

## 14. MAKING OF CHAPEL NEIGHBOURHOOD PLAN (AM)

### Purpose of the report

1. To note the positive outcome of the community referendum held on the Chapel-en-le-Frith Neighbourhood Plan and to enable the formal “making” (adoption) of the Neighbourhood Plan.

### Key issue

2. Paragraph 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 a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area.

3. **Recommendation**

- (i) **That Members confirm the making of the Chapel-en-le-Frith Neighbourhood Development Plan 2013 – 2028 as part of the Peak District National Park Authority’s development plan for the part of the designated Neighbourhood Area that lies within the Peak District National Park.**

### 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 Objectives:

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.

### Background

6. Following the successful examination of the Chapel-en-le-Frith Neighbourhood Plan in January 2015, the plan was the subject of a community referendum held on 16 July 2015. The Neighbourhood Plan received a majority “yes” vote, 96% of people voting “yes”, on a turn-out of 32%.

Paragraph 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 a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

High Peak Borough Council (HPBC), at its meeting of 9 March 2015, and the Authority, at the Planning Committee on 13 March 2015, confirmed their satisfaction that the Chapel-en-le-Frith Neighbourhood Plan 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.

Since HPBC and the Authority are satisfied that the making of the plan would not breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights; and the Neighbourhood Plan was endorsed by a majority “yes” vote in the community referendum, the final stage is for the HPBC and the Peak District National Park Authority to formally “make” the Neighbourhood Plan, following which, it becomes part of the development plan for the parish.

The making of the Neighbourhood Plan will also be considered at a meeting of HPBC on 5 August 2015. HPBC members will be asked to “confirm(s) the making of the Chapel-en-le-Frith Neighbourhood Development Plan 2013 – 2028 as part of the High Peak Borough Council’s development plan for the part of the designated Neighbourhood Area that lies within the High Peak plan area.”

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

**Financial**

9. None.

**Risk Management:**

10. 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:**

11. Sustainability issues have been addressed in the neighbourhood plan making process and outlined in the report to planning committee (Item 27/15) on 13 March 2015.

**Background papers** (not previously published)

12. None.

**Appendices**

None.

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

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