

## HIGH PEAK BOROUGH COUNCIL

### The Executive

8 October 2020

<b>TITLE:</b>	<b>Buxton Neighbourhood Plan</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Anthony McKeown - Leader</b>
<b>CONTACT OFFICER:</b>	<b>Mark James – Principal Planning Officer</b>
<b>WARDS INVOLVED:</b>	<b>Barms, Burbage, Buxton Central, Corbar, Cote Heath, Limestone Peak, Stone Bench and Temple</b>

#### **Appendices Attached:**

Appendix A 1 – Application for designation of a Neighbourhood Area and Forum for Buxton

Appendix A 2 – Proposed Neighbourhood Area Map

Appendix A 3 – Constitution of the Buxton Neighbourhood Forum

Appendix A 4 – Buxton Neighbourhood Forum Statement

Appendix A 5 – Buxton Neighbourhood Forum Members

#### **1. Reason for the Report**

- 1.1 To consider an application made by 'The Buxton Neighbourhood Forum Community Interest Company (CIC)' to designate a neighbourhood area and neighbourhood forum for Buxton under section 61G of the Town and Country Planning Act 1990.

#### **2. Recommendation**

- 2.1 That the Executive approves consultation on the applications for the designation of a neighbourhood area and neighbourhood forum for Buxton.
- 2.2 That the Executive agrees to consider the responses to the consultation at a future meeting of The Executive in order to meet the 13 week deadline specified in the regulations.

#### **3. Executive Summary**

- 3.1 On the 9<sup>th</sup> September 2020 Buxton Neighbourhood Forum CIC applied to the Council to designate a neighbourhood forum and a neighbourhood area for Buxton.

- 3.2 Having both designations will mean that the Buxton Neighbourhood Forum CIC can begin to prepare a neighbourhood plan or neighbourhood development order. A neighbourhood plan forms part of the development plan and decisions on planning applications will be made using the local plan, neighbourhood plan and any other material considerations. A neighbourhood development order grants planning permission for specific development in a particular area.
- 3.3 Buxton Neighbourhood Forum CIC have submitted details explaining why the proposed neighbourhood area is an appropriate area and why the group is the appropriate body to lead neighbourhood planning in that area.
- 3.4 Consultation on the applications should be undertaken by the local planning authority and the Council is required to determine the applications within 13 weeks of them first being publicised.

#### 4. **How this report links to Corporate Priorities**

- 4.1 Given the broad nature of neighbourhood planning, there will be direct implications for all of the Councils corporate priorities.

#### 5. **Alternative Options**

- 5.1 Option 1 – (recommended) that the Council agrees to the recommendations as set out in section 2 of this report. This will enable the community to comment on the applications prior to the Council making a final decision. The process for the consideration of such applications is established through the regulations
- 5.2 Option 2 (not recommended) the Council does not support consultation on the applications. There is no sound basis not to allow the applications to be subject to consultation. Local planning authorities are required to enable the preparation of neighbourhood plans and applications for neighbourhood areas and forums must be subject to consultation.

#### 6. **Implications**

- 6.1 Community Safety - (Crime and Disorder Act 1998)  
None
- 6.2 Workforce  
The neighbourhood forum will receive support from members of the Development Services planning policy team in preparation of their neighbourhood plan to help ensure that the plan will make the basic conditions and be successful at examination.
- 6.3 Equality and Diversity/Equality Impact Assessment  
This report has been prepared in accordance with the Council's diversity and equality policies.

#### 6.4 Financial Considerations

The main financial considerations will result from:

- Cost of examination (estimated £8,000).
- Cost of referendum (estimated £10,000).

The Council is eligible for Neighbourhood Planning New Burdens funding – paid by MHCLG for supporting progression of Neighbourhood Plans. The 2020/21 claims criteria allow the Council to claim £5,000 for the first five neighbourhood areas designated. The limit of five areas applies to the total number of areas designated (i.e. it includes areas designated in previous years). The Council has designated four areas (Chapel-en-le-Frith, Whaley Bridge, Chinley, Buxworth and Brownside and Hayfield). The Council can also claim £5,000 for the first five neighbourhood forum designations. Buxton would be the first such designation in High Peak. Therefore the estimated net cost to the Borough would be in the region of £8,000.

#### 6.5 Legal

Under the Town and Country Planning Act 1990 (as amended) the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans. Applications for designation of a neighbourhood area are made under Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016. Neighbourhood areas are defined under the Town and Country Planning Act 1990 61G. The relevant considerations for the Council include: Before exercising its powers, the Council should consider: 1. Is the organisation making the application a relevant body (as prescribed by the Act this must be a Parish Council or, in unparished areas, a designated Neighbourhood Forum)? 2. Is the area identified for designation as a neighbourhood area considered appropriate? 3. Would the area more appropriately be designated a business area i.e. the area is wholly or predominately in business use? 4. Does the area overlap with another designated area? 5. Comments received during any public consultation, where consultation is required?

The Council is required to exercise its powers to designate the specified area as a neighbourhood area.

#### 6.6 Climate Change

There are opportunities for neighbourhood development plans to contribute to tackling the causes and effects of climate change.

#### 6.7 Consultation

Neighbourhood development plans will be subject to public consultation.

- 6.8 Risk Assessment  
Risks are identified in the report.

**Neil Rodgers**  
**Executive Director (Place)**

**Web Links and  
Background Papers**

Localism Act 2011

The Neighbourhood Planning (General) Regulations  
2012 (as amended)

**Contact details**

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**7. Detail**

- 7.1 Neighbourhood Planning is a tool introduced by the Localism Act 2011 that communities can use to help shape the future of their area. The preparation of a neighbourhood development plan can be used to set out a vision for the future of an area, with associated planning policies for the use and development of land. Neighbourhood development plans can say where new homes, shops or offices should go; which green spaces should be protected, and what new development should look like. A neighbourhood development order grants planning permission for specific development in a particular area. Neighbourhood development plans/orders are optional and communities can choose whether or not to prepare one.
- 7.2 On the 9th September 2020 Buxton Neighbourhood Forum CIC applied to the Council to designate a neighbourhood forum and a neighbourhood area for Buxton. Having both neighbourhood area and forum designations will mean that the Buxton Neighbourhood Forum CIC can begin to prepare a neighbourhood development plan/order. A neighbourhood plan forms part of the development plan and sits alongside the local plan. Decisions on planning applications will be made using both the local plan and the neighbourhood plan/order, and any other material considerations.
- 7.3 The Council has an approved scheme of delegated approval for area designations where this relates to the consideration of straight forward cases where a parish or town council is applying for designation of the whole of the parish area. As Buxton is not a parish this scheme does not apply.
- 7.4 A designated neighbourhood forum is an organisation or group empowered to lead the neighbourhood planning process in a neighbourhood area where there is no town or parish council.
- 7.5 A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum (a forum application). Those making a forum application must show how they have sought to comply with the conditions for neighbourhood forum designation. These are set out in section 61F(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. This includes the provision of a written constitution.

- 7.6 To be designated a neighbourhood forum must have a membership that includes a minimum of 21 individuals who either: live in the neighbourhood area, work there; and/or are elected members for a local authority that includes all or part of the neighbourhood area. The Council is required to consider the extent to which the membership is drawn from different places within the area and whether it includes different sections of the community in that area.
- 7.7 In order to designate a neighbourhood area, an application must include a statement explaining why the proposed neighbourhood area is an appropriate area.
- 7.8 A group can apply for a neighbourhood area to be designated even if it is not yet a designated neighbourhood forum. However, in order to be sure that the group is the appropriate body to lead neighbourhood planning in that area, the group must demonstrate that it is capable of becoming the designated neighbourhood forum for the neighbourhood area they are applying to have designated.
- 7.9 The joint application for forum and area designations is provided in Appendices A 1 to A 5. It is considered that it meets the necessary statutory requirements in order to undertake the consultation. It contains the following:
- 7.10 For the Neighbourhood Forum:
- the name of the proposed neighbourhood forum;
  - a copy of the written constitution of the proposed neighbourhood forum;
  - the name of the neighbourhood area to which the application relates and a map that identifies the area;
  - the contact details of at least one member of the proposed neighbourhood forum to be made public; and
  - a statement which explains how the proposed neighbourhood forum meets the conditions contained in section 61F(5) of the 1990 Act.

For the Neighbourhood Area:

- a map which identifies the area to which the area application relates;
  - a statement explaining why this area is considered appropriate to be designated as a neighbourhood area; and
  - a statement that the organisation or body making the area application is a relevant body for the purposes of section 61G of the 1990 Act.
- 7.11 The local planning authority must determine the applications within certain timescales. The Neighbourhood Planning (General) (Amendment) Regulations 2015 prescribe time limits for the determination of a neighbourhood area and forum applications. The Council is required to determine the applications within

13 weeks of them first being publicised. If these time limits are not met, the local planning authority must designate all of the area applied for. As such, it is proposed that consultation on the Buxton neighbourhood forum and neighbourhood area should commence in mid November 2020 and that the comments received to the consultation are considered by this Committee on the 4th February 2021 so that the timescales can be met.

- 7.12 The Neighbourhood Planning (General) Regulations 2012 require neighbourhood planning groups and local planning authorities to undertake publicity in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area. The Council's adopted Statement of Community Involvement (SCI) doesn't explicitly state how consultation should be undertaken in the case of a neighbourhood forum. The government has provided updated COVID-19 guidance for neighbourhood planning which states that 'It is not mandatory for copies of documents to be made available at a physical location. They may be held available online. Local planning authorities may be able to advise neighbourhood planning groups on suitable methods that will provide communities with access to physical copies of documents.'
- 7.13 It is proposed to hold a six week consultation which would be consistent with other statutory consultations in the SCI and the Borough Council's website will provide the main point of consultation. The Council maintains a database which includes contact details for those organisations listed in the regulations that the Council is required to consult and other individuals / organisations who have made comments on planning policy documents. They will be directly contacted by means of either an email or postal communication. Although the main focus will be web-based consultation it is recognised that not everyone is able to access online consultation material and where necessary paper copies of the information can be provided. Social media will also be used to publicise the consultation. Details will also be made available at Buxton Library (subject to opening).