

HIGH PEAK BOROUGH COUNCIL

The Executive

30 March 2023

TITLE:	Whaley Bridge Neighbourhood Plan - Regulation 15 submission
EXECUTIVE COUNCILLOR:	Councillor Anthony McKeown - Council Leader HPBC
CONTACT OFFICER:	Holly Jones – Planning Policy Adviser
WARDS INVOLVED:	Whaley Bridge;

Appendices Attached

Appendix 1 – Draft Whaley Bridge Neighbourhood Development Plan

Appendix 2 – Whaley Bridge Basic Conditions Statement

Appendix 3 – Whaley Bridge Consultation Statement

1. Reason for the Report

- 1.1 To consider the submission Draft (Regulation 15) version of the Whaley Bridge Neighbourhood Plan to determine whether it has followed the proper legal process and that the legal requirements for consultation have been followed.

2. Recommendation

- 2.1 That the Executive note that the Peak District National Park have already signed off these documents under a delegated decision.

- 2.2 That the Executive note the submission documents for the Regulation 15 stage and that:

- The Whaley Bridge Neighbourhood Development Plan (Appendix 1) be approved for public consultation for a six week period (Regulation 16) after the May elections.
- That the commencement of the appointment of an Examiner and organisation of the independent examination be approved.

3. Executive Summary

- 3.1 The Whaley Bridge Neighbourhood Plan Area was designated on 24 October

2013. The whole of the designated area falls within High Peak Borough Council administrative area, but part of the designated area falls within the High Peak National Park.

- 3.2 Appendix 2: The basic conditions statement, provides details on the approach that those preparing the Neighbourhood Development Plan have undertaken and how the legal requirements have been met.
- 3.3 A pre-submission consultation (Regulation 14) took place between 20 May 2022 and 2 July 2022. Details are contained within Appendix 3.
- 3.4 The Neighbourhood Plan sets out policies for employment and housing; heritage-led regeneration and conservation; environment and climate change and transport and movement. It also sets out infrastructure priorities.

4. How this report links to Corporate Priorities

- 4.1 The Whaley Bridge Neighbourhood Plan broadly supports the aims of the following from the High Peak Corporate Plan. Aim 1: Supporting our communities to create a healthier, safer, cleaner High Peak, Aim 3: Protect and create jobs by supporting economic growth, development and regeneration and Aim 4: Protect and improve the environment including responding to the climate emergency.

5. Alternative Options

- 5.1 Where the draft Neighbourhood Plan submitted to the local planning authority meets the requirements in the legislation, the authority must publicise the neighbourhood plan for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft neighbourhood Plan for independent examination. The local planning authority has to consider the submission documents and conclude whether the proper process has been followed and the legal requirements for pre-submission consultation have been carried out.
- 5.2 If the local planning authority concludes that this has been done, they are required to launch the Regulation 16 consultation on behalf of the Neighbourhood Plan group/forum. There is not an alternative, unless the process is found not to have been correctly followed. If this were the case then the local planning authority would advise those preparing the Neighbourhood Plan that the requirements have not been met and that they would need to remedy this and resubmit.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

No direct implications.

6.2 Workforce

No direct implications.

6.3 Equality and Diversity/Equality Impact Assessment

An Equalities Impact Assessment has been completed.

6.4 Financial Considerations

Local planning authorities can claim £20,000 once they have issued a decision statement detailing their intentions to send a Neighbourhood Plan to referendum. This stage has yet to be reached, though the funding can be used to help meet the cost of holding the referendum and the Examiner's fees. The costs and grant will be split with the Peak National Park Authority as was done for the Chapel-en-le-Frith Neighbourhood Plan.

6.5 Legal

The Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe the requirements for neighbourhood planning. Under Regulation 15 part (d), the qualifying body are required to provide a Basic Conditions Statement which meets the requirements of Paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act. The Council should be satisfied that the proposal to make the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). A statutory consultation exercise is then commenced and the appointment of an external examiner.

6.6 Climate Change

It is considered that the Whaley Bridge Neighbourhood Plan will make a positive contribution in respect of its policies relating to the environment.

6.7 Consultation

The Neighbourhood Plan has been subject to formal consultation in accordance with Regulation 14 of the Neighbourhood Plan. It is proposed that a six week period of consultation commence under Regulation 16 following the May 2023 elections.

6.8 Risk Assessment

Risks are considered in section 7.

Neil Rodgers
Executive Director (Place)

Web Links and Background Papers

<https://www.gov.uk/guidance/neighbourhood-planning--2#key-stages-in-neighbourhood-planning>

Contact details

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7. Detail

7.1 Whaley Bridge Parish was designated as a Neighbourhood Area by High Peak Borough Council Moorlands on 24 October 2013.

7.2 The Whaley Bridge Neighbourhood Plan has been prepared in accordance with the Neighbourhood Plan regulations. The submission documents include

- A consultation statement
- The draft Neighbourhood Plan including a map to show the area to which the plan relates
- Basic conditions statement

These documents have been checked for compliance in line with the Neighbourhood Planning (General) Regulations 2012 (as amended) and the necessary documentation has been submitted.

7.3 The map provided correctly identifies the area to which the plan relates and conforms with the original designation. The consultation statement appropriately includes details of the people and organisations consulted about the proposed Neighbourhood Plan, how they were consulted and a summary of the main issues and how these have been addressed.

7.4 The draft neighbourhood plan has been submitted by the qualifying body. At this stage there is no requirement to comment on the details of the Neighbourhood Plan. Officers will prepare a response under the Regulation 16 consultation.

7.5 The basic conditions statement explains how the plan has regard to the National Planning Policy Framework, how the plan contributes to sustainable development and is in general conformity with strategic policies in the adopted High Peak Local Plan. It also confirms how the plan meets other legal requirements. The statement adequately addresses these points and the submission material is considered to be acceptable and fulfils the requirement.

7.6 In addition to the responsibility for checking the submission and hosting the consultation, the responsibility for appointing an examiner and arranging the independent examination also lies with the local planning authority. The appointment will be agreed with the Neighbourhood Plan group.

7.7 It is incumbent upon the local planning authority to reach a decision on whether the necessary submission documents have been provided and that the correct process has been followed. Failure to reach a decision would halt the progress of the Neighbourhood Plan.

7.8 The above information supports the recommendations set out in section 2.