

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet

14 February 2023

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| TITLE: | Checkley Neighbourhood Development Plan - Regulation 15 Submission |
| PORTFOLIO HOLDER: | Councillor Paul Roberts - Council Leader |
| CONTACT OFFICER: | Holly Jones – Planning Policy Adviser |
| WARDS INVOLVED: | Checkley |

Appendices Attached

**Appendix 1 – Draft Checkley Neighbourhood Plan
Appendix 2 – Checkley Basic Conditions Statement
Appendix 3 – Checkley consultation Statement**

- 1. Reason for the Report**
 - 1.1 To consider the Draft (Regulation 15) version of the Checkley Neighbourhood Plan to determine whether it has followed the proper legal process and that the legal requirements for consultation have been followed.
- 2. Recommendation**
 - 2.1 That Cabinet approves the Draft Checkley Neighbourhood Development Plan for public consultation for a six week period (Regulation 16).
 - 2.2 That Cabinet approves the commencement of the appointment of an Examiner and prepares to organise the independent examination.
- 3. Executive Summary**
 - 3.1 The Checkley Neighbourhood Plan Area was designated on 16 February 2016. A pre-submission consultation (Regulation 14) took place between 11 February to 25 March 2022 and a revised pre-submission consultation took place between 3 June to 15 July 2022.
 - 3.2 The Neighbourhood Plan sets out planning policies for the Checkley Neighbourhood Area concerning; housing, business and employment, community facilities and assets, place design and environment and transport. It also includes infrastructure priorities.

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

- 4.1 The Checkley Neighbourhood Plan broadly supports part of the aims of the following from the Staffordshire Moorlands Corporate Plan. Aim 1 – To help create a safer and healthier environment for our communities to live and work, and Aim 3 – To help create a strong economy by supporting further regeneration of towns and villages.

5. **Alternative Options**

- 5.1 Where the draft Neighbourhood Plan submitted to the local planning authority meets the requirements in the legislation, the authority must publicise the neighbourhood plan for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft Neighbourhood plan to independent examination. The local planning has to consider the submission documents and conclude whether the proper process has been followed and the legal requirements for pre-submission consultation have been carried out.
- 5.2 If the local planning authority concludes that this has been done, they are required to launch the Regulation 16 consultation on behalf of the Neighbourhood Plan group/forum. There is not an alternative, unless the process had not been followed correctly. If this were the case, then the local planning authority would advise those preparing the Neighbourhood Plan that the requirements have not been met and that they would need to remedy this and resubmit.

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

No direct implications.

6.2 Workforce

No direct implications.

6.3 Equality and Diversity/Equality Impact Assessment

An Equalities Impact Assessment has been completed.

6.4 Financial Considerations

Local planning Authorities can claim £20,000 once they have issued a decision statement detailing their intention to send a Neighbourhood Plan to referendum. This stage has yet to be reached, though the funding can be used to help meet the cost of

holding the referendum and the Examiner's fees.

6.5 Legal

The Neighbourhood Planning (General) Regulations 2012 (as amended) define the requirements for neighbourhood planning under the provisions of sections 61E, 61F, 61G, 61K, 61L, 61M and 71A of, and paragraphs 1, 4, 7, 8, 10, 11, 12 and 15 of Schedule 4B and paragraphs 3 and 11 of Schedule 4C to, the Town and Country Planning Act 1990, and sections 38A, 38B and 122(1) of the Planning and Compulsory Purchase Act 2004.

6.6 Climate Change

It is considered that the Checkley Neighbourhood Plan will make a positive contribution in respect of its policies relating to the environment.

6.7 Consultation

The Neighbourhood Plan has been subject to formal consultation in accordance with Regulation 14 of the Neighbourhood Plan. It is proposed that a six week period of consultation commence under Regulation 16.

6.8 Risk Assessment

Risks are considered in section 7.

Neil Rodgers
Executive Director (Place)

Web Links and Background Papers

<https://www.gov.uk/guidance/neighbourhood-planning--2#key-stages-in-neighbourhood-planning>

https://www.staffsmoorlands.gov.uk/media/395/Checkley-Neighbourhood-Plan-Area/pdf/Map_Checkley_Neighbourhood_Area.pdf?m=1476958820677

Contact details

Holly Jones

holly.jones@highpeak.gov.uk

7. Detail

7.1 Checkley Parish was designated as a Neighbourhood Area by Staffordshire Moorlands on 16 February 2016.

7.2 The Checkley Neighbourhood Plan has been prepared in accordance with the Neighbourhood Plan regulations. The submission documents include

- A map to show the area to which the plan relates
- A consultation statement
- The draft Neighbourhood Plan
- Basic conditions statement

These documents have been checked for compliance in line with the Neighbourhood Planning (General) Regulations 2012 (as amended) and the necessary documentation has been submitted.

- 7.3 The map provided correctly identifies the area to which the plan relates and conforms with the original designation. The consultation statement appropriately includes details of the people and organisations consulted about the proposed Neighbourhood Plan, how they were consulted and a summary of the main issues and how these have been addressed.
- 7.4 The draft neighbourhood plan has been submitted by the qualifying body. At this stage there is no requirement to comment on the details of the Neighbourhood Plan. Officers will prepare a response under the Regulation 16 consultation.
- 7.5 The basic conditions statement explains how the plan has regard to the National Planning Policy Framework, how the plan contributes to sustainable development and is in general conformity with strategic policies in the adopted Staffordshire Moorlands Local Plan. It also confirms how the plan meets other legal requirements. The statement adequately addresses these points and the submission material is considered to be acceptable and fulfils the requirement.
- 7.6 In addition to the responsibility for checking the submission and hosting the consultation, the responsibility for appointing an examiner and arranging the independent examination also lies with the local planning authority. The appointment will be agreed with the Neighbourhood Plan group.
- 7.7 It is incumbent upon the local planning authority to reach a decision on whether the necessary submission documents have been provided and that the correct process has been followed. Failure to reach a decision would halt the progress of the Neighbourhood Plan.
- 7.8 The above information supports the recommendations set out in section 2.