

Name of meeting: Cabinet

Date: 27th January 2014

Title of report: Holme Valley Parish Council Neighbourhood Area Applications

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Is it in the Council's Forward Plan ?	Not applicable
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by <u>Director</u> & name Is it signed off by the Director of Resources? Is it signed off by the Acting Assistant Director - Legal & Governance?	
Cabinet member portfolio	Place (Investment and Housing)

Electoral [wards](#) affected: All

Ward councillors consulted: Yes

Public or private: Public

1. Purpose of report

- 1.1. The purpose of this report is to inform the Cabinet of the comments received in response to the six week publicity on Holme Valley Parish Council's application for its proposed neighbourhood planning area. Following consideration of the comments received, Cabinet is requested to consider approval of the neighbourhood area as required by Part 6 Chapter 3 and Schedule 9 of the Localism Act 2011 and National Planning Practice Guidance.
- 1.2. It should be noted that as a parish council exists for the Holme Valley, it is regarded as the "appropriate body" for the purposes of neighbourhood planning and no other organisation or body may be designated for the Neighbourhood area. There is therefore, no requirement to submit an application for designation as an appropriate body.

2. Key points

2.1 Background

Neighbourhood Area

2.1.1 Holme Valley Parish Council has submitted an application for a Neighbourhood Plan Area designation based on the whole of the parish boundary. This covers part of the Peak District National Park. The Parish Council was therefore, required to submit an application to both Kirklees Council and to the Peak District National Park Authority.

2.2.2 Regulation 5 of the Neighbourhood Planning Regulations requires the following:

- a. a map which identifies the area to which the area application relates;
- b. a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
- c. a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

2.2.3 The application is attached at Appendix 1.

2.2 Publicity

2.2.1 In accordance with the Neighbourhood Planning Regulations, the application was published for a period of 6 weeks from 10th November – 19th December 2014.

2.2.2 Copies of the documentation and details of how and when to make representations were placed on the council's website and hard copies of the documentation made available at Planning Reception Civic Centre 3.

2.2.3 The application was also available to view at: Holmfirth Library and Information Centre and Honley Library and Information Centre.

2.2.4 An advert was placed in the Huddersfield Examiner which provided details on how to make a representation and where information could be viewed.

2.2.5 Additional publicity included:

1. Letters to statutory consultees (this included adjoining local authorities and parish councils)
2. E-mail to ward Members
3. E-mail to the 80 community organisations on the council's Area Neighbourhood Action Team (ANAT) group for the Holme Valley.
4. Info on Kirklees Rural Facebook page/ Twitter Account
5. Info on the ANAT twitter account
6. Request to community networks such as Holme Valley Vision and Holmfirth Community Forum to circulate to their membership/ forward on to contacts and put on their websites

2.2.6 The Peak District National Park also placed the application on its website and undertook publicity in its area.

Comments received in response to the publicity

2.2.7 A total of eight representations were received, 7 from statutory consultees in relation to the neighbourhood area and 1 representation from Cllr Julie Stewart-Turner on behalf of Newsome Ward Community Forum supporting that Holme Valley be approved as a Neighbourhood Planning Forum. However, as outlined at paragraph 1.2 of the report, Holme Valley Parish Council does not need to make an additional application to undertake the neighbourhood plan as it is considered the “appropriate body” by statute. No representations were received by Peak Park Authority.

Coal Authority:

The west and south-west of Holme Valley parish lies within a defined coalfield. As the consultation only relates to the proposed designation of the neighbourhood plan area, the Coal Authority has no specific comments to make at this stage. However, the following points were highlighted as considerations to progress a neighbourhood plan: “According to the Coal Authority Development High Risk Area Plans for Kirklees, there are 234 recorded mine entries within the proposed Neighbourhood Area. In addition 15 coal mining hazards, such as a ground collapse have been reported to The Coal Authority. The proposed Neighbourhood Area includes other mining legacy features including recorded shallow coal workings, unrecorded probable historic shallow coal workings, thick coal outcrops and past surface mining. All of these mining legacy features pose a potential risk to ground stability and public safety. These mining legacy features collectively make up the defined Development High Risk Area. This is predominantly located in the west and south-west of the plan area; it does include a number of existing settlements within it. If the Neighbourhood Plan allocates sites for future development in these areas then consideration as to the development will need to respond to these risks to surface stability in accordance with the National Planning Policy Framework and the Planning Practice Guidance”.

Denby Dale Parish Council: The Plans Scrutiny Committee has no objection to the application.

English Heritage: No objection to the proposed boundary. The area identified by the Holme Valley Parish Council for the Neighbourhood Plan includes a number of important designated heritage assets, including Grade II* Listed Totties Hall, 35-39 Totties Lane, 4 Scheduled Monuments, 499 Grade II Listed Buildings and 13 Conservation Areas, most of which do not have Conservation Area Appraisals and Management Plans.

Attention is drawn to the absence of Conservation Area Appraisals and Management Plans, as the Holme Valley Neighbourhood Plan could introduce policies which are specifically focussed on these areas.

Homes and Communities Agency: No comments to make at this time.

Kirkburton Parish Council: No comments to make at this time.

Natural England:

No specific comments made on the boundary. Advice is provided on protected landscape and the need to consult with the Peak District National Park Authority, protected species, local wildlife sites, best and most versatile land and opportunities for enhancing the natural environment.

Wakefield District Council: No comments to make at this stage.

Each of the above has provided general advice to the Parish Council including links to sources of useful information and contact details for further advice and formal consultation as the neighbourhood plan progresses.

2.3 Implications

- 2.3.1 Following approval of a neighbourhood area, the Parish Council can produce a neighbourhood development plan or order (as applied for) which relates to the development and use of land. A Neighbourhood Plan will be part of the statutory development plan for the area, if it is successful at referendum.
- 2.3.2 In preparing the plan, the Parish Council must ensure that they meet basic conditions which will be tested through independent examination and checked by the Local Planning Authority prior to proceeding to a referendum on the plan.
- 2.3.3 Basic conditions for Neighbourhood Plans and Orders are:
- they must have appropriate regard to national policy;
 - they must contribute to the achievement of sustainable development;
 - they must be in general conformity with the strategic policies in the development plan for the local area;
 - must be compatible with EU obligations, including human rights requirements.
- 2.3.4 To meet these basic conditions, the Parish Council will need to work with Council officers. The current development plan for the area is the Kirklees Unitary Development Plan (UDP) adopted March 1999, revised September 2007. However, the council is in the early stages of preparing a new local plan. It is therefore likely that if a Neighbourhood Development Plan was to meet the basic conditions set out above, it will require close alignment to local plan work including Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA).
- 2.3.5 If the plan meets the basic conditions, the examiner will recommend that the plan proceeds to the referendum stage. The neighbourhood plan needs to secure more than 50% of those voting in the referendum to vote 'yes' for the Council to bring the plan into legal force. If this is not achieved, the neighbourhood forum and the Council would need to consider the implications of this and how to move forward. The referendum is for residents entitled to vote in the area.

2.4 Officer comments

Neighbourhood Area

- 2.4.1 The boundary encompasses the whole of the parish boundary which includes part of the Peak National Park.
- 2.4.2 No changes to proposed neighbourhood area have been identified through the publicity period undertaken by Kirklees Council and Peak Park National Park Authority.

2.5 Plan preparation costs

- 2.5 The costs in preparing a neighbourhood development plan for the relevant planning body are dependant on the scale and content. Average costs are estimated at £17,000 to £63,000 per plan. Grants ranging from £500 - £7000 are available from Locality to support groups as a contribution to costs incurred by the group in preparing a neighbourhood plan. Direct support is also available and advice is tailored to meet the needs of the group. Groups need to apply directly to Locality for their grants and direct support.

3. Implications for the Council

Benefit

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. There is an opportunity for the neighbourhood plan to feed into the emerging Local Plan.

Risk

It is a statutory requirement to support the preparation of neighbourhood plans and for the council to adopt, or 'make' them, if supported by the referendum. Failure to support Holme Valley Parish Council to prepare a neighbourhood plan would result in legal challenge.

Costs

The Local Planning Authority can claim £5,000 from DCLG following designation of a neighbourhood area. This money is for the Local Authority in recognition of officer time to support and advise the community in taking forward a neighbourhood development plan.

The Local Planning Authority has to fund the examination and referendum. Local Planning Authorities can claim £5,000 from DCLG as a contribution to costs of the examination. A further £20,000 can be claimed on successful completion of the Neighbourhood Planning Examination to cover further examination costs and other steps that are needed to bring the plan into legal force including the referendum. This is unlikely to cover the costs of officer time, the examination and referendum. The council will need to meet the balance of these costs.

Neighbourhood Planning Guidance Note 4 – Council support for Neighbourhood Plans agreed by Neighbourhoods Committee on 6th August 2013 sets out inter alia the level of officer support available for groups undertaking neighbourhood development plans.

4. Consultees and their opinions

4.1 Comments from statutory consultees have been included within the report.

5. Next steps

- 5.1 Following approval of Holme Valley Parish Council neighbourhood area, the council is required to publicise the decision on its website, advertise in a relevant local paper and place a copy of the advert in Holmfirth Library and Information Centre and Honley Library and Information Centre. The decision will also be communicated through area and neighbourhood communication channels.
- 5.2 The Council will meet with Holme Valley Parish Council to form a working partnership and agree the level of officer support to be provided through a service level agreement in line with Neighbourhood Planning Guidance Note 4.

6. Officer recommendations and reasons

- 6.1 That Cabinet approves Holme Valley Parish Council Neighbourhood Plan Area as outlined in appendix 1.

7. Cabinet portfolio holder recommendation

8. Contact officer and relevant papers

Richard Hollinson
Policy Group Leader
01484 221000
richard.hollinson@kirklees.gov.uk

Jo Scrutton
Principal Planning Officer
01484 221000
johanna.scrutton@kirklees.gov.uk

9. Assistant director responsible

Paul Kemp
Assistant Director (Acting)
Place - Investment and Regeneration
01484 221000
paul.kemp@kirklees.gov.uk