

Cornwall Council

Report to: **Cabinet Member for Planning**
Date: **26 May 2015**
Title: **Roseland Neighbourhood Development Plan:
Plan Proposal Decision**
Portfolio Area: **Planning**
Divisions Affected: **Roseland**
Relevant Scrutiny Committee: **Scrutiny Management Committee**

Key Decision:	N	Approval and clearance obtained:	Y / N
Urgent Decision:	N	Date next steps can be taken: (e.g. referral on of recommendation or implementation of substantive decision)	Normally 10 calendar days after decision for Cabinet
Appropriate pre-decision notification given where an executive Decision?			Y / N

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Recommendation:

1. That the Roseland Neighbourhood Development Plan is amended according to the Examiner's recommendations and the Plan proposal decision is published and the Plan be progressed to Referendum.

1. Executive summary

The Roseland Neighbourhood Development Plan (NDP) has been successful at examination, with the Examiner recommending that the Plan should proceed to referendum, subject to a number of recommended minor amendments.

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The Local Planning Authority is responsible for deciding what action to take in response to the Examiner's recommendation. This report details the recommendations and the proposed action to take in response. The recommendation is to make all the recommendations suggested by the Examiner, since they strengthen and add clarity to the Plan and the Roseland Neighbourhood Steering Group is in agreement.

2. Background

The Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders and to take plans through a process of Examination and Referendum.

The NDP has been through the statutory stages of area designation and pre-submission draft consultation. The area designation application was correctly made by the St Just in Roseland Parish Council (on behalf of the Philleigh, Garrans, Ruanlanihorne and Veryan parishes) and publicised by Cornwall Council and designated by Portfolio Holder decision on 2 July 2013.

Several stages of consultation and public engagement have been carried out during the NDP preparation (as detailed in the Consultation Statement) and the statutory 6 week pre-submission consultation was carried out from 3 August to 14 September 2014. It was publicised and the relevant consultation bodies were contacted in accordance with Regulation 14. The NDP Steering Group detailed the comments received and their response to them in the Consultation Statement submitted with the NDP documents.

The Plan was submitted to Cornwall Council on 5 December 2014. A legal compliance check was carried out and Portfolio Holder Decision issued on 27 January 2015 confirming that the NDP should be published for consultation.

The six week Regulation 16 publication consultation was held from 12 February until 26 March 2015. Two comments were received and were forwarded to the Examiner for consideration with the NDP and the supporting documents.

Cornwall Council, with the agreement of the Roseland Plan Steering Group, appointed Ms Clare Wright as Examiner, at the end of March 2015. Ms Wright carried out the examination by written representations and supplied her report on 26 May 2015. The report made minor recommendations for amendments to make the wording of policies and their application clearer and to ensure that the Plan meets the basic conditions. The recommendations were to:

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- Make minor alterations throughout the document to correct minor spelling errors or references resulting from reorganisation of the contents of the Plan;
- Remove all references to an emerging Roseland Design Guide, which has not yet been produced;
- Include settlement boundary maps within the document;
- Change Action HO5 (Local Connection) from an action into a policy HO5, along with wording changes to ensure that an appropriate cascade arrangement is available;
- Remove Policy HO7 (Full time principal residence requirement) and change amended text to provide an aim to provide such accommodation; and
- Make minor changes to the text of LA4, CD1, CD3, CR2, CV1, CV2, CV3 and CV5 to improve wording.

The full report is attached at Appendix 1.

Her overall recommendation is that the Neighbourhood Plan, as amended following the recommendations, be submitted to a referendum.

3. Outcomes/outputs

The next stage of the Regulations requires the Council to

- Decide what action to take in response to the recommendations of the Examiner
- Publish the decision and their reasons for it
- Publish the Examiner's report

This report is the Council's decision on how to incorporate the Examiner's recommendations. The power to decide whether the Examiner's amendments are incorporated or not, lies with the Local Planning Authority. However the Examiner's report has been discussed in detail with the NDP steering group and the decision has been reached jointly, with their full agreement and subsequently endorsed by the Roseland Steering Group.

The Examiner has made a small number of recommendations, either to ensure that policies are in generally conformity with national and local strategic policy framework, or to ensure that policies comply with national guidance on clarity and precision, so that they can be interpreted and applied with confidence. The Examiner has taken into account any comments or objections submitted during consultation. Additionally she has suggested some editing, which is not mandatory but would make the policies of the Plan more robust and easy to use.

We consider that the Examiner's recommendations are fair and will strengthen the Plan. Roseland NDP Steering Group agreed that all the recommendations are reasonable and should be made. The one exception

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relates to a suggestion that appendices are removed from the main plan and placed in another document or area on the Plan website. The Group does not wish to make this change and it is not considered a fundamental issue that needs to be addressed.

All the recommendations and suggestions have therefore been incorporated into the Examination draft Plan, and the final Plan Proposal, as amended, is included at Appendix 2.

4. Options available and consideration of risk

Cornwall Council has a duty to support communities who are preparing neighbourhood plans. The Regulations detail the Council's responsibilities. Failure to take the Plan forward to referendum would risk customer dissatisfaction and would be a failure of the Council's duty.

5. Proposed Way Forward

The Plan proposal decision and Examiner's report should be published and the NDP should progress to referendum.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Relevant legislation: Town and Country Planning Act 1990 (as amended) Planning and Compulsory Purchase Act 2004 Localism Act 2011 Neighbourhood Planning (General) Regulations 2012. It is the decision of the Council whether to accept the Examiner's recommendation and proceed to Referendum. As the modifications are acceptable to the Council and the NDP Steering Group the Council is in a position to proceed to Referendum stage.
Financial	N	There are costs associated with the examination and referendum. The estimated costs for the Roseland examination were £5,000 and £7,654 for the referendum. Central Government provides a grant to the LPA of £5,000 at submission and £10,000 on successful

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		<p>examination. These grants are currently provided until 31 March 2016 and will be used to fund the associated costs.</p> <p>The value of the grant is fixed, irrelevant of the actual examination and referendum costs, so for smaller neighbourhood plans the grant is usually in excess of the costs incurred. This is retained by the Service to cover the cost of the larger towns, where the costs are higher. The current budget is sufficient to accommodate Roseland's costs.</p> <p>During the financial year, if the accumulated costs for the neighbourhood plans exceed the grants received, then the Planning & Enterprise Service will have to identify funding from elsewhere within their approved budget to fund any deficit.</p>
Risk	Y	Failure to take the plan forward to referendum would risk customer dissatisfaction and would be a failure of the Council's duty to support neighbourhood plans.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	The Plan has to contribute to sustainable development and be compliant with European Human Rights Legislation. The Examiner has considered this Basic Condition and concludes that the NDP does not breach and is otherwise compatible with EU obligations and human rights requirements.
Safeguarding	N	No Implications
Information Management	N	No Implications
Community Safety, Crime and Disorder	N	No Implications
Health, Safety and Wellbeing	Y	The Plan has to contribute to sustainable development and will have a generally positive impact on Health, Safety and Wellbeing.
Other implications	Y	The Roseland Neighbourhood Development Plan will provide planning policies for the parishes of

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		Veryan, Philleigh, Ruanlanihorne, St Just In Roseland and Gerrans (the Roseland Parishes). The key policies that are likely to impact relate to the provision and allocation of affordable housing, requirements to meet lifetime homes standards and those designed to provide and retain open space and encourage active travel. It is not considered that any risks identified are cumulative.
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Supporting Information

Appendices:

Appendix 1 – Roseland NDP Report by Examiner

Appendix 2 – Roseland Plan Proposal – with Examination Amendments

Background Papers:

None

All reports:

Final report sign offs	This report has been cleared by OR not significant/not required	Date
Legal (if significant/required)	Elizabeth Dunstan, Planning Policy and Special Projects Legal Consultant	8 June 2015
Finance Required for all reports	Andy Brown, Assistant Head of Finance	5 June 2015

Cabinet/individual decision reports:

Final report sign offs	This report has been cleared by	Date
Head of Service	Phil Mason	11 June 2015
Corporate Director	Michael Crich	29 June 2015