

Report to:	Service Director – Planning and Sustainable Development	
Date:	25th September 2017	
Title:	Lanreath Parish Neighbourhood Development Plan: Plan Proposal Decision – Post Examination Report Modifications and Referendum	
Portfolio Area:	Planning and Economy	
Divisions Affected:	Trelawney	
Relevant Scrutiny Committee: Economic Growth and Development		
Authors, Roles and Contact Details:	Sarah Furley , Principal Development Officer sarah.furley@cornwall.gov.uk 01872 224294 (504294)	
Approval and clearance obtained:		Y
For Cabinet and delegated executive decisions only		
Key decision?		N
Published in advance on Cabinet Work Programme?		Y
Urgency Procedure(s) used if 'N' to Work Programme?		N
Date next steps can be taken		5 clear working days after decision is made.

Recommendation:

The Lanreath Parish Neighbourhood Development Plan is modified according to the Examiner's recommendations, the Plan proposal decision is published and the Plan progresses to Referendum. The Lanreath Neighbourhood Development Plan will automatically become part of the development plan for Cornwall if it is successful at referendum

1. Executive Summary

The Lanreath Parish Neighbourhood Development Plan (the NDP) has been successful at Examination, with the Examiner recommending that the NDP should proceed to referendum, subject to a small number of recommended modifications.

The NDP has been modified 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 Lanreath Parish Council, appointed Ms Liz Beth as Examiner. The Examination commenced on 14th July 2017, by means of written representations and by an initial assessment of the Neighbourhood Plan and accompanying documents. An unaccompanied site visit was carried out by the Examiner to the Neighbourhood Plan area.

Eleven comments were submitted to the Examiner following the publication consultation. Seven of these were from statutory bodies offering general guidance and the Examiner considered the other four comments in detail in her report.

Ms Beth supplied the final examination report on 21st September 2017. The report concluded that the Lanreath Parish NDP could proceed to Referendum, subject to some recommended modifications to make the wording of policies and their application clearer and to ensure that the NDP meets the basic conditions. The main recommendations concern:

- Reword Policy EE1: Carbon Reduction, Energy Efficiency and Renewable and low carbon Energy Generation so that is in general conformity with the National Planning Policy Framework (NPPF) and the written Ministerial Statement of June 2015
- Delete and amend some of the introductory text to Policy EE1 so that it is consistent with the modified policy wording
- Minor alteration to Policy LS1: Planning for Schools, so that it does not give the impression that the policy predetermines a planning application

The full schedule of modification recommendations is included in a table in Appendix 2 Schedule of Modification Recommendations.

Lanreath Parish Council agrees with Cornwall Council that all the modifications should be made to the Neighbourhood Plan and supporting documents.

Ms Beth's overall recommendation is that the Neighbourhood Plan, as amended following the recommendations set out in the examination report, be submitted to a referendum and that the referendum area should be the same as, and not

extend beyond, the NDP area. The full Examination Report is attached as Appendix 1.

3. Benefits for Customers/Residents

The Neighbourhood 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.)

Residents of the Neighbourhood Plan Area, Lanreath Parish, have had the opportunity to be involved in the research for and writing of the NDP and through the consultation and engagement associated with the NDP's development have been able to contribute their ideas and views.

For applicants, agents and developers wishing to submit proposals in the area, the NDP adds extra detail to the strategic policies for the area, so that applicants will have information about community expectations when preparing an application and can tailor their proposal accordingly.

4. Relevant Previous Decisions

The preparation and making of a Neighbourhood Development Plan is 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) as follows

NDP Area Designation – Portfolio Holder Decision 13th April 2015

The first regulatory stage of the NDP – the Parish Council submits an application and a map to notify of their intention to produce a neighbourhood plan.

Legal Compliance: Portfolio Holder Decision 19th May 2017

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 [Lanreath Neighbourhood Development Plan](#)

5. Consultation and Engagement

The first statutory round of consultation occurs at area designation stage. Lanreath Parish Council submitted an application and map to designate their Neighbourhood Area. Cornwall Council consulted residents and other interested

stakeholders on the designation from 27th February to 10th April 2015. 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 (the 1990 Act), , were made available to view from Looe Library and One Stop Shop during the six week consultation period. Cornwall Council then formally designated the Neighbourhood Area on 13th April 2015.

After this notification that a Parish Council is preparing a NDP and until the point that the NDP is submitted to Cornwall Council the responsibility for consultation and engagement on the NDP falls to the qualifying body, which is Lanreath Parish Council. This process is tested for compliance at the independent examination and the Qualifying Body is required to submit a Consultation Statement, which evidences that the Regulations have been complied with.

The Consultation Statement contains:

- (a) details of the persons and bodies who were consulted about the proposed Neighbourhood Development Plan;
- (b) explains how they were consulted, which included questionnaires, a dedicated website, public meetings, publicity in the local '@lanreath Lifestyles' publication and hard copies of documents available to view at the local shop and post office.
- (c) summarises the main issues and concerns raised by the persons consulted; and
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed Neighbourhood Development Plan.

The next statutory consultation stage is the pre-submission consultation on the draft Plan, (which was carried out by the Parish Council, in compliance with Regulation 14 of the 2012 Regulations) the representations on which have to be received not less than 6 weeks from the date on which the plan proposal is first publicised at this stage. The statutory pre-submission consultation was held from 1st March until 12th April 2016 where the 'Consultation Bodies', as set out in Schedule 1 of the Regulations are consulted. Any comments submitted during this consultation must be summarised and included in the Consultation Statement, with a note of what action was taken in response.

Once the Plan is submitted and judged to be legally compliant, Cornwall Council publicises the draft NDP in the next round of statutory consultation, (in accordance with Regulation 16 of the 2012 Regulations) the representations on which have to be received not less than 6 weeks from the date on which the plan proposal is first publicised at this stage. The statutory consultation by Cornwall Council was held from 26th May to 7th July 2017.

The Plan proposal included a copy of a map and a statement which identifies the area to which the proposed Neighbourhood Development Plan relates; a Consultation Statement; the proposed Neighbourhood Development Plan and 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).

Copies of the documents were available to view on the website, or through the Planning Register (planning application number PA17/00011/NDP) and hard copies were available from Looe Library and One Stop Shop, Liskeard One Stop Shop, Lanreath Shop and Post Office during the consultation period. The Council sent the Plan proposal and representations to the Independent Examiner on 14th July 2017 and on 21st September 2017 the Independent Examiner issued a report to the Council and the Lanreath Parish Council.

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

There are costs associated with the examination and referendum. The cost for the Lanreath Parish NDP Examination was £3,510 (under the estimated cost of £5,000) and the estimated cost for the referendum is in the region of £2,800.

Local Planning Authorities are able to claim, from Central Government for the financial year 2017/18, a grant of £5,000 at submission (limited to first five neighbourhood areas designated in total) and a grant of £20,000 once a date is set for a referendum following a successful examination. These grants are currently provided until 31st 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 occurred. 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 Lanreath Parish Neighbourhood Development Plan costs.

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

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

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 reason for it
- Publish the Examiner's report

The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the Local Planning Authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to the Neighbourhood Plan.

This report is the Council's decision on how to incorporate the Examiner's recommendations. The power to decide whether the Examiner's modifications

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 Neighbourhood Plan and the proposed modifications to the Plan in response to the Examiner's report have been developed with the Group's involvement.

Having considered each of the recommendations made in the Examiner's report and the reasons for them, the Council, with the consent of Lanreath Parish Council has decided to accept the modifications to the draft Plan. Appendix 2 outlines the alterations made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations.

Amendments to these Policies will allow them to meet the Basic Conditions and therefore be retained in the Plan. The Council is satisfied that the Plan as modified meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B of the Town And Country Planning Act 1990 and is compatible with the European Convention on Human Rights obligations.

The Plan has been screened for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) and the Screening Opinion was that SEA and HRA were not required. A Comprehensive Impact Assessment (CIA) was undertaken at the Legal Compliance Check stage.

The Examiner confirmed in her report that she was satisfied that the NDP was compliant with European and Human Rights Legislation.

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 the objectively assessed need for housing 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 a 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 the disabled.

The housing and affordable housing targets aim to ensure appropriate housing is available to meet local needs over the Plan period. Failing to provide sufficient housing will impact most on disadvantaged groups.

Lanreath NDP group carried out an Equality Impact Assessment of their NDP and included this with their submission documents. 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 27th October 2017 being the date as prescribed in Regulation 17A of the 2012 Regulations.

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. It is usual practice to commence the referendum procedure by publishing the notice of referendum at the same time as the publication of the Plan Proposal Decision, in order to meet the target of holding the referendum within 56 days of publishing the Plan Proposal Decision. However the new Register of Electors is published annually on December 1st and the Notice of Referendum cannot be published using the old register, with a Referendum held using the new Register as there may be changes to the Register. This means that the earliest date a Notice of Referendum can be published is Monday 4th December, after the publication of the new Register, leading to a referendum on 11th January. This is outside the target of 56 days from publication of the Plan Proposal Decision, but despite the swift response of the Examiner, Lanreath Parish NDP group and NDP officers, the timing of events means that this deadline cannot be met. The Council can demonstrate that it will proceed to referendum at the earliest date possible.

11. Supporting Information (Appendices)

Appendix 1: Lanreath Parish NDP Examination Report

Appendix 2: Lanreath Parish NDP Recommended Modifications Table

Appendix 3: Lanreath NDP Final Version with Examination Modifications

12. Background Papers

None.

13. Approval and clearance

All reports:

Final report sign offs	This report has been cleared by (or mark not required if appropriate)	Date
Governance/Legal (Required for all reports)	Jane Astbury	9 Oct 2017
Finance (Required for all reports)	Leah Thomas	2 Oct 2017
Equality and Diversity (If required)	N/A	
On behalf of Service Director (Required for all reports)	Louise Wood Head of Planning Policy	13 Oct 2017
Strategic Director (If required)		