

**PART A**

**LEEKFRITH NEIGHBOURHOOD PLAN - ASSESSING STATUTORY REQUIREMENTS/AM)**

**Officer Delegation Scheme Reference:** None

**1. Purpose of the report**

To provide information to enable the taking of a decision authorised under the Standing Orders of the Authority.

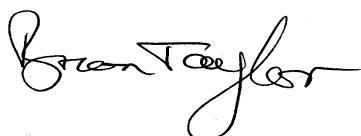
To determine that Leekfrith Neighbourhood Plan (submission draft) meets statutory requirements and can be subject to Consultation and Examination.

**2. Decision**

1. **Leekfrith Neighbourhood Plan (submission draft) complies with statutory requirements.**
2. **That the Authority works with Staffordshire Moorlands District Council to undertake statutory notification, consultation and independent examination of Leekfrith Neighbourhood Plan.**

**Decision made by:**

**Date**



**Brian Taylor**  
**Head of Policy and Communities**

**13<sup>th</sup> May 2020**  
**[date decision made]**

**3. Options Considered**

1. None. This is a legal obligation under the Localism Act 2011.

**4. Background information**

1. Leekfrith Parish Council has submitted a neighbourhood plan and supporting documents to the Authority and Staffordshire Moorlands District Council. The two authorities are jointly responsible for determining whether this plan complies with statutory requirements, and for initiating the subsequent phases of Consultation and Examination.
2. The Localism Act 2011 enabled parish councils and neighbourhood forums to write neighbourhood plans for defined neighbourhood areas. Once 'made' (brought into force) neighbourhood plans become part of the statutory development plan for that neighbourhood area and are used to determine planning applications.

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3. Leekfrith Neighbourhood Area was designated by the Authority on 13 March 2015 and by Staffordshire Moorlands District Council on 24 March 2015. The area is same as the civil parish area
  4. Since that time the Authority has worked closely with Leekfrith Parish Council and it's non parish council community representatives to:
    - consult the wider community, including the businesses and landowners at Upper Hulme
    - develop a vision for the parish
    - research and gather evidence about the issues
    - draft neighbourhood policies and ensure conformity with strategic planning policies
    - undertake statutory consultations in accordance with Neighbourhood planning Regulations (Regulation 14)
  5. On Thursday 28<sup>th</sup> February 2019 Leekfrith Parish Council sent the following documents, as required by Regulation 15 of the Neighbourhood Planning Regulations (2012), for consideration by the Authority and Staffordshire Moorlands District Council: Leekfrith Neighbourhood Plan (submission draft) (Appendix 1); Basic Conditions Statement (appendix 2); and Consultation Statement.
  6. Leekfrith Neighbourhood Plan contains 4 planning policies:
    - Policy 1: Redevelopment of Upper Hulme Mill
    - Policy 2: Full-time rental of holiday accommodation
    - Policy 3: Requirement for transport statement
    - Policy 4: Parking at the Roaches
  7. The Authority and Staffordshire Moorlands District Council must now determine if Leekfrith Neighbourhood Plan complies with legal requirements. Staffordshire Moorlands District Council will be making this determination at Cabinet in June 2019.

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8. The Authorities must then undertake or facilitate the following steps to enable the 'making' of Leekfrith Neighbourhood Plan:
- Statutory notification of the Authorities' decisions
  - Regulation 16 consultation
  - Independent examination. This will usually be in the form of written representation unless the examiner determines otherwise. He or she will consider whether the draft plan (i) meets basic conditions, (ii) complies with definitions and provisions, (iii) is compatible with Convention rights and whether the referendum should extend beyond the neighbourhood area. The examiner will then report that the draft plan is either (i) submitted to referendum, (ii) modified and then submitted for referendum or (iii) refused.
  - Consider examiners recommendations and come to a formal view about whether the draft plan (or the plan as modified): (i) meets basic conditions, (ii) is compatible with Convention rights and (iii) complies with the definition of a neighbourhood plan.
  - Publish a decision notice and the examiner's report. Make modifications to plan if needed.
  - Referendum. A vote in favour (50% plus one of those voting) means that the Authorities must 'make' the plan and it becomes part of the statutory development plan for the neighbourhood area.

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5. **Key issues**

1. Neighbourhood Planning (General) Regulations (2012) Part 5 (15) requires that where a qualifying body submits a proposal to the local planning authority it must include:

- A map or statement which identifies the area. *This is included on page 4 of the Neighbourhood Plan.*
- A Consultation Statement. *The Consultation Statement submitted contains details of the people and organisations that were consulted and how they were consulted, and summarises the main issues and concerns and how they were addressed.*
- The proposed neighbourhood development plan.
- A statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act. *This is submitted as 'The Basic Conditions Statement'.*
- An environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement that sets out the reasons for determining that the plan would not have significant environmental effects. *A Strategic Environmental Assessment Screening Report (Appendix 4) was completed by the Authority and Staffordshire Moorlands District Council and its conclusion – that “the impact of the implementation of Leekfrith Neighbourhood Plan is not likely to result in significant environmental effects” – was agreed by Natural England, Historic England and the Environment Agency.*

***The requirements of Neighbourhood Planning (General) Regulations (2012) Part 5 (15) have been met.***

2. The Conservation of Habitats and Species Regulations (2017) S106 requires that where a qualifying body submits a proposal to the local planning authority it must include sufficient information for the authority to make an assessment concerning the likelihood of significant effects on a European site. *A Habitats Regulations Assessment Screening Statement (Appendix 5) was undertaken by the Authority and Staffordshire Moorlands District Council and its conclusion – that “significant effects of Leekfrith Neighbourhood Plan on Natura 2000 sites are not likely” – was agreed by Natural England.*

***The requirements of the Conservation of Habitats and Species Regulations (2017) S106 have been met.***

3. In accordance with the Town and Country Planning Act (1990) Schedule 4B para (5), the Authority must decline to consider a submitted neighbourhood plan if it is a repeat proposal. A repeat proposal occurs if, within 2 years, the Authority has already refused the same or similar proposal, or it was refused at a referendum.

***The proposal is not a repeat proposal.***

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4. Paragraph 6 Schedule 4B of the Town and Country Planning Act requires the Authority to consider whether:
- the qualifying body is authorised to act. A parish council is authorised to act in relation to a neighbourhood area if that area consists of, or includes the whole or any part of the area of the parish council. Since the whole of Leekfrith parish was designated by the Authority and Staffordshire Moorlands District Council as Leekfrith Neighbourhood Area, Leekfrith Parish Council is authorised to act.
  - the proposals and accompanying documents comply with the rules for submission to the Authority. These are set out in paragraph 12 and do comply with the rules for submission.
  - the proposals meet the definition of a neighbourhood development plan. This is set out in Section 38 A (2) of the Planning and Compulsory Purchase Act 2004 as 'a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan'. Leekfrith Neighbourhood Plan contains planning policies for the use and development of land in Leekfrith Neighbourhood Area.
  - the proposals meet the scope of neighbourhood development plan provisions as set out in Section 38 B (1) of the Planning and Compulsory Purchase Act 2004. These are that a neighbourhood development plan:
    - (i) must specify the period for which it is to have effect. Leekfrith Neighbourhood Plan specifies that it covers the time period 2019-2033.
    - (ii) may not include provision about development that is excluded development as defined by Section 61K of the 1990 Town and Country Planning Act. Accordingly, Leekfrith Neighbourhood Plan does not include provision for 'County Matters' development (ie minerals), waste development or development requiring an Environmental Impact Assessment.
    - (iii) may not relate to more than one neighbourhood area. Leekfrith Neighbourhood Plan relates only to Leekfrith Neighbourhood Area.
  - the Parish Council has undertaken the correct procedures in relation to consultation and publicity in accordance with Neighbourhood Planning Regulation 14. The Consultation Statement demonstrates that correct procedures were undertaken.

***The requirements of Paragraph 6 Schedule 4B of the Town and Country Planning Act have been met.***

5. A neighbourhood plan must also meet the 'Basic Conditions' required by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990. A local planning authority has to be satisfied that a Basic Conditions Statement has been submitted but it is not required at this stage to consider whether the draft plan meets basic conditions. It is only after the independent examination that the planning authority comes to a view on whether the draft plan meets basic conditions.

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6. In order to meet Basic Conditions Leekfrith Neighbourhood must demonstrate that it:
- has regard to national policies and guidance issued by the Secretary of State.
  - achieves sustainable development
  - is in general conformity with the strategic policies contained in the development plan
  - does not breach and is otherwise compatible with EU obligations

6. **Policy and Corporate Risk Implications**

1. This contributes to the Corporate Strategy 2019-24 by delivering against:
  - the **Outcome** 'thriving and sustainable communities that are part of this special place'
  - the **Strategic Intervention** 'influencing and shaping the place through strategic and community policy development'
  - the **Key Performance Indicator** 'number of communities shaping the place'
  - the **2024 Target** '20% of parishes have helped to shape their future'
2. The steps that the Authority is taking, as described, to respond to the submission of Leekfrith Neighbourhood Plan, means that the risk of failure to meet Government standards or legal obligations is low.

7. **Human Rights and Equalities Issues**

1. None have been identified.

8. **Financial Implications (include consultation feedback from Finance)**

1. There will be costs, shared with Staffordshire Moorlands District Council, for undertaking the public consultation, independent examination and referendum. Due to the limited scope of the Neighbourhood Plan (only 4 policies) and the small population, it is expected that these costs (estimated to be around £18k) will be covered by the £20k 'extra burdens' grant that is available to the Authorities from the Department of Communities, Housing and Local Government. The grant can be claimed once a date has been set for the referendum following successful examination.

9. **Legal Implications (include consultation feedback from Legal)**

1. Any defects in procedure can be challenged by application to the High Court once the plan has been made.

10. List of Consultees

Legal

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**11. Matters arising from consultation**

None

**12. [Other relevant implications] (Optional)**

**13. Background papers**

**None**

**Appendices**

Appendix 1 Leekfrith Neighbourhood Plan

Appendix 2 Leekfrith Neighbourhood Plan Basic Conditions Statement

Appendix 3 Leekfrith Neighbourhood Plan Consultation Statement

Appendix 4 Leekfrith Neighbourhood Plan Strategic Environmental Assessment Screening Statement

Appendix 5 Leekfrith Neighbourhood Plan Habitats Regulations Assessment Screening Statement

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

Adele Metcalfe  
Community Policy Planner  
01 May 2019