



When the town or parish council have decided to develop a Neighbourhood development Plan (NDP). You will need to define the area covered by the Neighbourhood Development Plan (NDP). This is referred to as a Neighbourhood area. You will need to submit information to Cornwall Council to formally designate the Neighbourhood area for your Plan.

In order to make your neighbourhood planning process as simple as possible, it is best to work to existing parish boundaries so that you can use this data easily. An NDP boundary can be legally defined for any area. In general, however, Cornwall Council will discourage the preparation of plans which cover parts of a parish or ward.

Sometimes similar issues will affect a wide area comprised of several parishes. For example, the five parishes of the Rame Peninsula experience similar transport and housing development issues and have come together to prepare a single neighbourhood plan which covers their area. This is referred to as clustering. Such clusters can be formed in other areas where common issues are faced. There is more information on this in the guide note on clustering.

The formal steps to be followed in designating a Neighbourhood area for both the qualifying body (town or parish council) and Cornwall Council are set out in this guide note. We have produced a designation application template for you to adapt to help you through the process. The designation application template is available on the Neighbourhood Planning Toolkit.

Designating an NDP area: formal steps

Step 1 - Application for designation of a neighbourhood area (Regulation 5)

1.
 - (a) Application must include a map which identifies the area to which the neighbourhood area application relates
 - (b) Application must include a statement explaining why area is considered appropriate to be designated as a neighbourhood area
 - (c) Application must include a statement that qualifying body making area application is a relevant qualifying body in accordance with legislation (61G of 1990 Act* as amended by Localism Act 2011) <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9>
2. The local planning authority (Cornwall Council) may decline to consider an area application if the relevant qualifying body has already made an area application and a decision has not been made on that application

*1990 Act refers to the Town and Country Planning Act 1990



Step 1 continued - Designation of the whole of the area of the parish council (Regulation 5A)

1. This regulation applies where
 - (a) A local planning authority receive an area application from a parish council;
 - (b) The area specified in the application consists of the whole of the parish council's area; and
 - (c) If any part of the specified is part of a neighbourhood area, none of that neighbourhood area extends outside the parish council's area.
2. The local planning authority must exercise their powers under section 61G of the 1990 Act to designate the specified area as a neighbourhood area.
3. Where this regulation applies, regulation 6 and 6A do not apply."

Amendment of the 2012 Regulation (2016)

Step 2 - Publicising an area application (Regulation 6)

Local Planning Authority must publicise the following on their website and elsewhere as appropriate:

- (a) a copy of the area application
- (b) details of how to make representations (respond to a planning application)
- (c) deadline for receipt of representations (minimum six-week period)

Prescribed date for determination of an area application (Regulation 6A)

1. Where a local planning authority receive an area application from a relevant body the authority must determine the application by the date prescribed in paragraph (2).
2. The date prescribed in this paragraph is
 - (a) In a case where the area to which the application relates falls within the area of two or more local planning authorities, the date 20 weeks from the date immediately following that on which the application is first publicised;
 - (b) In other cases, where the relevant body is a parish council and the area to which the application relates is the whole of the area of the parish council, the date eight weeks from the date immediately following that on which the application is first published;
 - (c) In all other cases, the date 13 weeks from the date immediately follows that on which the application is first published.
3. Where the application has not been determined by the date prescribed in paragraph (2), the local planning authority must exercise their powers under Section 61G of the 1990 Act so as to secure that the whole of the area specified in the application is designated as a neighbourhood area unless on that date
 - (a) Some or all of the specified area has been designated as a neighbourhood area; or
 - (b) Some or all of the specified area is specified in another area application and that other area application has not been determined.

Amendment of the 2012 Regulation (2016)



Step 3 - Publicising the designation of a neighbourhood area (Regulation 7)

1. As soon as possible after designation the local planning authority must publicise the following on website and elsewhere as appropriate:
 - (a) name of the neighbourhood area
 - (b) map identifying the area
 - (c) name of relevant body applying for designation

2. As soon as possible after deciding to refuse a designation the local planning authority must publicise the following on their website and elsewhere as appropriate:
 - (a) a decision document setting out statement of reasons for the decision
 - (b) details of where and when decision document can be seen

Once the designation application has been received and Cornwall Council is satisfied that the documents meet the Neighbourhood Planning Regulations 2012 amended, a decision notice is then issued to the town or parish council. You will need to include a copy of the designation application and map, and decision notice as appendices in the Basic Conditions Statement. This will accompany the draft plan proposal when you come to formally submit the documents to Cornwall Council under Regulation 15.

Please contact the Neighbourhood Planning Team if you have any queries about the process for designating your Neighbourhood area e-mail neighbourhoodplanning@cornwall.gov.uk