

HIGH PEAK BOROUGH COUNCIL

**DECISION STATEMENT:
WHALEY BRIDGE NEIGHBOURHOOD PLAN**

**Town and Country Planning Act 1990
Schedule 4B, Para 12 (11)**

Date: 25th October 2023

At its meeting on the 25th October 2023, High Peak Borough Council (HPBC) resolved that following the inclusion of the Examiner's recommended modifications (as reproduced in the Appendix 1 below) that the **Whaley Bridge Neighbourhood Plan meets the 'Basic Conditions' and can proceed to a referendum.**

To meet the requirements of the Localism Act 2011 a referendum will be held in the area formally designated as the Whaley Bridge and Furness Vale Neighbourhood Area¹.

The referendum will pose the question:

"Do you want High Peak Borough Council and the Peak District National Park Authority to use the Neighbourhood Plan for Whaley Bridge to help them decide planning applications in the neighbourhood area?"

If approved at referendum, Whaley Bridge Neighbourhood Plan will form part of the statutory development plan and will be used by HPBC, alongside the High Peak Local Plan, for determining applications for development within that part of Whaley Bridge and Furness Vale Neighbourhood Area that is outside of the National Park.

This Decision Statement, the Examiner's Report and a copy of the Neighbourhood Plan (as proposed to be amended) and other supporting documents that were subject to the examination can be viewed on the HPBC website and the office as set out below:

<https://www.highpeak.gov.uk/article/660/Whaley-Bridge-and-Furness-Vale-Neighbourhood-area>

Whaley Bridge Town Council, Mechanics Institute, Market Street, Whaley Bridge, High Peak SK23 7AA (during normal opening hours).

¹ Whaley Bridge and Furness Vale Neighbourhood Area as designated by HPBC on 24th October 2013 and the Peak District National Park Authority on 13th September 2013, under paragraph 61F of the Town & Country Planning Act 1990

1. Background

High Peak Borough Council accepted the application by Whaley Bridge Town Council to be recognised as the ‘appropriate body’ under paragraph 61F of the Town & Country Planning Act 1990 on the 24th October 2013, and formally designated the Whaley Bridge and Furness Vale Neighbourhood Area. The Peak District National Park Authority (PDNPA) made the same designation on 13th September 2013.

The Pre-Submission Whaley Bridge Neighbourhood Plan underwent consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (‘the Regulations’) between 20th May 2022 and 2nd July 2022.

Subsequently, the draft plan and supporting documents were submitted by the Town Council to HPBC and PDNPA under Regulation 15(1) on 13th December 2022. Following consideration by the two local planning authorities, the plan was then formally published for comments (statutory “regulation 16”) for a period of six weeks between 11th May and 22nd June 2023.

Mr Christopher Collison BA (Hons) MBA MRTPI MIED IHBC was then appointed with the consent of HPBC, PDNPA and Whaley Bridge Town Council to undertake the examination of the Plan, and to prepare a report of the independent examination. The examination commenced on 6th July 2023 and was conducted through written representations. The Examiner’s report was received on the 1st September 2023. It concludes that the Whaley Bridge Neighbourhood Plan, subject to recommended modifications, meets the basic conditions set out in the legislation and other statutory requirements and should proceed to referendum.

2. Decision and Reasons

The Regulations require that the Local Planning Authorities (HPBC and PDNPA) publish how they intend to respond to the Examiner’s recommendations.

On 25th October 2023, HPBC considered each of the recommendations made in the Examiner’s Report in relation to the Neighbourhood Plan and the reasons for them and decided to accept modifications to the draft Neighbourhood Plan as set out in Appendix 1 of this Decision Statement. PDNPA also made the same decision at their committee meeting on 6 October 2023. The modifications are necessary to ensure that the draft Neighbourhood Plan meets the basic conditions and legal requirements.

The submitted plan was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications set out in Appendix 1 are considered to necessitate revisiting any of these assessments.

HPBC and the PDNPA agree that:

- 1) a formal decision statement is published detailing the response to the Examiner’s recommendations within his report;
- 2) following the inclusion of the Examiner’s recommended modifications into the Plan (as set out in Appendix 1), it is approved that the Plan meets the Basic Conditions such that it can proceed to a referendum;
- 3) the referendum boundary is approved and will cover the designated Whaley Bridge and Furness Vale Neighbourhood Area only; and

4) HPBC conducts a referendum on the Plan.

The date on which the referendum will take place is agreed as 7 December 2023.

Appendix 1 to Decision Statement

Whaley Bridge Neighbourhood Plan

List of agreed modifications made to the submitted Neighbourhood Plan

(Deleted text new text)

	Policy	Proposed Modification
Recommended Modification 1	Section 3.6 (p75)	<ul style="list-style-type: none"> Expansion of places at schools and medical facilities <u>where the latest evidence confirms expansion is necessary.</u>
Recommended Modification 2	WB-G1 Town Centre and Economy (p22)	<p>1. Retail, restaurants, cafes, cultural uses, visitor facilities or recreational uses and other uses open to the public. <u>Proposals for main Town Centre uses (as defined in Annex 2 of the National Planning Policy Framework)</u> will be supported within the defined Town Centre (see plan 'Defined Town Centre' on page 24). This includes changes of use from residential.</p> <p>2. Cultural uses, visitor facilities or recreational uses will be supported in accessible locations outside of the Town Centre, providing:</p> <p>a. it can be demonstrated that they cannot be accommodated within the Town Centre;</p> <p>b. it is not within the Peak District National Park; and</p> <p>c. there is no significant adverse impact on the amenities of residential properties or the open character of the countryside.</p> <p>3. Live/work units will be supported within the defined Town Centre, providing the ground floor street frontage unit(s) remains in use(s) open to the public, including retaining shopfronts.</p> <p>Other modifications</p> <p>In the Interpretation section delete the second sentence.</p>
Recommended modification 3	WB-G2 Community Facilities (p25)	<p>1. Community facilities and other uses open to the public will be supported within the defined Town Centre (see plan 'Defined Town Centre' on page 24). This includes changes of use from residential. 2. Community facilities will be supported in accessible locations outside of the Town Centre, providing:</p> <p>a. it can be demonstrated that they cannot be accommodated within the Town Centre;</p> <p>b. it is not within the Peak District National Park; and</p> <p>c. there is no significant adverse impact on the amenities of residential properties or the open character of the countryside.</p> <p><u>2. In the part of the Neighbourhood Area not in the Peak District National Park and outside the Town Centre community facilities will be supported:</u></p> <p><u>a. in locations that are accessible for users;</u></p> <p><u>b. where there is no significant adverse impact on the amenities of residential occupiers, or on the open character of the countryside; and</u></p>

	Policy	Proposed Modification
		<p><u>c. where the scale of development is consistent with the role of Whaley Bridge as a market town, Furness Vale as a larger village, and the other settlements as part of the other rural area.</u></p> <p>3. The loss of existing community facilities will only be supported where a similar or better facility is provided in close proximity <u>or available in an equally accessible location for users</u>, or it can be demonstrated that the use is no longer viable or no longer required.</p> <p>4. Outdoor spaces that support outdoor community events should be retained, in the following locations <u>identified on the maps on page 26 of the Neighbourhood Plan:</u></p> <ul style="list-style-type: none"> ● Yard to the west of the Whaley Bridge Canal Transhipment Shed; ● Community car space to the north of the White Hart car park; ● Whaley Bridge Bowling Club car park and green; ● Whaley Bridge Cricket Club pitch and adjoining spaces; ● Whaley Bridge Sports Pavilion; ● Furness Vale Bowling Club; ● Furness Vale COGS Field; ● Memorial Park. <p>Other modifications</p> <p>In the Interpretation section refer to the scale of development being 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.</p> <p>In the Interpretation section refer to this policy augmenting High Peak Local Plan Policy CF5. In the Interpretation section 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. Draw attention to Core Strategy Policy HC4 which outlines the policy route for community facilities within the National Park and Development Management Policy DMS2 which outlines marketing requirements, working with community and exploring other community uses before a community use is lost.</p>

	Policy	Proposed Modification
Recommended modification 4	WB-G3 Residential Development (p27)	<p>1. Residential development outside of the Peak District National Park will be supported <u>within the defined Whaley Bridge Built-up Area boundary, identified on the map on page 12 of the Neighbourhood Plan, however within the Whaley Bridge defined Town Centre boundary, identified on the map on page 24 of the Neighbourhood Plan, proposals must provide street-frontage ground floor units in uses open to the public.</u> for the following locations, subject to meeting the requirements of other policies in this Neighbourhood Plan:</p> <ul style="list-style-type: none"> a. within the defined Whaley Bridge settlement boundary; b. within the defined Town Centre, providing street-frontage ground floor units are in uses open to the public; c. brownfield sites; d. infill sites in the form of gaps in existing substantially built-up frontages. <p>2. Residential accommodation suitable for older people and those with limited mobility will be supported in suitable locations, taking account of <u>access to shops and services and</u> local topography.</p> <p>3. Self-built housing and community-led housing are encouraged, subject to meeting other requirements of this Neighbourhood Plan <u>will be supported where they meet local housing needs.</u></p> <p>4. All new dwellings must include screened storage for bins and recycling, located away from the street frontage.</p> <p>5. All new dwellings must include secure, covered cycle storage, proportionate in capacity to the size of the property, meeting the requirements of Policy WB-T1.</p> <p>Other modifications</p> <p>On the map on page 12 of the Neighbourhood Plan replace “Urban Area” with “Whaley Bridge Built-up Area boundary”.</p> <p>Replace the first paragraph of the Interpretation section with: “The Policy sets out an additional level of detail relating to sustainable locations for residential development identified in adopted High Peak Local Plan Policy H1. Reference should continue to be made to Policy H1 of the adopted High Peak Local Plan with respect to the location of housing development, and to Policy H2 of the adopted High Peak Local Plan with respect to sites allocated for residential development.</p> <p>Flood risk requirements are dealt with by Policy EQ11 of the adopted High Peak Local Plan. Parts of Whaley Bridge fall within flood zones 2 and/or 3 and therefore</p>

	Policy	Proposed Modification
		any proposals will need to follow the requirements of both the NPPF and Policy EQ11.
Recommended modification 5	WB-H1 Heritage (p31)	<p>1. <u>Extensions to historic buildings will be supported where: they are of a size in proportion to the original building; their design and materials are high quality; and they complement the character of the original building. This includes support for creative and green interventions that complement the character of the original building. Proposals for alterations to a heritage asset will be informed by a heritage statement that clearly describes the significance of the asset including the contribution that the setting makes to its significance.</u> Extensions to historic buildings will be supported where they are of high quality and complement the character of the original building. This includes support for creative or green interventions that complement the character of the original building.</p> <p>2. The reinstatement of <u>historic</u> shop fronts or original features that have previously been lost will be supported.</p> <p>3. New or replacement shopfronts must be designed to complement the character of the building in question, including retention of historic features.</p> <p>4. Development should preserve or <u>not adversely affect, and where possible</u> enhance the Shallcross Incline, including its immediate landscape setting.</p> <p>Other modifications In the Interpretation section insert the point that Policy WB-H1 is intended to augment High Peak Local Plan Policy EQ7.</p>
Recommended modification 6	WB-E1 Sustainable Design (p41)	<p>1. Development must <u>should</u> be well-designed, locally distinctive to Whaley Bridge and sustainable, meeting the following requirements of this policy <u>where they are appropriate and necessary and</u> in a way that is proportionate to the nature and scale of the development.</p> <p>2-a. Development must <u>should</u> complement the townscape character and topography of the site and context and wider Whaley Bridge area in terms of scale, height, massing, roofscape, set-back from the road, spacing of properties, and the pattern of front and rear gardens.</p> <p>3-b Development should <u>seek to</u> enhance the architectural diversity of the area, avoiding excessive uniformity.</p> <p>4-c Schemes should incorporate high quality and well-functioning green infrastructure and public realm <u>appropriate to the scale of development</u> as an integral part of the design and layout.</p> <p>5-d. The layout of development must <u>should</u> prioritise pedestrian and cycle convenience, permeability, and</p>

	Policy	Proposed Modification
		<p>safety, including by providing connections to surrounding paths.</p> <p>6-e. The design and layout of development should present active frontages to streets and spaces, to provide natural surveillance. Development that presents extensive blank elevations or enclosures to streets and spaces will not be supported.</p> <p>7-f. The use of local, recycled or low-embodied-energy materials will be supported.</p> <p>8-g. <u>Design solutions will not be prevented purely because they are innovative or creative.</u> Innovative and creative design solutions for new build or extensions are encouraged, especially where they incorporate superior environmental performance. This includes new build or extensions in the conservation area or affecting listed buildings, where the requirements of WB-H1 are met.</p> <p>9. h. <u>Development proposals that include positive design features to reduce carbon impact will be supported.</u> Development must include positive design features to reduce carbon impact.</p> <p>Other modifications</p> <p>In the penultimate paragraph of the Interpretation commence the paragraph with “Not all of these matters will be relevant to the determination of a planning application.” and replace “need to” with “may”</p>
Recommended modification 7	WB-E2 Minor Villages and Rural Settlements (p43)	<ol style="list-style-type: none"> 1. Development in <u>the Taxal character area identified on the map on page 45 of the Neighbourhood Plan</u> must complement its character as a small rural hamlet, taking account of the following key characteristics: <ul style="list-style-type: none"> • Taxal Church as a focal point; • Building clusters; • Narrow rural lanes, often without pavements; • Combination boundary treatments comprising hedges and mature trees or low-stone walls; • Mix of one and two storey typical heights; • Stone buildings. 2. Development in <u>the Fernilee character area identified on the map on page 45 of the Neighbourhood Plan</u> must complement its character as a small rural village, taking account of the following key characteristics: <ul style="list-style-type: none"> • Fernilee Church as a focal point; • Loose low-density layout based on larger detached properties and short rows of terraced housing; • Gaps in the built form, allowing views to the wider landscape; • Stone buildings. 3. Development in <u>the Horwich End character area identified on the map on page 46 of the Neighbourhood Plan</u> must complement its character, taking account of the following key characteristics: <ul style="list-style-type: none"> • Properties at the rear of the pavement or set back from the edge of pavement behind small front courts;

	Policy	Proposed Modification
		<ul style="list-style-type: none"> ● Terraced housing following the contours/topography of the land; ● Typically, stone or stone fronted buildings and brick; ● Low stone boundary walls; ● Predominantly two-storey to the road frontages, some with three storeys to the rear due to topography. <p>4. Development in the Bridgemont character area identified on the map on page 46 of the Neighbourhood Plan must complement its character, taking account of the following key characteristics:</p> <ul style="list-style-type: none"> ● Linear in form; ● Predominantly two-storey to the road frontages, some with three storeys to the rear due to topography; ● Properties set back from the edge of pavement behind small front courts or gardens; ● Typically, stone buildings, with stone or slate roofs and chimneys.
Recommended modification 8	WB-E3 Natural Environment (p47)	<p>1. Development must preserve or enhance and not harm the rural and open landscape character of the area, including the Peak District National Park and its setting.</p> <p>2. Development must enhance and have no should seek to minimise adverse impact on the area's extensive tree canopy and woodlands. Development resulting in the loss or deterioration of ancient woodland identified on the Map on page 48 of the Neighbourhood Plan will only be supported if wholly exceptional reasons are demonstrated and a suitable compensation strategy is proposed.</p> <p>3. Development should have no overall avoid adverse impact on ecology, wildlife habitats or biodiversity. Development proposing unavoidable harm to biodiversity must achieve adequate mitigation or as a last resort compensation. Any specific adverse impacts should be balanced by positive features in development to enhance ecology and wildlife habitats.</p> <p>4. Development should take proposals should demonstrate they pursue opportunities to enhance Whaley Bridge's ecology and wildlife habitats and must create biodiversity net gain.</p> <p>5. For trees and planting, native species that occur locally or other species with high bio-diversity value should be used, taking account of bio-security.</p> <p>Other modifications Improve the resolution of the maps presented on pages 48 and 49 of the Neighbourhood Plan.</p>
Recommended modification 9	WB-E4 Rural and Landscape Character (p50)	<p>1. Boundary treatments must should complement the rural and historic character of the area and support will be given to boundary treatments comprising native species hedges, stone walls or other local vernacular materials.</p>

	Policy	Proposed Modification
		<p>2. Development <u>of new buildings or large extensions to existing buildings</u> on the edge of settlements must <u>should</u> include landscaping and natural boundary treatments to create a soft transition between the built and rural areas.</p> <p>3. Development must <u>should</u> take account of the area's topography and avoid harmful visual impacts on the wider rural area, including long distance views. <u>Development proposals that are likely to affect the long-distance views identified on the map on page 51 of the Neighbourhood Plan must demonstrate how the form and layout of the development have considered those long-distance views.</u></p> <p>4. Development <u>of new buildings or large extensions to existing buildings</u> should take opportunities to enhance and have no <u>have no significant</u> adverse impact on views along the Goyt Valley.</p> <p><u>5. Development must preserve or enhance and not harm the rural and open landscape character within the Peak District National Park and its setting.</u></p>
Recommended modification 10	WB-E5 Local Green Spaces (p52)	<p>1. The following spaces <u>that are identified on the maps presented on the maps below</u> are designated as Local Green Space:</p> <p>LGS1: Roosdyche, New Horwich Road LGS2: Whaley Bridge Linear Park LGS3: Fernilee Chapel churchyard, Elnor Lane LGS4: Shallcross Wood LGS5: Furness Vale Bowling Green, Sports Court and Playground LGS6: Whaley Bridge Cricket Pitch, New Horwich Road LGS7: Shallcross Incline Greenway, Shallcross Road LGS8: Taxal Churchyard, Whiteleas Road LGS9: Whaley Bridge Incline LGS10: Brookfield Pond, Reservoir Road LGS11: Wooded area to north of Jodrell Road Play Area, Jodrell Road LGS12: Land to the north of Meadowfield, Stoneheads Rise LGS13: Furness Vale School Garden, Coachman's Lane LGS14: Green at centre of Orchard Road, Orchard Road LGS15: Carr Field Horwich End, Buxton Road LGS16: Taxal Beeches, Taxal Moor Road</p> <p>2. <u>The designated areas will be protected from development in a manner consistent with the protection of land within the Green Belt.</u></p> <p>Development must not encroach onto Local Green Space or harm its community value amenity, accessibility or safety, except in exceptional circumstances and where:</p> <p>a. it comprises very small scale development;</p>

	Policy	Proposed Modification
		<p>b. it relates directly to the community value and use of the space;</p> <p>c. it does not harm the open or green character of the space.</p>
Recommended modification 11	WB-T1 Transport and Movement (p73)	<p>1. Development should be served by a balanced provision of transport, including sustainable options, meeting the following requirements of this policy, proportionate to the number and nature of journeys generated.</p> <p>2-a. Layouts should provide pedestrian and cycle connections to surrounding public transport routes, also meeting the requirements of Policy WB-E1.</p> <p><u>3-b. Proposals for new homes or employment development should either include on-plot secure covered storage for cycles proportionate to the scale of development or demonstrate why such facilities are not required.</u></p> <p>Secure, covered storage for cycles must be provided for all new dwellings, proportionate to the scale of the property, and where new employment space is being created.</p> <p>4-c. The design of the footpaths and the public realm should take account of the needs of people of varying levels of mobility, including older people and those with disability.</p> <p>5-d. A mix of parking provision should be provided, taking account of local character, including curtilage spaces and garages, so that streets and the public realm are not dominated by parking.</p> <p><u>6-e. Proposals for all new development, including new homes, should include provision of infrastructure to facilitate installation of electric vehicle charging points.</u></p> <p>Electric vehicle charging points must be provided within development that provides new parking spaces, including for all new dwellings.</p> <p>7. Opportunities should be taken to alleviate traffic congestion and pollution.</p>
Recommended modification 12	WB-T2 Active Travel (p74)	<p>1. Development must not encroach <u>should seek to avoid encroaching</u> onto the area's footpaths, cycleways or green and blue routes, including the Shallcross Incline, The Linear Park and Whaley Bridge Incline.</p> <p>2. Development adjacent to footpaths, cycleways or green routes must have no adverse impact on their safety, amenity or accessibility <u>unless adequate alternative routes or mitigation is provided.</u></p> <p>3. Development should take opportunities to create new links and access to footpaths, cycleways or green routes, including the canal towpath.</p>
Recommended modification 13	Minor corrections	<ul style="list-style-type: none"> • Page 4 section 1.1 paragraph 4 after "Group" insert "was"

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	through document	<ul style="list-style-type: none"> • The last sentence of section 2.1 be amended to state “Peak District National Park 2011 and Development Management Policies (DMP) document 2019” • Page 22 Interpretation paragraph 2 sentence 2 replace “excepted” with “expected” <p>Modify policy interpretation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.</p>