

11. APPROVAL OF THE HARTINGTON TOWN QUARTER NEIGHBOURHOOD DEVELOPMENT PLAN FOR CONSULTATION AND EXAMINATION (EF)

1. Purpose

- 1.1** To provide information to enable the taking of a decision authorised under the Standing Orders of the Authority in accordance with Neighbourhood Planning (General) Regulations 2012.
- 1.2** To determine that the submitted Hartington Town Quarter Neighbourhood Plan (Regulation 15 submission draft) meets statutory requirements and can be subject to Consultation and Examination.

2. Context

- 2.1** Hartington Town Quarter Neighbourhood Area was designated on 8th February 2013, following an application by the Parish Council to the Peak District National Park Authority (PDNPA).
- 2.2** Hartington Town Quarter Parish Council is the qualifying body and the PDNPA is the responsible local planning authority.
- 2.3** Hartington Town Quarter Parish Council has submitted a neighbourhood plan and supporting documents to the Authority, who must determine whether this submission complies with statutory requirements and if so, initiate the subsequent phases of Consultation and Examination.
- 2.4** The Localism Act 2011 enabled parish and town 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.
- 2.5** For clarity, the neighbourhood area boundary and the Hartington Town Quarter Parish boundary are the same.
- 2.6** The Authority has a statutory duty to give advice and assistance to the Parish Council, and in fulfilling this has:
 - commented on draft neighbourhood plan policies.
 - made formal comments on the neighbourhood plan policies during the Regulation 14 statutory consultation.
 - met with representatives of the Parish Council.
- 2.7** On 13th December 2024 Hartington Town Quarter Parish Council submitted the following documents (available to view as background documents) as required by Regulation 15 for consideration by the Authority:
 - Reg 15 Draft Hartington Town Quarter Parish Neighbourhood Plan (05/06/2024).
 - A map showing the Neighbourhood Plan area (Page 6).
 - A Basic Conditions statement (19/11/2024).
 - A 'consultation statement' (13/12/2024).

- HRA Screening Report (28/11/2024).
- SEA Screening Report (28/11/2024).

2.8 The Plan contains 21 policies. These are listed in Appendix 1. The Authority is not at this stage required to consider whether the submitted neighbourhood plan meets basic conditions (one of which is general conformity with PDNPA strategic policies) or make formal comments on the policies. The Authority is able to make formal comments in the Regulation 16 consultation and consider basic conditions post Examination. See para 2.10.

2.9 The Authority's role at this stage is to determine if the submitted Regulation 15 Draft Plan (with supporting documents) complies with legal requirements to enable it to proceed to the next stages. This analysis is set out in Section 3.

2.10 If it does meet the requirements, the Authority must then undertake or facilitate the following steps to enable the 'making' of the Neighbourhood Plan:

- Statutory notification of the Authority's decision
- 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 Authority must 'make' the plan and it becomes part of the statutory development plan for the neighbourhood area.

3. Proposal

3.1 The key issue at this stage is to determine whether the submitted documents satisfy legal tests so that the Plan can proceed to Regulation 16 Consultation and Examination. The tests are set out below with statements that set out whether and how the submitted documents satisfy them.

3.2 Neighbourhood Planning (General) Regulations (2012) Part 5 (15) require 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 6 of the Neighbourhood Plan.*
- A Consultation Statement. *The Consultation Statement submitted contain 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. This is submitted and dated 5th June 2024.
- 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 (SEA) is submitted undertaken on the pre-submission draft Neighbourhood Plan. The report concluded that the impact of Hartington Neighbourhood Development Plan will not result in significant environmental effects.*
- Historic England, Natural England and the Environment Agency have expressed no objections following consultation.

The requirements of Neighbourhood Planning (General) Regulations (2012) Part 5 (15) have been met. The submitted documents can be viewed as background documents.

3.3 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 (HRA) screening was undertaken on the Reg 14 draft plan prior to public consultation and submitted to the Authority on 29th July 2024. The report concludes that ‘it can be concluded that where the HRA for the Local Plan has determined that a particular policy is ‘unlikely to have an adverse effect on the integrity of a relevant European Sites, any (neighbourhood plan) policy that conforms with it, similarly, is unlikely to have an adverse effect.’ Natural England agree with the conclusion of the HRA Screening that there is likely to be no significant effect of the Hartington Neighbourhood Development Plan on European sites.

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

3.4 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.

3.5 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. Hartington Town Quarter Parish Council is named as the qualifying body under the 2011 Localism Act. The whole of the parish has been designated in this case, and Hartington Town Quarter Parish was designated as the Neighbourhood Area on 8th February 2013.

- 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'. The submitted Plan contains planning policies for the use and development of land in Hartington Town Quarter Parish Council 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: The Hartington Town Quarter Parish Neighbourhood Plan specifies a period following 2024 – 2039.

(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, the submitted Neighbourhood Plan does not include provision for 'County Matters' development (i.e. minerals), waste development or development requiring an Environmental Impact Assessment.

(iii) may not relate to more than one neighbourhood area. The Hartington Town Quarter Parish Council Neighbourhood Plan applies to this area alone, and no other neighbourhood area.

3.6 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.

3.7 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 formal view on whether the draft plan meets basic conditions.

3.8. In order to meet Basic Conditions, the Hartington Town Quarter Parish Neighbourhood Plan 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 and human rights requirements.
- the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.

The requirements of Paragraph 8 Schedule 4B of the Town and Country Planning Act have been met.

4. Recommendations

4.1 That Committee approves the submitted Regulation 15 Hartington Town Quarter Neighbourhood Development Plan for Regulation 16 Consultation and Examination.

4.2 To grant delegated authority for the Head of Planning, in conjunction with the Local Plan Steering Group, to agree our response to the Reg 16 consultation.

5. Corporate Implications

5.1 Legal

This is a legal obligation under the Localism Act 2011. The law requires that the National Park Authority to carry out two 'statutory purposes'. While carrying out these purposes it also has a duty to seek to foster the economic and social well-being of the communities within the National Park.

No legal risks are identified but any defects in procedure can be challenged by application to the High Court.

5.2 Financial

The cost of the Regulation 16 public consultation, independent examination and referendum will be met by us as lead authority. There will be costs for the Authority in staff time to support this process.

Local planning authorities can claim £20,000 from Central Government when they issue a decision statement detailing their intention to send the plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012).

5.3 National Park Management Plan and Authority Plan

This proposal contributes to the PDNPA Management Plan Aim 4: Thriving Communities. Particularly Objective 10 to "To support sustainable communities by improving opportunities for affordable housing and connection to services." A measure of success are actions under TC.1; TC.2; TC.3, to implement policies and programmes that impact positively on local communities.

5.4 Risk Management

It is considered the steps that the Authority is taking, as described, to respond to the submission of the Hartington Town Quarter Parish Neighbourhood Plan, means that the risk of failure to meet Government standards or legal obligations is low.

5.5 Net Zero

Not applicable.

6. Background papers (not previously published)

Appendix 1 – Basic Conditions Statement 19th November 2024

Appendix 2 – Consultation Statement 13th December 2024

Appendix 3 – Hartington Town Quarter Parish Neighbourhood Development Plan v.10 Final
5th June 2024

Appendix 4 – HRA Screening Report 28th November 2024

Appendix 5 – SAE Screening Report 28th November 2024

7. Appendices

Appendix 1: Draft policies.

Report Author, Job Title and Publication Date

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