

15. **DESIGNATION OF SADDLEWORTH PARISH AS NEIGHBOURHOOD PLAN AREA (IF)**

Purpose of the report

1. To designate Saddleworth 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. Saddleworth Parish Council is a relevant body and has applied to Oldham Council and the National Park Authority.

3. **Recommendation:**

That Members designate the area of Saddleworth 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 our Corporate Strategy for 2016 - 2019, which has, as a cornerstone for a solid foundation, '*Delivering our planning and other advisory services in a way that helps communities deepen their understanding and support for the special qualities of the National Park*'. 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 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).
7. On 25 February 2016 Saddleworth Parish Council notified this Authority of its intent to designate the whole of Saddleworth Parish as a neighbourhood area. (See Appendix 2). Designation of a neighbourhood area is necessary for parish councils wishing to undertake neighbourhood development plans. 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
8. In accordance with the Neighbourhood Planning Regulations, a consultation on the proposed designation of Saddleworth as a neighbourhood area began on 19 August 2016 and ended on the 30 September 2016. The application was advertised on the National Park Authority's website from the 19 August 2016. It was also advertised on the Oldham Council website from 19th August and made available to view at Oldham Council offices from that date. The delay between notification of intent to produce a neighbourhood plan (February 2016) and the consultation period on the proposed neighbourhood area was driven by Oldham Council's standing orders and committee cycles rather than those of the National Park Authority.
9. Other publicity was undertaken as outlined below:
- Copies of the application and map were available to view during normal office hours at the offices of the Peak District National Park Authority, Bakewell, and at various locations in and around Saddleworth as well as at Oldham Council offices

There were 14 responses to the consultation of which 9 were from statutory bodies such as Natural England, and 5 were local responses from 4 individuals and 1 amenity organisation. All responses were submitted to Oldham Council. None were submitted to this Authority. All but one were supportive or offered no comment other than to request consultation at later stages and to pass on standard information and guidance to have regard to in plan making. This is a common response from organisations such as Natural England, Sport England, the Health and Safety Executive and Historic England. There were no responses that made specific reference to the National Park part of the Saddleworth Area. The objection was against the exclusion of Lees from the Saddleworth Neighbourhood Plan area on the grounds that Saddleworth and Lees District Councillors meet as a District Partnership of councillors representing the two parishes on Oldham Council. The Parish Councils operate separately however, and the letter at Appendix 3 explains to Oldham Council why Saddleworth Parish Council wishes to designate Saddleworth Parish as a neighbourhood area

Proposal

10. 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.

There are no reasons why the whole of the parish should not be designated.

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

There are no adjoining parishes designated as neighbourhood planning areas so no potential conflict

(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

11. 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 Oldham Council. By agreement with Oldham Council the Authority will claim £1000 of the £5000 available to Oldham Council for designation of a neighbourhood planning area. Further costs of PDNPA officer support will be negotiated with Oldham Council.

Risk Management:

12. The steps taken by the Authority (as set out in this report) in response to the Localism Act, means that the risk of failing to meet government standards or legal obligations is low.

Sustainability:

13. • 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)

14. None.

Appendices

Appendix 1: Map of proposed Saddleworth Neighbourhood Area

Appendix 2: Letter of application

Appendix 3: Follow up letter to Oldham Council October 2016 in response to consultation

Report Author, Job Title and Publication Date

Ian Fullilove, Policy Planner, 3 November 2016