy refers to accommodating the needs of visually impaired people and disabled people in general. The policy does refer to *accommodating people of all ages and abilities*, which I feel covers this concern.
195. This policy has regard to the NPPF where it seeks to encourage new development to give priority to pedestrian and cycle movements where practical. Thus, this policy meets the Basic Conditions.

#### **C5 Protection of Local Valued Areas**

196. This policy refers to ‘valued local assets’ and refers to examples of harm to such assets. I have not been provided with a precise definition of, or a list of, valued local assets. In the interest of precision and enforceability, in the absence of such a definition or list as part of a justified evidence base, I do not consider this to be a land use policy for development control purposes.
197. **Recommendation: in the interest of precision and enforceability, to meet the Basic Conditions, I recommend the deletion of Policy C5.**

#### **Additional Policies**

198. Natural England has requested reference in the Plan to the importance of the Dark Peak Nature Improvement Area (NIA) and the South West Peak National Character Area (NCA) and Dark Peak NCA profiles. In addition, Natural England has requested that reference to the opportunities for Green Infrastructure is incorporated into the Plan.
199. I am only required to consider whether the Plan meets the Basic Conditions. Subject to the modifications I recommend above, I am satisfied that the Plan meets the Basic Conditions without these suggested additions.

### **Referendum and the Chapel-en-le-Frith Neighbourhood Development Plan Area**

200. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
  - the Plan as modified by my recommendations should proceed to Referendum; or

- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
201. **I am pleased to recommend that the Chapel-en-le-Frith Neighbourhood Development Plan, as modified by my recommendations, should proceed to Referendum.**
202. I am required to consider whether or not the Referendum Area should extend beyond the Chapel-en-le-Frith Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

**Janet Cheesley**

**Date** 30 January 2015

## Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (The Framework) (2012)

The Planning and Compulsory Purchase Act 2004

The Localism Act (2011)

The Neighbourhood Planning Regulations (2012)

The Planning Practice Guidance (2014)

Regulation 14 representations

Regulation 16 Representations

Supporting Documentation:

Consultation Statement

Basic Conditions Statement

SEA Screening Statement

HRA Screening Statement

Three files containing-

General Evidence

Countryside Evidence

Housing, Infrastructure/Economic and Transport Evidence