

regarding the Gwinear-Gwithian Neighbourhood Plan Report to:	<b>Service Director – Planning and Sustainable Development</b>	
Date:	<b>8 June 2017</b>	
Title:	<b>Gwinear-Gwithian Parish Neighbourhood Plan: Plan Proposal Decision – post examination modifications and referendum</b>	
Portfolio Area:	<b>Planning and Economy</b>	
Divisions Affected:	<b>Gwinear Gwithian and St Erth</b>	
Relevant Scrutiny Committee: <b>Economic Growth and Development</b>		
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Approval and clearance obtained:	<b>Y</b>	
<b>For Cabinet and delegated executive decisions only</b>		
Key decision?	<b>N</b>	
Published in advance on Cabinet Work Programme?	<b>N/A</b>	
Urgency Procedure(s) used if 'N' to Work Programme?	<b>N/A</b>	
Date next steps can be taken	<b>8 June 2017</b>	

**Recommendations:**

The Gwinear Gwithian Parish Neighbourhood Development Plan be modified according to the Examiner's recommendations and the Plan proposal decision be published and Plan progress to Referendum.

**1. Executive Summary**

The Gwinear-Gwithian Parish Neighbourhood Development Plan (NDP) has been successful at examination; with the examiner recommending that the NDP should proceed to referendum, subject to a number of modifications.

The NDP has been revised in line with the examiner's recommendations and the Council can now proceed to referendum on the making of the NDP.

## **2. Purpose of Report**

The Council as Local Planning Authority (LPA) is responsible for deciding what action to take in response to the Examiner's recommendation. This report details the recommendations and the modifications made to the NDP, which have been made with the involvement of the NDP Steering Group (the Group.)

Cornwall Council, with the agreement of Gwinear-Gwithian Parish Council, appointed Mrs Rosemary Kidd as Examiner. Mrs Kidd carried out the examination by means of written representations. She commenced the Examination on 1<sup>st</sup> March 2017 and sent through a list of questions for further clarification on 14<sup>th</sup> March. The Council forwarded the questions to the Parish Council and worked jointly with them to produce a combined response. The Examiner then supplied her final report on 4<sup>th</sup> May 2017.

The main recommendations concern:

- Revisions to the wording of policies to ensure that they are clear and unambiguous so that a decision maker can apply them consistently and with confidence when determining planning applications and to ensure that they support the delivery of Strategic Local Plan Policies.
- The deletion of Policy 2a on the A30 Green Buffer.
- The inclusion of evidence to demonstrate that the settlement boundaries have been drawn to include sufficient sites to deliver an apportionment of the housing requirement.
- Deletion of the settlement boundary from Gwithian Towans.
- Amendments to Map 14 to exclude the AONB and Heritage Coast.
- Updating of references to the Local Plans to refer to the adopted Cornwall Local Plan.

The full schedule of recommendations is included in Appendix 1 at the end of the Examiner's report in Section 7.

The Council has met with the Parish Council to discuss the Examiner's report and reached agreement that all the modifications should be made.

## **3. Benefits for Customers/Residents**

The Neighbourhood Development Plan is an opportunity for the local community to influence placemaking and planning decisions in their local area. The Cornwall Local Plan supports the production of neighbourhood plans and the spatial strategy requires development proposals to 'assist the creation of resilient and cohesive communities' and as part of this 'Support[ing] the delivery of made Neighbourhood Plans and other community based initiatives that help to make communities more resilient.' (Cornwall Local Plan, Policy 2 – Spatial Strategy.)

#### **4. Relevant Previous Decisions**

The preparation and making of a Neighbourhood Development Plan are governed by Schedule 4B to the Town and Country Planning Act 1990 as amended and The Neighbourhood Planning (General) Regulations 2012 as amended (2012 Regulations). References in this report to a specific Regulation is to the 2012 Regulations.

NDP Area Designation – Portfolio Holder Decision 2<sup>nd</sup> July 2013

The first regulatory stage of NDPs - the Parish Council submit an application and a map to notify of their intention to produce a neighbourhood plan.

Legal Compliance: Portfolio Holder Decision 18<sup>th</sup> November 2016

After the Parish Council submit their plan, the LPA carries out a legal compliance check and publishes the plan for Regulation 16 'publication' consultation

All previous reports and versions of the plan are available on the Cornwall Council website on a page dedicated to [Gwinear- Gwithian Parish Neighbourhood Plan](#)

#### **5. Consultation and Engagement**

The first statutory round of consultation occurs at area designation. Gwinear-Gwithian Parish Council submitted an application and map to designate their Neighbourhood Area on 18<sup>th</sup> March 2013. Cornwall Council consulted residents and other interested stakeholders on the designation between 4<sup>th</sup> April and 16<sup>th</sup> May 2013. Copies of the application letter and statement that explains how the Parish Council and Neighbourhood Area met the conditions of Section 61G(2) of the Town And Country Planning Act 1990, were made available to view from Hayle One Stop Shop during the six week consultation period.

After this notification that a Parish Council is preparing a NDP until the point that the NDP is submitted to Cornwall Council, responsibility for consultation and engagement on the NDP falls to the qualifying body – Gwinear-Gwithian Parish Council. This is tested at independent examination and the Qualifying Body are required to submit a Consultation Statement.

The Consultation Statement details the process undertaken, which included public meetings, a dedicated website, attendance and promotion at community group meetings and events, leaflet drops to every household, media releases, electronic and paper questionnaires, business survey and consultation events.

The next statutory consultation undertaken is the pre-submission, (Regulation 14) consultation, a 6 week consultation carried out by the Parish Council prior to submission. This was held from 18<sup>th</sup> December 2015 to 1<sup>st</sup> February 2016, (extended to the 22<sup>nd</sup> February 2016 for some consultees.)The consultation was advertised on the Neighbourhood Plan website and Parish Council notice boards. The 'Consultation Bodies', as set out in Schedule 1 of the 2012 Regulations are

consulted. Any comments submitted during this consultation must be summarised and include in the Basic Conditions Statement, with a note of what action was taken in response.

Once the Plan is submitted and judged to be legally compliant, Cornwall Council publicise the draft NDP in the next round of statutory consultation, the 6 week Regulation 16 'publication' consultation. Cornwall Council consulted residents and other interested stakeholders on the Plan proposal for the Gwinear-Gwithian area between Thursday 24th November 2016 and 12th January 2017 for seven weeks (extended due to the Christmas period.)

The Plan proposal included a copy of a map and statement which identifies the area to which the proposed Neighbourhood Development Plan relates; a Consultation Statement; the proposed Neighbourhood Development Plan, a statement explaining how the proposed Neighbourhood Development Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act (the Basic Conditions Statement), a Delivery strategy, Equality assessment and a Sustainability appraisal.

Copies of the documents were available to view on the website, or through the Planning Register (planning application number PA16/00017/NDP) and hard copies were available from Carnhell Green Shop & Post Office, Reawla Stores, Gwinear Church, Connor Downs Post Office and the Red River Inn Public House during the consultation period. All responses to this consultation are forwarded direct to the Examiner.

## **6. Financial Implications of the proposed course of action/ decision**

There are costs associated with the Referendum. The estimated cost for the Gwinear – Gwithian Parish NDP referendum is £5,377.

Financial support from Central Government is in place for the financial year 2017/18. LPAs are able to claim, from Central Government, a grant of £20,000 once a date is set for a referendum following a successful examination. These grants are currently provided until 31<sup>st</sup> March 2018 and will be used to fund the associated costs.

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 the Gwinear–Gwithian Parish NDP examination and referendum costs.

During the financial year, if the accumulated costs for neighbourhood plans exceed the grants received, then the Planning Service will identify funding from elsewhere within their approved budget to fund any deficit.

## **7. Legal/Governance Implications of the proposed course of action/decision**

Relevant legislation: Town and Country Planning Act 1990 (as amended), Planning and Compulsory Purchase Act 2004, Localism Act 2011, Neighbourhood Planning (General) Regulations 2012 (as amended), Neighbourhood Planning Act 2017.

It is the decision of the Council whether to accept the Examiner's recommendations 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.

## **8. Risk Implications of the proposed course of action/decision**

Failure to take the Plan forward to referendum would risk customer dissatisfaction and would be a failure of the Council's duty to support communities in the production of neighbourhood plans.

## **9. Comprehensive Impact Assessment Implications**

The Equality Act 2010 places a duty on all public authorities to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. The protected characteristics are Age, Disability, Gender Re-assignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual Orientation and in Cornwall an additional characteristic, Cornish Status

The NDP has been developed to be in general conformity with the Cornwall Local Plan, which was subject to Examination in Public and found to be sound. The Cornwall Local Plan provides for objectively assessed need, to meet the needs of all the community, against which the conformity of the NDP has been tested.

The Cornwall Local Plan has been subject to Comprehensive Impact Assessment. This concluded that the current and future businesses and residents of, and visitors to, Cornwall will be affected by the land use policies in terms of provision of jobs, homes, infrastructure, access to services and the protection of the environment. The Policies' objectives are to plan for the needs of the whole community now and in the future, the Plan period is to 2030. In addition, where evidence demonstrates a need, a number of protected characteristic groups are positively planned for with specific provision made for older people and disabled. In particular the economic strategy, overall housing target and affordable housing targets aim to ensure appropriate jobs and housing is available to meet local needs. Failing to provide sufficient housing will impact most on disadvantaged groups.

A CIA of the NDP was carried out as part of the Legal Compliance Check. It concluded that the NDP provides a strategy for the development of the neighbourhood area, and a range of policies, which will result in positive benefits for the local community. The key positive impacts are promoting sustainable development, protecting the built and natural environment, providing employment and housing to meet local need and promoting community engagement and involvement in planning.

## **10. Options available**

Cornwall Council has a duty to support communities who are preparing neighbourhood plans. The 2012 Regulations detail the Council's responsibilities. The NDP has been independently examined and found to meet the Basic Conditions subject to the recommended Modifications. The Examiner has recommended that the NDP should proceed to Referendum.

The Council is required to make a decision as to what action it proposes to take in response to each recommendation as detailed in the Examiner's Report by 8<sup>th</sup> June being the date as prescribed in Regulation 17A of the 2012 Regulations. It is not clear as to what the outcome will be if that date is missed but it is clear that the Council's reputation would be damaged.

Failure to take the NDP forward to referendum would risk customer dissatisfaction and would be a failure of the Council's duty as set out above.

## **11. Supporting Information (Appendices)**

**Appendix 1: Examiner's report for Gwinear-Gwithian Parish NDP**

**Appendix 2: Gwinear-Gwithian Parish NDP incorporating modifications**

## **12. Background Papers**

The evidence base for the Gwinear- Gwithian Parish NDP comprises:

- Character area appraisals for Connor Downs, Gwinear, Gwithian, Reawla and Upton Towans
- Development Proposals Document

These are available to view at [Gwinear- Gwithian NDP](#)

### 13. Approval and clearance

#### All reports:

<b>Final report sign offs</b>	<b>This report has been cleared by (or mark not required if appropriate)</b>	<b>Date</b>
Governance/Legal (Required for <b>all</b> reports)	Elizabeth Dunstan Planning Policy and Special Projects Legal Consultant	07.06.2017
Finance (Required for <b>all</b> reports)	Leah Thomas	06.06.2017
Equality and Diversity (If required)	N/A	
On Behalf of Service Director (Required for <b>all</b> reports)	Louise Wood	08/06/2017
Strategic Director (If required)	John Betty	08/06/2017