

Report to:	Service Director – Planning and Sustainable Development	
Date:	18 May 2017	
Title:	The Rame Peninsula Neighbourhood Development Plan: Making of Plan	
Portfolio Area:	Planning and Economy	
Divisions Affected:	Rame Peninsula	
Relevant Scrutiny Committee: Economic Growth and Development Overview and Scrutiny Committee		
Authors, Roles and Contact Details:	Sarah Furley, Principal Development Officer sarah.furley@cornwall.gov.uk 01872 224294	
Approval and clearance obtained:	Y	
For Cabinet and delegated executive decisions only		
Key decision?	N	
Published in advance on Cabinet Work Programme?	N/A	
Urgency Procedure(s) used if 'N' to Work Programme?	N/A	
Date next steps can be taken	5 clear working days after decision is made. Decision is required to be made , including period for call-in by 30 June 2017	

Recommendations:

1. The Rame Peninsula Neighbourhood Development Plan, having been approved by more than half of those voting at referendum held on 4 May 2017, is made and is used, as part of the development plan for Cornwall, in development management decisions in the Parishes of Antony, Maker with Rame, Millbrook, St. John, and Sheviock, pursuant to section 38A (4) of the Planning and Compulsory Purchase Act 2004.

1. Executive Summary

The Rame Peninsula Neighbourhood Development Plan (the NDP) has been successful at Examination on 8 March 2017 and referendum on 4 May 2017. A simple majority is required for a NDP to progress. In this case there were 1834 'yes' votes and 241 'no' votes: 88% in favour.

The NDP can now formally be made, which means it is adopted and forms part of the development plan for Cornwall and is used in decision making in the NDP area, the Parishes of Antony, Maker with Rame, Millbrook, St. John, and Sheviock.

2. Purpose of Report

The Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and to take plans through a process of Examination and Referendum.

The Rame Peninsula NDP has been through the statutory stages of neighbourhood plan making in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) (the Regulations):

- Area designation
- Pre-submission consultation
- Legal Compliance check
- Publication consultation
- Examination
- Plan Proposal decision
- Referendum

with relevant Council decisions taken as detailed in section 4 below.

The next stage is to 'make' the Plan – i.e. adopt it as part of the planning policy framework. The Regulations state that this must take place within 8 weeks of the day following the date on which the referendum was held. The referendum was held on 4 May 2017, so the NDP must be 'made' by 30 June 2017.

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, the Parishes of Antony, Maker with Rame, Millbrook, St. John, and Sheviock, 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 Rame Peninsula Neighbourhood Development Plan: Plan Proposal Decision
13 March 2017

The final version of the Plan, incorporating the Examiner's recommended amendments, published alongside the Notice of Referendum.

The Rame Peninsula Neighbourhood Development Plan: Legal Compliance Report

4 October 2016

The Submission draft plan, following pre-submission consultation carried out by the qualifying body. The LPA carries out a legal compliance check and publishes the Plan for Regulation 16 'publication' consultation.

Designation of The Rame Peninsula Neighbourhood Area

14 February 2013

At the start of the process the Parish Councils applied to designate their parishes as a NDP Area.

All previous reports and versions of the Plan are available on the Cornwall council website on a page dedicated to [The Rame Peninsula Neighbourhood Development Plan](#)

5. Consultation and Engagement

The first statutory round of consultation occurs at area designation stage. In October 2012, Cornwall Council received an application and a map of the Neighbourhood Area for the Rame Peninsula from each Parish Council within the cluster. Cornwall Council consulted residents and other interested stakeholders on the designation between 23 November 2012 and 11 January 2013. Copies of the application letter and statement that explains how the Parish Councils 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 Liskeard One Stop Shop during the six week consultation period. The Cornwall Council then formally designated the Neighbourhood Area.

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 Millbrook Parish Council. This process is tested for compliance at the independent examination and the Qualifying Body are required to submit a Consultation Statement, which evidences that the Regulations have been complied with.

The Consultation Statement details the process undertaken, which took place between 2012 and Autumn 2015 and included a range of awareness raising, engagement and consultation. 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. Residents, landowners, businesses and other local stakeholders were encouraged to find out about the Neighbourhood Plan and to engage and influence the process. The Neighbourhood Plan Group used a number of different methods to communicate including: paper surveys; on line surveys; events; website; social media; and presentations.
- (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 Councils, in compliance with Regulation 14 of the Regulations) the representations on which have to be received not less than six weeks from the date on which the plan proposal is first publicised at this stage. The statutory pre-submission consultation was held from 16 November 2015 to 28 January 2016. It was publicised and the relevant consultation bodies were contacted in accordance with Regulation 14 of the 2012 regulations. The Rame Peninsula Parish Cluster NDP Steering Group have detailed the comments received and their responses in the Consultation Statement submitted with the Plan, as required by the Regulations.

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 Regulations) the representations on which have to be received not less than 6 weeks from the date on which the draft plan is first publicised at this stage. The statutory consultation by Cornwall Council was held from Friday 14 October until 25 November 2016. Hard copies of the documents were available to view from Craffhole Community Shop, Millbrook Village Hall and Maker with Rame Parish Council Office during the consultation period and the documents were published online on the Cornwall Council website.

The Council sent the Plan/Order proposal and representation to the Independent Examiner on 6 December 2016. The Independent Examiner issued a report to the Council on 8 March 2017.

On 13 March 2017 the Council published the report, considered it and took the decision to send the draft NDP to referendum.

An information statement was issued by the Council on 22 March 2017 and notices of the referendum were sent out on 27 March 2017. The referendum took place on 4 May 2017 and the results were declared on 5 May 2017.

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

There are no further major costs to Cornwall Council.

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

This is the final regulatory stage of the NDP process for The Rame Peninsula Neighbourhood Development Plan. The Council has to be satisfied that the making of the NDP does not breach any EU obligations or the European Convention on Human Rights as enacted in the Human Rights Act 1998.

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

There is a right to challenge the Council's decision to 'make' a Neighbourhood Development Plan pursuant to Section 61E(4) or (8) of the 1990 Act and in accordance with Section 61N (1) of the 1990 Act the proceedings must be by way of judicial review brought within 6 weeks of the day after the day of publication of the decision to make.

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 Comprehensive Impact Assessment (CIA). 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.

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 identified positive impacts from the plan's policies in health and wellbeing, in meeting the needs of local housing and the economy. A potential for adverse impacts from the principal residence policy (which restricts new dwellings to primary residence only) could reduce development viability and therefore the supply of affordable housing, but the evidence demonstrated such an adverse impact on sustainable communities due to the high level of second homes, that the overall impact of the policy was judged to be positive.

10. Options available

Cornwall Council has a duty to support communities who are preparing neighbourhood plans. The Regulations detail the Council's responsibilities. The NDP 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. It is considered that the NDP meets European legislation and is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998. The NDP should therefore be 'made.' Failure to take the Plan forward to referendum would risk customer dissatisfaction and would be a failure of the Council's duty.

11. Supporting Information (Appendices)

Appendix 1: The Rame Peninsula Neighbourhood Development Plan
Appendix 2: Declaration of Referendum Result

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)	Elizabeth Dunstan Planning Policy and Special Projects Legal Consultant	19/06/2017
Finance (Required for all reports)	Wayne Rickard	26/5/2017
Equality and Diversity (If required)		
On Behalf of the Service Director (Required for all reports)	Louise Wood Head of Planning Policy	21/06/2017
Strategic Director (If required)		