

**9. HOLME VALLEY NEIGHBOURHOOD PLAN (CW)**

**1. Purpose of the report**

To 'make' (bring into force) Holme Valley Neighbourhood Plan part of the statutory development plan for Holme Valley Neighbourhood Area.

**Key Issues**

- Following a positive referendum result, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004, the Peak District National Park Authority must 'make' (bring into force) Holme Valley Neighbourhood Development Plan part of the statutory development plan for Holme Valley Neighbourhood Area.
- A referendum asking 'Do you want Kirklees Council and the Peak District National Park Authority to use the Neighbourhood Plan for the Holme Valley to help them decide planning applications in the neighbourhood area?' took place on 4 November 2021. Three thousand five hundred and forty eight (3548) people voted 'yes' and six hundred and thirty nine (639) voted 'no'.
- Kirklees Council (KC) will consider the recommendation that the plan should be made on 8<sup>th</sup> December 2021.

**2. Recommendations(s)**

1. That the Committee makes Holme Valley Neighbourhood Plan part of the statutory development plan for Holme Valley Neighbourhood Area.

**How does this contribute to our policies and legal obligations?**

3. This is a legal obligation under Section 38 A (4) of the Planning and Compulsory Purchase Act 2004.

**Background Information**

4. Holme Valley Neighbourhood Area was designated by the Peak District National Park Authority on 13 February 2015 and by KC on 27 January 2015 in accordance with Regulations
5. During the Regulation 14 and 15 consultation process the PDNP made comments to ensure that the proposed Holme Valley Neighbourhood Plan policies were in general conformity with PDNPA's Core Strategy (2011) and the DMP Document 2019 (Local Plan Part 2).
6. An independent examiner, Mr Peter Biggers BSc Hons MRTPI ('the examiner'), was appointed by KC in consultation with the PDNPA and Holme Valley Parish Council. Examination of the plan took place between March and June 2021 and was conducted by written representations. The examiner considered all the policies and the supporting text within the plan.
7. The examiner's report was received in June 2021 and was made available for viewing on the councils' websites. The examiner concluded that Holme Valley Neighbourhood Plan, as modified by his recommendations, met the basic conditions set out in the legislation.

8. The referendum version of the Holme Valley Neighbourhood Plan contains thirteen policies, six of which are relevant to PDNP. These are listed below. In brackets is a note of how the policy adds to existing strategic policy. The applicable policies are shown in full in Appendix 1:
- Policy 3 – Conserving and enhancing Local Heritage Assets. (This policy enabled local people to identify sites buildings and structures that make a positive contribution to the character and appearance of a conservation area. In the Peak District it includes the earth sheltered house at Holme village. It also enables other assets to be added in the future.)
  - Policy 4 – Design Codes for high quality shop fronts and advertisements.
  - Policy 9 – Protecting and enhancing local community facilities. (This policy gives particular focus to the expansion of forest schools, natural play, semi-natural green-space and allotments.)
  - Policy 11 – Improving transport, accessibility and local infrastructure. (This policy adds to strategic policy in the area of green infrastructure.)
  - Policy 12 – Promoting Sustainability. (This policy adds to strategic policy by promoting community gardens and allotment space.)
  - Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain. (This policy adds to strategic policy by requiring a measurable net gain.)
9. All of these policies are considered to be in general conformity with the PDNPA Core Strategy (2011) and DM Policies Document 2019 (Local Plan Part 2).
10. The Peak District National Park Authority (at a meeting of the Planning Committee on 10<sup>th</sup> September 2021) and Kirklees Council (at a Cabinet Meeting on 31<sup>st</sup> August 2021), determined that the modifications recommended by the examiner be accepted and that Holme Valley Neighbourhood Plan met the basic conditions, was compatible with EU and human rights obligations and complied with the definition of a neighbourhood development plan and so should proceed to a referendum.
11. Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the council to make (adopt) the Neighbourhood Plan if more than half of those voting in the referendum have voted in favour of the Plan being used to help decide planning applications in the area. The Holme Valley Neighbourhood Plan has met this requirement.
12. The Planning and Compulsory Purchase Act 2004 (Section 6) does however, contain provision for the Council not to make a neighbourhood plan if it considers that making it would breach, or otherwise be incompatible with, any EU or human rights obligations. As noted above in para. 10, these obligations were considered by the examiner at the pre-referendum stage.
13. The independent Examiner's Report (June 2021) sets out the Examiner's conclusions and reasoning in relation to the consideration of EU and human rights obligations including Strategic Environment Assessment and Habitats Regulations in sections 5.4 to 5.4.16 (see link in Background Papers).
14. Officers agree with the independent Examiner's view that the Plan, as amended, meets all the basic conditions including EU and human rights obligations and that the Plan should be made.

### **Proposals**

15. That Holme Valley Neighbourhood Plan be made part of the statutory development plan for Holme Valley Neighbourhood Area.

**Are there any corporate implications members should be concerned about?**

16. **Financial:**  
none

17. **Risk Management:**  
The steps that the Authority is taking to respond to the referendum on Holme Valley Neighbourhood Plan means that the risk of failure to meet government standards or legal obligations is negligible.

18. **Sustainability:**  
Sustainability issues are fully considered in the neighbourhood planning process

19. **Equality:**  
Equality issues are fully considered in the neighbourhood planning process

**20. Climate Change**

1. How does this decision contribute to the Authority's role in climate change set out in the UK Government Vision and Circular for National Parks?

Working with communities to plan for the development and use of land

2. How does this decision contribute to the Authority meeting its carbon net zero target?

Not applicable

3. How does this decision contribute to the National Park meeting carbon net zero by 2050?

Not applicable

4. Are there any other Climate Change related issues that are relevant to this decision that should be brought to the attention of Members?

No

**21. Background papers (not previously published)**

[Holme Valley Neighbourhood Plan Referendum Version](#)

[Holme Valley Neighbourhood Development Plan Independent Examiner's Report June 2021 \(kirklees.gov.uk\)](#)

**22. Appendices**

Appendix 1 - Relevant policies from Holme Valley Neighbourhood Plan

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

Clare Wilkins, Community Policy Planner, 1<sup>st</sup> December 2021