

9. **DESIGNATION OF CHINLEY , BUXWORTH AND BROWNSIDE PARISH AS NEIGHBOURHOOD PLAN AREAS (IF)**

**Purpose of the report**

1. To designate Chinley, Buxworth and Brownside neighbourhood area under the *Localism Act 2011 Schedule 9*.

**Key issue**

2. Under Schedule 9, section 61G of the Localism Act 2011, the power to designate an area as a neighbourhood area is exercisable by the Authority when a relevant body has applied. Chinley, Buxworth and Brownside Parish Council is a relevant body and has applied to the High Peak Borough Council, and to the National Park Authority (through notification of intent from High Peak Borough Council)

3. **Recommendation**

**Members designate the combined area of Chinley Buxworth and Brownside Parish as a neighbourhood area (the area shown on the map in Appendix 1), under the *Localism Act 2011 Schedule 9, section 61G*.**

**How does this contribute to our policies and legal obligations?**

4. Under the Town and Country Planning Act 1990 (as amended), the National Park Authority has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans. Applications for designation of a neighbourhood area are made under Neighbourhood Planning (General) Regulations 2012 {as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015}. Neighbourhood areas are defined under the Town and Country Planning Act 1990 61G.
5. This proposal contributes to Corporate Objective 5: “work with others in an integrated way to support local people to develop community facilities, local needs housing and services in ways that are sustainable and contribute to national park purposes.” A measure of success under this objective is working with communities/ parishes/ villages to support or develop their plans, including neighbourhood plans. If adopted, a neighbourhood plan or neighbourhood development order would form part of the Local Development Plan for the National Park.

**Background**

6. The Authority Meeting on 5<sup>th</sup> October 2012 approved procedures for processing notifications received from communities under the Localism Act 2011. For notifications to designate neighbourhood areas it was resolved that these be determined by Planning Committee (Minute 72/12).
6. On 21<sup>st</sup> March 2016 Chinley Buxworth and Brownside Parish Council notified High Peak Borough Council of their intent to designate the whole of Chinley, Buxworth and Brownside Parish as a neighbourhood area. (See Appendix 2). Designation of a neighbourhood area is necessary for parish councils wishing to undertake

neighbourhood development plans or orders. In this case the impetus for area designation is community desire to build a new community centre under a Community Right to Build Order. Under the Town and Country Planning Act 1990, the Council has a statutory duty to assist communities in the preparation of community right to build orders which are a particular type of neighbourhood development order and to take orders through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3, Schedule 11) sets out the LPA responsibilities as:

- Designating the neighbourhood area
- Advising or assisting communities in the preparation of a community right to build order
- Checking a submitted order meets the legal requirements
- Arranging for the independent examination of the order
- Determining whether the community right to build order meets the basic conditions and other legal requirements
- Subject to the results of the referendum bringing the order into force

7. High Peak Borough Council suggested a joint designation of the area because a significant part of the parish area lies within the National Park. In accordance with the Neighbourhood Planning Regulations, a consultation on the proposed designation of Chinley Buxworth and Brownside as a neighbourhood area began on 02 June 2016 and ended on the 30<sup>th</sup> June 2016. The application was advertised on the National Park Authority's website from the 3<sup>rd</sup> June 2016, and made available to view at the National Park Authority office at Aldern House from the same date. It was also advertised on the High Peak Borough Council website from 1<sup>st</sup> June and made available to view at High Peak Borough Council offices from that date.

8. Other publicity was undertaken as outlined below:

- Copies of the application and map were available to view during normal office hours at the Parish Room, Lower Lane, Chinley; Borough Council Offices in Buxton and Glossop and the offices of the Peak District National Park Authority, Bakewell.
- An email (or letter where no email address was available) was sent to land owners, individuals and organisations from the parish where details are held on the Council's Local Plan database.
- An e-mail (or letter where no email address was available) was sent to neighbouring parishes and authorities and other organisations with an interest.
- Posters were made available to place on parish notice boards.
- A news release was issued.

There were 14 responses to the consultation. All were supportive of the proposal or offered comments reminding the community of legal requirements to have regard to various matters such as highways issues, heritage assets, sports facilities.

### **Proposal**

9. In determining the application, the Authority must have regard to the following issues:

#### **(1) The desirability of designating the whole of the area of a parish council.**

In the letter of application, and through the accompanying map the Parish Council has

made clear that the area proposed for designation as a neighbourhood area is the whole area for which the Council is responsible. Their case is that the community centre proposed to be built under the community right to build order (and the main reason for designating the neighbourhood plan area) serves the whole of the parish council area and that no other designated neighbourhood area would be considered appropriate. The right to build order enables the community to bring forward development proposals which, providing they meet minimum criteria and can demonstrate local support through a referendum, can go ahead without requiring a separate planning application.

There are no reasons why the whole of the parish should not be designated. There is unlikely to be much officer input to the process since the proposed community right to build order relates to a site outside of the National Park.

**(2) The desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas.**

The Chapel en le Frith neighbourhood area covers the whole of the Chapel en le Frith Parish, and the Chapel neighbourhood plan area borders but does not cover any of the area proposed to be designated by Chinley Buxworth and Brownside Parish Council. The maintaining of existing Parish boundaries as neighbourhood area boundaries means there is no potential conflict between the two Parishes as both become neighbourhood areas.

**(3) Consideration of whether the area should be designated as a business area.**

Designation of a business area would only apply if the area is wholly or predominantly business in nature. This is not the case in this instance so no business area designation is proposed

**Are there any corporate implications members should be concerned about?**

**Financial**

10. There are no costs incurred by the Authority in advertising the statutory consultation to designate a neighbourhood planning area since the populated part of the Parish lies predominantly outside the National Park and apart from the web based notice of consultation, the advertising has been undertaken by High Peak Borough Council. By agreement with High Peak Borough Council the Authority will claim £1000 of the £5000 available to HPBC for designation of a neighbourhood planning area. The full £20,000 grant for running the referendum and adopting the plan will go to High peak Borough Council because they will organise the examination and the referendum.

**Risk Management:**

11. The steps that the Authority is taking, as described, to respond to the Localism Act, means that the risk around failing to meet government standards or legal obligations is low.

**Sustainability:**

12.
  - Environmental Management – there is no impact at this stage. These matters will be considered as part of the Authority's assessment of the plan itself.

- Equalities – all work on community planning takes into account equalities issues.

**Background papers** (not previously published)

13. None.

**Appendices**

Appendix 1: Map of proposed Chinley Buxworth and Brownside Neighbourhood Area  
Appendix 2: Letter of application

**Report Author, Job Title and Publication Date**

Ian Fullilove, Policy Planner, 7 July 2016