

INDEPENDENT EXAMINATION OF THE WHALEY BRIDGE NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:
Christopher Collison BA(Hons) MBA MRTPI MIED IHBC

By email to Andrew Fox, Town Clerk, Whaley Bridge Town Council, Claire Sansom, Planning Officer, High Peak Borough Council; and Clare Wilkins, Community Policy Planner, Peak District National Park Authority.
Copy to Martin Thomas Chair Vision4Whaley

Dated 4 August 2023

Dear Andrew, Claire, and Clare

Whaley Bridge Neighbourhood Development Plan Independent Examination – Examiner letter seeking clarification of matters

Further to my initial letter of 6 July 2023 I am writing to seek clarification of the following matters:

Policy WB-G1

1. I invite comment on my provisional conclusion and proposed modification as follows:

Part 1 of Policy WB-G1 does not have sufficient regard for the definition of main town centre uses included in Annex 2: Glossary to the Framework. The Interpretation section seeks to introduce an element of policy in respect of Use Class E which it may not. The term “other uses open to the public” is imprecise. The final sentence of part 1 of the policy does not have sufficient regard for paragraph 86 parts a and f of the Framework which require a balanced consideration of proposals that would result in loss of residential accommodation in the Town Centre. I propose to recommend a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

I agree with the National Park Authority and the Borough Council that Part 2 of Policy WB-G1 is not in general conformity with the strategic policies of the Development Plan. Part 2 of the policy seeks to introduce a sequential approach in respect of the location of non-intensive recreational uses which does not have sufficient regard for national policy, and which has not been sufficiently justified. Paragraphs 87 to 91 inclusive set out national policy in respect to proposals for main town centre uses which are not in an existing centre, nor in accordance with an up-to-date plan. Section 8 of the Framework sets out national policy relating to location of recreational and cultural facilities and services. Paragraph 16f of the Framework states plans should “serve a clear purpose, including unnecessary duplication of policies that apply to a particular area (including policies in this Framework), where relevant.” The term “in accessible locations” is imprecise. I propose to recommend a modification in these respects so that the policy is in

general conformity with the strategic policies, has sufficient regard for national policy including being “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d of the Framework.

Proposed modification:

In Policy WB-G1

- in part 1 replace the text before “will be” with “Proposals for main Town Centre uses (as defined in Annex 2 of the National Planning Policy Framework)”
- in part 1 delete the final sentence
- delete part 2

In the Interpretation section delete the second sentence.

Policy WB-G2

2. I invite comment on my provisional conclusion and proposed modification as follows:

The terms “other uses open to the public” and “in accessible locations” and “close proximity” are imprecise. The list of locations in part 4 of the policy is imprecise without reference to the maps presented on page 26 of the Neighbourhood Plan. The requirement for a facility “to be provided in close proximity” has not been sufficiently justified. There could be proposals for development of community facilities that should be sited in a location outside the town centre, for example, to serve a particular locality. Subject to my proposed modification I am satisfied the policy would not prevent community facilities from being supported where they are required to meet the day-to-day needs of the community. I propose to recommend a modification in all these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I am satisfied part 4 of the policy has sufficient regard for paragraph 93e of the Framework in respect of guarding against loss of valued facilities.

Proposed modification:

In Policy WB-G2

- in part 1 delete “and other uses open to the public”
- in part 1 delete the final sentence
- replace part 2 with “In the part of the Neighbourhood Area not in the Peak District National Park and outside the Town Centre community facilities will be supported:
 - a. in locations that are accessible for users;
 - b. where there is no significant adverse impact on the amenities of residential occupiers, or on the open character of the countryside; and
 - c. the scale of development is consistent with the strategic settlement hierarchy set out in Local Plan Policy S2 where Whaley Bridge is

defined as a market town, Furness Vale as a larger village, and the other settlements as part of the other rural area.”

- **in part 3 replace “in close proximity” with “or available in an equally accessible location for users”**
- **in part 4 after “locations” insert “identified on the maps on page 26 of the Neighbourhood Plan”**

In the Interpretation section refer to this policy augmenting High Peak Local Plan Policy CF5 and state that within the Peak District National Park the policies of the Peak District National Park Local Development Framework Core Strategy Development Plan Document - Adopted October 2011, and the Development Management Policies Part 2 of the Local Plan for the Peak District National Park - Adopted May 2019 will apply.

Policy WB-G3

3. The relationship of parts 1a to 1d is not clear to me.
 - I read parts a and b as one area, but within the Town Centre part of that area a specific requirement is stated. Is this correct?
 - Is the intention of part c to support residential development on brownfield sites in any location outside the National Park? In this respect has there been any analysis of brownfield sites including number, area, and location?
 - Are infill sites that are referred to in part d outside but adjacent to the Whaley Bridge settlement boundary where the requirements of Local Plan Policy H1 are met? Please confirm or advise otherwise.
4. The Planning Policy Guidance states that where neighbourhood plans contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. Please direct me to any housing needs assessment.
5. Please direct me to any evidence that would lead me to conclude Policy WB-E3 has sufficient regard for paragraph 29 of the Framework which states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”

Policy WB-E5

6. Please explain how the Isabella Banks work ‘The Manchester Man’ relates to the area of land proposed as LGS. Is there a specific reference?
7. I have noted a difference between the Borough Council and the Town Council whether site LGS1 has a current SSSI status. Could a common understanding be stated please?

I request any response to these matters is agreed as a joint response of the Town Council and Borough Council and National Park Authority wherever possible. The Town Council may consult with Vision4Whaley and advisors.

This request for clarification and any response should be published on the Borough Council and National Park Authority websites.

In order to maintain the momentum of the Independent Examination I would be grateful if any reply could be sent to me no later than 5.00pm on Friday 18 August 2023.

For the avoidance of doubt recommendations of modification of the Neighbourhood Plan that may be contained in my report of Independent Examination will not be limited to those matters in respect of which I have requested clarification.

I should be grateful if the Town Council and the Borough Council and the National Park Authority could acknowledge receipt of this email.

Best regards

Chris Collison
Independent Examiner
Planning and Management Ltd