

DESIGNATION OF DORE NEIGHBOURHOOD AREA (AM)

Purpose of the report

1. To designate Dore neighbourhood area under the Localism Act 2011 Schedule 9. Designation of the neighbourhood area is the first part of the process of producing a neighbourhood plan.

Key issue

2. On 1 July 2013, Dore Village Society applied to Sheffield City Council and the Authority, to designate Dore neighbourhood area. 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. This power is exercisable by two or more local planning authorities if – as in this case – the area falls within the areas of those authorities. A relevant body means a parish council or an organisation or body which is, or is capable of being, designated as a neighbourhood forum.

Dore Village Society is a relevant body because: (i) the society has applied to be designated as a forum; (ii) the specified area is the same area as the proposed neighbourhood area; and (iii) the society is capable of being designated as a neighbourhood forum.

The designation of Dore Village Society as a neighbourhood forum is also a matter for joint consideration by Sheffield City Council and the Authority. In the case of the Authority, designation of a neighbourhood forum is delegated to the Head of Law, who has confirmed that it is capable of being so designated.

3. **Recommendation:**

That part of the proposed Dore neighbourhood area which lies within the national park, and as shown on the map in Appendix 2, be designated as a neighbourhood area under Section 61(I) Town and Country Planning Act 1990.

How does this contribute to our policies and legal obligations?

4. This is a legal obligation under the Localism Act 2011.
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 would form part of the Local Development Plan for the National Park.

Background

6. In March 2013 Dore Village Society submitted simultaneous applications to Sheffield City Council, and the Authority, for designation of the Society as a neighbourhood forum, and for designation of a neighbourhood area. These applications were subsequently withdrawn, amended and resubmitted and have been subject to detailed

and protracted liaison between planning and legal officers at Sheffield City Council and the Authority, and Dore Village Society.

Dore Village Society's application to designate a neighbourhood area is valid as it includes:

- (i) a statement explaining why the proposed neighbourhood area is considered appropriate (see Appendix 1);
- (ii) a map identifying the proposed neighbourhood area (see Appendix 2);
- (iii) a statement that Dore Village Society is a relevant neighbourhood planning body (see Appendix 1)

7. Consultation

Sheffield City Council and the Authority jointly consulted on the area application from 2nd December 2013 to 20th January 2014.

Sheffield City Council advertised:

- on the website
- at Totley Library.
- at First Point at Howden House.
- via posters in the proposed neighbourhood area
- by letter or email to South West Community Assembly, Sheffield Local Plan contacts, Ward Councillors, Cabinet Lead, Planning and Highways Committee chairs, neighbouring planning authorities.
- via the Council's email alert system
- by tweet from @SCC_Planning_BC.

The Authority advertised:

- on the website
- via posters on site at Ringinglow
- via letters or emails to neighbouring parish councils and the Planning Committee Chair
- by joint press release

8. Consultation Responses

Eight responses were received concerning that part of the proposed area that lies within the National Park. (Comments concerning that part of the proposed area outside the National Park are not considered in this report.)

- Sheffield Conservation Advisory Group supports the application but object to the inclusion of Burbage Moor.
- Sheffield Campaign for Access to Moorland objects to the inclusion of any of the moorland areas in the national park. (2 emails)
- Two residents objected to the inclusion of the woodlands and moorlands which are within the national park (Blacka Moor, Lady Cannings Plantation, Burbage Moor and Houndkirk Moor).
- A resident objected to the position of the boundary around Blacka Dike, stating that Dore Village Society have misinterpreted the historic boundary between Dore and Totley and therefore wrongly included "a small but lovely part of Totley" in the Dore Neighbourhood Area. (See Appendix 3)
- The Local Access Forum has asked to be kept involved
- A resident wrote to agree with the proposed boundary

Proposal

9. In designating a neighbourhood area the Authority must consider the following (Town and Country Planning Act 1990, Section 61G and 61H):

(i) that the specified area is not one that consists of or includes the whole or any part of the area of a parish council.

Answer: the application is for an area that is wholly a non-parished area.

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

Answer: there are no existing adjacent neighbourhood areas.

(iii) Whether the area concerned should be designated as a business area.

Answer: the area is not wholly or predominantly business in nature therefore should not be designated as a business area.

(iv) Is the area an appropriate area to be designated? Are there any valid planning reasons to deviate from the boundary which has been submitted? (See map in Appendix 3).

Answer: The boundary is based on Dore Village Society's interpretation of the 'Dore Township' map drawn in 1802 by W & J Fairbank. (See Appendix 1 for a description and justification of this area, and Appendix 2 for a map of the area). It could be argued that this 'historic' boundary is of little relevance. However, it is significant to Dore residents and is part of their identity as a community on the moorland fringe. Dore Village Society has stated "we have decided not to make a new neighbourhood area application as we can only justify, on historical grounds, the current 'area of benefit' (i.e. as defined by their interpretation of the 'Fairbanks map')" (Email from Chair of Dore Village Society 28 February 2014).

Different options presented to Dore Village Society by National Park officers and directly by consultees were:

(a) to exclude the area that is within the National Park. This would address the concerns of the consultees described above.

(b) to make Dore neighbourhood area contiguous with parish boundaries in Derbyshire. The boundary as proposed would leave a 'gap' between Dore neighbourhood area and Hathersage and Grindleford parishes.

(c) to consider the alternative interpretation of the Fairbanks map as proposed by one consultee, so that the area known as Strawberry Lee Plantation is excluded. (See map in Appendix 3)

Taking each of these options in turn:

(a) There is no valid planning reason to exclude the National Park. Concerns expressed about the extent to which a relatively small group of people (i.e. Dore Village Society) could adversely affect the environment, cultural heritage, or public access and enjoyment of the national park, are understandable but ill-founded. Any planning policies contained in the ensuing Dore Neighbourhood Plan must conform to the Authority's own strategic planning policies. The Authority must also be consistent in its approach to neighbourhood designations. Existing neighbourhood area designations for Chapel, Whaley, Bradwell, Bakewell and Hartington also include large

areas of open moorland and natural zone.

(b) The land that would sit in the ‘gaps’ between parishes is almost wholly unpopulated ‘natural zone’ so no ‘neighbourhood level’ planning issues would be likely to arise.

(c) There is no valid planning reason why any boundary should be chosen over another. If a neighbourhood area is proposed for Totley at a later date, consideration could be given to modifying Dore neighbourhood area at this time. This would give a better indication of the extent to which the different communities identify with Strawberry Lee plantation.

Are there any corporate implications members should be concerned about?

Financial

10. There are costs incurred in undertaking the statutory consultation but after designation £5,000 ‘extra burdens’ payment can be claimed from the Department of Communities and Local Government. This will be apportioned between Sheffield City Council and the Authority by agreement between the respective Heads of Planning Policy.

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: Application from Dore Village Society for Dore Neighbourhood Area

Appendix 2: Map of proposed Dore Neighbourhood Area

Appendix 3: Map of proposed Dore neighbourhood area in relation to alternative boundaries.

Report Author, Job Title and Publication Date

Adele Metcalfe, Villages and Communities Officer