

:

***Independent Examiner's Report of The  
Lanteglos By Fowey Neighbourhood  
Development Plan***

Deborah McCann

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## **SECTION 2**

### **Summary**

As the Independent Examiner appointed by Cornwall Council to examine the Lanteglos by Fowey Neighbourhood Development Plan, I can summarise my findings as follows:

1. *I find the Lanteglos by Fowey Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
2. *I am satisfied that the Referendum Area should be the same as the Plan Area, should the Lanteglos by Fowey Neighbourhood Development Plan go to Referendum.*
3. *I have read the Lanteglos by Fowey Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
4. *I find that the Lanteglos by Fowey Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
5. *At the time of my examination the adopted local plan was the Cornwall Local Plan 2016.*

## **SECTION 3**

### **3.Introduction**

#### **3.1. Neighbourhood Plan Examination.**

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Lanteglos by Fowey Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Lanteglos by Fowey Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Lanteglos by Fowey Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Lanteglos by Fowey Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the Cornwall Council website and covered in my report within the relevant policy.

#### **3.2. The Role of Examiner including the examination process and legislative background.**

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
  - i) specify the period to which it has effect;*
  - ii) not include provision about excluded development; and*
  - iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum
2. The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic

Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

### 3. The Plan does not meet the legal requirements and cannot proceed to Referendum

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Lanteglos by Fowey Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development; and
- Is in general conformity with the strategic policies contained in the Development Plan for the area.

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Cornwall Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Unitary Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

## **SECTION 4**

### **4.The Report**

#### **4.1. Appointment of the Independent examiner**

Cornwall Council appointed me as the Independent Examiner for the Lanteglos by Fowey Neighbourhood Development Plan with the agreement of Lanteglos by Fowey Parish Council.

#### **4.2. Qualifying body**

I am satisfied that Lanteglos by Fowey Council is the Qualifying Body.

#### **4.3. Neighbourhood Plan Area**

Lanteglos by Fowey Parish Council applied for designation as a Neighbourhood Plan area 7<sup>th</sup> March 2016 and approved by Cornwall Council on 31<sup>st</sup> of May 2016.

The designated Lanteglos by Fowey Neighbourhood Area covers the Parish of Lanteglos by Fowey.

The Basic Conditions Statement submitted with the Lanteglos by Fowey Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Lanteglos by Fowey Neighbourhood Development Plan.

#### **4.4. Plan Period**

It is intended that the Lanteglos by Fowey Neighbourhood Development Plan will cover the period 2019-2030, chosen to align with the Cornwall Local Plan.

#### **4.5. Cornwall Council initial assessment of the Plan (Regulation 15).**

Lanteglos by Fowey Council submitted the draft Lanteglos by Fowey Neighbourhood Plan to Cornwall Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 on the 15<sup>th</sup> of January 2020. Cornwall Council made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

#### **4.6 Site Visit**

I carried out an unaccompanied site visit on the 20th of July 2020 to familiarise myself with the Neighbourhood Plan Area.

#### **4.7. The Consultation Process**

The Lanteglos by Fowey Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

#### **4.8. Regulation 16 consultation by Cornwall Council and record of responses.**

The Cornwall Council placed the Lanteglos by Fowey Neighbourhood Development Plan out for consultation under Regulation 16 for the statutory six-week period of the 16<sup>th</sup> of April 2020. Due to the unprecedented situation caused by Covid-19, the closing date for the consultation was extended from 16 April to 30 April 2020.

A number of representations were received during the consultation period and these were made available by Cornwall Council as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

#### **4.9. Compliance with the Basic Conditions**

A Basic Conditions Statement was produced for the Lanteglos by Fowey Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Lanteglos by Fowey Neighbourhood Development Plan:

1. *Has regard to national policies and advice*
2. *Contributes to sustainable development*
3. *Is in general conformity with the strategic policies in the appropriate Development Plan*
4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

Documents brought to my attention by the Unitary Authority for my examination include:

*(a) The Lanteglos by Fowey Neighbourhood Development Plan:*

This is the main document, which includes the policies developed by the community.

*(b) The Consultation Statement:*

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Lanteglos by Fowey Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

*(c) Basic Conditions Statement.*

This is a statement setting out how Lanteglos by Fowey Neighbourhood Development Plan Working Group considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the achievement of sustainable development.

*(d) Lanteglos by Fowey NDP Local Greenspace Assessment*

### **Comment on Documents submitted**

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Lanteglos by Fowey Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

### **4.10 Planning Policy**

#### **4.10.1. National Planning Policy**

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) February 2019 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“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.”

The Lanteglos by Fowey Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Lanteglos by Fowey Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

#### **4.10.2. Local Planning Policy- The Development Plan**

Lanteglos by Fowey lies within the area covered by Cornwall Council. The relevant development plan is the Cornwall Local Plan 2016.

4.10.3 To meet the Basic Conditions, the Lanteglos by Fowey Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision<sup>12</sup> for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. 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.”

4.10.5 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.10.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.10.7 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

I have considered the Strategic policies of the Development Plan and the Policies of the Lanteglos by Fowey Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the Cornwall Local Plan 2016.

#### **4.11. Other Relevant Policy Considerations**

##### **4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations**

As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

In the case of Directive 2001/42/EC a screening opinion was obtained from Cornwall Council in terms of the need for Strategic Environmental Assessment (SEA) in July

2019. The screening report concludes that it is unlikely there will be any significant environmental effects arising from the Lanteglos NDP and, as such, SEA (Strategic Environmental Assessment) was not required.

Directive 92/43/EEC and Directive 2009/147/EC seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA a Habitats Regulations Assessment Screening request was also submitted to Cornwall Council. Based on the scale and location of development proposed in the draft plan Cornwall Council concluded that the Lanteglos by Fowey NDP is unlikely to have significant effects on the environment or on European Sites and an HRA was therefore not required.

Natural England, the Environment Agency and Historic England were consulted as part of the screening process.

I am satisfied with this conclusion.

#### **4.11.2 Sustainable development**

The Basic Conditions Statement sets out how the plan addresses achieving sustainable development:

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Lanteglos by Fowey Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

#### **European Convention of Human Rights and to comply with the Human Rights Act 1998.**

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Basic Conditions Statement refers to how the development of the plan and its policies accord with EU Human Rights obligations.

I am satisfied with this conclusion.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied that the Lanteglos by Fowey Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

#### **4.11.3 Excluded development**

I am satisfied that the Lanteglos by Fowey Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

#### **4.11.4 Development and use of land**

I am satisfied that the Lanteglos by Fowey Neighbourhood Development Plan covers development and land use matters.

### **4.12 The Neighbourhood Plan Vision Strategic Aims and Policies**

#### **VISION**

**“Lanteglos-by-Fowey is a parish of exceptional landscape quality, which we wish to maintain as a place where people want to live, work and visit.”**

#### **COMMENT**

**I am satisfied that the Lanteglos by Fowey NDP vision and objectives were developed from the consultation process and that the policies within the plan**

reflect the vision and objectives.

#### 4.12.1 Lanteglos by Fowey Neighbourhood Development Plan Policies

##### General comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Lanteglos by Fowey Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

## **NDP Policy 1: Design and Character of Lanteglos-by-Fowey Parish**

1. All proposals for new development must 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 (see Appendix 1 and 2).

2. Applicants should provide evidence of the assessment and a clear understanding of the local landscape and strong pattern of Cornish hedges, built and natural environments and wildlife habitats in order to demonstrate that the proposed development:

- i. will not detract from their significance and character,
- ii. will be visually well-integrated with nearby structures in terms of form, scale, building details, local features, materials, finishes and colour, siting, landscaping and characteristic patterns of settlements, reflecting the Cornwall Design Guide,
- iii. will incorporate any appropriate design features that will minimise the risk of crime, disorder and anti-social behaviour to ensure ongoing community safety and cohesion, and
- iv. does not contribute to light pollution of the night sky.

As part of the compliance with this policy, planning applications should include evidence that the landscape and visual impact of the development has been assessed. This assessment should be appropriate to the scale and prominence of the development.

### **COMMENT**

**The requirements of this policy would not be relevant to all development and would in some circumstances be overly onerous. For clarity and to meet the Basic Conditions the policy should be modified as follows:**

## **NDP Policy 1: Design and Character of Lanteglos-by-Fowey Parish**

**1. Proposals for new development must be sited and designed so as to**

**recognise, support and enhance the distinctive character of the Parish, particularly within the Polruan and Bodinnick Conservation Areas (see Appendix 1 and 2).**

**2. Proposals for development within the AONB must comply fully with National Policy and the Development Plan.**

**3. Where appropriate to the scale, size and prominence of the development applicants should provide evidence of the assessment and a clear understanding of the local landscape and strong pattern of Cornish hedges, built and natural environments and wildlife habitats in order to demonstrate that the proposed development:**

**i. will not detract from their significance and character,**

**ii. will be visually well-integrated with nearby structures in terms of form, scale, building details, local features, materials, finishes and colour, siting, landscaping and characteristic patterns of settlements, reflecting the Cornwall Design Guide,**

**iii. will incorporate any appropriate design features that will minimise the risk of crime, disorder and anti-social behaviour to ensure ongoing community safety and cohesion, and**

**iv. does not contribute to light pollution of the night sky.**

**As part of the compliance with this policy, planning applications should include evidence that the landscape and visual impact of the development has been assessed. This assessment should be appropriate to the scale and prominence of the development.**

## **Policy 2: Local Green Spaces**

**In recognition of their special landscape, townscape, historic and community value the following green and open spaces should be protected from development and are shown on the relevant Local Green Space maps. These are as follows:**

1. The Bound, Polruan
2. Children's Play Area and Park, Polruan
3. Fore Street, Polruan
4. Vevery and Picnic Area, Polruan
5. Brendon, Polruan
6. Polruan Quay and Coal Wharf, Polruan
7. Whitecross Village Green

Proposals for development that would result in the loss of the amenity value of any of these areas, or that would result in any harm to their character, setting, accessibility, appearance, wildlife or general quality will not be supported unless it can be clearly demonstrated that it is required to enhance the role and function of an identified Local Green Space.

#### COMMENT

The NPPF states:

“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. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its

wildlife; and

c) local in character and is not an extensive tract of land.

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

The policy implication of Local Green Space designation is significant and therefore the NPPF sets a high standard of criteria to be met for designation. I have considered the areas proposed in the Lanteglos by Fowey NDP and am satisfied that with the exception of area 5. **Brendon, Polruan** they meet the NPPF tests.

Area 5. **Brendon, Polruan** is effectively an area of hard surface adjacent to a highway junction and I have concluded that it does not meet the NPPF tests.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

### **Policy 2: Local Green Spaces**

The following areas identified on the map on page are designated as Local Green Spaces:

1. **The Bound, Polruan**
2. **Children’s Play Area and Park, Polruan**
3. **Fore Street, Polruan**
4. **Vevery and Picnic Area, Polruan**
5. **Polruan Quay and Coal Wharf, Polruan**
6. **Whitecross Village Green**

**Development on these Local Green Spaces will only be permitted in very special circumstances.**

### **Policy 3 – Important and Special Views**

Where appropriate to the size and scale development proposals affecting the important and special views set out in this document must demonstrate the impact on the cherished view by providing an analysis through an accurate visual representational assessment and statement\*. Such statements must set out a description of the important and special view and describe the nature of the impact or harm to the view from the proposals, taking into account the cumulative impact on the view, caused by any existing unimplemented development proposals and identify any mitigating measures to be incorporated into the development as necessary.

\*These will normally be set out in the Design and Access Statement or Environmental Statement accompanying a planning application. Environmental Statements will require a full Landscape and Visual Impact Assessment. Each approach should consider the impact of the view taking into account the foreground, middle ground and background impacts.

Particular areas identified within this policy are identified on Figure 2 and are located at:

1. Polruan
2. Bodinnick
3. Road from Lanteglos Highway to Yeate; Colquite to Penpoll and Mixtow/Penmarlam tracks
4. Fowey River
5. Hall Walk - Bodinnick to Polruan
6. Coast road from Polruan and Lantic bay car park to Pencarrow
7. South West Coast Path

## COMMENT

**I have no comment on this policy**

### **Policy 4: Energy Saving and Carbon Reduction Measures**

- 1) Proposals for installing renewable and low carbon energy technology will be

supported where it can be demonstrated that all reasonable measures have been taken to implement the latest appropriate technologies to minimise energy use at the development site.

2) Proposals for the construction of new buildings and renovations of historic buildings will be encouraged to conform to current Home Quality Mark (Building Research Establishment) best practice standards with respect to siting, energy, construction materials, performance in extreme weather, transport and amenity, quality of living space and environmental impact.

3) Applications to install energy saving and carbon reduction measures within the Polruan and Bodinnick Conservation Areas (see Appendix 1 & 2) will be supported where it can be demonstrated that they will preserve and enhance the historic character of the village. To achieve this result and to maximise the benefits of modern low-carbon technologies, the use of appropriate low visual-impact solar tiles, solar slates or other similarly unobtrusive materials are encouraged.

## COMMENT

I have no comment on this policy.

### **Policy 5: Marine Heritage**

1) Proposals for development along the Fowey River and tributaries including Mixtow and Penmarlam which will affect the fabric of the existing waterside, harbour, quays, slipways, jetties, storage areas or public landing places will only be supported where they have demonstrated that:

- i. there will be no adverse effect on harbour operations or equipment storage capacity for either fishing or recreational purposes;
- ii. the structure would not cause, directly or indirectly, harm to the local flora, fauna or tidal flows, both during construction and after completion;
- iii. the development will not harm listed or otherwise designated structures and their setting, nor harm the character and appearance of the Polruan and Bodinnick Conservation Areas through in appropriate scale, appearance or use.

## COMMENT

I have no comment on this policy

### **Policy 6 Protection and Enhancement of Biodiversity**

New development of one dwelling or more should be planned and designed to protect and enhance local wildlife species and habitats, demonstrating how they will deliver a net gain in biodiversity which is in accordance with the Cornwall Council guidance on Planning for Biodiversity.

Major development should consider wildlife at the site scale and should also maximise opportunities to increase connectivity to existing green spaces, creating links between habitats (wildlife corridors) and promoting active travel networks.

## COMMENT

I have no comment on this policy

### **Economy and Employment**

#### **Policy 7: Employment Development**

1) Proposals that will promote economic development and the creation of jobs and income-earning opportunities within the Parish, including:

- i. the construction of business premises and storage units,
- ii. adaptations to suitable existing buildings, renovations or re-use of farm buildings,
- iii. other improvements in infrastructure, communications or other utilities,

will be supported, provided they are of an appropriate scale and do not detract from the appearance and character of their immediate neighbourhood and the wider landscape taking account of the AONB and Conservation Area designations, or reduce or compromise any existing facilities or services for which there is a proven need.

2) Home based enterprise proposals will be encouraged where it can be shown that there will be no unreasonable adverse impact affecting nearby residents and

countryside, or the character and appearance of the locality by reason of visual impact, vehicle movements, noise vibration, special lighting, advertising and activity at unusual hours.

## COMMENT

I have no comment on this policy.

### **Policy 8: Public Car Parking**

Development proposals that will result in an increase in the availability of either private or publicly accessible parking facilities will be supported provided that they are of a scale and design that will have no significant adverse effect on the traffic flows, landscape or the character of the settlement within which they are located.

Proposals which involve the loss of car parking facilities used by the public in the Polruan will not be supported, unless alternative provision of equal value can be made elsewhere within the application site or within a reasonable distance.

## COMMENT

I have no comment on this policy.

## Housing

### **Policy 9 Small-scale “infill and rounding off” housing development**

Housing Proposals for the construction of small-scale developments of new housing on infill, rounding-off and brownfield sites within Polruan and Bodinnick, or within other rural hamlets will be supported

where development:

- Is an infill scheme which fills a small gap in an otherwise continuous built frontage and does not physically extend the settlement into the open countryside. Proposals should consider the significance or importance that large gaps can make to the setting of settlements and ensure that this would not be diminished;
- Is a rounding off scheme which involves the rounding off of a settlement and does

not visually extend building into the open countryside;

Involves development of previously developed land within or immediately adjoining that settlement of a scale appropriate to its size and role;

- Conserves and enhances the settlement's special historic, architectural and landscape character in particular within or adjacent to the AONB and the Polruan and Bodinnick Conservation Areas;
- Does not cause detriment to the residential amenity of any existing or neighbouring dwellings (e.g. through loss of privacy) or to the character of the locality and it provides a safe means of access.

## COMMENT

**I have no comment on this policy**

### **Policy 10 - Rural Exceptions Housing for Local People**

Rural exceptions sites outside of but adjacent to the settlements of Polruan and Bodinnick for affordable housing to meet local needs will be permitted to meet a local need where this need is evidenced and where the development does not have an unacceptable impact on the visual and landscape amenity of the area as identified in the Local Landscape Character Assessment.

Any such development should be proportionate to the size of the settlement that it relates to and is subject to the following criteria:

- 1) Affordable homes should be well integrated with market housing
- 2) The type and size of affordable homes should meet the specific needs identified for Lanteglos by Fowey Parish
- 3) The proposal has a target of 100% affordable housing. Any reduction will need to be supported by a viability assessment
- 4) The dwellings will be occupied by people with a local connection in housing need in accordance with the Local Housing Authority's standard definitions

## COMMENT

I have no comment on this policy

### **Policy 11 Parking Provision for New Housing and Other Developments**

1. Proposals for residential development will be supported where they provide:

- i) a minimum of 1 off-street parking space for dwellings with 1-2 bedrooms;
- ii) a minimum of 2 off-street parking spaces for dwellings with 3 or more bedrooms;
- iii) 1 additional off-street visitor parking space for every 4 dwellings for proposals of 4 or more dwellings; and,
- iv) the provision of electric vehicle charging outlets will be considered favourably.

Proposals will be supported where they meet the requirements for parking set out in the most up-to-date Cornwall Design Guide produced by the Local Planning Authority.

2. Proposals for residential development with parking provision of fewer parking spaces per dwelling than the above will only be permitted:

- i) where the provision of the parking requirements set out above would prejudice the viability and/or deliverability of the site.
- ii) alternative and reasonably accessible car parking arrangements can be demonstrated and which themselves do not add to on-street parking; or
- iii) otherwise acceptable and well-designed new build or conversion schemes in conservation areas would be incapable of meeting the parking provision; or
- iv) adequate parking is available through a residents' parking scheme.

All other, non-residential forms of development will be expected to provide a level of off-street parking that adequately serves the use proposed and takes into account a robust and realistic travel plan.

## COMMENT

**For clarity the policy should be modified as follows:**

### **Policy 11 Parking Provision for New Housing and Other Developments**

**Proposals will be supported where they meet the requirements for parking set out in the Development Plan and the Cornwall Design Guide.**

**Where possible proposals residential development should provide:**

- i) a minimum of 1 off-street parking space for dwellings with 1-2 bedrooms:**
- ii) a minimum of 2 off-street parking spaces for dwellings with 3 or more bedrooms;**
- iii) 1 additional off-street visitor parking space for every 4 dwellings for proposals of 4 or more dwellings;**

**Fewer parking spaces per dwelling than set out above will only be supported where:**

- i) the provision of the parking requirements set out above would prejudice the viability and/or deliverability of the site.**
- ii) alternative and reasonably accessible car parking arrangements can be demonstrated and which themselves do not add to on-street parking; or**
- iii) otherwise acceptable and well-designed new build or conversion schemes in conservation areas would be incapable of meeting the parking provision; or**
- iv) adequate parking is available through a residents' parking scheme.**

**The provision of electric vehicle charging outlets will be considered favourably.**

**All other, non-residential forms of development will be expected to provide a level of off-street parking that adequately serves the use proposed and takes into account a robust and realistic travel plan.**

## SECTION 5

### Conclusion and Recommendations

- 1. I find that the Lanteglos by Fowey Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012. (as amended)*
- 2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 3. The Lanteglos by Fowey Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 4. The Strategic Environmental and Habitats Regulations Assessment screening meet the EU Obligation.*
- 5. The policies and plans in the Lanteglos by Fowey Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Cornwall Local Plan 2016.*
- 6. I therefore consider that the Lanteglos by Fowey Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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9<sup>th</sup> September 2020

