

Cornwall Council

Report to: **Cabinet Member for Planning**
Date: **24 August 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:	Y / 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, incorporating all the Examiner's modifications as set out in the Plan Proposal Decision, is made and is used, as part of the development plan in development management decisions in the Roseland Neighbourhood Plan Area (St Just In Roseland, Veryan, Gerrans, Ruan Laniorne and Philleigh parishes).

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1. Executive summary

The Roseland Neighbourhood Development Plan (the NDP) was subject to successful examination on 15 May 2015 and referendum on 20 August 2015.

The NDP (Appendix 1) can now be formally made, which means it is adopted and used as part of the development plan, for decision making in the Roseland Plan area, comprising the parishes of St Just In Roseland, Veryan, Gerrans, Ruan Lanihorne and Philleigh.

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 Roseland NDP was one of the first plans to be examined in Cornwall and the work of the community to develop the Plan has been supported by Cornwall Council officers. The area was designated in July 2013.

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 Parish Council, 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 and the statutory 6 week pre-submission consultation was carried out from 3 August until the 14 September 2014. It was publicised and the relevant consultation bodies were contacted in accordance with Regulation 14 of the Regulations. The NDP Steering Group detailed the comments received and their responses in the Consultation Statement submitted with the NDP documents.

The Portfolio Holder for Planning recommended that the NDP should be supported and publicised on 27 January 2015.

The six week publication consultation (Regulation 16) 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 NDP Steering Group, appointed Clare Wright as Examiner, at the beginning of June 2015. The Examiner carried out the examination by written representations and supplied her report on 15 May 2015. The Examiner recommended that the Plan should proceed to referendum, subject to a number of recommended amendments.

The Local Planning Authority is responsible for implementing the amendments suggested by the Examiner. Following discussion with and

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agreement with the Roseland Plan Steering Group, the amended Plan Proposal was agreed by Individual Portfolio Holder Decision, dated 6 July 2015. The Plan Proposal Decision Statement and Decision Notice were published on the Cornwall Council website on 16 July 2015, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (The Regulations.)

The Notice of Referendum, Information Statement and Further Information for Voters were also published on the website on 16 July 2015.

The referendum was held on 20 August 2015, resulting in a 75% yes vote, with a turnout of 41%. Therefore the Plan has been successful at referendum stage and can be 'made'.

The Council considers that the Plan can be made as there are no breaches of, or the Plan is not otherwise incompatible, with any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1988)

3. Outcomes/outputs

The next stage of the process, Regulation 20, requires the Council to formally 'make' the NDP, so that it becomes part of the development plan and is used in development management decision making in relation to the Roseland Neighbourhood Plan Area.

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. The Plan has been independently examined and found to meet the Basic Conditions; it has been endorsed by the community at referendum and has otherwise complied with all the legal requirements of plan production and should therefore be made. The Council is satisfied that it can make the Plan as it does not breach or is not otherwise incompatible with any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

5. Proposed Way Forward

The Roseland Neighbourhood Development Plan, incorporating all the Examiner's modifications as set out in the Plan Proposal Decision, is made and is used as part of the development plan in development management decisions in relation to the Roseland Neighbourhood Development Plan Area.

6. Implications

Implications	Relevant to	Details and proposed measures to address
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	proposals	
Legal/Governance	Y	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Town and Country Planning Act 1990 (as amended) • Planning and Compulsory Purchase Act 2004 • Localism Act 2011 • Neighbourhood Planning (General) Regulations 2012. <p>This is the final step in the process allowing the Council to make the Roseland Neighbourhood Development Plan. It does not form part of the Council's Local Development Framework but is part of the 'development plan' for the purposes of planning decision making for the Roseland Neighbourhood Development Plan Area.</p>
Financial	N	There are no direct financial implications arising from the recommendation in this report. All costs associated with the development of the Neighbourhood Development Plan have been covered within existing approved resources.
Risk	Y	Failure to make the NDP 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. Supplementary documents produced by the steering group include an Equality and Inclusivity Assessment and a Sustainability Appraisal checklist.
Safeguarding	N	There are no safeguarding issues arising directly from this plan
Information Management	N	There are no information management issues arising directly from this plan.
Community Safety, Crime and Disorder	Y	There are no community safety, crime and disorder issues arising directly from this plan.
Health, Safety and Wellbeing	Y	There are no health, safety and wellbeing issues arising directly from this plan.
Other	N	The plan has to contribute to sustainable

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implications		development. Supplementary documents produced by the steering group include an Equality and Inclusivity Assessment and a Sustainability Appraisal checklist.
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Supporting Information

Appendices:

Appendix 1 – Roseland Neighbourhood Plan Proposal Decision

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	10-11-2015
Finance Required for all reports	Russell Ashman Assistant Head of Financial Services	27-08-2015
Equality and Diversity		

Cabinet/individual decision reports:

Final report sign offs	This report has been cleared by	Date
Head of Service	Phil Mason	17-11-2015
Corporate Director	Phil Mason on behalf of Michael Crich	18-11-2015