

Cornwall Council

Report to: **Cabinet Member for Planning**
Date: **23 June 2015**
Title: **Quethiock Neighbourhood Development Plan: Plan Proposal Decision**
Portfolio Area: **Planning**
Divisions Affected: **Menheniot**
Relevant Scrutiny Committee: **Scrutiny Management**

Key Decision: **N** Approval and clearance obtained: **Y**

Urgent Decision: **N** Date next steps can be taken: **Normally 5 days after substantive decision is published**
(e.g. referral on of recommendation or implementation of substantive decision)

Appropriate pre-decision notification given where an executive Decision? **N**

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Recommendation:

1. That the Quethiock Neighbourhood Development Plan is amended according to the Examiner's recommendations and the plan proposal decision is published and the Plan progresses to Referendum.

1. Executive summary

The Quethiock 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 Quethiock Neighbourhood Steering Group and Quethiock Parish Council are 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 Parish Council, publicised by Cornwall Council and designated by Portfolio Holder decision on 9 April 2014.

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 8 November – 20 December 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 in January 2015. 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 13 February – 27 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 Quethiock Parish Council, appointed Mrs Rosemary Kidd as Examiner, at the end of March 2015. Mrs Kidd carried out the examination by written representations and supplied her final report on 24 June 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:

- Policy H1 (Housing Development) should give an indication that small scale housing development will be permitted; that housing

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development in the settlements will be permitted on infill sites and exceptionally for housing for rural workers with a demonstrable need to live in the area will be acceptable.

- Policies B1 (Small Business - Change of Use) and B2 (Small Business – New Build) should be revised to provide greater clarity and to include provision exceptional for business development of larger schemes where justified.
- Policy E1(Country Lanes) and its associated objective 3 are recommended for deletion as the policy contains nothing material about the preservation of country lanes. Additional text is to be added to the justifications of Policies B1 and B2 to explain that they should not require major road improvements involving the loss of hedgerows.
- Minor revisions are made to the wording of Policies C1(Quethiock Pavilion), C2 (Children’s Play Area) and C3 (Quethiock School Playing Field) for consistency and clarity.

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 Quethiock Parish Council.

The Examiner has made a small number of recommendations, either to ensure that policies are in general 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 Plan easier to use, such as numbering the different clauses of policies.

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

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.
Financial	N	There are costs associated with the examination and referendum. The estimated costs for the Quethiock examination were £2,600 and £2,524 for the referendum. Central Government provides a grant to the LPA of £5,000 at submission and £10,000 on successful examination. These grants are currently provided until 31 March 2016 and will be used to fund the

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		<p>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 Quethiock's costs.</p> <p>During the financial year, if the accumulated costs for the neighbourhood plans exceed the grants received, then the Planning and 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	N	None

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Supporting Information

Appendices:

Appendix 1 – Quethiock NDP Report by Examiner – 22 June 2015

Appendix 2 – Quethiock 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	6 July 2015
Finance Required for all reports	Andy Brown, Assistant Head of Finance	5 June 2015
Equality and Diversity	NR	

Cabinet/individual decision reports:

Final report sign offs	This report has been cleared by	Date
Head of Service	Phil Mason	6 July 2015
Corporate Director	Michael Crich	8 July 2015