

**APPROVAL OF HARTINGTON TOWN QUARTER PARISH NEIGHBOURHOOD PLAN TO TAKE FORWARD TO REFERENDUM (EF)**

**Purpose of report**

1. To consider the recommendations set out in the report by the independent examiner of Hartington Town Quarter Parish Neighbourhood Plan and to decide how to proceed.

**Key issue**

2. The Authority must consider each of the examiner's recommendations and the reasons for them and decide what action to take. If the Authority is satisfied that the draft plan:
  - meets basic conditions;
  - is compatible with European Convention rights;
  - complies with the definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan;or can do so as modified, a referendum must be held.

**RECOMMENDATION:**

**That members, in accordance with Schedule 4B, para 12 of the 1990 Town and Country Planning Act:**

- (i) **Consider and accept the examiner's recommendations to make modifications to Hartington Town Quarter Parish Neighbourhood Plan (submission draft), as set out in the examiner's report (Appendix 1),**
- (ii) **Determine that Hartington Town Quarter Parish Neighbourhood Plan, as modified, would meet the basic conditions, be compatible with Convention rights, and comply with the definition of, and the provisions that can be made by, a neighbourhood plan.**
- (iii) **approve that Hartington Town Quarter Parish Neighbourhood Plan (submission draft) is modified in accordance with the examiner's report and as set out in the Schedule of Proposed Modifications (Appendix 2).**
- (iv) **determine that the modified plan go forward to referendum.**

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

3. This is a legal obligation under the Localism Act 2011.
4. Neighbourhood planning empowers local communities to shape development in their area, supporting thriving and sustainable communities by identifying suitable sites for affordable housing and protecting access to vital local services. It allows communities to guide growth in ways that reflect local needs, while also encouraging a low-carbon economy that aligns with nature recovery and climate change goals, helping ensure development enhances rather than harms the environment in regards to Aim 4 of the PDNP Management plan.
5. The PDNPA's corporate objectives focus on operational excellence across key functions—from planning and access, through governance and financial management, to embracing environmental responsibility via climate action. Neighbourhood planning contributes to objectives A, C and H.

## Background

6. On 14<sup>th</sup> January 2025 Planning Committee determined that that Hartington Town Quarter Parish Neighbourhood Plan (submission draft) does comply with the legal criteria for a neighbourhood plan, and authorised that the plan be submitted for public consultation and independent examination. The statutory consultation was undertaken from between 3 March 2025 and 28 April 2025. A total of 13 representations were duly made. An independent examiner was appointed and in accordance with Regulations, the consultation responses were submitted for his consideration along with the draft plan and supporting documents.
7. The examiner determined that a public hearing was not necessary and undertook the examination by written representation. The examiner's report was formally submitted to the Authority and to Hartington Town Quarter Parish Council on 16<sup>th</sup> July 2025.

## Legal checks that the Authority must now undertake

8. Under Schedule 4B, para 12 of the 1990 Town and Country Planning Act, the Authority must ensure that Hartington Town Quarter Parish Neighbourhood Plan meets, or would meet if modified according to the recommendations of the independent examiner:
  - i. the basic conditions
  - ii. Convention Rights
  - iii. provisions relating to the definition and content of neighbourhood plans.

Taking each of these in turn:

9. **(i) Basic conditions**

Basic conditions are that a neighbourhood plan must:

- have regard to national policy and guidance from the Secretary of State
- contribute to sustainable development
- be in general conformity with the strategic policy of the development plan for the area
- not breach, or be otherwise be compatible with EU obligations

10. The report of the independent examiner concludes:

*"I have recommended 14 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:*

- *having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;*
- *the making of the neighbourhood plan contributes to the achievement of sustainable development;*
- *the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);*
- *does not breach, and is otherwise compatible with, EU obligations; and*

- *the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.*

*I recommend to the Peak District National Park Authority that the Hartington Town Quarter Parish Neighbourhood Development Plan for the plan period up to 2039 should, subject to the modifications I have put forward, be submitted to referendum.”*

**The Authority can be satisfied that Hartington Town Quarter Parish Neighbourhood Plan, as modified according to the examiner’s recommendations, does meet basic conditions.**

## **(ii) Convention Rights and European Union (EU) Obligations**

11. The report of the independent examiner concludes:

*“I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude 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.”*

**The Authority can be satisfied that Hartington Town Quarter Parish Neighbourhood Plan, as modified according to the examiner’s recommendations, is compatible with Convention Rights and other EU obligations.**

## **(iii) provisions relating to the definition and content of neighbourhood plans**

12. These issues were considered by Planning Committee at the meeting on 14 Jan 2025 (Agenda Item 15, paragraphs 13-18). Members determined “that the draft (31.12.14) Hartington Town Quarter Parish Neighbourhood Plan (with supporting documents) does comply with the criteria for a neighbourhood plan”

Under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, the examiner is also obliged to undertake these checks.

The examiner’s report outlines the checks necessary and concludes “subject to the contents of this Report, I am satisfied that all of the above points have been met.”

**The Authority can be satisfied that Hartington Town Quarter Parish Neighbourhood Plan, as modified according to the Examiner’s recommendations, satisfies provisions relating to the definition and content of a neighbourhood plan.**

## **Procedure for taking the neighbourhood plan to referendum and adoption**

- 13.

Authority approves the modified Neighbourhood Plan (submission draft)	5 <sup>th</sup> September 2025
Authority makes formal request to Derbyshire Dales District Council (DDDC) to undertake referendum	September 2025
Authority prepares and publicises referendum version of plan, ‘decision statement’ and other	September – November 2025

prescribed material, and in consultation with DDDC ensures that the relevant documents are available for public viewing during the referendum period	
Referendum <i>(The question to be asked is “do you want the Peak District National Park Authority to use the neighbourhood plan for Hartington Town Quarter Parish to help it decide planning applications in the neighbourhood area?”)</i>	September – November 2025
Referendum results <i>(If a referendum results in more than half of those voting (i.e. 50% +1) voting in favour of the proposal the Authority must ‘make’ the neighbourhood development plan as soon as reasonably practical.)</i>	November 2025
Authority publicises the ‘decision statement’ (based on referendum result) and neighbourhood plan	November 2025
Authority ‘makes’ the neighbourhood plan (it becomes part of the statutory development plan for the National Park.)	December 2025

Provision timetable:

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

14. **Financial:**

The main costs will result from:

1. Examination. At the time of writing the examiner’s invoice has not been received. It is estimated at around £5-6k.
2. Staff time in managing the process leading to referendum.
3. Referendum. Derbyshire Dales District Council has advised that a stand-alone referendum would cost £1808.00

The Authority is now able to claim £20k from DCLG in the next funding window following successful completion of the examination.

[Neighbourhood planning: Financial support for local planning authorities in 2024-25 - GOV.UK](#)

15. **Risk Management:**

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.

16. **Sustainability:**

Sustainability issues have been addressed in the report.

17. **Background papers** (not previously published)  
None.

**Appendices –**

Appendix 1: Hartington Town Quarter Parish Neighbourhood Plan Examiner’s Report  
Appendix 2: Scheduled of Proposed Modifications  
Appendix 3: HTQP Neighbourhood plan (as originally submitted)

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

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