

## **DECISION OF THE SERVICE DIRECTOR FOR PLANNING & HOUSING**

In respect of the attached report from Ollie Steers (Development Officer (Introductory)) and Adam Birchall (Head of Housing & Planning Policy)

### **Subject Matter:**

Mawnan Parish Neighbourhood Development Plan: Making of Plan

### **Decision:**

That the Mawnan Parish Neighbourhood Development Plan, having been approved by more than half of those voting at referendum held on 19 May 2022, is made and is used, as part of the development plan for Cornwall, in development management decisions in the parish of Mawnan, pursuant to section 38A (4) of the Planning and Compulsory Purchase Act 2004.

### **Reason for the Decision:**

As contained within the report.

### **Alternative options considered:**

None other than contained within the report.

### **Conflicts of interest declared:**

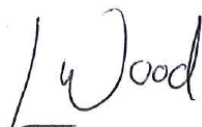
None.

### **Dispensations granted in respect of the conflict of interest:**

N/A

Dated 23 June 2022

Signed



Name: Louise Wood

**Implementation Date:** 23 June 2022

Report to:	<b>Service Director – Planning and Housing</b>	
Date:	<b>6 June 2022</b>	
Title:	<b>Mawnan Parish Neighbourhood Development Plan: Making of Plan</b>	
Portfolio Area:	<b>Housing and Planning</b>	
Divisions Affected:	<b>Constantine, Mabe and Mawnan</b>	
Local Member(s) briefed:	<b>N/A</b>	
Relevant Scrutiny Committee: <b>Economic Growth and Development</b>		
Authors, Roles and Contact Details:	<b>Ollie Steers, Development Officer (Introductory)</b> E-mail <a href="mailto:ollie.steers@cornwall.gov.uk">ollie.steers@cornwall.gov.uk</a> Tel: 01872 322222  <b>Adam Birchall, Head of Housing and Planning Policy</b> E-mail <a href="mailto:adam.birchall@cornwall.gov.uk">adam.birchall@cornwall.gov.uk</a> Tel 01872 322222	
Approval and clearance obtained:	<b>Y</b>	
Date next steps can be taken	<b>Upon Publication</b>	
<b>For Cabinet and delegated executive decisions only</b>		
Key decision? (≥£500k in value or significant effect on communities in two or more electoral divisions)	<b>N</b>	
Published in advance on Cabinet Work Programme?	<b>N</b>	
Urgency Procedure(s) used if 'N' to Work Programme?	<b>N</b>	

**Recommendation:**

That the Mawnan Parish Neighbourhood Development Plan, having been approved by more than half of those voting at referendum held on 19 May 2022, is made and is used, as part of the development plan for Cornwall, in development management decisions in the parish of Mawnan, pursuant to section 38A (4) of the Planning and Compulsory Purchase Act 2004.

## **1 Executive Summary**

- 1.1 The Mawnan Parish Neighbourhood Development Plan (the NDP) was successful at Examination in December 2021 and at referendum on 19 May 2022. A simple majority is required for an NDP to progress. In this case there were 435 'yes' votes and 32 'no' votes: 93.14% in favour.
- 1.2 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, Mawnan Parish.

## **2 Purpose of Report and key information**

- 2.1 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.
- 2.2 The Mawnan Parish NDP has been through the statutory stages of neighbourhood plan making in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended) (the Regulations):
  - a. Area designation
  - b. Pre-submission consultation
  - c. Legal Compliance check
  - d. Publication consultation
  - e. Examination
  - f. Plan Proposal decision
  - g. Referendum

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

- 2.3 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 19 May 2022, so the NDP must be 'made' by 14 July 2022.

### **3 Benefits for Customers/Residents**

- 3.1 The Neighbourhood Plan is an opportunity for the local community to influence place making 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, Mawnan Parish, 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.
- 3.2 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**

Mawnan Parish Neighbourhood Development Plan Proceed to Referendum Decision Notice – 23 February 2022.

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

Mawnan Parish Neighbourhood Development Plan Legal Compliance Decision Notice – 11 May 2021.

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 public consultation.

Mawnan Parish Neighbourhood Development Plan Area Designation – 25 July 2017.

At the start of the process the Mawnan Parish Council applied to designate their parish as an NDP Area.

All previous reports and versions of the Plan are available from Cornwall Council’s neighbourhood planning team.

## 5 Consultation and Engagement

- 5.1 Until the point that the NDP is submitted to Cornwall Council, responsibility for consultation and engagement on the NDP falls to the qualifying body, Mawnan Parish Council. This process is tested for compliance at the independent examination and the Qualifying Body is required to submit a Consultation Statement, which demonstrates compliance with the Regulations.

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, which included a number of questionnaires being distributed for businesses, residents and to find out the housing need, discussions with landowners, a number of public meetings were held through the neighbourhood plan process and a newsletter was distributed to residents.
  - (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.
- 5.2 The next statutory consultation stage is the 6-week pre-submission consultation on the draft Plan, (which was carried out by Mawnan Parish Council, in compliance with Regulation 14 of the 2012 Regulations). This was held from 21 August 2020 until 30 October 2020 where the 'Consultation Bodies', as set out in Schedule 1 of the Regulations were consulted. Any comments submitted during this consultation must be summarised and included in the Consultation Statement, with a note of what action was taken in response.
- 5.3 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 2012 Regulations) the representations on which have to be received not less than 6 weeks from the date on which the plan proposal is first publicised at this stage. The statutory consultation by Cornwall Council was held from 12 May 2021 until 21 July 2021.
- 5.4 The Plan proposal included a copy of a map and a statement identifying the area to which the proposed Neighbourhood Development Plan relates; a Consultation Statement; the proposed Neighbourhood Development Plan,

and a statement explaining how the proposed Neighbourhood Development Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act (the Basic Conditions Statement).

- 5.5 Copies of the documents were available to view on the website, or through the Planning Register (planning application number PA21/000012/NDP). The Council sent the Plan proposal and representations to the Independent Examiner and in December 2021 the Independent Examiner issued a report to Cornwall Council and Mawnan Parish Council.
- 5.6 The Council considered the report, published it and took the decision to send the draft NDP to referendum.
- 5.7 An information statement was issued by the Council on 06 April 2022. The referendum took place on 19 May 2022 and the results were declared on 20 May 2022.

## **6 Financial Implications of the proposed course of action/decision**

- 6.1 There are no further material costs as a result of this decision to Cornwall Council.

## **7 Legal/Governance Implications of the proposed course of action/decision**

- 7.1 This is the final regulatory stage of the NDP process for the Mawnan Parish 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.
- 7.2 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 and Post Examination stages. The Council is 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.
- 7.3 The Examiner confirmed in their report that they were satisfied that the NDP was compliant with European and Human Rights Legislation.

## **8 Risk Implications of the proposed course of action/decision**

- 8.1 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 Cornwall Development and Decision Wheel**

- 9.1 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, which is Cornish Status.
- 9.2 The NDP has been developed to be in general conformity with the Cornwall Local Plan, which was itself subject to a Comprehensive Impact Assessment (CIA) and 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.
- 9.3 A Decision Wheel is not required in this instance, because NDPs are drafted by a third party and Cornwall Council is therefore not in control of the plan content. Cornwall Council acts as the enabler to support the statutory process that NDPs must progress through, in accordance with Neighbourhood Planning (General) Regulations 2012 (as amended).
- 9.4 The housing and affordable housing targets aim to ensure appropriate housing is available to meet local needs over the Plan period. Failing to provide sufficient housing will impact most on disadvantaged groups.

## **10 Options available**

- 10.1 Cornwall Council has a duty to support communities who are preparing neighbourhood plans. The 2012 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.

10.2 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.’

## 11 Supporting Information (Appendices)

11.1 Appendix 1 – Mawnan Parish Neighbourhood Plan.

11.2 Appendix 2 – Declaration of Referendum Result.

## 12 Background Papers

12.1 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 <b>all</b> reports)	Nadine Gawler	14/06/22
Finance (Required for <b>all</b> reports)	Jo Smith	16/06/2022
Equality and Diversity (If required)		
On Behalf of the Service Director (Required for <b>all</b> reports)	Adam Birchall – Head of Planning and Housing Policy	16/06/2022
Strategic Director (If required)		