

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Council**

**15<sup>th</sup> May 2024**

<b>TITLE:</b>	<b>“Making” of the Checkley Neighbourhood Plan following support at referendum.</b>
<b>PORTFOLIO HOLDER:</b>	<b>Councillor Darren Price - Deputy Leader &amp; Portfolio Holder for Regeneration and Planning</b>
<b>CONTACT OFFICER:</b>	<b>David Davies - Planning Officer (Policy)</b>
<b>WARDS INVOLVED:</b>	<b>Checkley Parish</b>

**Appendices Attached –**

**Appendix 1      Checkley Neighbourhood Plan (Referendum Version)**

**Appendix 2      Decision Statement**

**1.      Reason for the Report**

- 1.1 Full Council on 28<sup>th</sup> February 2024 resolved that the Checkley Neighbourhood Plan, as amended, met the appropriate requirements and should proceed to referendum.
- 1.2 The referendum was held on the 2<sup>nd</sup> May 2024, with a 88% of those voting, voting in favour of the ‘Checkley Neighbourhood Plan (CNP) becoming part of the Development Plan for that Parish.
- 1.3 Consequently **the Checkley Neighbourhood Plan now forms part of the wider Development Plan for Checkley Parish**. Regulations stipulate that the Council must formally deem to ‘make’ (adopt) the Neighbourhood Plan within 8 weeks of the date of the referendum.

**2.      Recommendation**

- 2.1. That Council confirms the ‘making’ (adoption) of the Checkley Neighbourhood Development Plan as part of the Staffordshire Moorlands District Council’s development plan.

### **3. Executive Summary**

- 3.1 A Neighbourhood Plan has been prepared for the Parish of Checkley and has been subject to consultation and examination. The Council resolved on 28<sup>th</sup> February 2024 that the Neighbourhood Plan met all necessary requirements and was suitable to proceed to the referendum stage.
- 3.2 The referendum took place on Thursday 2<sup>nd</sup> May 2024, with positive support to 'make' the Checkley Neighbourhood Plan as part of the Development Plan for Checkley Parish <https://www.staffsmoorlands.gov.uk/article/7875/Checkley-Neighbourhood-Planning-Referendum-2-May-2024>. 88% of those voting, supporting the making of the NDP.
- 3.3 Where a simple majority of voters at the referendum are in favour of the Neighbourhood Plan, the legislation dictates that the Council must deem the Neighbourhood Plan to be "made". This should occur not later than 8 weeks from the date of the referendum, unless 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).
- 3.4 Since the Council is satisfied that the making of the plan would not breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights; and the Neighbourhood Plan was endorsed by a majority "yes" vote in the community referendum, the final stage is for the Council to formally "make" the Neighbourhood Plan.
- 3.5 Following Council's endorsement, a Decision Statement will be issued which outlines the resolution of the Council and the document will be published.

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

- 4.1 The Checkley Neighbourhood Plan will have positive implications for the following aims of the Corporate Plan (2023-2027).
  - Aim 1 - Help create a safer and healthier environment for our communities to live & work
  - Aim 3 - To help create a strong economy by supporting further regeneration of towns and villages.
  - Aim 4 - To protect and improve the environment.

### **5. Alternative Options**

- 5.1 As this is a perfunctory regulatory stage, there are no real alternatives. The Neighbourhood Plan has passed through the examination and referendum stages. The Council has published a decision statement confirming its satisfaction that the Plan would not breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Council, must now 'make' the Neighbourhood Plan.

## 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

An Equalities Impact Assessment has been completed for this project.

### 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. This funding is intended to reimburse the Council for costs incurred and help to meet the cost of holding the referendum and the Examiner's fees. The referendum was held together with the scheduled Police and Crime Commissioner election to maximise efficiency and minimise additional costs.

### 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

Taken as a whole, policies in the Neighbourhood Plan are considered to be beneficial in terms of climate change mitigation and adaptation.

### 6.7 Consultation

The Neighbourhood Plan was subject to formal consultation in accordance with Regulations 14 and 16 of the Neighbourhood Planning Regulations 2012.

### 6.8 Risk Assessment

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

Mark Trillo

**Executive Director (Governance and Regulatory Services) &**

## Monitoring Officer

### Web Links and

#### Background Papers

National Planning Practice Guidance on neighbourhood planning:  
<https://www.gov.uk/government/collections/planning-practice-guidance>

### Contact details

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Report to Council on the Checkley Neighbourhood Plan (28 February 2024):

<https://democracy.highpeak.gov.uk/documents/s38205/FINAL%20REPORT%20Checkley%20Neighbourhood%20Plan%20-%20Referendum%20and%20Decision%20Statement%20FINAL.pdf>

Background documents:

<https://www.staffs Moorlands.gov.uk/article/7877/Checkley-Neighbourhood-Plan>

## 7. Detail

- 7.1 Checkley Parish was designated as a Neighbourhood Area by the District Council on 16<sup>th</sup> February 2016. 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 (on two occasions) between firstly 11 February 2022 and 25 March 2022, then subsequently between 3 June 2022 and 15 July 2022.
- 7.2 Subsequently, the plan, and supporting documents were submitted by the Parish Council to the District Council under Regulation 15(1) of the Town and Country Planning Neighbourhood Planning (General) Regulations 2012 (as amended). Following consideration by the District Council, the plan and NDO were then formally published for comments for a period of six weeks, closing on 13<sup>th</sup> April 2023. In agreement with Checkley Parish Council, Christopher Collison BA (Hons) MBA MRTPI MIED IHBC was then appointed as the independent examiner to consider the plan.
- 7.3 An Examination in Public commenced on 29<sup>th</sup> June 2023 by written representations and the Examiner’s report was submitted to the Council on 9<sup>th</sup> October 2023. The report concluded that subject to recommended modifications to the Neighbourhood Plan, it met the “basic conditions” and other statutory requirements.
- 7.4 Staffordshire Moorlands District Council’s Full Council on 28<sup>th</sup> February 2024, considered the examiner’s report. The Examiner concluded the Checkley 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.

7.5 However, the decision as to whether the basic conditions and legal requirements have been met and therefore if the documents can proceed to referendum rests with the District Council. Having reviewed the Examiner's report and related regulations, and following discussions with Checkley Parish Council, all of the Examiner's recommendations relating to the Neighbourhood Plan were accepted. Therefore, on 28<sup>th</sup> February 2024 the Council decided to send the Neighbourhood Plan to referendum.

7.6 In the case of each recommendation, and in order to comply with the Examiner's recommendations and further modifications, the plan was modified (Appendix 1). The Checkley Neighbourhood Plan (Referendum Version) sets out planning policies for the Checkley Neighbourhood Area concerning: housing and site allocations, housing mix, Upper Tean High Street, rural business diversity and growth, community sport and recreation facilities, local green space, design, residential infill, landscape and rural character, conservation areas, and transport.

7.7 The referendum was held on 2<sup>nd</sup> May 2024. The following question was asked of electors within Checkley Parish:

*"Do you want Staffordshire Moorlands District Council to use the Neighbourhood Plan for Checkley to help it decide planning applications in the neighbourhood area?"*

This received a positive outcome with 88.42% of voters voting in favour.

7.8 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' (adopt) 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', given the favourable referendum result.

7.9 As part of the statutory development plan, the Neighbourhood Plan will be considered alongside the adopted Staffordshire Moorlands Local Plan (2020) when determining planning applications within Checkley Parish.

7.10 Once the Council has confirmed the making of the Neighbourhood Development Plan the Council will publicise its decision on the Council's website together with reasons for making the decision (a decision statement), as set out in this report. Copies of the Plan will be made available in the Council offices and the web-site.