

15. APPROVAL OF CHAPEL-EN-LE-FRITH NEIGHBOURHOOD DEVELOPMENT PLAN FOR REFERENDUM (AM)

Purpose of the report

1. To consider the recommendations set out in the Report by the Independent Examiner of the Chapel-en-le-Frith Neighbourhood Development Plan 2013 – 2028 and to decide how to proceed.

Key issue

2. On Monday 2 February, the Authority received the Examiner's report on the Chapel-en-le-Frith Neighbourhood Development Plan 2013 - 2028 (Appendix 1). The Examiner recommended that the Neighbourhood Plan, as modified by her recommendations, should proceed to Referendum.
3. A full list of the modifications to the Plan that were recommended by the Examiner is at Appendix 2.
4. Subject to the modifications at Appendix 2, the Neighbourhood Plan is considered to meet the "Basic Conditions" and other legal and procedural requirements set out in regulations (see paragraph 17-20 of this report). It can now proceed to referendum.

It is proposed to hold a referendum in July 2015.

5. **Recommendation:**

That the Authority:

- (1) Accepts the Examiner's recommendations to make modifications to the Neighbourhood Plan, and the reasons for the recommendations, as set out in the Examiner's report and listed in Appendix 2; and**
- (2) Agrees that the Chapel-en-le-Frith Neighbourhood Plan, as modified according to the Examiner's report, meets the Basic Conditions, is compatible with the Convention rights and complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by a Neighbourhood Plan; and**
- (3) Agrees that a Referendum is now held on the adoption (making) of the Neighbourhood Plan, subject to further comments from High Peak Borough Council and Chapel-en-le-Frith Parish Council. If either High Peak Borough Council or Chapel-en-le-Frith Parish Council decline to accept the modifications, a further report will be presented to the Authority.**
- (4) Agrees to issue a Decision Statement in accordance with the Neighbourhood Planning Regulations (subject to recommendations 1 and 2 above) setting out the Authority's decision to take the Neighbourhood Plan forward for Referendum, being satisfied that the modifications and the reasons for them ensure that the Chapel-en-le-Frith Neighbourhood Development Plan is robust and meets the Basic Conditions.**

How does this contribute to our policies and legal obligations?

6. This is a legal obligation under the Localism Act 2011.

7. This proposal contributes to corporate objectives 3 and 5:

3: Provide a high quality planning service to the community of the National Park that achieves national park purposes and that is responsive to and contributes to the debate on planning reform nationally and locally.

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 for this objective is working with communities/ parishes/villages to support their plans, including neighbourhood plans. If adopted, a neighbourhood plan forms part of the Local Development Plan for the National Park.

Background

8. Chapel-en-le-Frith Neighbourhood Plan has been prepared with the participation of hundreds of residents of Chapel-en-le-Frith parish and progressed by effective cooperation between High Peak Borough Council, Chapel-en-le-Frith Parish Council and the Authority.

9. High Peak Borough Council publicised the submission plan for comment during the publicity period held between 2 October and 13 November 2014. Over 300 responses were received, including a number of very detailed representations.

10. Members of the Authority (on 8 August 2014) & High Peak Borough Council (on 17 December 2014) determined that Chapel-en-le-Frith Neighbourhood Plan meets the criteria for a neighbourhood plan and that proper legal processes were followed.

11. High Peak Borough Council, Peak District National Park Authority and Chapel-en-le-Frith Parish Council appointed Janet Cheesley as the independent examiner of the Plan. The Examiner's Report was received on 2 February 2015 (Appendix 1).

12. The Examiner's report concludes that Chapel-en-le-Frith Neighbourhood Development Plan, as modified by the Examiner's recommendations, should proceed to Referendum. The list of proposed modifications to be made to the Plan is set out in Appendix 2.

13. Should the Authority accept the recommendations set out in the Examiner's report, members can be satisfied that Chapel-en-le-Frith Neighbourhood Development Plan meets the 'basic conditions' and other legal tests and should therefore proceed to referendum (see **Proposal** for details).

14. At a meeting of the Chapel-en-le-Frith Parish Council on 3 March 2015, the Parish Council approved Chapel-en-le-Frith Neighbourhood Plan as modified according to the Examiner's report. At a Special Council meeting to be held on 9 March 2015 High Peak Borough Council will be recommended to approve Chapel-en-le-Frith Neighbourhood Plan as modified according to the examiner's report.

Proposal

15. Under Schedule 4B para 12 (1) of the Town and Country Planning Act 1990, if an examiner has made a report, the Authority must:

- (i) Consider each of the recommendations made by the report, and
- (ii) Decide what action to take in response to each recommendation

Each of the recommendations in the report (Appendix 1) has been considered and it is proposed that Chapel-en-le-Frith Neighbourhood Plan is modified according to these recommendations, as set out in the list of proposed modifications (Appendix 2).

16. Under Schedule 4B para 12 (4) of the Town and Country Planning Act 1990 the Authority must also be satisfied that Chapel-en-le-Frith Neighbourhood Plan meets the basic conditions and is compatible with 'Convention Rights' (derived from the Human Rights Act 1998).

Basic conditions (Schedule 4B para 8 (1)(a)(2)) of the Town and Country Planning Act 1990 are that a plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies contained in the development plan for the area
- Not breach or be otherwise compatible with EU and human rights obligations

Para 10 of the examiner's report states *"My recommendations ensure that the Plan meets the basic conditions. Subject to my recommendations being accepted, I consider that Chapel-en-le-Frith Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made". Para 201 states "I am pleased to recommend that Chapel-en-le-Frith Neighbourhood Plan, as modified by my recommendations, should proceed to referendum."*

Para 21 of the examiner's report states *"I am satisfied that the Plan . . . does not breach the European convention on Human rights obligations."*

The Authority can therefore be satisfied that Chapel-en-le-Frith Neighbourhood Plan, as modified according to the Examiner's recommendations, meets basic conditions and is compatible with convention rights.

17. Under Schedule 4B para 12 (6) of the Town and Country Planning Act 1990 the Authority can make modifications to Chapel-en-le-Frith Neighbourhood Plan to correct errors, to meet basic conditions or to make the plan compatible with convention rights.

It is proposed that Chapel-en-le-Frith Neighbourhood Plan is modified according to the recommendations in the examiner's report (Appendix 1), and as set out in the list of modifications (Appendix 2).

18. Under Schedule 4B para 12 (8) of the Town and Country Planning Act 1990 the Authority must also consider whether it is appropriate to extend the area where the referendum is to take place.

Para 202 of the examiner's report states "I see no reason to alter or extend the neighbourhood development plan area for the purpose of holding a referendum."

Are there any corporate implications members should be concerned about?

Financial

19. All costs and income (DCLG grant) are shared between the Authority and High Peak Borough Council at a ratio of 20:80.

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20. The cost of the independent examination was £8,000. The cost of the referendum is estimated to be £15,000.
21. High Peak Borough Council has claimed neighbourhood planning grant from DCLG for supporting progression of the Chapel-en-le-Frith Neighbourhood Plan. Grants claimed to date have been £5,000 for designation of the Neighbourhood Area and £5,000 for publicising the Plan prior to examination. A further grant of £20,000 for successful completion of the examination will be claimed in the next grant claim window (March).

Risk Management:

22. 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:

23. Sustainability issues are considered and tested throughout the plan process

Background papers (not previously published)

24. None.

Appendices

Appendix 1: Examiner's report

Appendix 2: list of modification

Report Author, Job Title and Publication Date

Adele Metcalfe, Villages and Communities Officer, 5 March 2015