

## Kirklees Council

### **General Information on Town and Country Planning System, the role of neighbourhood development plans and the Holme Valley Neighbourhood Development Plan**

#### **1. Introduction**

- 1.1. On Thursday 4<sup>th</sup> November 2021, residents of the Holme Valley Neighbourhood area will have the opportunity to vote in a referendum on the Holme Valley Neighbourhood Development Plan.
- 1.2. The referendum question will be: “Do you want Kirklees Council and the Peak District National Park Authority to use the neighbourhood development plan for the Holme Valley Neighbourhood Area to help decide planning applications in the neighbourhood area?”
- 1.3. The purpose of this document is firstly, to provide some general information about the planning system and the role of neighbourhood development plans; and secondly to provide information about the Holme Valley Neighbourhood Development Plan to provide some context for the referendum.
- 1.4. For further information on the Holme Valley Neighbourhood Development Plan please see Kirklees Council webpage at: [Holme Valley Neighbourhood Development Plan | Kirklees Council](#)

#### **2. The Planning System**

- 2.1. The purpose of the planning system is to manage the use and development of land and buildings. Planning ensures that the right development happens in the right place at the right time, benefiting communities and the economy. It plays a critical role in identifying what development is needed where; what areas need to be protected or enhanced and in assessing whether proposed development is suitable.
- 2.2. The planning system has two main parts to it:
  - a) Plan-making – setting out plans for how an area will develop over time as a guide to future development. The development plan must include strategic policies to address each local planning authority’s priorities for the development and use of land in its area. Policies to address non-strategic matters can also be included in local plans, and/or in local or neighbourhood plans. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time.
  - b) Development Management – Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be considered in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements

### **3. Kirklees Council Development Plan**

3.1. The Kirklees Local Plan sets out a vision and framework for the future development of the district. It also sets out a series of planning policies, allocations for the development of land and designations. The Kirklees Local Plan is used as a starting point for determining planning applications. Subject to a successful referendum (more than 50% voting in favour of the plan in the Neighbourhood Area), the Holme Valley Neighbourhood Development Plan will form part of the development plan for this area and will carry full weight in planning decisions, alongside the Kirklees Local Plan.

### **4. Neighbourhood Planning**

4.1. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They can choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead.

4.2. Neighbourhood Plans are prepared by qualifying bodies defined in legislation. These include Town or Parish Councils or neighbourhood forums (community groups that are designated to take forward neighbourhood planning in areas without a parish or town council).

4.3. There are several key stages in the production of a neighbourhood development plan and these can be summarised as:

- Designating a neighbourhood area.
- Preparing a draft neighbourhood plan.
- Pre-submission publicity and consultation.
- Submission of a neighbourhood plan to the local planning authority.
- Independent examination.
- Referendum.
- Bringing the neighbourhood plan into force.

4.4. In addition, legislation sets out that neighbourhood plans have to meet a number of 'Basic Conditions' to ensure they are legally compliant and take account of wider policy considerations. The Basic Conditions are that the Plan must:

- Have regard to national planning policy and advice contained in guidance issued by the Secretary of State (e.g., National Planning Policy Framework).
- Contribute to the achievement of sustainable development.
- Be in general conformity with strategic policies in the development plan for the local area (i.e., the Kirklees Local Plan); and
- Be compatible with EU obligations and human rights requirements.

- 4.5. Once drafted, a neighbourhood plan is required to undergo an independent examination. The appointed independent examiner reviews the plan and the representations made to it, checks that it meets the basic conditions and identifies whether any modifications should be made to the plan. Following the examination, the examiner issues a report that includes one of the following recommendations:
- That the draft Neighbourhood Development Plan should proceed to referendum.
  - That the draft Neighbourhood Development Plan should proceed to referendum, subject to certain amendments.
  - That the draft Neighbourhood Development Plan should not proceed.

## **5. Holme Valley Neighbourhood Development Plan**

- 5.1. Holme Valley Parish Council as the qualifying body has prepared a Neighbourhood Development Plan for the Holme Valley Neighbourhood Area. It includes the whole of the Holme Valley parished area and part of the Peak District National Park.
- 5.2. The Plan contains 13 planning policies, which provide specific detailed requirements for developers and those preparing planning proposals in the Holme Valley. If adopted, the Neighbourhood Development Plan requirements would be used for decision making in the Holme Valley area alongside the Kirklees Local Plan. The Neighbourhood Development Plan policies include a strong focus on the protection and enhancement of the built and landscape character, as well as promoting high quality shopfronts, public spaces, and community facilities. Addressing climate change and sustainability feature highly in the policies and Local Green Spaces have been designated in Scholes, Wooldale and Hade Edge giving them additional protection from development.
- 5.3. The planning policies are designed to support 8 key objectives, which seek to deliver the following vision:

*The Holme Valley of the future will continue to be a beautiful rural landscape offering safe environments for wildlife and a place where its culture, heritage and splendour are celebrated by local people and visitors. It will be home to a vibrant and welcoming community whose people live and/or work within its thriving settlements. It will offer the services and facilities for modern life, whilst sustaining a strong sense of identity and belonging for everyone.*

- 5.4. The Holme Valley Neighbourhood Development Plan was prepared by a Steering Group of parish councillors and community group representatives using extensive research, community consultation and specialist expertise. Following consultation on community priorities in 2017, a proposed vision, objectives and planning policies was outlined in the 'Your Valley, Your Voice' consultation in 2018. Technical advice was sought to identify the Valley's unique landscape and heritage as well as review the environmental impact of the draft Neighbourhood Development Plan, which was reviewed and updated following further consultation in 2019.
- 5.5. On 18<sup>th</sup> November 2020, Kirklees Cabinet gave delegated authority to the Head of Planning and Development to carry out publicity (consultation) for an 8-week period

commencing 8<sup>th</sup> December 2020 on the submitted Holme Valley NDP, to appoint an independent examiner and to progress the examination through the submission of the council's representations on the NDP and representations received through publicity (consultation).

- 5.6. An independent Examiner was appointed with agreement of Kirklees Council, Holme Valley Parish Council and the Peak District National Park Authority (PDNPA) through the Neighbourhood Planning Independent Examiner Referral Service. The NDP and accompanying documents and representations were submitted for independent examination on 1st March 2021.
- 5.7. The independent Examiner requested further information and asked a series of questions which were sent to the Holme Valley Parish Council, Kirklees Council and PDNPA on 18<sup>th</sup> March 2021.
- 5.8. Following the independent examination, the Examiner's report was received on 15<sup>th</sup> June 2021. The purpose of the Independent Examiner's report is to make recommendations based on an assessment of whether the plan meets "Basic Conditions" as set out in paragraph 4.4 of this report and in accordance with paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) and section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA) and whether the Plan should be submitted to a referendum, with or without modifications, and on the area for the referendum.
- 5.9. The Examiner's Report sets out 22 main recommendations. The most significant being:

***I recommend to Kirklees Council that the Holme Valley Neighbourhood Development Plan, modified as specified, should proceed to a referendum based on the Holme Valley Neighbourhood Area as approved by Kirklees Council on 27 January 2015 and the Peak District National Park Authority on 13 February 2015.***

- 5.10. Kirklees Council (Cabinet 31<sup>st</sup> August 2021) and the Peak District National Park Authority (Planning Committee 10<sup>th</sup> September 2021) endorsed the Examiner's recommendations to modify the Plan and the decision to proceed to referendum.
- 5.11. The modified version of the Plan is now the subject of a Referendum, which is to be held on Thursday 4<sup>th</sup> November 2021 in the area affected by the plan. The referendum will be conducted in accordance with procedures which are similar to those used at local government elections.
- 5.12. If the Plan receives a 'Yes' from more than 50% of those voting, the Holme Valley Neighbourhood Development Plan will be 'made' (or brought into effect) by Kirklees Council as soon as possible. This means it becomes part of the Development Plan and, as such, together with the adopted Kirklees Local Plan will be the starting point for the determination of planning applications within the Holme Valley Neighbourhood Area.

- 5.13. The referendum documents include:
- Holme Valley Neighbourhood Development Plan – Referendum Plan.
  - Report of the Independent Examiner
  - Summary of representations submitted to the Independent Examiner.
  - Decision Statement.
  - General Information about the planning system, neighbourhood planning and the Holme Valley Neighbourhood Development Plan.
  - Neighbourhood Area Map.

- 5.14. The referendum documents are available to view via: [Holme Valley Neighbourhood Development Plan | Kirklees Council](#)

Paper copies are available to view in the following locations:

- Holmfirth Library 47 Huddersfield Road, Holmfirth HD9 3JE
- Honley Library West Avenue, Honley HD9 6HF
- Huddersfield Library Princess Alexandra Walk, Huddersfield HD1 2SU
- Kirklees Council Civic Centre 3, Huddersfield (subject to council COVID-19 measures for the opening of public buildings).