

## Cornwall Council

Report to: **Cabinet Member for Planning**  
Date: **25 August 2015**  
Title: **Quethiock Neighbourhood Development Plan:  
Plan Proposal Decision**  
Portfolio Area: **Planning**  
Divisions Affected: **Menheniot**  
Relevant Scrutiny Committee: **Scrutiny Management Committee**

Key Decision:	<b>N</b>	Approval and clearance obtained:	<b>Y / N</b>
Urgent Decision:	<b>Y / N</b>	Date next steps can be taken: (e.g. referral on of recommendation or implementation of substantive decision)	<b>Normally 10 calendar days after decision for Cabinet</b>
Appropriate pre-decision notification given where an executive Decision?			<b>Y / N</b>
Author:	<b>Sarah Arden</b>	Role:	<b>Principal Development Officer</b>
Contact:	<b>01872 224294/sarden@cornwall.gov.uk</b>		

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### Recommendation:

1. That the Quethiock 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 Neighbourhood Plan Area, Quethiock Parish.

## **Cornwall Council**

### **1. Executive summary**

The Quethiock Neighbourhood Development Plan (the NDP) has been successful at examination in April 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 Plan area, Quethiock Parish.

### **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 report on 24 April 2015. The report made minor recommendations for changes to strengthen the NDP policies and ensure conformity with local and national strategic policies.

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The Local Planning Authority is responsible for implementing the amendments suggested by the Examiner. Following discussion with and agreement with Quethiock Parish Council and NDP Steering Group, the amended Plan Proposal was agreed by Individual Portfolio Holder Decision, 8 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 an 88% yes vote, with a turnout of 34%. 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 1998)

### **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 Quethiock Neighbourhood Development 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 Quethiock 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 Quethiock Neighbourhood Development Plan Area, Quethiock Parish.

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### 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>Relevant legislation:            Town and Country Planning Act 1990 (as amended)            Planning and Compulsory Purchase Act 2004            Localism Act 2011            Neighbourhood Planning (General) Regulations 2012.</p> <p>This is the final step in the process allowing the Council to make the Quethiock 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 Neighbourhood Plan Area, Quethiock Parish.</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 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	

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		N/A
Information Management	N	N/A
Community Safety, Crime and Disorder	N	N/A
Health, Safety and Wellbeing	N	N/A
Other implications	N	N/A

### **Supporting Information**

#### **Appendices:**

Appendix 1 – Quethiock Plan Proposal Decision

#### **Background Papers:**

None

#### **All reports:**

<b>Final report sign offs</b>	<b>This report has been cleared by OR not significant/not required</b>	<b>Date</b>
Legal (if significant/required)	Elizabeth Dunstan Planning Policy and Special Projects Legal Consultant	10-11-2015
Finance Required for <b>all</b> reports	Russell Ashman Assistant Head Financial Services	26-08-2015
Equality and Diversity		

#### **Cabinet/individual decision reports:**

<b>Final report sign offs</b>	<b>This report has been cleared by</b>	<b>Date</b>
Head of Service	Phil Mason	17-11-2015

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Corporate Director	Phil Mason on behalf of Michael Crich	18-11-2015
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