

Lanteglos-by-Fowey

Neighbourhood Development Plan

2019 – 2030

Basic Conditions Statement



January 2020



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Submission Documents Accompanying Basic Conditions Statement

Lanteglos-by-Fowey Neighbourhood Development Plan
 Consultation Statement

1 INTRODUCTION

This Basic Conditions Statement has been produced to explain how the proposed Lanteglos-by-Fowey Neighbourhood Development Plan 2019 – 2030 (LNDP) has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and County Planning Act 1990 have been met.

2 BACKGROUND TO THE LANTEGLOS-BY-FOWEY NEIGHBOURHOOD DEVELOPMENT PLAN

Production of the LNDP was undertaken by the Lanteglos-by-Fowey Neighbourhood Plan Steering Group in association with the Parish Council, and working in partnership with Cornwall Council (CC). The LNDP is based on consultation with local people, businesses and others with an interest in the area over a two and a half year period.

3 SUPPORTING DOCUMENTS AND EVIDENCE

The LNDP is supported by the following documents: Consultation Statement and a statement from CC on whether there is a need for Strategic Environmental Assessment or Habitat Regulation Assessment of the plan.

4 BASIC CONDITIONS TO BE MET

Schedule 4B to the Town and County Planning Act (Para 8) sets out the following basic conditions that Neighbourhood Development Plans (NDPs) must meet: 8(1)

- 8(1) *The examiner must consider the following—***
- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*
 - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
 - (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
 - (e) such other matters as may be prescribed.*

- (2) ***A draft neighbourhood development plan meets the basic conditions if—***
(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
(e) the making of the neighbourhood development 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),
(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.
- (6) *The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

5 HOW THE LNDP MEETS THE BASIC CONDITIONS.

5.1 Para 1a. Does the draft LNDP meet the basic conditions?

How the draft LNDP meets the basic conditions (as required by 1(a) and sub-paragraph 2) is set out in Sections 5 – 11 of this Basic Conditions Statement.

5.2 The provision of 61E(2), 61J and 61L as amended by s38C(5)(b) is a reference to the provision of 38A and 38B.

The following is submitted in respect of 38A and 38B.

38A

- 1) Lanteglos-by-Fowey Parish Council is a qualifying body and entitled to submit a Neighbourhood Development Plan for its own parish.
- 2) The LNDP expresses policies relating to the development and use of land solely within the neighbourhood area.

3) to 12) are essentially post examination procedures.

38B

- 1) a) The LNDP covers the period up to and including 2030, some 12 years. This period has been chosen to align with the Cornwall Local Plan (CLP), prepared by Cornwall Council.
- 1) b) The LNDP does not include any provision for excluded development such as national Infrastructure.
- 1) c) The LNDP does not relate to more than one neighbourhood area. It relates only to the Lanteglos-by-Fowey Neighbourhood Area as designated by Cornwall Council on 31st May 2016.
A copy of the decision notice confirming designation of the Lanteglos-by-Fowey Neighbourhood Area is attached in Appendix 1.
- 2) There are no other NDPs in place in the 31st May 2016 neighbourhood area.
- 3) Refers to conflicts within the NDP and clarifies that in the event of conflict between a NDP Policy and any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- 4) Refers to regulations made by the Secretary of State relating to NDPs in the Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the LNDP. These regulations set out:
 - the process by which neighbourhood plans are to be made and set out the consultation bodies for NDPs (referred to in the Consultation Statement accompanying this plan)
 - that NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment.
The LNDP has been subject to Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment. Cornwall Council has undertaken a Habitats Regulations Assessment (HRA). The screening exercise for the LNDP concluded that there are European sites that would not be affected by

the proposals, also that there would not be likely significant effect and therefore it was agreed that an HRA was not necessary.

- 5) Refers to the publication of NDPs once made by a local planning authority in accordance with the regulations.
- 6) Clarifies what is excluded development

5.3 Para 1(d) Whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,

It is not considered that there is any benefit or reason for extending the area for the referendum beyond the Designated Neighbourhood Plan Area.

5.4 Para 1(e) such other matters as may be prescribed

There are no other prescribed matters

5.5 To comply with the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012, and to provide enough material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to the local planning authority:

- The Neighbourhood Plan (which includes a map and statement which identifies the area to which our Plan relates)
- Supporting Evidence Base Documents (and weblinks)
- Our Consultation Statement
- Our Basic Conditions Statement (this document)

6. Having Regard to National Policies and Advice Contained in Guidance Issued by the Secretary of State

Neighbourhood Plan Policies	National Planning Policy Framework and National Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
Policy 1 Design and Character of Lanteglos-by-Fowey	NPPF paragraphs 124-132) Achieving well-designed places	Policy 1 has been developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of the Parish's defining characteristics in particular the AONB and Conservation Areas.
Policy 2 Local Green Spaces	NPPF paragraph 99 The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.	Policy 2 identifies areas of significant local green space that are important to the community and should be protected from development.
Policy 3 Important and Special Views	NPPF paragraphs 170-183 Conserving and enhancing the natural environment NPPF paragraphs 184-202 Conserving and enhancing the historic environment	Policy 3 aims to retain the important rural, estuary and coastal views within the Parish that contribute to the special character of the area and to the enjoyment of residents and visitors. With much of the Parish designated as an AONB which is considered to be a valued landscape as referred to under paragraph 170 of the NPPF, and safeguarded through paragraphs 171 and 172.
Policy 4 Energy Saving and Carbon Reduction Measures	NPPF paragraphs 148-169 Meeting the challenge of climate change, flooding and coastal change.	Policy 4 seeks to support energy reduction/carbon reduction and energy production technologies that are of a scale and design that do not erode the character of the landscape, the estuary and coastline of the Parish The policy helps to shape places

		in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure in line with Paragraph 148 of the NPPF.
Policy 5 Marine Heritage	NPPF paragraphs 184-201 Conserving and enhancing the historic environment	Policy 5 conforms with paragraphs 185 and 190 of the NPPF by reason of identifying the marine heritage which is of particular significance to the Parish. In addition, creating a positive strategy through policy for the conservation and enjoyment of the valued marine heritage.
Policy 6 Protection and Enhancement of Biodiversity	NPPF paragraph 174 Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species	Policy 6 supports development only if it protects habitats and priority species and encourages enhancements wherever possible.
Policy 7 Employment Development	NPPF paragraphs 80-84 Building a strong, competitive economy through the sustainable growth and expansion of all types of business in rural areas	Policy 7 seeks to maintain and encourage this predominantly rural Parish's local economy ensuring that people will have good opportunities and access to local employment. The policy also seeks to retain existing businesses which are valued to the community.
Policy 8 Public Car Parking	NPPF paragraph 104. Promoting sustainable transport Policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.	There is little scope for creating new parking spaces within Polruan or Bodinnick. Consultation strongly supported protecting public parking facilities from any form of development therefore a local NDP policy is needed in order to at least preserve the existing numbers of parking places.

<p>Policy 9 Small scale 'infill and rounding off' housing development</p>	<p>NPPF Paragraph 59 and 61 Delivering a sufficient supply of homes To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.</p>	<p>Policy 9 sets out the approach to housing which will provide opportunities for appropriate sustainable development within the villages and hamlets of the Parish which is reflective of the housing aspirations of the community.</p>
<p>Policy 10 Rural Exceptions for Local People</p>	<p>NPPF Paragraph 71. Delivering a sufficient supply of homes Support the development of entry-level exception sites, these sites should be on land which is not already allocated for housing.</p>	<p>Policy 10 supports entry-level homes that offer one or more types of affordable housing; and that are adjacent to existing settlements, proportionate in size to them, whilst not compromising the protection given to areas or assets of particular importance in the NPPF.</p>
<p>Policy 11 Parking Provisions for New Housing and Other Developments</p>	<p>NPPF paragraph 105 local parking standards for residential and non-residential development, policies should take into account: a) the accessibility of the development; b) the type, mix and use of development; d) local car ownership levels; and....</p>	<p>Policy 8 seeks to ensure adequate parking provision is made for all new developments and valuable off-road parking spaces are not lost through development. This policy is consistent with paragraph 106 of the NPPF as no maximum parking standards have been set.</p>

7. The Making of the Plan Contributes to the Achievement of Sustainable Development

The Neighbourhood Plan has been developed within the context of the definition of sustainable development in the National Planning Policy Framework and that in the Cornwall Local Plan. The tables below set out how we feel that our Neighbourhood Plan has dealt with the achievement of sustainable development against the key relevant parts of the NPPF and Cornwall Local Plan.

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p>NPPF para. 8 <i>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</i></p> <p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p> <p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</i></p> <p><i>c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>The Neighbourhood Plan has embraced all three dimensions to sustainable development.</p> <p>The following policies of our Plan address the economic dimension of sustainable development by supporting employment development in the appropriate locations: Policy 7 Employment Development</p> <p>The following policies of our Plan address the social dimension of sustainable development: Policy 1 Design and Character of Lanteglos-by-Fowey Policy 2 Local Green Spaces Policy 9 Small scale ‘infill and rounding off’ housing development Policy 10 Rural Exceptions for Local People</p> <p>The following policies of our Plan address the environmental dimension of sustainable development: Policy 1 Design and Character of Lanteglos-by-Fowey Policy 2 Local Green Spaces Policy 3 Important and Special Views Policy 4 Energy Saving and Carbon Reduction Measures Policy 6 Protection and Enhancement of Biodiversity</p>
<p>NPPF para. 11 <i>Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</i></p> <p><i>a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;</i></p> <p><i>b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:</i></p> <p><i>i. the application of policies in this Framework that</i></p>	<p>The Neighbourhood Plan has been mindful of the need to promote sustainable development within the context of a sensitive and characterful rural environment.</p> <p>Plan-making has attempted to achieve a balance between achieving the strategic requirements and targets of the Local Plan whilst safeguarding local assets and ensuring interests are taken fully into account.</p>

<p><i>protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or</i></p> <p><i>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.</i></p>	
<p>NPPF para. 29</p> <p><i>Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies</i></p>	<p>The neighbourhood planning process has brought the community closer together and enabled a positive dialogue to take place about what development is required and how it can be best accommodated and facilitated. Part of the process has been to agree what is important to us and how this can be protected and enhanced by development to realise our vision for a sustainable future.</p> <p>Full details of the community engagement are set out in the Consultation Statement.</p>
<p>NPPF para.78</p> <p><i>To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.</i></p>	<p>The Neighbourhood Plan promotes sustainable development in locations where it will help maintain or enhance the vitality of local communities.</p> <p>Policies in the Plan identify preferred locations when appropriate to do so:</p> <p>Policy 7 Employment Development Policy 9 Small scale ‘infill and rounding off’ housing development Policy 10 Rural Exceptions for Local People</p>
<p>NPPF para. 83</p> <p><i>Planning policies should enable:</i></p> <p><i>a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;</i></p> <p><i>b) the development and diversification of agricultural and other land-based rural businesses;</i></p> <p><i>c) sustainable rural tourism and leisure developments which respect the character of the countryside; and</i></p> <p><i>d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</i></p>	<p>The Neighbourhood Plan recognises the need for local economic growth and includes policies in support of the local economic strategy:</p> <p>Policy 7 Employment Development Policy 8 Public Car Parking</p>
<p>NPPF para. 124</p>	<p>Policy 1 places emphasis on all proposals for new</p>

<i>Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities</i>	development to be sited and designed so as to recognise, support and enhance the distinctive character of the Parish, particularly within the AONB and the Polruan and Bodinnick Conservation Areas.
NPPF para. 192 <i>take account of...</i> <i>b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality</i>	Policy 5 recognises the positive contribution that the safeguarding of the waterfront heritage assets and features can have.

The Lanteglos-by-Fowey Neighbourhood Plan has not been required to undertake a Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA).

8. The Making of the 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)

Cornwall Local Plan Policy	How does the Neighbourhood Plan demonstrate that it is in general conformity with the strategic policies?
Policy 1: Presumption in favour of sustainable development	The Neighbourhood Plan (NP) provides additional policies to ensure that development proposals are sustainable in local terms. Policy 4: Energy Saving and Carbon Reduction Measures
Policy 2: Spatial Strategy	The NP accords with the spatial strategy by maintaining the dispersed development pattern of Cornwall and supporting the provision of homes and jobs based on the role and function of each place. See policies: Policy 1: Design and Character of Lanteglos-by-Fowey Parish
Policy 2a Key targets	The NP accords with the objectives and targets regarding the local economy Policy 7: Employment Development Policy 9 Small-scale “infill and rounding off” housing development
Policy 3: Role and function of places	The NP sets further guidance on infill, rounding off and exception sites for housing. Policy 9 Small-scale “infill and rounding off” housing development
Policy 5: Business and Tourism	The NP recognizes the waterfront as an essential feature which attracts visitors, serving as a public

	<p>open space for recreational purposes and bringing business to all the shops, restaurants and holiday accommodation nearby</p> <p>Policy 5: Marine Heritage Policy 7: Employment Development</p>
Policy 6: Housing Mix	<p>The NP seeks to ensure that an appropriate mix of house size, type, price and tenure is provided by new developments to address identified needs and market demand and to support mixed communities.</p> <p>Policy 9 Small-scale “infill and rounding off” housing development</p>
Policy 8: Affordable Housing	<p>The NP supports the provision of a locally relevant level of affordable dwellings on major new developments.</p> <p>Policy 9 Small-scale “infill and rounding off” housing development</p>
Policy 9 Rural exception sites	<p>The NP accords by allowing local people to access housing which is achievable and affordable to them in the Parish</p> <p>Policy 10 - Rural Exceptions Housing for Local People</p>
Policy 12: Design	<p>The NP’s policies provide local detail to increase the relevance of the Local Plan’s comprehensive place-shaping approach</p> <p>Policy 1: Design and Character of Lanteglos-by-Fowey Parish Policy 2: Local Green Spaces Policy 3 – Important and Special Views</p>
Policy 13: Development Standards	<p>The NP provides locally relevant criteria in the interests of ensuring high quality design and layout for new development.</p> <p>Policy 1: Design and Character of Lanteglos-by-Fowey Parish Policy 2: Local Green Spaces Policy 3 – Important and Special Views Policy 8: Public Car Parking Policy 11 Parking Provision for New Housing and Other Developments</p>
Policy 14: Renewable and low-carbon energy	<p>The NP provides strong and clear guidance on the installation of energy-saving and carbon reduction measures with special reference to all new builds and the Polruan and Bodinnick Conservation Areas.</p> <p>Policy 4: Energy Saving and Carbon Reduction Measures</p>
Policy 15 Safeguarding renewable energy	<p>The NP provides strong and clear guidance on the</p>

	<p>installation of energy-saving and carbon reduction measures with special reference to all new builds and the Polruan and Bodinnick Conservation Areas.</p> <p>Policy 4: Energy Saving and Carbon Reduction Measures</p>
Policy 16: Health and wellbeing	<p>The NP recognises the value of high-quality open space in providing for healthy lifestyles</p> <p>Policy 2: Local Green Spaces</p>
Policy 21: Best use of land and existing buildings	<p>The NP encourages development that makes use of previously developed land and buildings.</p> <p>Policy 9 Small-scale “infill and rounding off” housing development</p>
Policy 23: Natural Environment	<p>The NP has policies to ensure that the quality and vulnerability of the natural environment is recognised, conserved and enhanced.</p> <p>Policy 1: Design and Character of Lanteglos-by-Fowey Parish</p> <p>Policy 3 – Important and Special Views</p> <p>Policy 6 Protection and Enhancement of Biodiversity</p>
Policy 24: Historic Environment	<p>The NP has policies to protect heritage assets and safeguard the historic character of the area.</p> <p>Policy 1: Design and Character of Lanteglos-by-Fowey Parish</p> <p>Policy 3 – Important and Special Views</p> <p>Policy 4: Energy Saving and Carbon Reduction Measures</p> <p>Policy 5: Marine Heritage</p>
Policy 25: Green Infrastructure	<p>The NP has policies that recognise the importance of the local green infrastructure and seek enhancements to it.</p> <p>Policy 2: Local Green Spaces</p>

9. The Making of the Plan Does Not Breach, and is Otherwise Compatible with, EU Obligations

A screening process was carried out by Cornwall Council to determine whether a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and / or a Habitats Regulation Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). Through consultation with the statutory environmental agencies, Cornwall Council has advised that the Lanteglos-by-Fowey Neighbourhood Plan “as a result of the assessment in Table 4.2, it is unlikely there will be any significant

environmental effects on European Sites arising from the Lanteglos by Fowey NDP and HRA is therefore not required”.

Therefore, neither a SEA nor HRA was required for our Neighbourhood Plan and the basic conditions concerning Habitats and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.

Neighbourhood Plans are also required to take account of European Human Rights requirements. The Lanteglos-by-Fowey Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

The principal parts of the European Convention on Human Rights that can be relevant to neighbourhood plans are: Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). In preparing the draft Neighbourhood Plan, Lanteglos-by-Fowey Parish Council, through its Steering Group, has acted in an open way, but always respecting the privacy of those participating. The interests of all sectors of the community have been taken into account, especially in ensuring that the Plan would take account of the needs and aspirations of the more vulnerable members of our community including the elderly and disabled, and younger people – thus ensuring no unfair discrimination.

The consultation process included all locally resident people in these groups as well as some organisations outside the plan area but with responsibilities or interests extending over some or all of the area of the draft Plan. The Parish Council also believes that its policies will not affect property rights beyond the legitimate role of the town and country planning system in operation where policies are properly explained and justified.

10 CONCLUSION

It is considered that the Basic Conditions as set out in Schedule 4B to the Town and County Planning Act 1990 (as amended) have been met by the Lanteglos-by-Fowey NDP. It is therefore respectfully suggested to the Examiner that the Lanteglos-by-Fowey NDP complies with Paragraph 8(1)(a) of Schedule 4B of the Act and should proceed to Referendum.

Cornwall Council

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Application number: PA16/00002/NDP

Applicant:

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Castleway
Lanteglos-by-Fowey
PL23 1ND

**Town And Country Planning Act 1990 (As Amended)
The Neighbourhood Planning (General) Regulations 2012**

Designation of a Neighbourhood Area

CORNWALL COUNCIL, being the Local Planning Authority, **HEREBY APPROVES**, the designation of a Neighbourhood Area to be used for the creation of a Neighbourhood Development Plan as set out in the following application received on 7th March 2016 and accompanying plan(s):

Proposal: The designation of the Parish of Lanteglos by Fowey as a Neighbourhood Area

Relevant Body: Lanteglos by Fowey Parish Council

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.



Phil Mason
Head of Planning, Housing and
Regeneration

DATED: 31st May 2016

Appendix 2 Area designation map

