

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Council

30 June 2021

TITLE:	Leekfrith Neighbourhood Plan
PORTFOLIO HOLDER:	Councillor Edwin Wain - Portfolio Holder for Planning, Development and Property
CONTACT OFFICER:	Mark James - Principal Planning Officer
WARDS INVOLVED:	Dane

Appendices Attached – Leekfrith Neighbourhood Plan (Referendum Version)

1. Reason for the Report

- 1.1 To consider the outcome of the referendum on the Leekfrith Neighbourhood Plan and determine if the plan should be “made”. Due to the ongoing Covid-19 social distancing restrictions the views of councillors with regards to this report will be sought via a virtual meeting. The decision, reflecting the views of members, will then be formally made by the Council’s Chief Executive (or in his absence the Executive Director and Monitoring Officer) using emergency powers within the Council’s constitution.

2. Recommendation

- 2.1 To make the Leekfrith Neighbourhood Plan and confirm that the plan should become part of the statutory development plan and be used to help decide planning applications in the Parish.

2. Executive Summary

- 2.1 A Neighbourhood Plan for the Parish of Leekfrith has been prepared and subject to consultation, examination and referendum. The Cabinet resolved on 11 February 2020 that the plan has met all necessary requirements and was suitable to proceed to the referendum stage. Due to the pandemic, the referendum was delayed by 12 months.
- 2.2 When more than half of the votes at the referendum are in favour of the Neighbourhood Plan, the legislation dictates that the Council must deem the plan to be “made” within 8 weeks of the referendum. It will then form part of the statutory development and be used to determine planning applications. On

6 May 2021 a referendum was held at which 100 people voted in favour and 17 people against the plan.

- 2.3 Part of the Parish lies within the Peak District National Park. The National Park Authority approved the Neighbourhood Plan at a Planning Committee meeting on 11 June. (<https://democracy.peakdistrict.gov.uk/documents/g2728/Decisions%2011th-Jun-2021%2010.00%20Planning%20Committee.pdf?T=26>)
- 2.4 If the plan is made, a Decision Statement will be issued which outlines the resolution of the Council and Peak District National Park Authority and the plan will be published.

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

- 4.1 The Leekfrith Neighbourhood Plan will have implications for the following aims of the Corporate Plan (2019-2023). Aim 1 - To help create a safer and healthier environment for our communities to live and work, Aim 3 - To help create a strong economy by supporting further regeneration of towns and villages and Aim 4 - To protect and improve the environment and respond to the climate emergency.

5. **Alternative Options**

- 5.1 There are no alternative options to choose from as the outcome is determined by the referendum result. The only option the Council has is to make the plan unless it is considers that 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). On 11 February 2020, the Council agreed with the examiner's conclusions that no such conflict exists.

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

None direct.

6.2 Workforce

None direct.

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's equalities procedures.

6.4 Financial Considerations

Local Planning Authorities can claim £20,000 from the Government once they have set a date for a referendum following a successful examination where a neighbourhood plan has not previously been made for that area. A claim was made in March 2020 when the original referendum date was due to be in May of that year. The grant money was received by the Council in June 2020.

As the neighbourhood area is split between the Staffordshire Moorlands and Peak District National Park plan areas, this grant will be shared. The National Park Authority led on the examination and will be reimbursed for the full cost of this. The District Council will be reimbursed for the full cost of the Referendum. Any of the £20,000 grant remaining will be divided equally.

6.5 Legal

The Neighbourhood Plan is considered to meet the Basic Conditions and all relevant legal and procedural requirements and this is supported by the Report of the independent Examiner. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if a majority of those voting in the referendum have voted in favour of the plan being used to help decide planning applications in the area.

6.6 Climate Change

The Basic Conditions Statement which accompanied the submission of the Neighbourhood Plan to the Council confirms that any development of the Upper Hulme site must conform to policies on climate change and carbon usage as set out by the Peak District National Park Authority. Applications for development outside of the Peak District National Park will need to comply with relevant policies in the Staffordshire Moorlands Local Plan.

6.7 Consultation

The Neighbourhood Plan was subject to formal consultation in accordance with Regulation 14 and 16.

6.8 Risk Assessment

Risks to the satisfactory resolution of the process have been minimised by adhering to the relevant legislation and regulations.

Neil Rodgers
Executive Director (Place)

Web Links and

Background Papers

National Planning Practice Guidance on neighbourhood planning:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Report to Cabinet on the Leekfrith Neighbourhood Plan (11 February 2020):

<https://democracy.highpeak.gov.uk/documents/s16397/Leekfrith%20Neighbourhood%20Plan.pdf>

Background documents:

<https://www.staffsmoorlands.gov.uk/article/3460/Leekfrith-Neighbourhood-Plan>

Contact details

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7. Detail

- 7.1 Leekfrith Parish was designated as a Neighbourhood Area by the District Council and the Peak District National Park Authority on 24th March and 13th March 2015 respectively. The Neighbourhood Plan was informed by consultation undertaken by the Parish Council with the local community and stakeholders. This included the statutory “regulation 14” consultation undertaken between 31 January and 21 March 2018.
- 7.2 Subsequently, the plan and supporting documents were submitted by the Parish Council to the District Council and Peak District National Park Authority under Regulation 15(1) of the Town and Country Planning Neighbourhood Planning (General) Regulations 2012 (as amended). Following consideration by the two local planning authorities, the plan was then formally published for comments for a period of six weeks. Christopher Edward Collison BA (Hons) MBA MRTPI MIED MCMi IHBC was then appointed as the independent examiner to consider the plan.
- 7.3 An Examination in Public commenced on 27th September 2019 by written representations and the Examiner’s report was submitted to the Council on 23rd December 2019. The report concluded that subject to recommended modifications to the Neighbourhood Plan, the plan met the “basic conditions” and other statutory requirements.
- 7.4 Staffordshire Moorlands District Council’s Cabinet on 11 February 2020, and the Peak District National Park Authority on 6 March 2020, considered the examiner’s report. The Examiner concluded the Leekfrith Neighbourhood Development Plan, as modified by his recommendations, meets the basic conditions and other relevant legal requirements. The examiner also concluded that the referendum area should not extend beyond the Neighbourhood Area. Staffordshire Moorlands District Council and the Peak District National Park Authority concurred with these conclusions. In the case

of each recommendation, and in order to comply with the Examiner's recommendations, the plan was modified (Appendix 1). The Leekfirth Neighbourhood Plan (Referendum Version) includes three planning policies relating to; the redevelopment of Upper Hulme Mill (site within the National Park), the full time rental of holiday cottages and parking on narrow roads.

- 7.5 Due to the Covid-19 pandemic, a referendum on the Neighbourhood Plan could not be held until 6 May 2021. The following question was asked of electors within Leekfirth Parish:

“Do you want Staffordshire Moorlands District Council and the Peak District National Park Authority to use the neighbourhood plan for Leekfirth to help it decide planning applications in the neighbourhood area?”

- 7.6 On 6 May 2021 a referendum was held at which 100 people voted in favour and 17 people against the plan. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if a majority of those voting in the referendum 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). No such issues have been identified with the plan and it should therefore be made, subject to a favourable referendum result.
- 7.7 The plan must be made by the local planning authority within 8 weeks of a successful referendum result. A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. As part of statutory development plan, the Neighbourhood Plan would be considered alongside the adopted Staffordshire Moorlands Local Plan (2020) outside of the Peak District National Park when determining planning applications. Within the National Park, the Neighbourhood Plan and Development Plan Documents adopted by the Peak District National Park Authority apply.
- 7.8 If the plan is made, a Decision Statement must be published to notify people of the decision and the plan will be published. The Peak District National Park Authority made the plan on 11 June 2021.