

Minutes of a Meeting of the Mawnan NDP Steering Group held on 13 May 2019 at The Bowling Club, Mawnan Smith

Present: Terry Damer (Chair); Dennis McQuillan (Sec); Peter Stokes (Treasurer), Richard Martin, Mick Hartley, Cllr Jackie Whibley, Simon Sheldrake, Cllr Rex Sadler

In attendance: James Evans (Consultant), Derek Stacey (Environment & History) and 12 members of the public.

1. Apologies: Jon Holt, Georgina Morris, Melissa Mercer (Media)

The meeting opened at 7.00 p.m. Billed as a "Meet the NDP Consultant" in the lead up to the meeting, the Chair introduced James Evans.

2. Minutes of Last Meeting

The minutes of the last meeting (15 April 19) had been circulated. Minor alterations were requested by JW at Para 5c to change the sub-heading to Business, Amenities and Leisure and to include Simon Sheldrake in the Action line. JW also asked that the phrase "all matters reserved" be applied to the Planning Application at Para 6a. Otherwise they were accepted as a true record and will be resubmitted to the Chair for signature at the next meeting.

3. Matters Arising

There were no matters arising.

4. Meet the Consultant

a. The Chair hoped that JE could:

- Explain how the NDP evolves from the current draft status and the point at which further public consultation occurs.
- Mention the level of background data required and advise where the current draft requires further input.
- Outline current plan objectives.
- Give an opinion on progress to date when viewed against other NDPs that he had worked on.
- Provide detail on the point in the process that the Mawnan Plan would bear weight in planning considerations.
- Advise on how much NDP weight did the planning inspector use in refusing a recent Carnon Downs application.

b. In opening his comments, James Evans stated his credentials in planning. He then used a series of slides to brief the audience on many of the matters raised by the Chair. The slides are at Annex A to these minutes. (They will also appear on the website)

c. In timescale terms, he suggested that from the point of delivery of the SEA version of the Plan to Cornwall Council for environmental assessment, a period of 6 weeks be allowed for their consultation with interested parties. We should allow a further 8 weeks for any redrafting required, and another 6 weeks for formal public consultation with the Parish Council and residents - the pre-submission stage. A 2-week period should then be allowed for any further redrafting. Following approval by the Parish Council the Plan

would be submitted to Cornwall Council for their formal assessment and consultation. It is expected that the pre-submission will occur in Autumn 2019 and the parish approved plan sent to Cornwall Council (CC) in early 2020. The target for referendum remains Spring 2020. During the SEA assessment period, the draft plan would be shared with the Parish Council and with the wider population to familiarise them with it and to seek views.

d. Within the presentation period the following queries were raised:

Q. Following earlier public consultations, could any weight be attached to evidence gained?

A. Only after examination by CC and their endorsement of the policies contained within an NDP. In the case of a recent Carnon Downs refusal, the Feock NDP bore full weight with the inspector as it had passed referendum and had been made/adopted. On the other hand, although the Falmouth plan was reasonably advanced (pre-submission consultation) an appeal by Linden Homes had been allowed as the inspector gave no weight to the emerging NDP.

Q. Could a legal challenge be raised against NDP policies?

A. As provided by James Evans:

If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan or Order (or, where there is also a business referendum, a majority vote in favour of both referendums), then the neighbourhood plan or Order must be made by the local planning authority within 8 weeks of the referendum.

A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. An Order must be made by the local authority before it has effect.

The [8 week time limit](#) does not apply where a legal challenge has been brought in relation to the decision to hold a referendum or around the conduct of the referendum. Where there is also a business referendum and a majority of those voting, vote in favour of the proposals in only one of the referendums, then the local planning authority may make the neighbourhood plan or Order but is not required to.

There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan or Order. These are where it considers that the making of the neighbourhood plan or Order would breach, or otherwise be incompatible with, any EU or human rights obligations (see [section 61E\(8\) of the Town and Country Planning Act 1990 Act as amended](#)).

Paragraph: 064 Reference ID: 41-064-20170728

Revision date: 28 07 2017 See [previous version](#)

d. Concerns were raised over the status of the AONB; although a non-statutory body, it carried considerable weight in consultation on planning applications especially when associated with an NDP for which Landscape and Design Character Assessments had been produced. Our plan would have both.

e. A further concern was that the SHLAA (Meudon Farm) had capacity for up to 1800 homes and could be developed. The Chair reinforced that the SHLAA was a governmental requirement on local authorities to maintain a register of their land holdings. He had been reliably informed that no such development was intended. Moreover, the parish had a zero-home provision requirement until 2030 that would be reflected in the NDP.

f. A resident of Penwarne Road whose home was adjacent to the PA019/02775 application site raised his concern about sewage and water drainage from the site into the woods opposite. While the Chair shared his concern, this was a planning issue for Environment Agency and SW Water comment. The NDP could only provide policies for wider environmental issues.

g. Background documents to support of plan policies still needed were;

- A list of non-designated assets
- A Design Statement (in progress)
- The results of business/amenities and leisure consultations
- Local green space designation. These should be within or in the immediate vicinity of a main settlement. In response to a query about protection for Anna Maria Creek, it was stated that the NDP already considered the constraints that affect the area but could not impose restrictive conditions that require enforcement. That remained a Parish and Local Authority matter. JW informed the meeting of arrangements made by the PC to remove non-organic material from the creek.

h. In relation to the above, it was questioned whether any protection had been applied by any NDP and had been rejected. James Evans provided the following response immediately after the meeting;

"I have not found a single NDP or local plan that makes reference to enforcement, i believe this is for the reasons set out on Monday, i.e. the NDP is about setting policies for development, and its role is not with regard to enforcing development or having policies other than those dealing with development itself, the fact that something is retrospective in terms of the planning acts is ok - section 73 of the Planning Act allows for that. See below from Department for Communities and Local Government which sums up the role of the NDP and the LPA:

Decision making on planning applications rests with the local planning authority. The community leads on preparing the plan and setting out the policies for development in their area but it is the LPA that will grant planning permission in accordance with those policies and be responsible for enforcing them."

5. Any Other Business

There being no other business, the Chair thanked James Evans for his presentation and responses, and the members of the public for their insight and interest.

6. Next Meeting

The next public meeting of the Steering Group would be held in the Bowling Club at 7.00 pm on Monday 17 June 2019. It was intended that the policies contained in the draft NDP (SEA) would be revealed.

T Damer Chair

Mawnan NDP

11 June 2019

DRAFT

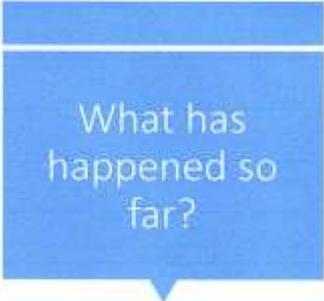
13/06/2019



What are the legal requirements?

- a. **having regard** to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan)...
- e. the making of the order (or neighbourhood plan) is in **general** conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). [Read more details.](#)
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations. [Read more details.](#)
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

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What has happened so far?

- Public consultations and local engagement
- Established a Vision and Objectives for the Plan
- Local Landscape Character Assessment
- Settlement Character Statements
- Local listings
- We are drafting a version to establish if the plan will have significant environment effects and is required to be supported by a Sustainability Appraisal (All NDP's have to do this).

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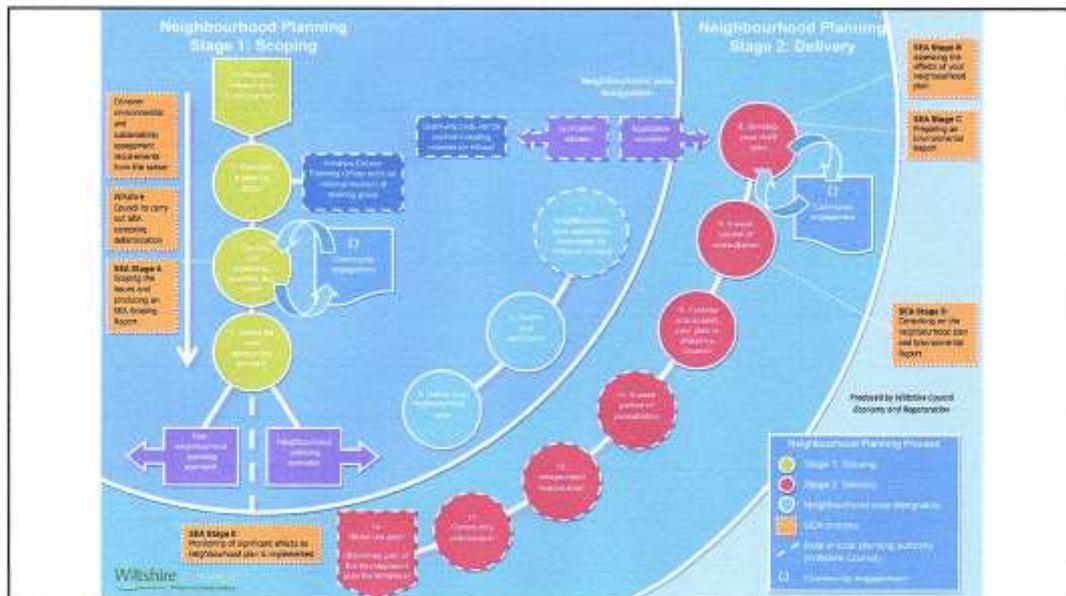
What do I do?

- Translate the consultation comments, vision, objectives and evidence base into planning policy
- My tests of relevance:
 1. Is it relevant to the management of future development?
 2. If so, is it already covered through existing planning documents? (no need to repeat)
 3. If not, what could we add (subject to compliance with basic conditions) and is there further evidence / research that we should undertake?

Every Policy needs to be justified and explained.

We need to make it valuable (and easy) for the end user.

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Stage of NDP	Weight
Area Designation	No to little weight can be given.
Pre-submission Consultation	Some weight could be given to aspects where clear community support can be demonstrated.
Submission/ Legal Compliance	Increasing weight can be given, again subject to evidence of support.
Publication Consultation	Increasing weight can be given - taking into account any comments received during the consultation and with the knowledge that the examiner can require changes to the plan.
Examination	A successful plan carries considerable weight. It has now been confirmed that the plan is legally compliant and meets the Basic Conditions. Planning decisions should have regard to the provisions of the development plan including a post-examination Neighbourhood Plan, so far as material to the application.
Referendum	A neighbourhood plan that is successful at referendum automatically becomes part of the development plan and carries full weight.
Adoption	A Post referendum plan carries full weight and will do so unless the Council make a subsequent decision not to adopt it.

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