



## **HIGH PEAK BOROUGH COUNCIL & PEAK DISTRICT NATIONAL PARK AUTHORITY**

### **DECISION STATEMENT: WHALEY BRIDGE NEIGHBOURHOOD PLAN**

#### **Planning and Compulsory Purchase Act 2004 Part 3 Section 38A (4) Neighbourhood Planning (General) Regulations 2012 (Regulation 19)**

**Date: 31st January 2024**

**Following a positive result at Referendum, High Peak Borough Council (under delegated powers on 31st January 2024) and the Peak District National Park Authority (at a meeting of the Planning Committee on 19th January 2024) resolved to make (adopt) the Whaley Bridge Neighbourhood Plan.**

Whaley Bridge Neighbourhood Plan now forms part of the statutory development plan and will be used by High Peak Borough Council (HPBC), alongside the High Peak Local Plan, for determining applications for development within that part of Whaley Bridge and Furness Vale Neighbourhood Area that is outside of the National Park.

#### **1. Background**

- 1.1 HPBC accepted the application by Whaley Bridge Town Council to be recognised as the 'appropriate body' under paragraph 61F of the Town & Country Planning Act 1990 on the 24th October 2013, and formally designated the Whaley Bridge and Furness Vale Neighbourhood Area. The Peak District National Park Authority (PDNPA) made the same designation on 13<sup>th</sup> September 2013.
- 1.2 The Pre-Submission Whaley Bridge Neighbourhood Plan underwent consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations') between 20th May 2022 and 2nd July 2022.
- 1.3 Subsequently, the draft plan and supporting documents were submitted by the Town Council to HPBC and PDNPA under Regulation 15(1) on 13th December 2022. Following consideration by the two local planning authorities, the plan was then formally published for comments (statutory "regulation 16") for a period of six weeks between 11th May and 22nd June 2023.
- 1.4 Mr Christopher Collison BA (Hons) MBA MRTPI MIED IHBC was then appointed with the consent of HPBC, PDNPA and Whaley Bridge Town Council to undertake the examination of the Plan, and to prepare a report of the independent examination. The examination commenced on 6th July 2023 and was conducted through written representations. The Examiner's report was received on the 1st September 2023. It concludes that the Whaley Bridge Neighbourhood Plan, subject to recommended modifications, meets the basic

conditions set out in the legislation and other statutory requirements and should proceed to referendum.

- 1.5 On 25th October 2023, HPBC considered each of the recommendations made in the Examiner's Report in relation to the Neighbourhood Plan and the reasons for them and decided to accept modifications to the draft Neighbourhood Plan. PDNPA also made the same decision at their committee meeting on 6th October 2023. The modifications are necessary to ensure that the draft Neighbourhood Plan meets the basic conditions and legal requirements. The submitted plan was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications are considered to necessitate revisiting any of these assessments.
- 1.6 Both planning authorities agreed that the Whaley Bridge Neighbourhood Plan meets Basic Conditions, is compatible with Convention rights, complies with the definition of a Neighbourhood Development Plan and the provisions that can be made by a Neighbourhood Plan; and determined that the Plan should proceed to a Neighbourhood Planning referendum.
- 1.7 A referendum asking 'Do you want High Peak Borough Council and the Peak District National Park Authority to use the Neighbourhood Plan for Whaley Bridge to help it decide planning applications in the neighbourhood area' took place on 7th December 2023. Over 50% of people voting said 'yes'. Six hundred and ninety four (694) people voted 'yes' and fifty nine (59) voted 'no'.
- 1.8 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the planning authorities to "make" (adopt) the Neighbourhood Plan if more than half of those voting in a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. The authorities are 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).

## **2. Decision and Reasons**

- 2.1 High Peak Borough Council (under delegated powers on 31st January 2024) and the Peak District National Park Authority (at a meeting of the Planning Committee on 19th January 2024) resolved to make (adopt) the Whaley Bridge Neighbourhood Plan.
- 2.2 The reasons for this decision are that the Neighbourhood Plan meets the Basic Conditions and its preparation and promotion complied with legal and procedural requirements. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Councils to make the Neighbourhood Plan if more than half of those voting in a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. The plan was endorsed by a majority yes vote in the referendum held on 7th December 2023.

## **3. The Decision Statement**

- 3.1 This Decision Statement can be inspected on the Council's website.
- 3.2 A copy of this Decision Statement is being sent to:
  - The qualifying body, namely Whaley Bridge Parish Council.
  - Any person who asked to be notified of the decision.
  - Individuals and organisations that responded to the Consultation.

#### **4. The Neighbourhood Plan**

- 4.1 Whaley Bridge Neighbourhood Plan and its associated documents are available to view on the Councils' websites at:

<https://www.highpeak.gov.uk/article/660/Whaley-Bridge-and-Furness-Vale-Neighbourhood-area>

<https://www.peakdistrict.gov.uk/planning/neighbourhood-planning/neighbourhood-plans>