

HIGH PEAK BOROUGH COUNCIL

Council (HPBC)

21 February 2024

TITLE:	Whaley Bridge Neighbourhood Plan Adoption Update
PORTFOLIO HOLDER:	Councillor Godfrey Claff - Executive Councillor for Community Safety and Planning
CONTACT OFFICER:	Claire Sansom - Planning Officer (Policy)
WARDS INVOLVED:	Whaley Bridge

Appendices Attached –

Appendix A Whaley Bridge Neighbourhood Plan (Referendum Version)

Appendix B Whaley Bridge Neighbourhood Plan Decision Statement

1. Reason for the Report

- 1.1 Council at its meeting on the 7th December 2023 resolved to delegate authority to make the Whaley Bridge Neighbourhood Plan to the Executive Director (Place) in consultation with the Portfolio Holder for Community Safety and Planning upon receipt of a positive vote at referendum.
- 1.2 Council also resolved that a report should be brought to Council on the 21st February 2024 confirming the result of the referendum and determinations for High Peak and by the PDNPA as to whether the plan was 'made'.

2. Recommendation

- 2.1 That the information in this report be noted.

3 Executive Summary

- 3.1 A Neighbourhood Plan for the Parish of Whaley Bridge has been prepared and subject to consultation, examination and referendum. The Council resolved on 7th December 2023 that authority to 'make' (i.e. adopt) the plan be delegated to the Executive Director (Place) in consultation with the Portfolio Holder for Community Safety and Planning upon receipt of a positive vote at referendum. This is because the legislation dictates that the Council must deem the plan to be "made" within 8 weeks of the referendum. As there were no meetings of full Council scheduled to take place within this period, delegated powers were sought. The Council also resolved that a report should be brought to Council on the 21st February 2024 confirming the result of the referendum and determinations for High Peak and by the PDNPA (within which part of the Parish of Whaley Bridge lies) as to whether the plan was 'made', which is the purpose of this report.
- 3.2 A referendum asking 'Do you want High Peak Borough Council and the Peak District National Park Authority to use the Neighbourhood Plan for Whaley Bridge to help it decide planning applications in the neighbourhood area' took place on 7th December 2023. Over 50% of people voting said 'yes'. Six hundred and ninety four (694) people voted 'yes' and fifty nine (59) voted 'no'. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if a majority of those voting in the referendum have voted in favour of the plan being used to help decide planning applications in the area. When both authorities 'make' the plan, it will then form part of the statutory development plan and be used to determine planning applications.
- 3.3 PDNPA 'made' the plan at a meeting of its Planning Committee on 19th January 2024 and the delegated decision to 'make' the plan by High Peak Borough Council took place on 31st January 2024.
- 3.4 A joint Decision Statement was subsequently issued which outlines the resolution of the Council and Peak District National Park Authority. In line with Regulations this statement has been published on the Councils' websites and notifications have taken place.

4. How this report links to Corporate Priorities

- 4.1 The Whaley Bridge Neighbourhood Plan will have positive implications for the following themes of the Corporate Plan (2023-2027):
Theme 3 - Protecting and creating jobs by supporting economic growth, development and regeneration.
Theme 4 - Protecting and improving the environment including responding to the climate emergency.

5. Alternative Options

- 5.1 This report is for information only so alternative options are not applicable.

6. Implications

6.1	<p><u>Community safety, including safeguarding and prevention of terrorism</u></p> <p>None direct.</p>
6.2	<p><u>Workforce</u></p> <p>None direct.</p>
6.3	<p><u>Equality and Diversity/Equality Impact Assessment</u></p> <p>An Equalities Impact Assessment has been completed for this project.</p>
6.4	<p><u>Financial Considerations</u></p> <p>Local Planning Authorities can claim £20,000 from the Government once they have set a date for a referendum following a successful examination where a neighbourhood plan has not previously been made for that area. A claim for this funding has recently been made by the Council. This funding will reimburse the Council for costs incurred and help to meet the costs of holding the referendum and the Examiner's fees.</p> <p>As the neighbourhood area is split between High Peak and Peak District National Park plan areas, this grant will be shared. The Borough Council led on the examination and will be reimbursed for the full cost of this and for the full cost of the Referendum. Any of the £20,000 grant remaining will be divided between High Peak Borough Council and Peak District National Park Authority at a ratio to be agreed between the Councils.</p>
6.5	<p><u>Legal</u></p> <p>The Neighbourhood Plan is considered to meet the Basic Conditions and all relevant legal and procedural requirements and this is supported by the Report of the independent Examiner. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if a majority of those voting in the referendum have voted in favour of the plan being used to help decide planning applications in the area.</p>
6.6	<p><u>Climate Change and Sustainability</u></p> <p>Taken as a whole, policies in the proposed Neighbourhood Plan are considered to be beneficial in terms of climate change mitigation and adaptation. Sustainable design is addressed in Policy WB-E1 which supports use of local, recycled or low embodied-energy materials, encourages innovative and creative design solutions for new-build or extensions, especially where they incorporate superior environmental performance and requires development to include positive design features to reduce carbon</p>

	impact. Transport policies WB-T1 and WB-T2 encourage sustainable transport and require the provision of electric vehicle charging points within development that provides new parking spaces.
6.7	<u>Conservation and Enhancement of Biodiversity</u> The plan contains a 'natural environment' policy which seeks to ensure that any negative impacts of development on the natural environment are minimised and also balanced by positive features within the scheme.
6.8	<u>Consultation</u> In addition to the Referendum, the Neighbourhood Plan was subject to formal consultation in accordance with Regulation 14 and 16.
6.9	<u>Risk Assessment</u> Risks to the satisfactory resolution of the process have been minimised by adhering to the relevant legislation and regulations.

Mark Trillo

Executive Director (Governance & Commissioning) and Monitoring Officer

Web Links and

Background Papers

National Planning Practice Guidance on neighbourhood planning:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Report to Council on the Whaley Bridge Neighbourhood Plan (7 December 2023):

<https://democracy.highpeak.gov.uk/mgChooseDocPack.aspx?ID=2733>

Background documents:

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

Contact details

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7. Detail

- 7.1 Whaley Bridge Parish was designated as a Neighbourhood Area by the Borough Council and the Peak District National Park Authority on 24th October 2013 and 13th September 2013 respectively. The Neighbourhood Plan was informed by consultation undertaken by the Parish Council with the local community and stakeholders. This included the statutory "regulation 14" consultation undertaken between 20th May and 2nd July 2022.
- 7.2 Subsequently, the plan and supporting documents were submitted by the Parish Council to the District Council and Peak District National Park Authority under Regulation 15(1) of the Town and Country Planning Neighbourhood Planning (General) Regulations 2012 (as amended). Following consideration

by the two local planning authorities, the plan was then formally published for comments for a period of six weeks, closing on 22nd June 2023. In agreement with Whaley Bridge Town Council and the PDNPA, Christopher Collison BA (Hons) MBA MRTPI MIED IHBC was then appointed as the independent examiner to consider the plan.

- 7.3 An Examination in Public commenced on 6th July 2023 by written representations and the Examiner's report was submitted to the Council on 1st September 2023. The report concluded that subject to recommended modifications to the Neighbourhood Plan, the plan met the "basic conditions" and other statutory requirements.
- 7.4 High Peak Borough Council on 25th October 2023, and the Peak District National Park Authority on 6th October 2023, considered the examiner's report. The Examiner concluded the Whaley Bridge Neighbourhood Development Plan, as modified by his recommendations, meets the basic conditions and other relevant legal requirements. The examiner also concluded that the referendum area should not extend beyond the Neighbourhood Area. High Peak Borough Council and the Peak District National Park Authority concurred with these conclusions. In the case of each recommendation, and in order to comply with the Examiner's recommendations, the plan was modified.
- 7.5 The final version of the Whaley Bridge Neighbourhood Plan, the Referendum Version, (refer to Appendix A), sets out planning policies for the Neighbourhood Area concerning: Town Centre and Economy; Community Facilities; Residential Development; Heritage; Peak Forest Canal; Transhipment Shed and Canal Basin; Sustainable Design; Minor Villages and Rural Settlements; Natural Environment; Rural and Landscape Character; Local Green Space; Transport and Movement; and Active Travel.
- 7.6 The referendum was held on Thursday 7th December 2023. The following question was asked of electors within Whaley Bridge Parish:
- "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?"
- Over 50% of people voting said 'yes'. Six hundred and ninety four (694) people voted 'yes' and fifty nine (59) voted 'no'.
- 7.7 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires both Councils to make the Neighbourhood Plan if a majority of those voting in the referendum have voted in favour of the plan being used to help decide planning applications in the area. The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). No such issues were identified with the plan.

- 7.8 HPBC resolved on 7th December 2023 that, authority to ‘make’ (i.e. adopt) the plan be delegated to the Executive Director (Place) in consultation with the Portfolio Holder for Community Safety and Planning upon receipt of a positive vote at referendum. This is because the legislation dictates that the Council must deem the plan to be “made” within 8 weeks of the referendum. As there were no meetings of full Council scheduled to take place within this period, delegated powers were sought. The Council also resolved that a report should be brought to Council on the 21st February 2024 confirming the result of the referendum and determinations for High Peak and by the PDNPA (within which part of the Parish of Whaley Bridge lies) as to whether the plan was ‘made’, which is the purpose of this report.
- 7.9 PDNPA ‘made’ the plan at a meeting of its Planning Committee on 19th January 2024 and the delegated decision to ‘make’ the plan by High Peak Borough Council took place on 31st January 2024.
- 7.10 Now that the plan has been ‘made’, it forms part of the statutory development plan and will be considered alongside the High Peak Local Plan (2016) outside of the Peak District National Park when determining planning applications. Within the National Park, the Neighbourhood Plan and Development Plan Documents adopted by the Peak District National Park Authority will apply.
- 7.11 A joint Decision Statement (which can be viewed in Appendix B) has now been issued by both authorities which outlines the resolution of the Council and Peak District National Park Authority. In line with Regulations the Council has:
- Published on its website the decision statement and Neighbourhood Plan including details of where and when they may be inspected;
 - Informed those who live, work or carry out business in the neighbourhood area through the Council’s social media and via a press release;
 - Sent a copy of the decision statement to Whaley Bridge Town Council and any person who asked to be notified of the decision; and
 - Notified any person who asked of the making of the Neighbourhood Plan and where and when it may be inspected.