

Q1: What is Neighbourhood Planning?

Q2: What is a Neighbourhood Development Plan (NDP)?

Q3: What goes into an NDP?

Q4: Can we stop development from happening in our area?

Q5: Can a neighbourhood plan promote more development than the local plan permits?

Q6: What is the difference between a Parish Plan and an NDP?

Q7: What is the relationship between the Cornwall Local Plan and Neighbourhood Plans?

Q8: How does it work? What is the process?

Q9: How is it being financed?

Q10: Why is it important?

Q11: Who can join in? Who can volunteer?

Q12: Why get involved? Why bother?

Q13: How can I get Involved?

Q14: What is a steering group?

Q15: What is the role of Cornwall Council?

Q16: What can a neighbourhood plan do and what can't it do?

Q17: What can't a neighbourhood plan do?

Q18: Can we include anything we like in a Neighbourhood Plan?

Q19: Does the neighbourhood plan have to conform to the local plan?

Q20: Which carries more planning weight – a Neighbourhood Plan or the Local Plan/Core Strategy?

Q21: Will a neighbourhood plan have 'weight while it is going through the formal process?

Q22: Can planning applications be judged as premature in relation to an emerging neighbourhood plan?

Q23: If the Neighbourhood Plan is adopted, how can we be sure that it won't be overruled anyway?

Q24: Who decides planning applications after a Neighbourhood Development Plan has been prepared?

Q25: If a town/parish councils or forum has made a neighbourhood plan, do they then have decision making responsibilities for applications, appeals, enforcement etc?

Q26: How does a referendum work?

Q27: Will developers have to use the Neighbourhood Plan when putting in planning applications?

Q28: What is meant by examination and what will be examined? Who carries out the examination?

Q29: If we have a Neighbourhood Plan does this mean that we don't have to use the Local Plan/Core Strategy?

Q30: What is the purpose of a neighbourhood plan?

Q31: How long will it take?

Q32: How does the community get involved?

Q33: Does that mean we can expect building over all the green space in a village?

Q34: Will there be building on green fields?

Q35: Won't Cornwall Council interfere in the process and try and chose the sites it thinks are best?

Q36: Where do these sites come from?

Q37: Who will carry out the examination?

Q38: What happens if the neighbourhood plan fails the referendum?

Q39: What is a Section 106?

Q40: If we don't do a neighbourhood plan, what will happen?

Q41: Will Neighbourhood Plans allocate land?

Q1. What is Neighbourhood Planning?

The Localism Act introduced new rights and powers to allow local communities to plan new development in their area and therefore help to decide the future of the places where they live and work. Neighbourhood planning empowers communities to shape the development and growth of a local area through the production of a Neighbourhood Development Plan (NDP), a Neighbourhood Development Order (NDO) or a Community Right to Build Order (CrTB).

Examples of what local communities will be able to do include:

- Choose where they want new homes, shops and offices to be built,
- Have their say in what those new buildings should look like, and
- Grant planning permission for the new buildings they want to see go ahead.

Q2. What is a Neighbourhood Development Plan (NDP)?

NDPs are a new way for communities to decide the future of the places where they live and work; it is a new tier of the development plan created by communities. The NDP will establish planning policies for the development and use of land in a neighbourhood. It is important to note that policies created through the NDP will need to be related to the use of land in the area or to spatial matters (i.e. aspects that affect how a place works), and must conform with various regulations (including the Cornwall Council Local Plan, Neighbourhood Planning, National Planning Policy Framework and EU regulations).

Before an NDP can be adopted it needs to go through a consultation, independent examination and a referendum. If the NDP passes through a referendum it will become part of the local statutory development plan and will form the basis for determining planning applications in an area.

Q3. What goes into an NDP?

An NDP has to support the strategic development needs of the wider area outlined in the local development plan. However it can shape and influence where that development will go and what it will look like.

Policies included in an NDP will need to be related to the use of land in the area, or to spatial matters (i.e. aspects that affect how a place works).

The NDP must adhere to certain rules and regulations. It must:

- Have regard to national policies i.e. the National Planning Policy Framework (NPPF),
- Have regard to desirability of preserving the settings of listed building(s),
- Have regard to desirability of preserving the character and appearance of any conservation area(s) or the AONB,
- Ensure it contributes towards sustainable development,
- Be in general conformity with the strategic policies of the local plan (Council will advise on this),
- Be compatible with EU obligations (SEA where relevant, habitats regulations, human rights etc).

Q4. Can we stop development from happening in our area?

No, Neighbourhood planning is about shaping the development of a local area in a positive manner. NDPs can guide development to be more appropriate to local context and help decide where it goes. NDPs cannot plan for less development than in the Core Strategy Document.

Q5. Can a neighbourhood plan promote more development than the local plan permits?

Yes. The National Planning Policy Framework makes reference to the opportunity for neighbourhood plans to promote more development than is set out in the local plan.

Q6. What is the difference between a Parish Plan and an NDP?

Parish Plans cover all things important to a community (e.g noise, litter, parking, etc) whereas NDPs relate to the use and development of land. Our Parish Plan remains a valid tool to use and provides a more informal basis on which to highlight some planning issues, but since it was completed in 2006 much of the information and conclusions in it are now out of date.

Q7. What is the relationship between the Cornwall Local Plan and Neighbourhood Plans?

Neighbourhood Planning falls into a hierarchy of planning documents. Neighbourhood plans must be in general conformity with the strategic policies of the adopted development plan for the local planning authority, national planning policy and a number of other regulations. The Local Plan/Core Strategy contains the over-arching policies for the whole County whereas the neighbourhood plan will focus on the local area marked out in the neighbourhood boundary plan.

The basic hierarchy of the planning structure is:

- National – The National Planning Policy Framework
- Local – Cornwall Council – Local Plan/ Core Strategy
- Neighbourhood – Mawnan Parish's Neighbourhood Development Plan.

Q8. How does it work? What is the process?

As NDPs are focussed with neighbourhood areas, therefore each NDP will be slightly different. But there are five basic steps to creating an NDP. The five basic Steps are:

1. Define the neighbourhood. The parish or town council steering group, and where there is no parish council a neighbourhood forum, formally submit a neighbourhood area application to local authority. The local authority publicises the application for a minimum of six weeks.
2. Prepare the plan. Once approved the preparation of the plan can begin. The steering group will engage with the community, notify statutory consultees and build an evidence base to justify the eventual policies and proposals. There are numerous consultation tools available to the steering group. This stage must include a six week consultation period to publicise the proposals and consider responses.
3. Independent check. Once the plan has been completed the plan must be submitted to the local authority. The local authority will publicise the completed plan for six weeks. An independent examiner will be selected and he or she will be then examine the plan to make sure it conforms with all relevant rules and regulations, and consider any representation if he or she wishes. The examiner will recommend one of three options: that the Plan proceeds to a referendum, proceeds to referendum with amendments, or that it should not proceed.
4. Community referendum. If the plan passes the examination, then it will go to a referendum. The referendum ensures that the community have a final say on whether a neighbourhood development will come into force. The Council will organise the referendum. The majority (more than half) of people voting must vote yes to the plan for it to be adopted by the council. The people living in the area who are also registered to vote in local elections will be eligible to vote in the referendum. If the NDP will have significant implications on residents from neighbouring areas, the independent judicator may request that they also are given an opportunity to vote in the referendum. In areas where a business NDP is being created, the local businesses will also have a vote in the referendum. In the case of Mawnan, it is a community led NDP; therefore businesses will not get a vote, but will be consulted on the NDP.
5. Legal Force. If the majority of voters vote yes, the local authority will then bring the plan into force. The plan will then form part of the decision making process. Decision makers will be legally obliged to take into account the NDP when considering proposals for development in the neighbourhood area.

Q9. How is it being financed?

The parish council can apply for a grant for up to £9000 from central funds. Anything above this amount would have to come from the parish council – either by using current reserves or by increasing the precept.

Q10. Why is it important?

By creating a neighbourhood plan the community decides what it wants and where it wants. The community now has the power to shape its own area.

Q11. Who can join in? Who can volunteer?

Anyone can volunteer to help with the neighbourhood development plan. If you wish to get involved please contact us.

Q12. Why get involved? Why bother?

In the past the relationship between planning and local communities has been reactive. People have made comments about planning documents, policies, applications, etc. whereas with neighbourhood planning the relationship between planning and local communities has become more proactive. The community now gets to decide policies that will in the future be used to judge future planning applications.

Q13. How can I get Involved?

If you are interested in finding out how you could become involved with other local people to help develop the Neighbourhood Plan then please contact us. There are opportunities now, and over the coming months for you to engage and contribute to the Plan so please get involved as this is an important opportunity for everyone connected with Mawnan to help shape your community.

Q14. What is a steering group?

The steering group can consist of local residents, local landowners/ developers, local business people, councillors and other stakeholders (i.e charities and environmental groups). The Mawnan NDP Steering Group would meet regularly. If you wish to get involved in either the steering group, just attend a steering group meeting or volunteer should contact us.

Q15. What is the role of Cornwall Council?

Cornwall Council has a statutory duty to support and advice organisations who want to do neighbourhood planning. They are also required to fund the referendum process and the costs of running the examination and appointing and funding the independent examiner for an examination.

The sorts of things that might be included are:

- Sharing evidence and information on planning issues
- Helping with consultation events
- Providing advice on assessments and evidence
- Providing advice on national and local plan policies with which the Neighbourhood Plan or Neighbourhood Development Order will need to fit
- Helping communities communicate with external partners where this is required

Q16. What can a neighbourhood plan do and what can't it do?

A Neighbourhood Plan can:

- Decide where and what type of development should happen in the neighbourhood
- Promote more development than is set out in the Local Plan.

- Include policies, for example regarding design standards.

Typical things that a Neighbourhood Plan might include:

- The development of housing, including affordable housing (affordable housing is housing that is not normally for sale on the open market), and bringing vacant or derelict housing back into use.
- Provision for businesses to set up or expand their premises.
- Transport and access (including issues around roads, cycling, walking and access for disabled people).
- The development of schools, places of worship, health facilities, leisure and entertainment facilities, community and youth centres and village halls.
- The restriction of certain types of development and change of use, for example to avoid too much of one type of use.
- The design of buildings.
- Protection and creation of open space, nature reserves, allotments, sports pitches, play areas, parks and gardens, and the planting of trees.
- Protection of important buildings and historic assets such as archaeological remains.
- Promotion of renewable energy projects, such as solar energy and wind turbines.

Q17. What can't a neighbourhood plan do?

A Neighbourhood Plan cannot:

- Conflict with the strategic policies in the Local Plan prepared by the local planning authority.
- Be used to prevent development that is included in the Local Plan.
- Be prepared by a body other than a parish or town council or a neighbourhood forum.

Q18. Can we include anything we like in a Neighbourhood Plan?

No, there are some restrictions. A Neighbourhood Plan must comply with a number of European Union Directives and be in line with both national policy (which will be set out in a new National Planning Policy Framework) and Cornwall Council Local Plan. When the plan has been produced, an independent examiner will consider whether it is consistent with these requirements.

Q19. Does the neighbourhood plan have to conform to the local plan?

One of the basic conditions is that neighbourhood plans or orders must satisfy is that they are in general conformity with the strategic policies of the adopted development plan for the local area.

Some of the important strategic policies such as requirement for housing will need to be in general conformity with the Local Plan. Neighbourhoods will come to their own view on policies which should be decided at the neighbourhood level (i.e. non-strategic).

Q20. Which carries more planning weight – a Neighbourhood Plan or the Local Plan/Core Strategy?

The weight (importance) that is attached to a particular policy can only be decided when considering a specific proposal. At a general level, when adopted, Neighbourhood Plans and the Local Plan or Adopted Core Strategy should complement each other. Planning decisions will be based primarily around policies in adopted Neighbourhood Plans and the Local Plan/Core Strategy.

Q21. Will a neighbourhood plan have 'weight while it is going through the formal process?

Planning law requires that planning applications are decided in accordance with the local plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be considered as a material consideration; this can depend on the stage the plan has reached and

the level of consultation undertaken. It is for the decision maker to determine the weight to give to these considerations.

Q22. Can planning applications be judged as premature in relation to an emerging neighbourhood plan?

Planning applications are decided in accordance with the local plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be considered as a material consideration depending on the stage the plan has reached and the level of consultation undertaken. It is for the decision maker to determine the weight to give to these considerations.

Q23. If the Neighbourhood Plan is adopted, how can we be sure that it won't be overruled anyway?

Once adopted a Neighbourhood Plan it will become a statutory planning document. This means that it must be considered in the determination of any planning application in the specified area and decisions should be taken in accordance with it.

Q24. Who decides planning applications after a Neighbourhood Development Plan has been prepared?

Planning proposals will continue to be assessed in the usual way except where a community has brought forward a Neighbourhood Development Order.

Q25. If a town/parish councils or forum has made a neighbourhood plan, do they then have decision making responsibilities for applications, appeals, enforcement etc?

No. Decision making remains with the local planning authority.

Q26. How does a referendum work?

It is important that the whole community has the opportunity to be involved in a Neighbourhood Plan. A referendum gives the wider community a say and an opportunity to engage in the process. Furthermore the referendum gives the neighbourhood plan democratic legitimacy.

If the examiner approves the plan at examination, members of the community then have the final say in voting for or against the neighbourhood planning document in a referendum. The examiner can also recommend whether the area for a referendum should extend beyond the neighbourhood area if he or she believes it impacts on neighbouring areas.

As with a general election, the vote is not based on the total population of the area, rather the number of people who actually turn out to vote. If the majority of those who vote support the neighbourhood plan, it will be adopted by Cornwall Council.

Parish councils will not have to run the neighbourhood planning referendum – this will be the responsibility of the local authority which runs elections in the area.

Q27. Will developers have to use the Neighbourhood Plan when putting in planning applications?

Yes – planning applications will need to have regard to all relevant policy

Q28. What is meant by examination and what will be examined? Who carries out the examination?

The purpose of the examination is to ensure that the plan has been prepared in accordance with the law and is consistent with national policy and in general conformity with the strategic policies of the Local Plan.

The examination of a Neighbourhood Plan can be carried out by anyone with appropriate qualifications and skills who meet certain requirements set out in the Localism Act, is independent and is acceptable to the local authority and the community.

This could be a planning consultant or other planning professional, an employee of another local authority or a planning inspector. They will be appointed by the local authority, but with the appointment agreed by the parish council or neighbourhood forum. It will be a 'light touch' examination. The examiner may suggest that changes be made. If the examiner agrees that the plan is in line with strategic objectives, then a referendum can be held.

Q29. If we have a Neighbourhood Plan does this mean that we don't have to use the Local Plan/Core Strategy?

No – Neighbourhood Plans will form a new tier of planning at a very local level. They need to conform to the overarching adopted Core Strategy but will form part of the development plan for their area.

Q30. What is the purpose of a neighbourhood plan?

A neighbourhood plan is a tool that allows communities to plan for growth themselves. Normally, the Council would allocate housing and employment sites and write planning policies for the County as a whole. Neighbourhood planning gives that power to communities. There are still some national rules to abide by but this is a new power that allows communities more freedom than previous legislation.

Q31. How long will it take?

The timetable is set by the community. The larger and more complex the settlement, the longer the process is going to take. Initially settlements should consider planning their timetable over a 12-18 month period.

Q32. How does the community get involved?

The town or parish council will initially set up a Steering Group. This group will work with a planning advisor from the Council to support, advise and ensure that they have any training necessary to assist them. There will be various consultation stages throughout the process and the members of the Steering Group may alter and change as more people become interested and involved.

Q33. Does that mean we can expect building over all the green space in a village?

No, most definitely not. Public open space is protected under national planning policy. Public open space is classed as parks, playing fields, allotments, football pitches, etc. If, there were a move to develop on a piece of public open space, the Council would expect a developer to provide an equal or better value facilities to replace that which would be lost. Failure to do so would result in justified objections to the plan from the likes of Sport England and the Councils Leisure Facilities Team.

Q34. Will there be building on green fields?

If a settlement does not have sufficient brown field land (land that has been previously developed) and there is a need to find housing in that settlement, then it is inevitable that green field land would be looked at to accommodate growth. Neighbourhood planning however is about giving the community a greater say on which sites are chosen.

Q35. Won't Cornwall Council interfere in the process and try and chose the sites it thinks are best?

Cornwall Council is only present in an advising and supporting role. The Council has to try to ensure that the plan will pass its examination.

Therefore, officers of Cornwall Council's Localism & Devolution Team will be advising the Steering Group/Town or Parish Council on matters such as ensuring that the plan is in line with national planning policy, helping with the consultation process, ensuring that the plan complies with European Regulations. The Council will provide assistance and guidance on getting the best out of the plan for the community. They will provide a conduit into all the sections of the Council and into the statutory consultees, such as the Environment Agency. The Council will not be choosing the sites for allocation. As long as the sites cover the amount of housing required and are in line with national planning policy requirements, in that they are in a sustainable location, then it is for the community to make that choice.

Q36. Where do these sites come from?

Landowners and developers have been putting sites forward to the Cornwall Strategic Housing Land Availability Assessment January 2016 for sometime. The information will be passed onto the Steering Group about all the sites. After extensive consultation and if necessary a further call for land, the choice of sites will come from those put forward.

Only land put forward by landowners and developers can be considered. Any other land is not considered deliverable under national planning policy and if put forward and allocated, the neighbourhood plan would not pass its examination.

Q37. Who will carry out the examination?

It will be a nominated person in agreement with the Council and the Town or Parish Council. They must be a qualified person (in that they are a qualified town planner) and not have any interest or connection with the settlement concerned. They cannot work for the Council or any other party with a connection to the settlement.

Q38. What happens if the neighbourhood plan fails the referendum?

If it fails on a matter, which can be rectified, then the plan can be put to the community again. If it fails on a major issue, then plan making will fall back on the Council. This means that the Council will have to allocate the sites up to the housing growth figure in the village as part of the County wide plan making process.

Q39. What is a Section 106?

Section 106 (S106) of the Town and Country Planning Act 1990 allows a local planning authority (LPA) to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission. The obligation is termed a Section 106 Agreement.

These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They are used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.

The scope of such agreements is laid out in the National Planning Policy Framework. Matters agreed as part of a S106 must be:

- Necessary to make the proposed development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Q40. If we don't do a neighbourhood plan, what will happen?

Neighbourhood Plans are not compulsory. It is up to each local community to decide if they wish to create a Neighbourhood Plan. Where a community decides not to create a neighbourhood plan, the responsibility stays with the local authority. The decision making responsibility regarding issues such as site allocations for housing will continue to stay with the local authority. Be aware that Cornwall is envisioning towns and parishes within existing Community Network Areas (CNAs) to be talking and consulting amongst themselves about the overall levels of housing provision that can be made within the CNA as a whole.

Q41. Will Neighbourhood Plans allocate land?

This will depend on how the community wants to progress their plan but the plan is able to allocate land if required.

Allocating land within a Neighbourhood Plan allows you to identify suitable sites and allocate them for particular kinds of development. These policies set out how we can make the best use of these sites to serve the community. The Neighbourhood Plan may wish to allocate land for residential, employment, retail and other forms of development within the area. The Neighbourhood Plan may also wish to allocate land as a green space, thereby protecting it from development. It is important to note that allocating sites does not give permission to any particular proposal; this will still need to be secured through the planning application process.